

ORDINANCE NO. 2024

AN ORDINANCE OF THE LODI CITY COUNCIL REPEALING AND REPLACING LODI MUNICIPAL CODE CHAPTER 8.04 "OUTDOOR AND TENT ASSEMBLIES," CHAPTER 9.08 ARTICLE II "TRESPASSING AND LOITERING," SECTION 12.04.010 "DEFINITIONS," SECTION 12.12.010 "DEFINITIONS," SECTION 12.04.060 "REQUIRED," SECTION 12.12.010 "DEFINITIONS," SECTION 12.12.050 "ENTERING CLOSED AREAS," Section 12.12.170 "STRUCTURES," SECTION 12.12.255 "LODI LAKE NATURE AREA—PROHIBITED ACTIVITIES," SECTION 12.12.420 "SKATE PARK REGULATIONS," SECTION 12.12.430 "VIOLATIONS," AND CHAPTER 15.52 "CAMP CARS AND TRAILER CAMPS" TO REGULATE UNAUTHORIZED CAMPING IN THE CITY

BE IT ORDAINED BY THE LODI CITY COUNCIL AS FOLLOWS:

SECTION 1. The Lodi Municipal Code Chapter 8.04 entitled "Outdoor and Tent Assemblies" is hereby repealed and replaced with the following:

Chapter 8.04 PUBLIC CAMPING, OUTDOOR AND TENT ASSEMBLIES

Sections:

8.04.010 Definitions.

For the purposes of this Chapter, the following words and phrases shall have the meanings respectively ascribed to them by this Section:

- A. "Abatement" means the process of documenting and collecting eligible items for storage, and removing and disposing of, recycling, or reusing of waste at an encampment.
- B. "Camp" means to pitch, erect, or occupy an encampment, or to use camp paraphernalia or both, for the purpose of, or in a way that facilitates outdoor sheltering for living accommodation purposes or for remaining outdoors overnight.
- C. "Camp paraphernalia" means personal property used to facilitate occupancy of an area and includes personal property typically associated with camping such as tarps, cots, beds, sleeping bags, hammocks, bedding, camp stoves, cooking equipment, buckets, and similar equipment, mattresses, couches, dressers, or other furniture.
- D. "City Manager" means the City Manager, or the City Manager's designee that has authority to enforce the provisions of this Chapter and other sections of the Lodi Municipal Code.
- E. "Encampment" means one or more temporary, makeshift, or hand-built structures not intended for long-term continuous occupancy, including tents, that are used to shelter one or more persons or their belongings and that are not authorized by the property owner. Encampment includes any camp paraphernalia and personal property associated with or located in or around the structures or tents.

- F. "Open space" means any undeveloped public property that is used by the public for passive recreational purposes, conservation, habitat preservation, or that maintains or enhances the conservation of natural or scenic resources.
- G. "Park" means any public property, held out by the City for public active or passive park and recreation uses, including adjacent buffer lands and natural areas and any adjacent parking lots and perimeter sidewalks.
- H. "Waste" means any rubbish, solid waste, liquid waste, infectious waste, or medical waste. Waste does not include compost piles, composting or Recyclable Material properly contained and disposed of in a timely fashion.
- I. "Waterway" means all the portions of the Mokelumne River, Lodi Lake, or any irrigation or flood control channel located within the boundaries of the City of Lodi.

8.04.020 Camping Prohibited.

- A. It is unlawful for any person to:
 - 1. camp or to maintain an encampment in or upon any public property, including in any street, sidewalk, park, City parking lot, or open space.
 - 2. sleep on public sidewalk, street, alleyway, median, parkway or right of way, City parking lot, or in any pedestrian or vehicular entrance to public or private property abutting a public sidewalk, at any time as a matter of individual and public safety.
 - 3. Camp, possess camp paraphernalia, maintain an encampment, or sleep, where such activity poses:
 - i. an immediate threat or an unreasonable risk of harm to any natural person,
 - ii. an immediate threat or an unreasonable risk of harm to public health or safety, or
 - iii. disruption to any business, store, religious institution, educational facility, or government services.
 - 4. camp, possess camp paraphernalia, maintain an encampment, or sleep, in the following locations:
 - i. within two blocks of a school that offers instruction on those courses of study required by the California Education Code or that is maintained pursuant to standards set by the State Board of Education provided that signs are posted prohibiting camping that are clearly visible to pedestrians. School for purposes of this section does not include a vocational or professional institution of higher education, including a community or junior college, college, or university;
 - ii. in any park, open space, waterway, or banks of a waterway;
 - iii. within any transit center, public parking garage, public parking lot, or bus shelter.

8.04.030 Permit required for outdoor or tent assemblies.

It is unlawful for any person to maintain or conduct a place of public assembly under a tent or in an uncovered space in the City, without first having obtained a written permit in the manner prescribed by this Chapter.

8.04.040 Permit required for outdoor or tent sleeping accommodations.

It is also unlawful for any person to maintain or conduct premises wherein living or sleeping accommodations in a tent or in an uncovered space are offered for rent or provided as part of the remuneration for services performed, without obtaining a written permit as prescribed by this Chapter.

