

ORDINANCE NO. _____

**AN ORDINANCE OF THE COUNCIL OF THE CITY OF GLENDALE,
CALIFORNIA, AMENDING SECTION 1.04.020 OF THE GLENDALE MUNICIPAL
CODE, 1995, RELATING TO GENERAL PROVISIONS, AND AMENDING SECTION
9.28.020 RELATING TO CAMPING**

WHEREAS, the City of Glendale is home to approximately 200,000 residents and welcomes visitors annually numbering in the tens of millions; and

WHEREAS, in 1997, the Council of the City of Glendale adopted Ordinance No. 5140, in which it found that the public streets and areas within the city should be readily accessible and available to residents and the public at large, and that the use of these areas for camping purposes or storage of personal property interferes with the rights of others to use the areas for which they were intended; and

WHEREAS, Ordinance No. 5140, which codified Chapter 9.28 of Glendale Municipal Code, 1995, makes it unlawful, in pertinent part, “to camp . . . in or on any public park, street, sidewalk or other public property” and “to store any personal property in or on any public park, street, sidewalk, or other public property”; and

WHEREAS, Section 9.28.020 of the Glendale Municipal Code, 1995, defines “camp” to mean, among other things, “residing in or using a public park, street, sidewalk or other public property for nighttime living accommodation purposes such as sleeping activities” or “making preparations to sleep overnight;” and defines “store” to mean, “to put aside or accumulate for use when needed, to put for safekeeping, to place or leave in a location any personal property on public property during nighttime”; and

WHEREAS, the Council of the City of Glendale held a study session on August 27, 2024, in which it received testimony that persons reside in or use public property for living accommodation purposes such as sleeping activities, or therein make preparations to sleep, during the daytime as well as at nighttime; and

WHEREAS, the use of public property for camping or storage of personal property is associated with deleterious conditions including, but not limited to, the obstruction of public rights-of-way and public urination and defecation, which interfere with the rights of others to use the areas for which they were intended during the daytime no less than at nighttime; and

WHEREAS, the Supreme Court of the United States held in *City of Grants Pass, Oregon v. Johnson, et al.* (2024) 144 S. Ct. 2202 that the enforcement of generally applicable laws regulating camping on public property does not constitute cruel and unusual punishment in violation of the United States Constitution; and

WHEREAS, the Council of the City of Glendale finds and declares that the public streets and areas within the city should be readily accessible and available to residents and the public at large at all hours of the day and night.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF GLENDALE:

SECTION 1. The above recitals are true and correct.

SECTION 2. Section 1.04.020 of the Glendale Municipal Code, 1995, is hereby amended to read as follows:

1.04.020 Definitions.

In the construction of this code and of all ordinances of the city, the following words shall have the meanings ascribed to them, unless such construction would be inconsistent with the manifest intent of the council or the context clearly requires otherwise:

“City” means the city of Glendale, California.

“Civic center square” means the entire area bounded by East Wilson Avenue to the north, East Broadway to the south, North Glendale Avenue to the east, and North Isabel Street to the west.

“Code” means "The Municipal Code of the City of Glendale, California, 1995."

Computation of time. The time in which any act provided by law is to be done is computed by excluding the first day and including the last, unless the last day is a holiday and then it is also excluded.

“Council” means the council of the city of Glendale.

“County” means the county of Los Angeles, California.

“Day” means the period of time between any midnight and the midnight following.

“Daytime” means the period of time between sunrise and sunset.

Department, division, board or officer. Every department, division, board or officer, whenever either is mentioned in this code, means a department, division, board or officer, as the case may be, of the city of Glendale.

“Health officer” means and includes the health officer of the city and his or her deputies, and the county health officer and his or her deputies whenever the city has entered into a contract with the county for the performance by health officers or other employees of the county of public health services.

“In the city” or “within the city” means all territory over which the city now has, or shall hereafter acquire, jurisdiction for the exercise of its police powers or other regulatory powers.

“Nighttime” means the period of time between sunset and sunrise.

“Oath” means and includes affirmation.

Or, and. “Or” may be read “and,” and “and” may be read “or,” if the sense requires it.

“Owner,” when applied to a building or land, means and includes any part owner, joint owner, tenant in common, tenant in partnership or joint tenant of the whole or of a part of such building or land or any person named in section 682 of the State Civil Code.

