

ORDINANCE NO. 18-13

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AUBURN
AMENDING SECTION 102.03 OF THE AUBURN MUNICIPAL CODE
REGARDING CAMPING AND AMENDING SECTION 130.110 OF
THE AUBURN MUNICIPAL CODE REGARDING GENERAL OFFENSES

THE CITY COUNCIL OF THE CITY OF AUBURN DOES ORDAIN AS
FOLLOWS:

Section One: Code Amendment. Subsection (B) of Section 102.03
of Chapter 102 of the Auburn Municipal Code is hereby amended to
read as follows:

§ 102.03 UNLAWFUL CAMPING.

(B) It is not intended by this section to prohibit overnight camping
on private residential property by friends or family of the property
owner, so long as the owner consents, the overnight camping is
limited to not more than three (3) consecutive nights, and the
overnight camping does not conflict with chapter 156 of this code.
Upon a request from an enforcement officer or a peace officer, a
person shall provide written proof within 48 hours of such request that
the property owner has consented to the overnight camping as
required by this subsection.

Section Two: Code Amendment. Section 130.110 of Chapter 130 of
the Auburn Municipal Code is hereby added to read as follows:

LOITERING

§ 130.110 LOITERING.

(A) As used in this section, to "loiter" means to enter and remain on any public or private premises under such circumstances that a reasonable person would conclude that the person who has entered and remained on such premises (1) has no legitimate purpose connected with the business or activity of the legal occupant of the premises, and (2) has no bona fide intent to exercise a constitutional right.

(B) It is unlawful for any person to loiter within the incorporated area of the city. A violation of this section is punishable under Auburn Municipal Code Chapter 10.

(C) Nothing in this chapter shall limit or preclude the enforcement of other applicable laws regarding conduct within the scope of this chapter.

Section Three: California Environmental Quality Act. The City Council has considered all of the evidence in the record, including the staff reports, the testimony received during the meeting on the matter held by the City Council, and hereby determines that that the adoption of this Ordinance will not have a significant effect on the environment. This Ordinance is therefore exempt from California Environmental Quality Act review pursuant to Title 14, Section 15061(b)(3) of the California Code of Regulations.

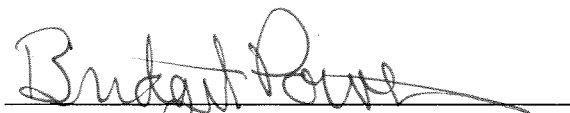
Section Four: Severability; Continuation of Provisions. If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this Ordinance is for any reason held to be invalid or unenforceable, such invalidity or unenforceability shall not affect the validity or

enforceability of the remaining sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases of this Ordinance or the rules adopted hereby. The City Council of the City of Auburn hereby declares that it would have adopted each section, subsection, subdivision, paragraph, sentence, clause or phrase hereof, irrespective of the fact that any one or more other remaining sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases hereof be declared invalid or unenforceable. To the extent the provisions of the Auburn Municipal Code as amended by this Ordinance are substantially the same as the provisions of that Code as they read immediately prior to the adoption of this Ordinance, then those provisions shall be construed as continuations of the earlier provisions and not as new enactments.

Section Five: Inconsistent Provisions. Any provision of the Auburn Municipal Code or appendices thereto inconsistent with the provisions of this Ordinance, to the extent of such inconsistencies and no further, is hereby repealed or modified to the extent necessary to implement the provisions of this Ordinance.

Section Six: Publication and Effective Date. This ordinance shall take effect 30 days after final adoption. The City Clerk shall cause the same to be published once in a newspaper of general circulation within fifteen (15) days after its adoption.

DATED: October 8, 2018



Bridget Powers, Mayor

ATTEST:

Amy M. Lind
Amy Lind, City Clerk

I, Amy Lind, City Clerk of the City of Auburn, hereby certify that the foregoing ordinance was duly passed at a regular meeting of the City Council of the City of Auburn held on the 8th day of October, 2018 by the following vote on roll call:

Ayes: Spokely, Berlant, Kirby, Powers
Noes:
Absent: Maki

Amy M. Lind
Amy Lind, City Clerk