8.04.050 Permit application deadline.

Permits for either of the uses specified in Sections 8.04.030 and 8.04.040 must be obtained from the City Manager, or his or her authorized representative, on written application submitted at least ten days before the meeting is to be held or the premises opened for business.

8.04.060 Permit application contents.

The application for a permit required by this Chapter shall state:

- A. The name and address of the applicant;
- B. The purposes for which the premises are to be used;
- C. The time during which it is proposed to operate, both as to hours and to opening and closing dates;
- D. The number of persons to be accommodated;
- E. The accessibility of sanitary facilities and fire hydrants;
- F. Whether the premises are to be occupied under tent or in the open air; and
- G. If under tent, accompanied by a certificate of inspection signed by the Chief of the Fire Department.

8.04.070 Permit application sketch or map.

Each application for a tent permit shall be accompanied by a sketch or map or drawing delineating the boundaries of the subject premises and showing the relation of the space to be occupied in its relation to existing buildings or structures within fifty feet thereof.

8.04.080 Permit application insurance certificate.

The application for a tent permit, if for a place of public assembly, shall be accompanied by a certificate that the applicant is adequately protected by public liability insurance minimums as required by the City's Risk Manager.

8.04.090 Health department approval.

If the tent is to be occupied for living or sleeping accommodations, no permit will be issued unless approved for this purpose by the local representative of the San Joaquin Environmental Health Department.

8.04.100 Revocation of permits.

Any tent permit issued under the provisions of this chapter may be revoked summarily for violation of City ordinances or regulations or of state laws applicable thereto or for loud or raucous noises emanating from the subject premises. Revocation for any other reason shall be on three days' notice delivered by the City Manager, or designee, to the permittee or to the person in charge of the occupied premises.

8.04.110 Abatement of Encampments.

The City may remove personal property, camping paraphernalia, and all other property, contraband, litter, and waste found at a location where a person is engaged in unlawful camping, maintenance of an encampment, or any other access or encroachment violation of the Lodi Municipal Code, by completing the following procedures:

A. Written Notice Required Prior to Abatement.

1. A written Notice of Clean-Up will be posted on each tent or structure and in any other distinct areas of the encampment or Outdoor or Tent Assembly providing notice of the date of clean-up and giving a minimum of 48 hours for persons to remove their personal property. This Notice of Clean-Up shall also include information on where and how a person may claim any private property items that are collected and stored during the abatement process.
2. After 48 hours, the City enforcement shall be authorized to conduct abatement of the site on the date posted on the Notice of Clean-Up. If abatement is delayed or rescheduled, the City may conduct abatement within 48 hours of the posted Notice of Clean-Up without reposting a new Notice of Clean-Up. If abatement is delayed longer, the City Manager shall repost a Notice of Clean-Up with a new date.

B. Documentation of Abatement. City staff or the contractor performing the abatement shall document the abatement process by photographing or video recording the site before, during, and after any abatement of the area, and by reviewing and cataloging any private property items found at the abatement site that may be eligible for storage.

C. Property Storage.

1. Enforcement Officials shall make a reasonable effort to ascertain whether unattended personal property or possessions found at the abatement site have been abandoned and, if so, to thereafter cause their removal and destruction as allowed under Civil Code Section 2080.7.
2. Unclaimed items found at the abatement site, may be eligible for storage if:
 - i. circumstances indicate that the item belongs to a person,
 - ii. the item has apparent value and utility in its current condition and circumstances,
 - iii. the item does not pose a public health or safety risk, and
 - iv. the item can be safely retrieved from the site.
3. The City's abatement staff or contractor shall record each eligible item to be stored, including the location it was found and the date of storage. Any stored

items shall be kept in storage at least 90 calendar days and then it may be auctioned off, disposed of, or recycled in accordance with Lodi Municipal Code Chapter 3.24 (Lost and Unclaimed Property).

4. Unattended personal property or possessions that are unsanitary, soiled or verminous shall be summarily abated and destroyed, or transferred to the appropriate officials for proper handling and/or disposal. These items include those that are:
 - i. hazardous, including items contaminated with human waste or bodily fluid, soiled items likely to expose others to disease, animal waste, or bugs, explosives, weapons, liquids, drug paraphernalia, or mold;
 - ii. likely to become hazardous in storage, including perishables, wet materials that might become moldy, and items covered in mud;
 - iii. practically un-storable, due to large size, weight, or other similar characteristic;
 - iv. contraband or stolen property.

D. Summary Abatement without Notice.

1. The City Manager, or designated enforcement official may perform a summary abatement of an unlawful encampment or encroachment immediately without prior notice, if the violation poses an imminent threat to public health or safety.
2. Summary abatement pursuant to this subsection may include:
 - i. removal of camp facilities, camp paraphernalia, personal property, garbage, hazardous waste, infectious waste, junk, or debris;
 - ii. securing the perimeter of the site or property with fencing, gates, or barricades to prevent further occurrences of the nuisance activity; and
 - iii. any other necessary actions to protect public health or safety from the unlawful activities and nuisance conditions.

- E. Abatement on Private Property. Private property owners shall be responsible for removal of any illegal encampments on their own property. If private property owners allow or fail to remove illegal encampments on their property, the City may pursue abatement of such violations in accordance with this Chapter or Chapter 1.10, and the private property owner shall be responsible for related enforcement and all abatement costs.

