



CITY OF POMONA COUNCIL REPORT

April 20, 2026

To: Honorable Mayor and Members of the City Council

From: Anita Scott, City Manager

Submitted By: Michael Ellis, Chief of Police

**SUBJECT: CONSIDERATION OF AN ORDINANCE RELATING TO CAMPING AND
STORING PERSONAL PROPERTY ON PUBLIC PROPERTY**

RECOMMENDATION:

It is recommended that the City Council introduce, waive further, and give first reading to the following ordinance:

**ORDINANCE NO. 4369 – AN ORDINANCE OF THE CITY COUNCIL OF
THE CITY OF POMONA, CALIFORNIA, AMENDING CHAPTER 46
("STREETS, SIDEWALKS AND OTHER PUBLIC PLACES"), ARTICLE
XII ("CAMPING, SLEEPING OR STORAGE OF PROPERTY"),
SECTIONS 46-601 – 46-606 OF THE POMONA CITY CODE AND ADDING
SECTIONS 46-607 – 46-611 RELATING TO CAMPING AND STORING
PERSONAL PROPERTY ON PUBLIC PROPERTY**

EXECUTIVE SUMMARY:

The proposed Ordinance No. 4369 (Attachment No. 1) aims to amend Chapter 46, Article XII of the Pomona City Code, by amending existing Sections and adding new Sections. The amendments clarify the existing Sections of the Pomona City Code, and such clarifications will allow the City of Pomona Police Department to enforce the prohibition of camping on public property more effectively and efficiently. The amendments do not prevent the City from providing services for the unhoused population or from making efforts to assist unhoused individuals in finding shelter or services. This action is in accordance with State law and, upon going into effect, will amend Chapter 46, Article XII of the Pomona City Code.

FISCAL IMPACT:

There are no fiscal impacts associated with the recommended action. Future fiscal impacts could arise depending on the implementation of additional outreach, enforcement, or personal property cleanup and storage procedures.

DISCUSSION:

The City has seen an increase in its unhoused population in recent years, despite the allocation of resources and funds to combat homelessness in the City. An increased number of homeless, unhoused, and transient persons are sleeping, sitting, laying, and/or storing personal property on public property, public streets, public rights-of-way, and public facilities. Such actions interfere with the public's access and usage of public property, public streets, public rights-of-way, and public facilities. The City has received numerous concerns regarding the encampments on public property and the storing of personal property on public property. These concerns are related to safety, obstructions, and cleanliness. Following recent updates to the law, the City seeks to address these concerns by amending its City Municipal Code.

On June 28, 2024, the United States Supreme Court issued its decision in *City of Grants Pass v. Johnson*, No. 23-175 (U.S. June 28, 2024), overturning the Ninth Circuit's prior holding in *Martin v. City of Boise*, 920 F.3d 584 (9th Cir. 2019). The Ninth Circuit had previously held that imposing criminal penalties for sleeping or camping in public when no alternative shelter was available violated the Eighth Amendment's prohibition on cruel and unusual punishment. The Supreme Court rejected that reasoning, holding that the Eighth Amendment addresses the type of punishment a government may impose after a conviction, but does not limit the conduct a government may criminalize in the first instance. In doing so, the Court emphasized that homelessness is a complex social problem best addressed by state and local policymakers rather than through constitutional prohibition.

While *Grants Pass* confirms that local governments may enact and enforce prohibitions on camping and sleeping in public regardless of shelter availability, enforcement must still comply with other constitutional protections, including the Due Process Clause, the Excessive Fines Clause, and the Fourth Amendment.

Accordingly, this proposed Ordinance seeks to alleviate the health, safety, and accessibility concerns by clarifying the City's existing regulations on camping on public property and storing personal property on public property.

Prepared by:

Alyssa Bostrom
Police Captain

ATTACHMENTS:

Attachment No. 1 – Ordinance No. 4369

ORDINANCE NO. 4369

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF POMONA, CALIFORNIA, AMENDING CHAPTER 46 (“STREETS, SIDEWALKS AND OTHER PUBLIC PLACES”), ARTICLE XII (“CAMPING, SLEEPING OR STORAGE OF PROPERTY”), SECTIONS 46-601 – 46-606 OF THE POMONA CITY CODE AND ADDING SECTIONS 46-607 – 46-611 RELATING TO CAMPING AND STORING PERSONAL PROPERTY ON PUBLIC PROPERTY

WHEREAS, the City Council finds and declares that regulating camping and the storage of personal property on public property is necessary for the City’s public health, fire protection, economic development, and the overall quality of life; and

