

ORDINANCE NO.

AN ORDINANCE OF THE CITY OF ANAHEIM ADDING CHAPTER 11.11 (OBSTRUCTION OF PUBLIC RIGHTS-OF-WAY AND FACILITIES), TO TITLE 11 (PUBLIC PROPERTY) OF THE ANAHEIM MUNICIPAL CODE PROHIBITING INTERFERENCE WITH THE PUBLIC'S RIGHT OF ACCESS TO PUBLIC STREETS, SIDEWALKS, RIGHTS-OF-WAY AND FACILITIES

WHEREAS, the City desires to keep public areas in the City in an accessible condition, to adequately protect the health, safety, environment and general welfare of the community, and to ensure that public areas and rights-of-way are used for their intended purposes and remain open and available to all members of the public, including the disabled, the elderly, families, children, and visitors to Anaheim;

WHEREAS, the public has expressed concern that access to public sidewalks, streets, rights-of-way and facilities is being impeded or prevented by the storage of personal items on and in public rights-of-way and by people using the public rights-of-way to sit, sleep or lie down;

WHEREAS, the storage of unattended personal property on public property creates a safety and security risk to the public because, among other things, it can obstruct access to needed services and facilities, can pose a tripping risk, and can divert limited public resources to evaluate suspicious or unknown packages or personal property;

WHEREAS, unauthorized occupation of public areas and rights-of-way can create health and safety risks related to the accumulation of trash, food waste, human waste, and contaminated medical waste;

WHEREAS, maintaining clean and safe public areas is essential for the economic vitality of Anaheim, as it encourages tourism, business development, and community events; and

WHEREAS, the City Council desires to continue to protect the public health, safety and welfare by regulating the use of public rights-of-way and facilities.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF ANAHEIM HEREBY ORDAINS AS FOLLOWS:

Section 1: Chapter 11.11 is hereby added to Title 11 of the Anaheim Municipal Code and shall read in full as follows:

CHAPTER 11.11 OBSTRUCTION OF PUBLIC RIGHTS-OF-WAY AND FACILITIES

11.11.010 Definitions.

(a) "Landscaped Area" means all improved landscaped areas, except for open grass areas.

(b) "Median" means a traffic fixture consisting of a strip of ground dividing or separating a street, roadway or highway into lanes according to the direction of travel.

(c) "Personal Property" means tangible personal belongings or possessions, which shall include any movable or tangible thing that is subject to ownership; property or chattels that can be seen, weighed, measured, felt, or touched, including, but not limited to, furniture, appliances, items used for camping such as tents or bedding, money, books, and "shopping carts" as defined in Chapter 7.52 of this Code.

(d) "Public Park" means all dedicated parks and all planted parkways, triangles and traffic circles maintained by the City of Anaheim. "Public Park" does not include the parkway strips between the curb and sidewalk along the streets and highways of the City.

(e) "Public Rights-of-Way" or "Public Right-of-Way" means any place of any nature which is dedicated for use by the general public for pedestrian and vehicular travel, and includes, but is not limited to, a street, sidewalk, curb, crossing, intersection, parkway, highway, boulevard, road, roadway, tunnel, bridge, thoroughfare or any other similar public way.

(f) "Store" means to put aside Personal Property in a Public Area or accumulate it for use when needed; to place Personal Property in a Public Area for safekeeping; and/or to leave Personal Property unattended in a Public Area. For purposes of this definition, "Public Area" means publicly-owned or controlled property.

(g) "Street" means a way or place of whatever nature, publicly maintained and open to the use of the public for purposes of vehicular travel. The term "Street" includes highways.

(h) "Unattended" means no person who asserts or claims ownership over Personal Property is present with or accompanying the Personal Property.

11.11.020 Obstruction of Public Rights-of-Way.

(a) No person shall fix in place, Store, maintain or leave Personal Property that is Unattended in or on a Public Right-of-Way.

(b) No person shall sleep, lie down, or sit on any movable chair, bucket, crate, cooler, or similar Personal Property, in or on a Public Right-of-Way, other than as part of a lawful event taking place along the Public Right-of-Way.