SECTION 2. The Lodi Municipal Code Chapter 9.08, Article II entitled “Trespassing and Loitering” is hereby repealed and replaced with the following:

Article II. Trespassing and Loitering

9.08.080 Definitions.

For the purposes of this Chapter, the following words and phrases shall have the meanings respectively ascribed to them by this Section:

- A. "Camp" or "camping" means to pitch, erect, or occupy an encampment, or to use camp paraphernalia or both, for the purpose of, or in a way that facilitates outdoor sheltering for living accommodation purposes or for remaining outdoors overnight.
- B. "Camp paraphernalia" means personal property used to facilitate occupancy of an area and includes personal property typically associated with camping such as tarps, cots, beds, sleeping bags, hammocks, bedding, camp stoves, cooking equipment, buckets, and similar equipment, mattresses, couches, dressers, or other furniture.
- C. "Community center" means any building or structure, or portion thereof, operated by or under the jurisdiction of the City of Lodi or City of Lodi Parks and Recreation Department and used for a planned recreation program.
- D. "Encampment" means one or more temporary, makeshift, or hand-built structures not intended for long-term continuous occupancy, including tents, that are used to shelter one or more persons or their belongings and that are not authorized by the property owner. Encampment includes any camp paraphernalia and personal property associated with or located in or around the structures or tents.
- E. "Posted property" means any property specified in Section 9.08.090, which is posted in the manner provided in Section 9.08.100.
- F. "Recreation facility" means any building or structure, or portion thereof, operated by or under the jurisdiction of the City of Lodi or the City of Lodi Parks and Recreation Department and used for recreation purposes.
- G. "School property" means any building, structure, or property, or portion thereof, operated by or under the jurisdiction of the Lodi Unified School District and used for education or recreation purposes.
- H. "Sign" means a board, placard, or card not less than seventeen inches by twenty-two inches in size with lettering not less than one inch in height, which appear the words, "Stopping, Standing, or Parking Vehicles Prohibited by Law. Vehicles Will be Removed at Owner's Expense. LPD Phone (209) 333-6727," as to stopping, standing, or parking, or upon which appear the words, "Trespassing-Loitering Forbidden by Law," and any time limit that may be specified thereon as to trespassing-loitering.

9.08.090 Posting—Where permitted.

Any property within the City may be posted against stopping, standing or parking vehicles on posted property and/or may be posted against trespassing, camping, maintaining an encampment, storing camping paraphernalia, and loitering in the manner provided in Section 9.08.100, and thereby become posted property subject to the provisions of this article. The provisions of this section shall not apply to the following property:

- A. An established and existing right-of-way for public road purposes;
- B. Any property which comes within the provisions of Section 554 of the Penal Code.

9.08.100 Posting—Method.

Property may be posted against trespassing, camping, maintaining an encampment, storing camping paraphernalia, and loitering and/or stopping, standing or parking vehicles on posted property in the following manner:

- A. If the property does not contain any lineal dimension exceeding three hundred feet, by posting signs at each corner of the area and at intervals not exceeding one hundred feet and, if such property has a definite entrance or entrances, at each such entrance.

- B. If the property has lineal dimensions exceeding three hundred feet, by posting signs at each corner of the area and at intervals not exceeding two hundred feet and, if such property has a definite entrance or entrances, at each such entrance.

9.08.110 Prohibited where posted.

It is unlawful for any person to enter or remain on any posted property without the written permission of the owners, tenant or the occupant in legal possession or control thereof.

9.08.115 Loitering in certain public places prohibited.

It is unlawful for any person to willfully enter, remain, camp, maintain camping paraphernalia, or loiter in or about any community center, recreation facility, or school property operated by or under the jurisdiction of the City of Lodi, the Lodi Parks and Recreation Department, or the Lodi Unified School District that has been posted in accordance with this article, when the property or any section or part thereof has been declared closed, whether temporary or at stated intervals, and whether entirely or merely as to certain uses by an authorized employee or representative of such city, department, or school district, as applicable, except when the person is given permission to do so by an authorized employee or representative of such city, department, or school district, while the person is using the facilities of, or is participating in, a planned program at any such community center, recreation facility, or school property.

9.08.120 Peace officers and public employees exempted.

The provisions of this article shall not apply to the entry upon posted property in the course of duty of any peace officer or other duly authorized public employee.

9.08.130 Union activities exempted.

The provisions of this article shall not apply to any lawful activity by which the public is informed of the existence of an alleged labor dispute.

9.08.140 Destruction of signs.

It is unlawful for any person without authority to tear down, deface or destroy any sign posted pursuant to this article.

9.08.150 Vehicles.

No person shall stop, park or leave standing such vehicle at any time within or upon any posted property without written permission of the owner, tenant or the occupant in legal possession or control thereof. Vehicles parked in violation of this requirement may be removed at the vehicle owner's expense. Violations of this requirement are deemed to be an infraction.

