

**CITY OF HERMOSA BEACH**  
**ORDINANCE NO. ORD-25-1486**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HERMOSA BEACH, CALIFORNIA, REPEALING HERMOSA BEACH MUNICIPAL CODE ("HBMC") SECTIONS 12.28.010 (H) AND 12.20.240 AND ADDING CHAPTER 12.40 TO THE HBMC REGULATING CAMPING IN PUBLIC AREAS AND FINDING THE ORDINANCE IS EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT ("CEQA").**

**THE CITY COUNCIL OF THE CITY OF HERMOSA BEACH DOES HEREBY ORDAIN AS FOLLOWS:**

**SECTION 1.** Within the City of Hermosa Beach ("City") and other cities in the surrounding region, and throughout the State of California, there is a significant number of people experiencing homelessness.

**SECTION 2.** Homeless persons sometimes camp, sleep, or lie on public or private property, particularly if they have no other place to sleep.

**SECTION 3.** Camping and or sleeping in certain areas within the City can create unsanitary, unhealthy, and dangerous conditions that risk the public health and safety

**SECTION 4.** The Legislature of the State of California has, in Government Code sections 65302, 65560, and 65800, conferred upon local governments the authority to adopt regulations designed to promote the public health, safety, and general welfare of its residents.

**SECTION 5.** In April of 2019, the United States Court of Appeals, Ninth Circuit, issued a decision in *Martin v. City of Boise* (9th Cir. 2019) 920 F.3d 584, which held in part that "the Eighth Amendment prohibits the imposition of criminal penalties for sitting, sleeping, or lying outside on public property for homeless individuals who cannot obtain shelter" (*Martin*, 920 F.3d at 616.)

**SECTION 6.** In June of 2024, the Supreme Court issued its opinion in *City of Grants Pass, Oregon v. Johnson* (2024) 144 S.Ct. 2202, which struck down the Ninth Circuit’s opinion in *Martin*, and authorized cities to regulate camping on public property as one of the “tools in the policy toolbox” when addressing housing and homelessness.

**SECTION 7.** Certain City Municipal Code provisions address camping in certain areas of the City (*i.e.*, in City parks and on the Strand or beach); however, there is no comprehensive HBMC program that regulates the sleeping and/or camping in the City in a holistic way.

**SECTION 8.** The City Council finds that there is a need to regulate the sleeping or camping in public areas in the City in a singular place in the HBMC to address situations that create a substantial danger to the City’s residents and visitors.

**SECTION 9.** Reasonable prohibitions on camping on public property serves the additional benefit of encouraging the unhoused population to accept shelter when offered and receive support or treatment helpful in escaping the cycle of homelessness.

**SECTION 10.** The City Council desires to repeal certain sections of the HBMC and adopt a new HBMC chapter to regulate the sleeping or camping on public property in the City in a singular HBMC chapter.

**SECTION 11.** Section 12.20.240 of the Hermosa Beach Municipal Code is hereby repealed in its entirety:

**~~“12.20.240 Overnight camping.~~**

~~No person shall camp on or use for overnight sleeping purposes any portion of the beach or Strand, or bring a house trailer or similar vehicle onto the beach or Strand, and a violation of this section shall be an infraction.”~~

**SECTION 12.** Section 12.28.010 (H) of the Hermosa Beach Municipal Code is hereby repealed in its entirety and the remaining subsections are re-numbered accordingly:

**“12.28.010 Park regulations generally.**

Within the limits of any public park or playground, no person shall. . .

~~(H) Camp or lodge, except in municipal automobile camps designated as such by the city manager. . . "~~

**SECTION 13.** Chapter 12.40 (Camping in Public Places and Interfering with Public Access) is hereby added to the Hermosa Beach Municipal Code to read as follows:

**"12.40.010 Camping in Public Prohibited—Purpose**

The public roads, parks, recreation areas, the Strand, beaches and all other open spaces and public property within the City should be readily accessible to residents and the public at large. The use of these areas for camping purposes interferes with the rights of others to use these areas for the purposes for which they were intended and can create public health and safety risks for the residents and detrimental impacts to the environment. The purpose of Sections 12.40.010 through 12.40.030 is to maintain public property in a safe, clean, and accessible condition for the benefit of the public at large.