“Person” means and includes any person, firm, association, organization, partnership, business trust, corporation or company.

“Personal property” means and includes every species of property, except real property, as defined in this section.

“Preceding” means next before; “following” means next after.

“Premises” means and includes any building, structure, place, lot or parcel of land or any number of contiguous lots or parcels of land, in the possession or control of any person or in the joint or common possession or control of more than one person.

“Process” means and includes a writ or summons issued in the course of judicial proceedings of either a civil or criminal nature.

“Property” means and includes real and personal property.

“Real property” means the same as the definition contained in section 658 of the State Civil Code.

“Signature” or “subscription by mark” means and includes a mark when the signer or subscriber cannot write, such signer's or subscriber's name being written near the mark by a witness who writes his or her own name near the signer's or subscriber's name, but a signature or subscription by mark can be acknowledged or can serve as a signature or subscription to a sworn statement only when two witnesses so sign their own names thereto.

“State” means the state of California.

“Tenant” or “occupant,” applied to a building or land, means and includes any person holding a written or an oral lease of, or who occupies, the whole or a part of such building or land, either alone or with others.

“Week” consists of seven consecutive days.

“Writing” means and includes any form of recorded message capable of comprehension by ordinary visual means. Whenever any notice, report, statement or record is required or authorized by this code, it shall be made in writing in the English language unless it is expressly provided otherwise.

SECTION 3. Section 9.28.020 of the Glendale Municipal Code, 1995, is hereby amended to read as follows:

9.28.020 Definitions

As used in this chapter:

“Camp” means, in light of all of the circumstances, residing in or using a public park, street, sidewalk or other public property for living accommodation purposes such as sleeping activities, including by using camp paraphernalia; making preparations to sleep, including by setting up camp paraphernalia; erecting, maintaining or occupying any structure with natural or artificial material, including a building or a tent; making any fire except in a city facility designated for such purpose; or living in a parked trailer, camper shell, motor home, or any motor vehicle as defined by the California Vehicle Code.

“Camp paraphernalia” means, but is not limited to, tarpaulins, cots, beds, bedding, blankets, sheets, sleeping bags, hammocks or noncity designated cooking facilities and similar equipment.

“Store” means, in light of all of the circumstances, to put aside or accumulate for use when needed, to put for safekeeping, to place or leave in a location any personal property on public property.

SECTION 4. Compliance with California Environmental Quality Act. The City Council finds and determines that this Ordinance is not subject to the California Environmental Quality Act (“CEQA”) because it is not a “project” within the meaning of CEQA. Pursuant to section 15378, subdivisions (b)(2) and (b)(5), of Division 6 of Title 14 of the California Code of Regulations (the “CEQA Guidelines”), the term “project” does not include continuing administrative or maintenance activities, including general policy or procedure making (except as applied to specific instances not germane to this Ordinance), or to organizational or administrative activities of governments that will not result in direct or indirect physical changes in the environment.. Even if it is a “project,” the City Council finds and determines with certainty that there is no possibility that the activity in question, namely, adopting an ordinance to regulate camping and storage of

personal property on public property, may have a significant effect on the environment; thus, it is exempt from CEQA pursuant to CEQA Guidelines section 15061, subdivision (b)(3).

SECTION 5. Severability. This Ordinance is adopted under the authority of the Charter of the City of Glendale and state law. If any section, subsection, clause or phrase is declared invalid or otherwise void by a court of competent jurisdiction, it shall not affect any remaining provisions hereof. In this regard, the City Council finds and declares that it would have adopted this measure notwithstanding any partial invalidity hereof.

SECTION 6. Effective Date. This Ordinance shall take effect and be in force thirty (30) days after the date of its passage.

Passed and adopted by the Council of the City of Glendale on the _____ day of _____, 2024.

Mayor

ATTEST:

City Clerk

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) SS.
CITY OF GLENDALE)

I, Suzie Abajian Ph.D., City Clerk of the City of Glendale, certify that the foregoing Ordinance No. _____ was passed by a majority vote of the Council of the City of Glendale, California, at a regular meeting held on the _____ day of _____, 2024, and that the same was passed by the followed vote.

Ayes:

Noes:

Absent:

Abstain:

City Clerk