WHEREAS, the City has a legitimate and compelling interest in protecting the public health, welfare, and safety of its residents, as well as preserving the same within the City ; and

WHEREAS, the erection of unauthorized camping sites and the storage of personal property creates a safety and security risk to the public, as it can obstruct access to needed services and facilities, pose a trip or fall risk, pose a fire risk, and divert limited public resources to evaluate suspicious or unknown items or personal property. Additionally, such unauthorized occupations of public areas and rights-of-way can create health and safety risks related to the accumulation of trash, food waste, human waste, contaminated medical waste, and other concerning items; and

WHEREAS, the City has received numerous written and verbal concerns that identify significant health, safety, accessibility, and welfare concerns including, but not limited to, having to walk over make-shift encampments, trash, food waste, human waste, and medical waste; and

WHEREAS, the City Council finds that some of these public lands are environmentally sensitive and may be significantly damaged by unregulated human activity; and

WHEREAS, the City annually experiences extended periods of high temperatures with little or no precipitation, which combined with unauthorized camping structures and storage of personal property, can significantly increase the danger and spread of wildfires and add to the severity of fires when they start; and

WHEREAS, the City Council is committed to protecting the rights of individuals who cannot obtain shelter and to treating their personal property with respect and consideration; and

WHEREAS, the City works with and through the County of Los Angeles to engage in significant outreach work to build relationships with people experiencing homelessness, using a person-centered, compassionate approach to provide services tailored to each person's specific needs; and

WHEREAS, City streets, sidewalks, and other public spaces are intended for safe and sanitary shared use by a diverse community of users including businesses, government, and the general public for gathering and movement of people and are frequently used by people relying on a variety of mobility devices; and

WHEREAS, the City is obligated to protect public health, safety, welfare and its natural resources by maintaining clean, safe, and accessible City properties for all residents to enjoy, including in the public right of way; and

WHEREAS, to mitigate risks to the health and safety of its citizens and potential damage to environmentally sensitive lands, the City Council desires to adopt regulations prohibiting camping and the maintenance of an encampment, regardless of the availability of shelter, due to the significant health and safety risk to those engaged in that activity, the general public, and the environment; and

WHEREAS, this Ordinance seeks to establish regulations that prevent camping, laying, sitting, and sleeping in public spaces, and storing property on public property, or otherwise obstructing access in and to; and

WHEREAS, the City seeks to establish encampment removal procedures that includes applicable notice requirements and post-abatement storage of personal property; and

WHEREAS, the City will store any personal property that may belong to a person, has apparent utility in its current condition and can be safely retrieved from the site, but will not store property that is hazardous, not storable, contraband, perishable, or otherwise appears to have been abandoned during the abatement process.

WHEREAS, the City seeks to establish encampment removal procedures that include applicable notice requirements and post-abatement storage of personal property. The City will provide notice of abatement when required, and the notice will contain information regarding when the encampment will be cleared and how an individual may reclaim items stored during the process.

NOW THEREFORE, the City Council of the City of Pomona does ordain as follows:

Section 1. The above recitals are true and correct and are hereby incorporated into this ordinance by this reference.

Section 2. Amendment of the Pomona Municipal Code. Article XII. – CAMPING, SLEEPING OR STORAGE OF PROPERTY of the Pomona Municipal Code Chapter 46 Streets, Sidewalks and Other Public Places, is amended to read as follows:

“ARTICLE XII. - CAMPING, SLEEPING OR STORAGE OF PERSONAL PROPERTY ON PUBLIC PROPERTY

Sec. 46-601. – Definitions

Unless the particular provisions or the context otherwise requires, the definitions contained in this Section shall govern the construction, meaning and application of words and phrases used in this article.

(a) Camp or Camping means to pitch, erect, or occupy an encampment, or to use or occupy public property for the purpose of temporary or permanent human habitation or sheltering, with or without camp paraphernalia.

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(b) 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.

(c) Camp paraphernalia means items used to facilitate or maintain outdoor living or sleeping accommodations, including, but not limited to sleeping bags, sleeping pads, blankets, pillows, bedrolls, or other similar bedding; camp stoves, pots, pans, or other cooking equipment; backpacks, luggage, or coolers; moveable or foldable chairs; headlamps, a lantern, flashlights, or other lighting sources; tents, huts, hammocks, cots, beds; tarps, fabrics, and other similar materials.

(d) Civic Center means the City of Pomona City Hall campus.

