

ORDINANCE NO. 1696 (2021 SERIES)

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN LUIS OBISPO, CALIFORNIA, AMENDING CHAPTER 12.04 AND CHAPTER 12.20 OF THE SAN LUIS OBISPO MUNICIPAL CODE TO CLARIFY EXPRESSLY THAT TENTS AND SIMILAR STRUCTURES ARE PROHIBITED ENCROACHMENTS IN PUBLIC PARKS

WHEREAS, The City has a substantial interest in promoting the public health, safety and welfare of its residents, visitors and businesses, and the safety and aesthetic qualities of City parks and recreational facilities; and

WHEREAS, longstanding City encroachment regulations prohibit the erection of structures in public places, including parks, without a permit; and

WHEREAS, there has been a proliferation of tents in public parks accompanied by an increase in public complaints to the City of adverse behaviors and interactions in parks, including drug and alcohol abuse, and associated verbal and physical intimidation, aggression and adverse interactions among park users; and

WHEREAS, increased instances of erection of tents and other enclosed structures in parks obscures adverse and illegal activities from public view, contributes substantially to the accumulation of litter, clutter and visual blight, can interfere with pedestrian circulation, can obstruct or interfere with the lawful use of park areas by the general public for their intended recreational uses, and inhibits the effective regulation and enforcement against illegal activities in the parks; and

WHEREAS, continuous presence of tents in park areas during hours of operation interferes with daily park maintenance to ensure safe and proper upkeep; and

WHEREAS, the purpose of this ordinance is to promote the public health, safety and welfare and support lawful use and access to city parks by all community members consistent with the intended legal uses and aesthetic qualities of city parks by:

- (1) Providing for unobstructed, open public views of public park areas and activities conducted in public park areas to deter unsafe and illegal activities in the parks, to facilitate compliance with laws, and to protect the public, health safety and welfare of all park users;
- (2) Preventing interference with or obstructions of the flow of pedestrian circulation by the placement of tents and large volumes of personal belongings in pedestrian paths of travel;
- (3) Discouraging the establishment of residential uses of parks facilitated by tents, which have been observed to result in violations of park hours of operation, as well as illegal and unsanitary accumulation and disposal of litter, clutter, and visual blight associated with the occupation of tents in the parks;

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of San Luis Obispo as follows/or that (whatever action is needed):

SECTION 1. Encroachment Amendments. Section 12.04.020 B (Encroachments Restricted) of Chapter 12.04 (Encroachments and Excavations) of the San Luis Obispo Municipal Code is hereby amended to include express reference to the application of the encroachment regulations related to the erection of tents in public parks, to read as follows:

12.04.020 Encroachments restricted.

- B. For purposes of this chapter, encroachments shall not include activities regulated as parades or special events pursuant to Chapter 5.80. Additional clarification of the application of these provisions to the use of tents or other enclosed structures in public parks are set forth in Chapter 12.20 (PARK REGULATIONS) of this code.

SECTION 2. Section 12.20.02 (Definitions) of Chapter 12.20 (PARK REGULATIONS), is hereby amended and renumbered to clarify the definition of “park” and add a definition of “tent”, to read as follows:

12.20.020 Definitions.

The following words shall have the meaning indicated when used in this chapter:

- A. “Amplified sound” means music, sound wave, vibration or speech projected or transmitted by electronic equipment, including amplifiers.
- B. “Director” means the director of parks and recreation or other person authorized by him or her, pursuant to law, to act in his or her stead.
- C. “Park” means any parkland, playground, beach, or recreational facility, including any parking lots, open space, creek, or any other area or structure accessory thereto under the operational control of the Parks and Recreation Department of the City of San Luis Obispo.
- D. “Permit” or “reservation” means written authorization for exclusive use of parks or buildings, or portions thereof, as provided for and defined by this chapter.
- E. “Tent” means any enclosed temporary physical structure that obstructs activities within the structure from public view, excluding canopies and covers that are open on all sides. “Tent” shall not include blankets, towels, mats, portable lawn chairs, unenclosed shade structures not affixed to public property, or similar items for temporary use in conjunction with otherwise lawful park use.
- F. “Vehicle” means any device by which any person or property may be propelled, moved or drawn, excepting a device moved by human power.

SECTION 3. Section 12.20.040 (Rules and regulations applicable in city parks.) of Chapter 12.20 (PARK REGULATIONS), is hereby amended to add a section expressly clarifying the prohibition against tents in public parks, to read as follows:

F. It shall be unlawful for any person to erect, establish or occupy a Tent in any Park, except by express permission of the Director; in connection with a valid event permit issued by the Department; or as otherwise provided by resolution of the City Council.

SECTION 4. All Prior ordinances, resolutions or administrative orders relating to parks regulations are hereby superseded to the extent inconsistent herewith.

SECTION 5. A summary of this ordinance, together with the names of Council members voting for and against, shall be published at least five (5) days prior to its final passage, in The New Times, a newspaper published and circulated in this City. This ordinance shall go into effect at the expiration of thirty (30) days after its final passage.

INTRODUCED on the 13th day of April 2021, **AND FINALLY ADOPTED** by the Council of the City of San Luis Obispo on the ____ day of ____, 2021, on the following vote:

AYES:

NOES:

ABSENT:

Mayor Heidi Harmon

ATTEST:

Teresa Purrington,
City Clerk

APPROVED AS TO FORM:

J. Christine Dietrick,
City Attorney

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City of San Luis Obispo, California, on _____.

Teresa Purrington,
City Clerk