SECTION 3. The Lodi Municipal Code Section 12.04.010 entitled "Definitions" is hereby repealed and replaced as follows:

12.04.010 Definitions.

For the purposes of this chapter, the following words and phrases shall have the meanings respectively ascribed to them by this section:

- A. "Applicant" means any person, as defined, that has filed an application to do work or encroach upon a public street or right-of-way as defined in this chapter.
- B. "Camp" or "camping" means to pitch, erect, or occupy an encampment, or to use camp paraphernalia or both, for the purpose of, or in a way that facilitates outdoor sheltering for living accommodation purposes or for remaining outdoors overnight.
- C. "Camp paraphernalia" means personal property used to facilitate occupancy of an area and includes personal property typically associated with camping such as tarps, cots, beds, sleeping bags, hammocks, bedding, camp stoves, cooking equipment, buckets, and similar equipment, mattresses, couches, dressers, or other furniture.
- D. "Director" means the public works director of the city.
- E. "Encampment" means one or more temporary, makeshift, or hand-built structures not intended for long-term continuous occupancy, including tents, that are used to shelter one or more persons or their belongings and that are not authorized by the property owner. Encampment includes any camp paraphernalia and personal property associated with or located in or around the structures or tents.
- F. "Encroach" and "encroachment" mean going upon, over, under or using any right-of-way in such a manner as to prevent, obstruct, damage, or interfere with the normal use of that way or property, and may include the performance thereon of any of the following acts:
 - 1. Excavating or disturbing the right-of-way;
 - 2. Constructing, placing, leaving, erecting or maintaining any post, sign, pole, fence, barricade, guardrail, wall, furniture, goods, equipment, construction material, loading platform or other structure or object on, over, or under the right-of-way;
 - 3. Planting any tree, shrub or other growing thing within the right-of-way;
 - 4. Placing or leaving on the right-of-way any rubbish, brush, earth, or other material of any nature whatever;
 - 5. Constructing, placing, leaving, or maintaining on, over, under or within the right-of way any pathway, sidewalk, driveway, or other surfacing, any culvert or other surface drainage or subsurface drainage facility, or any pipe, conduit, or cable;
 - 6. Traveling on the right-of-way by any vehicle or combination of vehicles or object of dimension, weight or other characteristic prohibited by law without a permit;
 - 7. Lighting or building a fire;
 - 8. Constructing, placing, leaving, planting, camping, maintaining any structure, camp paraphernalia, encampment, or embankment, excavation, tree, or other object adjacent to the right-of-way which causes or will cause an encroachment;
or
 - 9. Other activities which may impede the normal access to the right-of-way.

- G. "Permittee" means any person(s), as defined, that proposes to do work or encroach upon a public street or right-of-way as defined in this chapter and has been issued a permit for such encroachment by the director. All obligations, responsibilities and other requirements of the permittee, as described in this chapter, shall be binding on subsequent owners of the encroachment.
- H. "Person" means a natural person(s), legal entity, firm, company, corporation, limited liability company, partnership, association, and public agency or organization.
- I. "Public street" means the full width of the right-of-way of any road, street, lane or alley used by or for the general public, whether or not those roads, streets, lanes, and alleys have been accepted as and declared to be part of the city system of public streets, except streets forming a part of the state highway system.
- J. "Right-of-way" means land which by deed, conveyance, agreement, easement, dedication, usage, or process of law is reserved for and dedicated to the use of the general public for street or highway purposes, public parks, and public property.
- K. "Sidewalk seating area" means the use of a public sidewalk for the placement of tables, chairs, benches, and related items.

SECTION 4. The Lodi Municipal Code Section 12.04.060 entitled "Required" is hereby repealed and replaced as follows:

12.04.060 Encroachment Permit Required.

- A. It is unlawful for any person, without first obtaining a written permit, to:
 - 1. Encroach or to make or cause to be made any encroachment of any nature whatever within, upon, over or under the limits of any right-of-way in the incorporated territory of the city; or
 - 2. Make or cause to be made any alteration of any nature within, upon, over or under such right-of-way; or
 - 3. Construct, put upon, maintain or leave on any right-of-way, or to cause to be constructed, put upon, maintained or left thereon, any obstruction or impediment of any nature whatever; or
 - 4. Remove, cut or trim trees on such right-of-way; or
 - 5. Set a fire on such right-of-way; or
 - 6. Place on, over or under such right-of-way any pipeline, conduit or other fixture; or
 - 7. Move over or cause to be moved over the surface of any right-of-way or over any bridge, viaduct or other structure maintained by the city any vehicle or combination of vehicles or other object of dimension or weight prohibited by law or having other characteristics capable of damaging the right-of-way; or
 - 8. Construct, place, leave, erect, or maintain any sign, pole, fence, barricade, guardrail, furniture, goods, equipment, construction material, structure, encampment, camp paraphernalia, wall, culvert or similar encroachment; or
 - 9. Make any excavation or embankment in such a way as to endanger the normal usage of the right-of-way.

- B. Before a vehicle or combination of vehicles or object of weight or dimension or other characteristic prohibited by law without a permit is moved on any right-of-way, a permit to do so must first be granted by the director as set forth in specifications established by the director, or as otherwise required by the director.

SECTION 5. The Lodi Municipal Code Section 12.12.010 entitled “Definitions” is hereby repealed and replaced with the following:

12.12.010 Definitions

For the purpose of this chapter, certain terms, phrases and words are defined as follows:

- A. “Annual” when used to define the term of a Park Permit shall refer to a calendar year.
- B. “Athletic Field” means a piece of land traditionally used for organized athletic or sporting event(s), including the adjoining spectator area.
- C. “Camp” or “camping” means to pitch, erect, or occupy an encampment, or to use camp paraphernalia or both, for the purpose of, or in a way that facilitates outdoor sheltering for living accommodation purposes or for remaining outdoors overnight.
- D. “Camp paraphernalia” means personal property used to facilitate occupancy of an area and includes personal property typically associated with camping such as tarps, cots, beds, sleeping bags, hammocks, bedding, camp stoves, cooking equipment, buckets, and similar equipment, mattresses, couches, dressers, or other furniture.
- E. “Commercial Activity” means soliciting, selling, hawking, peddling, advertising, promoting or providing any goods, wares, merchandise, services, liquids or edibles for human consumption, distributing circulars, or utilizing Recreational Areas to complete the terms of a sale or provide a service as a result of a sale, or for an activity utilizing Recreational Areas that is conducted by a business, its employees or agents.
- F. “Department” means the Parks, Recreation and Cultural Services Department.
- G. “Director” means the person who holds the title of Parks, Recreation and Cultural Services director in the city.
- H. “Encampment” means one or more temporary, makeshift, or hand-built structures not intended for long-term continuous occupancy, including tents, that are used to shelter one or more persons or their belongings and that are not authorized by the property owner. Encampment includes any camp paraphernalia and personal property associated with or located in or around the structures or tents.
- I. “Recreational Area” means any area, including streets and sidewalks, that is publicly owned, controlled or used by the City of Lodi, and open to the general public for recreational purposes, regardless of any fee or age requirement. The term “Recreational Area” includes, but is not limited to, parks, picnic areas, playgrounds, sports fields, golf courses, walking paths, gardens, hiking trails, bike paths, riding trails, swimming pools, roller- and ice-skating rinks, skateboard parks, amusement parks, and beaches.
- J. “Service Animal” means any guide dog, signal dog, or other animal individually trained to do work or perform tasks for the benefit of an individual with a disability,

including, but not limited to, guiding individuals with impaired vision, alerting individuals with impaired hearing to intruders or sounds, providing minimal protection or rescue work, pulling a wheelchair, or fetching dropped items.

- K. "Vehicle" means any wheeled conveyance, whether motor-powered, animal-drawn or self-propelled. The term includes any trailer in tow of any size, kind or description. Exception is made for baby carriages or strollers, and vehicles in the service of Recreational Areas.

SECTION 6. The Lodi Municipal Code Section 12.12.050 entitled "Entering closed areas" is hereby repealed and replaced with the following:

12.12.050 Entering closed areas.

- A. No person shall be present in any Recreational Area during the days and hours that such Recreational Area is designated by the Director as closed. Such days and hours shall be posted on signs at the entrances to such Recreational Area.
- B. Further, no person shall enter or be in an area posted as "Closed to the Public," or any fenced Recreational Area in which the entry gates are locked, nor shall any person use, camp, possess camp paraphernalia, maintain any encampment, aid or abet the use of any such area in violation of this Chapter or the posted notices.

SECTION 7. The Lodi Municipal Code Section 12.12.170 entitled "Structures" is hereby repealed and replaced with the following:

12.12.170 Structures.

No person in a recreational area shall camp, erect, maintain, use or occupy any tent, encampment, shelter or structure of any kind unless there is an unobstructed view into such tent, shelter or structure from at least three sides; nor shall any guy wire, rope or extension, or exterior brace or support, be connected or fastened from any such structure to any other structure, stake, rock or other object outside of the structure. The Director may issue a written permit to allow the use of structures as set forth in Section 12.16.100. Issuance of a permit is in the sole discretion of the Director subject to appeal to the City Manager as set forth in Section 12.16.150.

SECTION 8. The Lodi Municipal Code Section 12.12.255 entitled "Lodi Lake Nature Area—Prohibited activities" is hereby repealed and replaced with the following:

12.12.255 Lodi Lake Nature Area—Prohibited activities.

No person shall, within the nature area of Lodi Lake Park:

- A. Ride, walk or operate any bicycle, tricycle, or similar human-powered conveyance, except upon the main trails, as designated by appropriate signs indicating bicycles are permitted. This section shall not apply to any law enforcement or parks department employee while carrying out his or her official duties, or any person with a physical disability;
- B. Conduct or participate in any organized track and field or athletic event, without first obtaining written consent of the Director. As a matter of city policy to prevent overuse

of and damage to the nature area, such consent shall be given only for cross country events and only to those organizations that had conducted cross country events in the nature area during the twelve-month period immediately prior to April 1, 1991. In the event any organization qualifying for cross country events under this section shall fail to conduct a cross country event during any twelve-month period, consent shall be denied thereafter; or

- C. Camp, store camp paraphernalia, or maintain an encampment in or upon any public property in the Lodi Lake Nature Area, open space, waterway, and banks of a waterway, unless specifically authorized by the City Manager.
- D. Violation of (A) or (B) of this section shall be an infraction, but section (C) may be prosecuted as a misdemeanor due to increased fire and public health and safety risk caused from illegal camping activities.