(e) Public Park means the same as defined in Sec. 30-671.

(f) Median means a traffic fixture consisting of a strip of ground dividing or separating a street, roadway, or highway into lanes according to the direction of travel.

(g) Personal Property means tangible personal belongings or possessions, which shall include any movable or tangible thing that is subject to ownership; property or chattels that can be seen, weighed, measured, felt, or touched, including, but not limited to, furniture, appliances, items used for camping such as tents or bedding, money, books, and "shopping carts" as defined in Section 18-351 this Code.

(h) Public Place or Property shall mean any publicly owned property in the City, whether improved or not, including, but not limited to: public alleyways, public parking lots, public passageways, public streets, public rights-of-way, publicly owned, maintained, or operated parks, publicly owned, maintained, or operated landscaped areas or greenbelts, publicly owned, maintained, or operated open spaces, including, but not limited to, public facilities or buildings of any kind, public sidewalks, curbs, and gutters, public educational institutions, or other government owned, maintained, or operated properties located within the City.

(i) Store, Stored, Storing or Storage means to put aside or accumulate Personal Property for use when needed, to put for safekeeping, to place or leave in a location. For the purposes of this definition, moving Personal property to another location on Public Property or returning Personal Property within one thousand (1000) feet from a location where a person received a citation for violation of this Chapter 46, Sec. 46-217 within a thirty (30) day period shall be considered storing personal property and shall not be considered to be removing the Personal Property from Public Property.

(j) Street means the same as defined in Section 1-2 of this Code.

(k) Tent means any tarp, cover, hut, structure, enclosure, or shelter, made of any material that is not open on all sides, and which hinders an unobstructed view behind or into the area surrounded by the tarp, cover, hut, structure, enclosure, or shelter.

(l) Vehicle shall include a motor vehicle as defined by California Vehicle Code Section 415, a recreational vehicle as defined by California Health and Safety Code Section 18010(a), a camp trailer as defined in California Vehicle Code Section 242, a house car as defined in California Vehicle Code Section 362 or a trailer coach as defined in California Vehicle Code Section 635, or any successor statute thereof."

Sec. 46-602. – Findings

The City Council finds that the City of Pomona is committed to protecting the life, health, safety, and welfare of all people in the City, and finds that certain public lands within the geographical boundaries of the City pose significant health, safety, and welfare hazards to the people who make shelter or stay overnight in these areas. Additionally, the City Council finds that some of these public lands are environmentally sensitive and may be significantly damaged by unregulated human activity, such as unauthorized encampments and storage of personal property on public property. The City Council is committed to protecting the rights of individuals related to their personal property and to treating such property with respect and consideration. It is the purpose of this chapter to set standards for the preservation and protection of human life, health, safety, and welfare, to further the preservation and protection of sensitive public lands to prevent destruction of these assets, and to establish a process for the collection, storage, and disposal, recycling, or reuse of personal property found in unpermitted encampments on public property.

The public parks, public streets and alleys, public parking lots, public rights-of-way, parkways, public sidewalks, and other publicly-owned or controlled property within the City should be readily accessible and available to residents, businesses, and the public at large for their intended purposes. The use of these public areas for Camping purposes and/or for the Storage of Personal Property interferes with the rights of others to use and enjoy these public areas as they are intended. Such activity can constitute a public health and safety hazard which adversely impacts neighborhoods and commercial areas.

The purpose of this article is to maintain these public areas within the City in a clean, sanitary, safe, and accessible condition, to adequately protect the health, safety, environment, and general welfare of the community, and to ensure that these public areas are used for their intended purposes and remain accessible to all citizens, businesses, and visitors in the City. Nothing in this article is intended to interfere with otherwise lawful and ordinary uses of public property.”

Sec. 46-603. – Promulgation of Ordinance by City Council Actions.

The City Council, by resolution, may adopt such rules and regulations as it deems necessary to regulate the use and occupancy of public property and to facilitate the enforcement of this chapter.”

Sec. 46-604. – Sleeping and camping except in designated places prohibited.

No person shall sit, lie, sleep, or camp at any time, whether inside or outside of a vehicle, in or on any:

- (a) Public street or Public Rights-of-way; or
- (b) Public property, except public property designated for overnight camping; or
- (c) Private property, including but not limited to beaches, vacant lots, parking areas, and commercial properties, unless the person sleeping or camping in or on such private property:
 - (1) Is the owner thereof or the lessee of such property or the houseguest of such owner or lessee, or
 - (2) Has the permission of the owner of such property, his agent, or the person in lawful possession of such property, and sanitary facilities that have been approved by a

Los Angeles County health officer are available on such property to the person sleeping or camping in or on such property.

