

ORDINANCE NO. _____

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
BRENTWOOD AMENDING BRENTWOOD MUNICIPAL CODE
CHAPTER 7.02 TO ADDRESS CAMPING ON CITY-OWNED
PROPERTY.**

WHEREAS, the City of Brentwood ("City") encourages the use of its parks, open spaces, and facilities within the City by all members of the community; and

WHEREAS, the City strives to protect residents and visitors alike from environmental pollution, so that all may live in and enjoy clean, healthful, and safe living conditions; and

WHEREAS, camping on City-owned property can create unsanitary, unhealthy, and dangerous conditions, including, but not limited to health hazards due to trash accumulation, the presence of untreated sewage, the existence of drugs and drug paraphernalia (including syringes), use of unsafe building practices (including excavation beneath bridge abutments), fire danger, rodent and insect infestation, and other conditions; and

WHEREAS, those experiencing homelessness face direct adverse effects as to their wellbeing, including insufficient shelter, lack of access to necessary healthcare, increased rates of chronic illness, higher mortality risks, exposure to infectious disease, and danger of sexual or other assault, among other potential harms; and

WHEREAS, the City Council is authorized, pursuant to Article 11, Section 7 of the California Constitution, to make and enforce within its limits all local, police, sanitary, and other ordinances and regulations not in conflict with general laws; and

WHEREAS, the City Council previously adopted an ordinance prohibiting camping on City-owned property. This ordinance is codified at Brentwood Municipal Code ("BMC") Section 7.02.150 ('Camping'); and

WHEREAS, enforcement of BMC Section 7.02.150 was paused in the wake of the Ninth Circuit Court of Appeals' decision in the matter of *Martin v. City of Boise* (9th Cir. 2019) 920 F.3d 584, 617, which held that, on the basis of the Eighth Amendment, "as long as there is no option of sleeping indoors, the government cannot criminalize indigent, homeless people for sleeping outdoors, on public property, on the false premise they had a choice in the matter"; and

WHEREAS, in 2024, the U.S. Supreme Court overruled *Martin v. City of Boise*, by handing down a decision in *City of Grants Pass v. Johnson* (2024) 603 U.S. 520, which held that the Cruel and Unusual Punishments Clause of the Eighth Amendment does not preclude the enforcement of public-camping laws; and

WHEREAS, as a result of the *City of Grants Pass* decision, local law enforcement may once again enforce local ordinances prohibiting camping on public property; and

WHEREAS, the Brentwood Police Department offers substantial outreach services to the unhoused individuals within the city; and

WHEREAS, the City Council desires to more clearly articulate the manner in which the prohibition on camping on City-owned property will be governed.

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

SECTION 1. Brentwood Municipal Code Section 7.02.150 is hereby amended to read as provided in Exhibit A, attached hereto and incorporated herein. Deleted language is ~~struck through~~; additional language is underlined.

SECTION 2. This ordinance will be published in accordance with Government Code Section 36933 by either posting or publishing the ordinance in accordance with that law.

SECTION 3. The City Clerk is requested to cause the amended language of Brentwood Municipal Code Chapter 7.02, specifically Section 7.02.150, as quoted in Exhibit A, to be entered in the City of Brentwood Municipal Code.

SECTION 4. If any exhibit, section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid or unconstitutional by the decision of a court of competent jurisdiction, the holding will not affect the validity or enforceability of the remaining provisions, and the City Council declares that it would have adopted each provision of this ordinance irrespective of the validity of any other provision.

SECTION 5. The proposed Ordinance is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15061(b)(3) – Common Sense Exemption - in that there is no potential the Ordinance will result in either a direct physical change to the environment or a reasonably foreseeable indirect physical change to the environment.

SECTION 6. This ordinance will take effect and be in force thirty days following its adoption.

THE FOREGOING ORDINANCE was introduced with the first reading waived at a regular meeting of the Brentwood City Council on the 8th day of April 2025 by the following vote: