

CITY OF VALLEJO

ADMINISTRATIVE RULE

SUBJECT: GARBAGE REMOVAL; ENFORCEMENT OF UNLAWFUL CAMPING ORDINANCE; CLEAN UP OF TEMPORARY SHELTERS AND CODE ENFORCEMENT ABATEMENT PROCEDURES

A.R. Number: 7.10
Date Effective: 09-28-11
Date Revised: 06-17-14

I. PURPOSE

The City of Vallejo receives regular complaints from citizens and businesses throughout the City which relate to health and safety, criminal activity and other concerns arising in and around areas in which individuals have erected temporary shelters.

By this Administrative Rule, the City of Vallejo sets forth its policies and procedures for cleaning up areas in which individuals have constructed temporary shelters, and expresses its intention to implement these policies in a manner which balances the needs and rights of all of its citizens, including the residents of such temporary shelters. This policy does not establish any individual right to erect temporary shelters or otherwise encroach on public or private property.

II. POLICY

The City of Vallejo shall respond to complaints and concerns arising in and around areas in which individuals are unlawfully camping or have erected temporary shelters, in a manner that protects the public health and safety and which complies with applicable state, federal and local laws.

III. PROCEDURE

Procedures applicable to the abatement of all trash, garbage, junk and debris, enforcement of unlawful camping and trespass laws and the abatement of encampments are set forth in Sections III, IV and V. Procedures applicable to code enforcement activities are set forth in Section VI.

A. Garbage Removal on City-Owned Property

1. The City of Vallejo Public Works Maintenance Division (PWMD) regularly receives requests to remove trash or debris which have accumulated on or around City-owned property. The PWMD shall continue to receive and act upon these requests for service consistent with its historical practice. However, absent exigent circumstances, when the PWMD determines that a request for service involves the removal of trash or debris located within 200 feet of an area which contains temporary shelters, said removal shall not take place without a minimum of three (3) days advanced written notice which shall be posted and served in a form substantially similar to Exhibit A, attached hereto.
2. The posting and/or service of said notice shall be performed in a manner which is reasonably calculated to provide effective notice to any residents of the adjacent temporary shelters. Where possible, the notice shall describe the area subject to garbage removal as clearly as possible (e.g., the East side of the 400 block of Olive Avenue).
3. As part of the removal of any trash or debris, the City of Vallejo shall not destroy any materials of apparent value which appear to be the personal property of any individual. Personal property of apparent value may include clothing, shoes, jackets, tents, sleeping bags, bed rolls, blankets, backpacks, duffel bags, bicycles, tools, watches, jewelry, audio and

video equipment, medications, toiletries, eyeglasses, purses, handbags, personal papers, equipment, photographs, books and baby strollers.

4. Trash or debris includes property that appears to have been discarded by its owner, but the fact that property is unattended does not necessarily mean that it has been discarded. Reasonable doubt about whether property is "trash or debris" or valuable property should be resolved in favor of the conclusion that the property is valuable and has not been discarded.

B. Private Property, Including Public Property Not Owned by the City

The City will not respond to requests by private property owners, or owners of public property not owned by the City, to remove junk, trash or debris accumulated on private property or public property not owned by the City, unless a clean-up effort has been approved, in advance, by the City Manager or his or her designee. In instances in which such approval is granted, and the request for services involves the removal of trash or debris occurring within 200 feet of an area which contains temporary shelters, the City will follow the notice procedure set forth in Section III A, above.

C. Unlawful Camping

In the event staff identifies a person camping, occupying camp facilities or using camp paraphernalia for the purpose of overnight occupancy in a manner that violates Chapter 7.67 of the Vallejo Municipal Code, enforcement of that Chapter may commence. No police or code enforcement officer shall issue a citation, make an arrest or otherwise enforce this section against any person unless:

- A. The police or code enforcement officer first orally requests or orders the person to refrain from the alleged violation of this section;
- B. If the person fails to comply after receiving the oral request or order, the police or code enforcement officer tenders a written warning stating that if the person fails to comply, he or she may be cited or arrested for a violation of this section; and
- C. At the time of the written warning, if the police or code enforcement officer determines the person may be in need of medical or human services assistance, including, but not limited to, mental health treatment, drug or alcohol rehabilitation, or homeless services assistance, the police or code enforcement officer may provide information about such assistance to the person in need.
- D. If the person refuses to cooperate, the police or code enforcement officer may proceed to issue an administrative citation pursuant to Chapter 1.15 for a violation of this section so long as the warnings required by paragraph (a) of this section have been previously given.
- E. If the person still refuses to comply after receiving the oral request, the written warning, and the administrative citation, then a police officer may proceed to arrest or criminally cite the person for a violation of this section.

IV. CLEAN UP(s)

A. Private Property, Including Public Property Not Owned by the City

The City of Vallejo regularly receives complaints and information from residents and business owners regarding the existence of temporary encampments constructed by individuals on private property that have no legal right or permission to occupy the property. These complaints include a broad range of issues, including, but not limited to; blight, the accumulation of trash and garbage, loitering, trespass, prostitution, drug sales and use, trespass and other crimes.

1. In situations where the City has received complaints or information regarding alleged criminal activity at temporary encampments established on public or private property, the Police Department will be contacted to respond to handle the situation in accordance with current policy.
2. The City will not respond to a request by private property owners to remove junk, trash or debris left behind on private property, including public property not owned by the City unless a clean-up effort has been approved in advance by the City Manager or his or her designee, and an abatement warrant has been approved by a Court of a competent jurisdiction. In instances in which such approval is granted, the removal of trash and debris on private property shall be performed as set forth in Section V. below.

B. City-Owned Property

1. In situations where the City has received complaints or information regarding alleged criminal activity at temporary encampments established on City- owned property, the Police Department will respond to and handle the situation in accordance with current policy.
2. If a clean-up involves the collection of personal property of value, then the procedures set forth in Section V. below will be followed. If the City desires to remove garbage in conjunction with any such action, it shall follow the procedures in Section III above.

V. CLEAN-UP OF ENCAMPMENTS

For encampments of ten (10) or more individuals which have been in place for more than ten (10) days, the City shall seek to provide the residents of such encampments at least seven (7) days advance notice of the need to vacate said property by posting and serving written notice in a form substantially similar to the Notice attached hereto as Exhibit B.

A. Clean-up of Encampments on City-Owned Property

1. In situations in which the City intends to abate encampments that are located on City-owned property, the City will provide written notice of the intended abatement in a form substantially similar to the Notice attached as Exhibit C. The City will collect and dispose of any junk, garbage and/or debris in the area and to the extent possible, will also collect and store any unattended personal property of value (as described in Section III above). Personal property collected by the City shall be stored for ninety (90) days without charge, during which time said property shall be available to be reclaimed by the subject owner. After the expiration of ninety (90) days, any unclaimed property will be destroyed.

2. The posting and service of said notice shall be performed in a manner which is reasonably calculated to provide effective notice to the residents of the temporary shelters, and to the extent possible, the notice shall describe the area subject to the abatement effort as clearly as possible. The notice shall also be served by hand delivery, mail, email, and/or facsimile on the organizations that assist residents of encampments including, but not limited to: CAP Solano, The Christian Help Center and Mission Solano.

B. Clean-up of Encampments on Private Property, Including Public Property Not Owned by the City

Requests by property owners to enforce trespass laws may be reported to the Police Department or the City Manager's Office. The Police Department will respond to and handle the situation in accordance with current policy. However, the City will not respond to a request by a private property owner to clean-up encampments located on private property, or on public property not owned by the City unless the clean-up request has been approved, in advance, by the City Manager's Office and an abatement warrant has been approved by a Court of a competent jurisdiction. In instances in which such approval is granted; cleanup of encampments on private property shall be performed as set forth in Section V.A.

VI. CODE ENFORCEMENT

- A. It is anticipated that the City of Vallejo will from time to time, pursue code enforcement activities concerning the abatement of a public nuisance which includes temporary encampments constructed by individuals. These activities may include, but are not limited to, weed abatement, the collection and/or disposal of junk, garbage or debris, as well as the collection or disposal of personal property in and around the area of encampments.
- B. In situations where code enforcement activities to abate a public nuisance involve the collection of personal property of value (as described in Section 11.A.3 above) which reasonably appears to belong to an individual, the City will provide at least a seven (7) day written notice of the intended clean-up in a form substantially similar to the Notice attached as Exhibit D, and which shall describe the areas subject to the code enforcement activities as clearly as possible.
- C. At the time the City abates the subject nuisance; it will collect and dispose of any junk, garbage or debris in the area and will also collect and store unattended personal property which reasonably appears to belong to an individual. Personal property collected by City as part of an abatement effort shall be stored for ninety (90) days without charge, during which time it shall be available to be reclaimed by the subject owner. After the expiration of ninety (90) days any unclaimed property will be destroyed.



DANIEL E. KEEN
City Manager

6-18-14

DATE

EXHIBIT A

NOTICE OF ENCAMPMENT REMOVAL

PLEASE TAKE NOTICE:

That on (___insert date___) at (___insert time___), the City of Vallejo will remove and destroy garbage, trash, waste, junk and debris that have accumulated in the area of (___insert address___).

The City of Vallejo will not remove or destroy the personal property of any individuals. However, to avoid any confusion, please move any personal property you may have away from any garbage piles located in this area.

If you have any concerns or comments, please contact (___person and title___) at (___address and phone number___).

EXHIBIT B

NOTICE OF TRESPASS

PLEASE TAKE NOTICE:

The City of Vallejo has received information concerning individuals who are loitering near or residing in temporary shelters/encampments that have been constructed in the vicinity of (___insert address___).

Any individual loitering or residing in this area may be trespassing, and must immediately move off site and remove any personal property they own.

On (___insert date___) at (___insert time___), the City of Vallejo will seek the voluntary cooperation of any individuals who remain onsite to relocate, and will enforce trespass laws against any individual who fails or refuses to move off this site.

If you have any concerns or comments, please contact (___person and title___) at (___address and phone number___).

EXHIBIT C

NOTICE OF TRESPASS AND CLEAN-UP

PLEASE TAKE NOTICE:

The City of Vallejo has received information concerning individuals who are loitering near or residing in the temporary shelters/encampments that have been constructed in the vicinity of (___insert address___).

Any individuals loitering or residing in this area may be trespassing, and will need to immediately move off this site and remove any personal property they own.

On (___insert date___) at (___insert time___), the City of Vallejo will conduct a clean-up of the area, including, but not limited to the removal of all personal property, temporary shelters, waste, junk and/or garbage from this area. Individuals wishing to reclaim personal property collected by the PWMD as part of the clean-up project may do so by contacting contact (___person and title___) at (___address and phone number___) for a period of ninety (90) days following (___date of clean up___), during the hours of (___0:00 a.m. to 0:00 p.m.___), days of operation (___date through date___).

Personal property collected by the City shall be stored, without charge, for ninety (90) days. After ninety (90) days from the date of collection, any unclaimed property will be destroyed.

If you have any concerns or comments, please contact (___person and title___) at (___address and phone number___).

EXHIBIT D

NOTICE OF CODE ENFORCEMENT AND CLEAN-UP

PLEASE TAKE NOTICE:

The City of Vallejo will be enforcing the Vallejo Municipal Code Chapter 7.54 which requires the removal of accumulated junk, waste, debris, weeds, overgrown vegetation and garbage in the vicinity of (___insert address___), including any temporary shelters. Any individuals who are residing or storing property in this area are in violation of the Vallejo Municipal Code and will need to immediately move off this site and remove any personal property they own.

On or after (___insert date___) at (___insert time___), the City of Vallejo will conduct an abatement of the area, including the removal of all individuals, personal property, temporary shelters, junk and/or garbage from this area. Individuals wishing to reclaim personal property collected by the City as part of the clean-up project may do so by contacting (___person and title___) at (___address and phone number___) for a period of up to ninety (90) days following (___date of clean up___), during the hours of (___0:00 a.m. to 0:00 p.m.___), days of operation (___date through date___).

Personal property collected by the City shall be stored, without charge, for ninety (90) days. After ninety (90) days from the date of collection, any unclaimed property will be thrown away.

If you have any concerns or comments, please contact (___person and title___) at (___address and phone number___).