- (a) At all times, regardless of the availability of shelter, no person shall sleep or camp in the following places:
 - (1) Where there is a substantial danger to any person,
 - (2) Where there is an immediate threat and/or an unreasonable risk of harm to public health or safety, or
 - (3) Where there is a disruption to vital government services.”

Sec. 46-605. – Unlawful occupation of public right-of-way.

- (a) It shall be unlawful for any person to sit, lie, sleep, camp, occupy camp facilities, or use camp paraphernalia in the following areas, except as otherwise provided:
 - (1) Any street;
 - (2) Any public parking lot or public area, improved or unimproved;
 - (3) Any park;
 - (4) Any portion of a bike lane or bike path;
 - (5) Any public right-of-way in a manner that unreasonably impedes safe and accessible passage in contravention of the Americans with Disabilities Act (ADA);
 - (6) Within a radius of ten (10) feet from a utilizable driveway or loading dock;
 - (7) Within a radius of five (5) feet from a utilizable building entrance or exit;
 - (8) Within a two (2) feet radius from a fire hydrant, fire plug, or any related fire department connection;
 - (9) Within a public-right-of-way in a manner that obstructs or unreasonably interferes with authorized activities for which the City has issued a permit and that are reserved for use within the right-of-way;
 - (10) Any other public right-of-way.

Sec. 46-606. - Storage of personal property in public spaces

- (a) Possession and/or use of the following items or engagement in the following activities are prohibited:
 - (1) Placement of any item in a manner that impedes pedestrian access to or through the public walkways or general right-of-way

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- (2) Placement of any shade structure including, but not limited to, an umbrella or canopy in a manner that creates an enclosed structure
- (3) Construction and landscaping materials including, but not limited to, lumber, pallets, plywood, paint, drywall, nails, screws, small hand tools, hammers, screwdrivers or cutting tools
- (4) Compressed gas containers
- (5) Weapons
- (6) Generators, solar panels, or motorized vehicle batteries or accessories
- (7) Machinery, including but not limited to, power tools or construction equipment
- (8) Amplifiers
- (9) Hazardous chemicals or materials
- (10) Barbecues or grills
- (11) Propane tanks
- (12) Gasoline or similar combustible or flammable liquids, gases or solid fuels
- (13) Shopping carts
- (14) Furniture including, but not limited to, recliner chairs, mattresses, sofas, coffee tables, desks, chests of drawers, and bookcases
- (15) Athletic equipment including, but not limited to, baseball bats, boxing apparatus, weights, hockey sticks, golf clubs or similar items
- (16) Outdoor showers
- (17) Camping equipment or any items used as temporary toilets
- (18) Storage of non-functioning bicycles or bicycle parts
- (19) Storage, dismantling and sorting of any discarded recyclable materials such as newspapers, metals, cans, or bottles
- (20) Area rugs or carpets
- (21) Construction or establishment of any building or structure of whatever kind, whether permanent or temporary in character, or running or stringing any utility cord or line into, upon, or across public property
- (22) Dumping, depositing, or leaving any bottles, broken glass, paper, boxes, cans, dirt, rubbish, waste, garbage, or refuse, or other trash

- (23) Conducting, advertising, announcing, or calling the public attention in any way to the purchase, barter, or sale of any article, good or service for sale or hire, unless by any regularly licensed business or concessionaire acting by and under the authority and regulation of the City
- (24) Possession or storage of any uncapped hypodermic needles, unless within a medically approved and sealed container
- (25) All other similar items or activities which would present a risk of injury, disease or presents a health or safety concern is prohibited.”

(b) Notwithstanding subsection (a) of this section, a public agency, a non-profit entity or an individual shall not be in violation of this section if they have a permit or written permission from the City Manager, or their designee, to possess the prohibited items or engage in the identified activities in connection with an approved contract for work, event or celebration.

Sec. 46-607. - Storage of personal property in parks.

Any Personal Property left in any park at the time the park is closed to the public, regardless of whether the Personal Property is attended, shall be stored pursuant to existing City policy which provides due process and the right to retrieve the Personal Property.”

Sec. 46-608. - Interference with bus benches.

It shall be unlawful for any person to store Personal Property at a bus shelter or sit upon a bus bench with Personal Property that they will not gather and carry with them when they board the bus.