**12.40.020 Definitions**

For purposes of this chapter, the following words and phrases shall have the meaning set forth in this section:

"Camp" means to use property for living accommodation purposes or to use a vehicle for human habitation. A person shall be considered to be using property for living accommodation purposes if the person admits they are camping; the person is using a camp facility or camping paraphernalia between the hours of 10:00 p.m. and 6:00 a.m. to live outdoors or remain outdoors overnight; or, based on the totality of the circumstances, it is established that a person is using the property to live, dwell or reside, which is exemplified by the person sleeping or preparing to sleep outdoors; the person having with them damaged recreational equipment that cannot be used for its intended purpose; the person having with them camp stoves, pots, pans, or other cooking equipment in an area that is not designated for cooking; the person having with them a sleeping bag, sleeping pad, blanket, pillow, bedroll or other similar bedding; the person having with them trash, recyclables, rubbish, or other garbage; the person having with them human waste, animal waste or medical waste that is stored in buckets, bottles or similar containers; and/or the person bathing or grooming themselves outside of facilities

designated for these purposes. A person shall be considered to be using a vehicle for human habitation if: the person admits they are using the vehicle to camp; or, based on the totality of the circumstances, it is established that a person is using the vehicle to live, dwell or reside, which is exemplified by the person continuously remaining inside the vehicle at the same location for three hours or more; the person sleeping in the vehicle; the inability of a person outside the vehicle to view through two or more windows because the view is limited or blocked; the inability to use seating in the vehicle because a large volume of personal belongings, trash, rubbish, or garbage is stored in the vehicle; the person preparing or cooking meals inside or on the vehicle; the person bathing or grooming inside the vehicle; the storage of items inside or on a vehicle that are not associated with ordinary use of the vehicle such as a sleeping bag, bedroll, blanket, sheet, pillow, kitchen utensil, cookware, cooking equipment or furniture; the use of buckets, bottles or similar containers to hold bodily fluids; and/or having furniture set up in or around the vehicle, such as chairs, tables, umbrellas or portable cooking equipment. This list of circumstances is not exhaustive and the totality of the circumstances shall govern.

“Camp facility” or “camp facilities” means any or a combination of the following: a tent, hut, other temporary physical structure or shelter, cot, bed, or hammock.

“Camping paraphernalia” means items that facilitate living outside including items that are used for: sleeping, such as sleeping bags, sleeping pads, blankets, pillows, bedrolls, or other similar bedding; cooking, such as camp stoves, pots, pans, or other cooking equipment; storage, such as backpacks, luggage, or coolers; sitting, such as moveable chairs; and lighting, such as headlamps, a lantern, or flashlights.

“Prohibited public place” means any public property that is not designated for camping by formal action of the City Council, the written consent of the City Manager, the provisions of this Code, or a validly issued City permit authorizing such activity or other governmental entity having jurisdiction over the property.

“Public property” means all property owned or controlled by the State, the County, the City, or other public entity including, but not limited to, any publicly owned or controlled building, structure, restroom, the Strand, beach, parking garage, parking lot, passageway, pier, public rights-of-way, driveway, landscaped area, parkway, median, the Greenbelt, open space, public park, or park facility.

“Public rights-of-way” or “public right-of-way” means the area or areas on, below, or above a public roadway, public, highway, public street, public sidewalk, public path, public trail, public square or plaza, public bike lane or path, public boardwalk, public alleyway, or a utility easement in which the City has interest.

“Store” means to put aside or to keep, to accumulate for use when needed, or to put for safekeeping.

