

ORDINANCE NO. 1445

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PALM DESERT, CALIFORNIA AMENDING CHAPTER 9.26 OF THE PALM DESERT MUNICIPAL CODE RELATING TO UNLAWFUL CAMPING, MAKING A FINDING OF EXEMPTION UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT

The purpose of this ordinance is to amend Palm Desert Municipal Code Chapter 9.26 to update the City's regulations and enforcement provisions concerning camping on public property and related revisions intended to ensure consistency with applicable law, including the United States Supreme Court decision in *City of Grants Pass v Johnson*; and

WHEREAS the City of Palm Desert is committed to protecting the public health, safety, and welfare of its residents and maintaining safe and accessible public property; and

WHEREAS Chapter 9.26 of the Palm Desert Municipal Code regulates unlawful camping on public property; and

WHEREAS the City Council finds that Chapter 9.26 should be updated to clarify the City's regulations and enforcement provisions concerning camping on public property and to ensure consistency with applicable law; and

WHEREAS on June 28, 2024, the United States Supreme Court decided *City of Grants Pass v. Johnson*, holding that enforcement of generally applicable laws regulating camping on public property does not constitute cruel and unusual punishment prohibited by the Eighth Amendment, thereby overturning prior Ninth Circuit precedent that had restricted enforcement authority in this area; and

WHEREAS the City Council desires to update Chapter 9.26 in light of that decision and to provide clearer standards, procedures, and enforcement mechanisms relating to unlawful camping on public property; and

WHEREAS the City Council finds that these amendments are in the public interest and will promote the health, safety, and welfare of the community.

THE CITY COUNCIL OF THE CITY OF PALM DESERT DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. Amendment to Chapter 9.26. Chapter 9.26 of the Palm Desert Municipal Code, entitled "Unlawful Camping," is hereby amended in its entirety to read as set forth in Attachment A, which is attached hereto and incorporated herein by this reference.

SECTION 2. CEQA Exemption. The City Council finds that adoption of this ordinance is exempt from review under the California Environmental Quality Act

("CEQA") (Public Resources Code section 21000 et seq.) and the CEQA Guidelines (California Code of Regulations, title 14, section 15000 et seq.). This ordinance is not a "project" within the meaning of CEQA Guidelines section 15378(b)(5) because it constitutes an organizational or administrative activity of government that will not result in a direct or reasonably foreseeable indirect physical change in the environment. In the alternative, even if the ordinance were deemed a project, it is exempt under CEQA Guidelines section 15061(b)(3), the common-sense exemption, because it can be seen with certainty that there is no possibility that adoption of the ordinance may have a significant effect on the environment.

SECTION 4. Severability. If any section, subsection, sentence, clause, or phrase of this ordinance is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance, and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared invalid.

SECTION 5. Posting and Publication. The City Clerk of the City of Palm Desert, California, is hereby directed to publish a summary of this Ordinance in the *Desert Sun*, a newspaper of general circulation, published and circulated in the City of Palm Desert, California, and shall be in full force and effective thirty (30) days after its adoption.

ADOPTED ON _____, 2026.

EVAN TRUBEE
MAYOR

ATTEST:

ANTHONY J. MEJIA
CITY CLERK

I, Anthony J. Mejia, City Clerk of the City of Palm Desert, California, do hereby certify that Ordinance No. 1445 is a full, true, and correct copy, and was introduced at a regular meeting of the Palm Desert City Council on April 9, 2026, and adopted at a regular meeting of the City Council held on _____, 2026, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

RECUSED:

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City of Palm Desert, California, on _____ .

ANTHONY J. MEJIA
CITY CLERK

Attachment A
CHAPTER 9.26 – UNLAWFUL CAMPING

Section 9.26.000 – Findings and purpose.

The purpose of this chapter is to maintain public and private streets and developed and undeveloped areas within the city in a clean, safe and accessible condition for residents and the public at large; to promote and protect human sanitation and health while preserving appropriate recreational opportunities within the community; and to discourage or prevent the secondary impacts of vagrancy such as crime, visual blight, poor sanitation, disease and discouragement of desirable economic activity and economic development while accommodating circumstances of necessity.

Section 9.26.010 – Definitions.

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

"Camp" means to pitch, sleep in or occupy camp facilities or to use camp paraphernalia for the purpose of temporary or permanent human habitation or domicile. "Camp" shall not mean the use of any facilities or equipment which are used solely in connection with a special event or temporary use conducted in accordance with a permit by the city under other provisions of this code.

"Camp facilities" include, but are not limited to, tents, huts, or temporary shelters, trailers, and any other vehicle.

"Camp paraphernalia" includes, but is not limited to, collapsible shelters, cots, beds, sleeping bags, bed rolls, hammocks or barbeques, open fires, portable stoves or other cooking equipment not provided or approved by the city.

"Store" means to put aside or accumulate for use when needed, to put for safekeeping, or to place or leave in a location.

Section 9.26.020 – Prohibited Acts.

- A. It is unlawful for any person to camp in the following areas within the city, except as otherwise provided:
1. Any public or private street or right-of-way, including sidewalks, bus stops and public landscaping;
 2. Any parking lot, yard, building setback, vacant land, open space or any other area open or accessible to the public, improved or unimproved;
 3. In, on, under, or adjacent to any structure located on public property or private property open or accessible to the public that is not intended for human occupancy, whether with or without bedding, including, but not limited to, a tent, hammock or other similar protection or equipment; and

4. In, on, under, or adjacent to a parked vehicle located on public property or private property open or accessible to the public, including, but not limited to, an automobile, bus, truck, camper, trailer, or recreational vehicle.
- B. It is unlawful for any person to urinate or defecate on public or private property in an area exposed to public view or on any public street, sidewalk, alley, park, or any other public place except in a public restroom.

Section 9.26.030 – Storage of personal property in public places.

- A. It is unlawful for any person to store personal property, including camp facilities and camp paraphernalia, in the following areas, except as otherwise provided:
1. Any park;
 2. Any street or right-of-way, including sidewalks, bus stops, and public landscaping;
 3. Any parking lot, yard, building setback, vacant land, open space or any other area open or accessible to the public, improved or unimproved.

Section 9.26.040 – Exceptions.

- A. This chapter shall not apply to camping in a public or commercial campground legally and lawfully approved and permitted for that purpose and in compliance with all laws, regulations, and conditions of approval for such a facility.
- B. This chapter shall not apply to events for which a temporary use permit has been approved by the city.

Section 9.26.050 – Enforcement.

- A. It is unlawful for any person to violate any provision or to fail to comply with any of the requirements of this chapter. In addition to other remedies provided by law, any person violating any provision of the chapter for failing to comply with any of the requirements is deemed guilty of an infraction in accordance with Chapter 1.12 of this code.
- B. Each person shall be deemed guilty of a separate offense for each and every day, or any portion thereof, during which any violation of or failure to comply with any of the provisions of this chapter is committed, continued or permitted by such person, and each instance shall be deemed punishable as provided in this chapter.
- C. The provisions of this chapter shall not be construed as permitting conduct not prescribed herein and shall not affect the enforceability of any other applicable provisions of law.