SECTION 9. The Lodi Municipal Code Section 12.12.420 entitled "Skate park regulations" is hereby repealed and replaced with the following:

12.12.420 Skate park regulations.

The following regulations shall apply to the riding of skateboards, in-line skates, roller skates, or bicycles at, or any other use of, any facility or park owned or operated by the city of Lodi, which has been designated a skate park:

- A. Within the skate park, it shall be unlawful for any person to:
 - 1. Ride, operate, or use a skateboard, roller skates, in-line skates or bicycle unless that person is wearing a helmet designed for skateboarding, roller-skating, in-line skating, and/or bicycle use with a chin strap, elbow pads designed for skateboarding, roller-skating, in-line skating and/or bicycle use with plastic elbow caps, and knee pads designed for bicycle, skateboard and/or in-line skating use with plastic knee caps, which equipment shall be in good repair at all times during use;
 - 2. Ride, operate, utilize a bicycle, skateboard, roller skates, or in-line skates unless such equipment is in good repair at all times during use;
 - 3. Be on or use an individual apparatus within the skate park while another person is using it;
 - 4. Place or utilize additional obstacles or other materials (including but not limited to ramps or jumps) within the skate park;
 - 5. Use the skate park amenities when the surfaces of the amenities are wet or other conditions exist which would adversely affect the safety of bikers, skateboarders, or skaters;
 - 6. Use, operate, or possess any source of amplified music, including but not limited to, stereos, boom boxes, and amplifiers;
 - 7. Enter the concreted portion of skate park unless actively bicycling, skateboarding, or in-line skating in accordance with these regulations;
 - 8. Use, consume, or have within his or her custody or control food, beverages, or tobacco within the concreted portion of the skate park;

9. Use, consume, or have within his or her custody or control alcohol or illegal drugs within the skate park;
 10. Enter the skate park while under the influence of alcoholic beverages or illegal drugs;
 11. Use or possess glass containers, bottles, or other breakable glass products within the skate park;
 12. Use or engage in profanity, reckless and boisterous behavior (including, but not limited to, tandem riding, pushing, horseplay, and bullying), or any activity which could endanger the safety of persons using the skate park or spectators;
 13. Engage in graffiti, tagging, or other defacing of city property or the properties of others;
 14. Ride, operate, or utilize any device other than a bicycle, skateboard, roller skates, or in-line skates (prohibited devices include, but are not limited to, motor vehicles, motorized skateboards, and motorized skates) within the skate park;
 15. No person shall enter or remain in or upon the skate park premises:
 - a. While closed, as determined by the parks and recreation department, or
 - b. Between the hours of 9:00 p.m. and 10:00 a.m.;
 16. Use or have within his or her custody or control, board wax, within the skate park;
 17. No person shall enter the skate park with any animal; and
 18. No person under the age of twelve shall enter the skate park without being accompanied by a parent or guardian.
 19. No person shall camp, store camp paraphernalia, or maintain an encampment at the skate park.
- B. The skate park shall be posted with signs at the following locations:
1. At the entrance to the skate park; and
 2. On the fences of the skate park, facing the interior of the skate park, and in such places inside the park as determined by the city. The signs shall not be less than two feet by three feet in size and shall use black letters on a white background. The signs may, but shall not be required to, summarize the regulations governing the use of the skate facility. Each sign shall contain, in letters not less than ½ inch in height, the following language:

WARNING

BICYCLING, SKATEBOARDING, AND IN-LINE SKATING ARE HAZARDOUS RECREATION ACTIVITIES. USE OF THIS FACILITY MAY RESULT IN SERIOUS INJURIES OR DEATH. THE CITY OF LODI DOES NOT ASSUME ANY RESPONSIBILITY FOR INJURIES OR DEATH. EACH PERSON ENTERING THE FACILITY ASSUMES ALL RISK OF INJURY OR DEATH. CALIFORNIA HEALTH AND SAFETY CODE § 115800.

IT IS UNLAWFUL FOR ANY PERSON TO RIDE, OPERATE, OR UTILIZE A BICYCLE, SKATEBOARD, OR IN-LINE SKATES UNLESS THE PERSON IS WEARING A HELMET DESIGNED FOR BICYCLE, SKATEBOARD, AND/OR IN-LINE SKATING WITH A CHIN STRAP, ELBOW PADS DESIGNED FOR BICYCLE, SKATEBOARD, AND/OR IN-LINES

SKATING USE WITH PLASTIC ELBOW CAPS AND KNEE PADS DESIGNED FOR BICYCLE, SKATEBOARD, AND/OR IN-LINE SKATING USE WITH PLASTIC KNEE CAPS, WHICH EQUIPMENT SHALL BE IN GOOD REPAIR AT ALL TIMES DURING USE. IT IS UNLAWFUL FOR ANY PERSON TO RIDE, OPERATE, OR UTILIZE ANY DEVICE OTHER THAN NON-MOTORIZED BICYCLES, NON-MOTORIZED SKATE BOARDS, AND NON-MOTORIZED SKATES. IT IS UNLAWFUL FOR ANY PERSON TO SMOKE, CONSUME ALCOHOLIC BEVERAGES, OR PLAY AMPLIFIED MUSIC WITHIN THE SKATE PARK. USERS UNDER THE AGE OF 12 MUST BE ACCOMPANIED BY A PARENT OR GUARDIAN. ANY PERSON FAILING TO COMPLY WITH THIS SECTION SHALL BE SUBJECT TO CITATIONS AND PENALTIES PURSUANT TO LODI MUNICIPAL CODE SECTION 1.08.010.