“Vehicle” means a “motor vehicle” as defined by Cal. Veh. Code Section 415, a “recreational vehicle” as defined by Cal. Health & Saf. Code Section 18010(a), a “camper trailer” as defined in Cal. Veh. Code Section 242, a “house car” as defined in Cal. Veh. Code Section 362 or a “trailer coach” as defined in Cal. Veh. Code Section 635.

#### **12.40.020 Camping in Prohibited Places or Interfering with Public Access**

A. No person shall camp in a prohibited public place.

B. No person shall start, build, or use a fire in a prohibited public place for any purpose including, but not limited to, warming or cooking, unless authorized or permitted to do so by formal action of the City Council, the written consent of the City Manager, the provisions of this Code, or a validly issued City permit authorizing such activity.

C. No person shall camp, sleep, lie, or place personal property where such activity:

(1) Obstructs or impedes passage, as required by the Americans with Disabilities Act; or

(2) Is within twenty feet of an entrance or exit to any building, establishment, retail store, restaurant, office building or other place into which the public is invited; or

(3) In a manner that unreasonably interferes with the use of the public right of way by motor vehicles, pedestrians or bicycles.

#### **12.40.030 Violation**

Notwithstanding any other provisions of this Code, any person violating any provision of this Chapter shall be:

A. Guilty of a misdemeanor punishable by a fine of not more than one thousand dollars (\$1,000.00) or by imprisonment in the city or county jail for a period not exceeding six (6) months, or by both such fine and imprisonment. Each person shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of this Chapter is committed, continued, or permitted; or

B. Subject to a civil administrative penalty pursuant to Chapter 1.10. Each person shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of this Chapter is committed, continued, or permitted. Any administrative citation issued pursuant to the section may be dismissed by the City Manager upon the completion of a City Manager approved diversion program or acceptance of services sufficient to the City Manager to reduce the chance of repeat violations of this section. Any dismissal under this subsection shall be in the sole discretion of the City Manager.

**SECTION 14.** Section 1.10.040 of the Hermosa Beach Municipal Code is hereby amended to add the following subsection (A)(40) to subject violations of Chapter 12.40 to the City administrative citation penalty procedures:

**"1.10.040 Code violations subject to administrative penalty procedures.**

A. The violations described in the Municipal Code titles, chapters and sections listed hereinbelow are subject to the administrative penalty procedures and other provisions of this chapter: . . .

(40) Chapter 12.40 (Camping in Public Places and Interfering with Public Access)

**SECTION 15. Severability.** If any section, subsection, subdivision, sentence, clause, phrase, word, or portion of this Ordinance is, for any reason, held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have adopted this Ordinance and each section, subsection, subdivision, sentence, clause, phrase, word, or portion thereof, irrespective of the fact that any one or more sections, subsections, subdivisions, sentences, clauses, phrases, words or portions thereof be declared invalid or unconstitutional.

**SECTION 16. Environmental Review.** The adoption of this ordinance is exempt from the California Environmental Quality Act (CEQA) pursuant to State CEQA Guidelines section 15061(b)(3) of CEQA in that there is no potential for this ordinance to cause a significant effect on the environment. Further, it can be seen with certainty that there is no possibility that the ordinance may have a significant effect on the environment. No exceptions to the exemption apply.

**SECTION 17. Certification.** The City Clerk is directed to certify the passage and adoption of this Ordinance; cause it to be entered into the City's book of original ordinances; make a note of the passage and adoption in the records of this meeting; and, within fifteen (15) days after the passage and adoption of this Ordinance, cause it to be published or posted in accordance with California law.

**PASSED, APPROVED and ADOPTED** on this 25<sup>th</sup> day of February, 2025.

**AYES:**

**NOES:**

**ABSTAIN:**

**ABSENT:**

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Mayor Dean Francois

**PRESIDENT** of the City Council and **MAYOR** of the City of Hermosa Beach, CA

**ATTEST:**

**APPROVED AS TO FORM:**

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Myra Maravilla  
City Clerk

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Patrick Donegan  
City Attorney