(c) No person shall sit, lie, or sleep, or Store, maintain, or place Personal Property on a Median, public parkway, or Landscaped Area, with the exception of sitting in a Landscaped Area specifically designed for that purpose.

(d) No person shall sleep or lie down on or under a public transit/bus bench, or a bench, table, playground equipment, or similar fixture or structure in a Public Park.

(e) No person shall obstruct public or private access by sitting, lying, or sleeping in a Public Right-of-Way, or by storing, using, maintaining, or placing personal property in a Public Right-of-Way:

1. In a manner that obstructs or impedes passage in violation of the Americans with Disabilities Act;

2. On or within ten (10) feet of an operational or utilizable driveway, ramp, or loading dock;

3. Within ten (10) feet of an operational or utilizable entrance or exit to any building, establishment, retail store, restaurant, office building, or other place into which the public is invited;

4. Within ten (10) feet of a fire hydrant, fire plug, or other connection used by the Fire Department;

5. Within ten (10) feet of an automatic teller machine or any door that provides access to an automatic teller machine;

6. Within ten (10) feet of an electric vehicle charging station, parking pay station, or parking meter;
7. Within ten (10) feet of the entrance to a public restroom;
8. Within ten (10) feet of a sidewalk ramp, or a corner where a street, roadway, highway, or alley intersect;
9. In a manner that unreasonably interferes with required maintenance of public equipment or facilities or the use of the Public Right-of-Way by motor vehicles, pedestrians or bicycles; or
10. Within two hundred (200) feet of any school or day care center.

It shall not be a violation of this Section for a person to sit for purposes of viewing a legally conducted parade or similar lawful or permitted event.

11.11.030 Violations, penalties and enforcement.

Notwithstanding any other provision in this Code, each violation of the provisions of this Chapter may be enforced alternatively as follows:

- (a) A violation of this Chapter may be punishable as a misdemeanor or an infraction at the discretion of the City Attorney; or
- (b) The City Attorney may institute an action in any court of competent jurisdiction to restrain, enjoin or abate the condition(s) found to be in violation of the provisions of this Chapter, as provided by law.

Any individual charged with violation of this Chapter, in lieu of being taken to jail, may, at the election of the citing police officer and with the consent of the individual, be taken to a facility providing social services related to mental health, housing, and/or substance abuse treatment.

Section 2:

The City Council finds the introduction and adoption of this ordinance is not subject to the California Environmental Quality Act ("CEQA") pursuant to Sections 15060(c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment) and 15060(c)(3) (the activity is not a project as defined in Section 15378 of the CEQA Guidelines, California Code of Regulations, Title 14, Division 6, Chapter 3, because it has no potential to cause physical change to the environment, directly or indirectly).

Section 3:

The City Council of the City of Anaheim hereby declares that should any section, paragraph, sentence, phrase, term or word of this Ordinance be declared for any reason to be invalid, it is the intent of the City Council that it would have adopted all other portions of this ordinance independent of the elimination of any such portion as may be declared invalid. If any section, subdivision, paragraph, sentence, clause or phrase of this Ordinance is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have passed this Ordinance, and each section, subdivision, paragraph, sentence, clause and phrase thereof, irrespective of the fact that any one (or more) section, subdivision, paragraph, sentence, clause or phrase had been declared invalid or unconstitutional.

Section 4:

The City Clerk shall certify to the passage of this ordinance and shall cause the same to be printed once within fifteen (15) days after its adoption in the *Anaheim Bulletin*, a newspaper of general circulation, published and circulated in the City of Anaheim.

Section 5:

This ordinance shall take effect and be in full force thirty (30) days from and after its final passage.

THE FOREGOING ORDINANCE was introduced at a regular meeting of the City Council of the City of Anaheim held on the ____ day of _____, 2024, and thereafter passed and adopted at a regular meeting of said City Council held on the ____ day of _____, 2024, by the following roll call vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

CITY OF ANAHEIM

By:

MAYOR OF THE CITY OF ANAHEIM

ATTEST:

CITY CLERK OF THE CITY OF ANAHEIM