SECTION 10. The Lodi Municipal Code Section 12.12.430 entitled "Violations" is hereby repealed and replaced with the following:

12.12.430 Violations.

Every act prohibited or declared unlawful and every failure to perform an act made mandatory by this chapter shall be prosecuted as a misdemeanor for violations of subsections (A) (9), (10), (13), (14) and (19) of Section 12.12.420. All other violations shall be prosecuted as an infraction as provided in Section 1.08.010 of this Code.

SECTION 11. The Lodi Municipal Code Chapter 15.52 entitled "Camp Cars and Trailer Camps" is hereby repealed and replaced with the following:

Chapter 15.52 CAMP CARS AND TRAILER CAMPS

Sections:

15.52.010 Definitions.

For the purposes of this chapter, the following terms shall have the meanings respectively ascribed to them by this section:

- A. "Camp" or "camping" means to pitch, erect, or occupy an encampment, or to use camp paraphernalia or both, for the purpose of, or in a way that facilitates outdoor sheltering for living accommodation purposes or for remaining outdoors overnight.
- B. "Camp car" or "trailer" is any vehicle used for living or sleeping purposes and which is equipped with wheels or similar devices used for the purpose of transporting the unit from place to place, whether by motive power or other means.
- C. "Campground" is any place, area or tract of land upon which is located any camp car or trailer used for living or sleeping purposes.
- D. "Camp paraphernalia" means personal property used to facilitate occupancy of an area and includes personal property typically associated with camping such as tarps, cots, beds, sleeping bags, hammocks, bedding, camp stoves, cooking equipment, buckets, and similar equipment, mattresses, couches, dressers, or other furniture.
- E. "Encampment" means one or more temporary, makeshift, or hand-built structures not intended for long-term continuous occupancy, including tents, that are used to

shelter one or more persons or their belongings and that are not authorized by the property owner. Encampment includes any camp paraphernalia and personal property associated with or located in or around the structures or tents.

15.52.020 Applicability—Conformance.

The provisions of this Chapter shall be applicable to every campground within the incorporated area of the City, and it is unlawful for any person maintaining, operating, conducting or carrying on any such campground or for any person living or sleeping in any camp car or trailer located in a campground or any other person to illegally camp, store camp paraphernalia, maintain an encampment, or otherwise violate or contribute in any way to the violation of any of the provisions of this Chapter.

15.52.030 Permit—Required.

Before building or constructing any campground or any improvements thereon situated or to be situated, the owner or party intending to operate the same shall first apply for and obtain such “special use permit” or other permit from the City Council.

15.52.040 Permit—Application.

Each application for a use permit to operate shall be in writing, upon a form provided by the City Council for that purpose. It shall state the name and address of the applicant and a description of the property whereon or wherein it is proposed to conduct a campground. It shall also contain such other information as the City Council may require and it shall be filed by the applicant. It shall be filed with the City Clerk not less than five days nor more than thirty days before the campground is made.

15.52.050 Permit—Posting.

It is unlawful for any person to establish, maintain, conduct or carry on an illegal encampment or to operate any campground unless there shall be at all times posted in a conspicuous place at the campground the permit obtained from the City Council in accordance with the provisions of this Chapter.

15.52.060 Sanitation and maintenance.

Every person owning or operating a campground shall maintain such campground and any toilets, baths or other permanent equipment in connection therewith in a clean and sanitary condition and shall maintain the equipment in a state of good repair, and it shall be the duty of the operator to comply with all rules and regulations contained in this Chapter governing the operation and maintenance of such campgrounds, and to prevent illegal encampments from occurring on their campground site.

15.52.070 Layout—Sites.

Every campground shall be laid out with available unoccupied space of not less than an average of five hundred square feet, but none of which shall be of an area of less than four hundred square feet for each camp car or trailer, and such available unoccupied spaces shall not be construed to include the space within any drive way. No more camping sites shall be allowed for such camping cars or trailers than the number of times five hundred square feet can be divided into the whole camping area of any campground exclusive of the area used for

driveways. All camping spaces shall be designated with a separate number. Camp cars or trailers shall be arranged as near as possible, in rows abutting or facing on a driveway or clear unoccupied space of not less than eighteen feet in width which space shall have unobstructed access to a public street or alley.

15.52.080 Drainage.

Every campground shall be located on a well-drained area and the premises of every such campground or any existing campground shall be properly graded so as to prevent the accumulation of storm or casual waters.

15.52.090 Water supply.

An adequate supply of pure water for drinking and domestic purposes shall be supplied to meet the requirements of such campground. Such water supply shall be obtained from faucets only, conveniently located in the campground. No dipping vessels or common cups shall be permitted. No camp car or trailer shall be located more than two hundred feet from a faucet.