It shall be unlawful to utilize by sleeping, laying, or standing upon a bus bench or bus shelter during hours when the bus route is not in operation as stated in the posted sign announcing the bus route and the times of operations.

Sec. 46-609. - No loitering or sleeping in public restroom.

No person shall loiter, sleep, laydown, or lodge in a public restroom.”

Sec. 46-610. - Enforcement.

It is unlawful for a person to violate or to fail to comply with any provision of this article. The City may enforce any provision of this chapter by any one or more of the following methods:

- (a) Any person who violates any provision in this chapter is guilty of an infraction, punishable by a one hundred dollar fine.
- (b) This chapter also may be enforced as an administrative violation under Pomona City Code Chapter 1, Sec. 1-7 with fines not exceeding one hundred dollars (\$100) for the first violation, two hundred dollars (\$200) for a second violation of the same provision within one (1) year and five hundred dollars (\$500) for the third and all subsequent violations of the same provision within one (1) year.
- (c) Any violation of this chapter may be enforced by any other civil remedy authorized by law.”

Sec. 46-611. - Notice of abatement and storage of personal property.

- (a) In the event that Personal Property, camp facilities, and/or camp paraphernalia in violation of this Chapter are found by an enforcement officer, the enforcement officer shall conduct a site assessment to determine whether the Personal Property, camp facilities, and/or camp paraphernalia poses an imminent threat to life, health, safety, or infrastructure such that exigent circumstances require immediate removal of the encampment. Absent exigent circumstances, a forty-eight hour (48) hour notice to vacate shall be posted to remove the violation(s). Removal operations may commence after forty-eight (48) hours.
 - (1) The notice shall be posted with the date and the following: “It is illegal to sore Personal Property, camp facilities, and/or camp paraphernalia on Public Property. If this violation is not removed within forty-eight (48) hours of the date of this posting, the violation will be removed by the City.”
 - (2) Following removal of the violation(s), the City personnel and/or enforcement officer shall leave a notice in a reasonably prominent place at or near the location where the removal occurred. The notice shall contain the address and contact number of where the Personal Property will be stored, the hours during which the Personal Property may be retrieved, and the length of time the Personal Property will be stored before being disposed.
- (b) Following removal operations, the City will collect, label, and store for sixty (60) days the Personal Property collected at the removal site. The City will not store Personal Property, camp facilities, and/or camp paraphernalia that is hazardous, not storable, contraband, perishable, decaying, rotting, or otherwise appears to have been abandoned during the abatement process. Any Personal Property not claimed within sixty (60) days may be disposed of without further notice.”

Section 3. Severability. If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect any other provisions or applications, and to this end the provisions of this Ordinance are declared to be severable.

Section 4. Effective Date and Posting. The City Clerk shall attest to the passage and adoption of this Ordinance and shall cause the same to be posted as required by law, and its Ordinance shall take effect thirty (30) days after its final adoption.

Section 5. Compliance with CEQA. This Ordinance was assessed in accordance with the authority and criteria contained in the California Environmental Quality Act (CEQA), the State CEQA Guidelines, and the environmental regulations of the City. The City Council hereby finds that pursuant to CEQA Guidelines section 15061(b)(3), this Ordinance is exempt from the requirements of CEQA because it can be seen with certainty that the provisions contained herein would not have the potential for causing a significant effect on the environment. Further, and in the alternative, the City Council finds that the Ordinance is exempt from the requirements of CEQA pursuant to CEQA Guidelines sections 15307 and 15308 as an action by a regulatory agency taken to protect the environment and natural resources. The City Council hereby directs the City Manager to prepare and file a Notice of Exemption within five business days following adoption of this Ordinance.

PASSED, APPROVED AND ADOPTED this ____ day of May, 2026.

CITY OF POMONA:

Tim Sandoval
Mayor

APPROVED AS TO FORM:

ATTEST:

Sonia Carvalho
City Attorney

Rosalia A. Butler, MMC
City Clerk

STATE OF CALIFORNIA
COUNTY OF LOS ANGELES
CITY OF POMONA

I, DIANA ROBLES, CMC, CITY CLERK of the City of Pomona do hereby certify that the foregoing Ordinance was for first reading at a regular meeting of the City Council of the City of Pomona held on _____, and was adopted at second reading at a regular meeting of the City Council of the City of Pomona held on _____, by the following vote:

- AYES:
- NOES:
- ABSENT:
- ABSTAIN:

Diana Robles, CMC
Deputy City Clerk