15.52.100 Removal of wheels—Fixing trailer.

It is unlawful for any person owning or operating a camp car or trailer located in a campground to remove or cause to have removed the wheels or any similar transporting devices from the camp car or trailer or to otherwise permanently fix it to the ground in a manner that would prevent the ready removal of such camp car or trailer. Any such alteration to any camp car or trailer shall be construed as removing it from the requirements of this Chapter and converting it into a dwelling and it shall thereupon be subject to the requirements of the building code of the City and the State Housing Law.

15.52.110 Dogs at large.

Dogs at no time shall be permitted to run at large in any campground or to occupy any encampment.

15.52.120 Water closets—Bathing facilities.

- A. Flush water closets shall be provided in separate compartments for each sex within a distance of not more than two hundred feet from any camp unit. Not less than one water closet shall be provided for each fifteen persons, or fractional part thereof, of each sex. Such water closets shall be distinctly marked "For men" and "For women" and the location of the water closets plainly indicated by signs. All water closets shall be kept clean, free from obnoxious odor, flies, mosquitoes or other insects, be well lighted and ventilated directly to the outside air.
- B. Shower baths or other bathing facilities with running water shall be provided in separate compartments for every twenty persons, or fractional part thereof, of each sex, within a distance of not more than two hundred feet from any camp unit.
- C. All water closets or compartments containing bathing facilities shall be installed in proper compartments which shall be well lighted, ventilated, disinfected and screened. The floors and walls of such compartments shall be surfaced with impervious materials to a height of at least six feet.

15.52.130 Solid-waste receptacles.

There shall be provided in every campground such number of tight receptacles with close-fitting metal covers for garbage, refuse, ashes and rubbish as may be required to take care of the same, and such garbage receptacles shall at all times be maintained in a clean and sanitary condition, and such garbage shall be collected in accordance with provisions of this code and other City ordinances.

15.52.140 Slop sinks.

There shall be provided in every campground one or more slop sinks, properly connected with a sewer or cesspool, such sinks to be conveniently located at no greater distance than one hundred fifty feet from any camp car or trailer.

15.52.150 Sewage disposal.

It is unlawful to permit any wastewater or material from sinks, baths, showers or other plumbing fixtures in camp cars or trailers to be deposited upon the surface of the ground, and all such fixtures, when in use, must be connected to the city sewer system, or the drainage therefrom must be disposed of in a satisfactory and sanitary manner.

15.52.160 Lighting.

Every campground shall be provided with means of electrically lighting the same at night, and all water closets and bath units shall be provided with sufficient electric lighting facilities, and all water closets shall be kept lighted during the time from one-half hour after sunset until one-half hour before sunrise.

15.52.170 Living or sleeping in camp cars or trailers.

It is unlawful to occupy any encampment, camp car or trailer for living or sleeping purposes in the City unless the same is located upon a campground licensed under the provisions of this Chapter; provided, however, that where a residence building is built and used for residence purposes upon any lot within the City, the family or head thereof occupying such residence house may permit any relative or friend of such family to occupy for a term of not to exceed thirty days in the backyard of such lot, but not upon any adjoining or vacant lot, a camp car or trailer for sleeping purposes only, where the same is not prohibited as an auxiliary use under the terms and provisions of the zoning regulations of the City; provided, that no rent shall be charged for the privilege of so maintaining such camp car, trailer or tent in or upon the backyard.

SECTION 12. Severability. If any provision of this ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application. To this end, the provisions of this ordinance are severable. The City Council hereby declares that it would have adopted this ordinance irrespective of the invalidity of any particular portion thereof.

SECTION 13. No Mandatory Duty of Care. This ordinance is not intended to and shall not be construed or given effect in a manner which imposes upon the City, or any officer or employee thereof, a mandatory duty of care toward persons or property within the City or outside of the City so as to provide a basis of civil liability for damages, except as otherwise imposed by law.

SECTION 14. No Conflict. All ordinances and parts of ordinances in conflict herewith are repealed insofar as such conflict may exist.

SECTION 15. Effective Date and Publication. This Ordinance shall take effect thirty (30) days after its adoption. In lieu of publication of the full text of the Ordinance within fifteen (15) days after its passage, a summary of the Ordinance may be published at least five (5) days prior to and fifteen (15) days after adoption by the City Council, and a certified copy shall be posted in the office of the City Clerk pursuant to Government Code section 36933(c)(1).

Approved this ____ day of _____, 2024

Lisa Craig
Mayor

Attest:

OLIVIA NASHED, City Clerk
State of California
County of San Joaquin

I, Olivia Nashed, City Clerk of the City of Lodi, do hereby certify that Ordinance No. 2024 was introduced at a regular meeting of the City Council of the City of Lodi held _____, 2024, and was thereafter passed, adopted, and ordered to print at a regular meeting of said Council held _____, 2024, by the following vote:

AYES: COUNCIL MEMBERS –
NOES: COUNCIL MEMBERS –
ABSENT: COUNCIL MEMBERS –
ABSTAIN: COUNCIL MEMBERS –

I further certify that Ordinance No. 2024 was approved and signed by the Mayor on the date of its passage and the same has been published pursuant to law.

OLIVIA NASHED
City Clerk

Approved as to Form:

Katie Lucchesi
City Attorney