



AGENDA ITEM NO.  
**H-2**

# COUNTY OF HUMBOLDT

For the meeting of: May 6, 2014

Date: April 9, 2014

To: Board of Supervisors

From: Phillip Smith-Hanes, County Administrative Officer *PSH*

Subject: Ordinance Repealing Ordinance No. 2488 and Sections 262.5-1 through 262.5-4 of the Humboldt County Code Relating to Regulation of the County Courthouse Grounds

### RECOMMENDATION(S):

That the Board of Supervisors:

1. Introduce the attached Ordinance by title (Attachment 1), repealing Ordinance No. 2488 and Sections 262.5-1 through 262.5-4 of the Humboldt County Code, and waive the first reading;
2. Set the Ordinance for adoption at least one week away;
3. Direct the Clerk of the Board to publish the pre-adoption summary of the Ordinance (Attachment 2), and to post a certified copy of the full text of the proposed Ordinance in the office of the Clerk of the Board, both publication and posting to be done at least five (5) days prior to the Board meeting at which the Ordinance will be adopted. [Government Code Section 25124 (b)(1)]; and
4. Direct the Clerk of the Board, within 15 days after adoption of the Ordinance, to publish a post-adoption summary of the ordinance (Attachment 3) with the names of the Supervisors voting for and against the Ordinance, and to post in the office of the Clerk of the Board a certified copy of

Prepared by Phillip Smith-Hanes

CAO Approval *Nicole [Signature]*

REVIEW:  
 Auditor \_\_\_\_\_ County Counsel WBC Human Resources \_\_\_\_\_ Other \_\_\_\_\_

TYPE OF ITEM:  
 Consent  
 Departmental  
 Public Hearing  
 Other \_\_\_\_\_

PREVIOUS ACTION/REFERRAL:

Board Order No. G-1

Meeting of: 4/1/14

**BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT**  
 Upon motion of Supervisor *Lordace* Seconded by Supervisor *Sundberg*  
 Ayes *Sundberg, Lovelace, Fennell, Bass*  
 Nays *Bohn*  
 Abstain \_\_\_\_\_  
 Absent \_\_\_\_\_

and carried by those members present, the Board hereby approves the recommended action contained in this Board report.

Dated: May 6, 2014  
 By: *[Signature]*  
 Kathy Hayes, Clerk of the Board

the full text of the adopted Ordinance and amendments along with the names of those Supervisors voting for and against the Ordinance [Government Code Section 25124 (b)(1)].

SOURCE OF FUNDING: General Fund

DISCUSSION:

On April 1, 2014, your Board heard a presentation from the Human Rights Commission regarding Ordinance No. 2488, which adopted Sections 262.5-1 through 262.5-4 into the Humboldt County Code. At that time, your Board voted to “direct staff to take all necessary steps to accomplish deleting [these] Sections from the County Code.” The proposed Ordinance before the Board today (Attachment 1) will result in repeal of Ordinance No. 2488 and these Sections.

FINANCIAL IMPACT:

There is negligible financial impact to legally-required publication of the Ordinance. This can be covered by existing budget appropriations.

This action supports your Board’s Strategic Framework, Priorities for New Initiatives, by providing our core services in ways that safeguard the public trust through inviting civic engagement.

OTHER AGENCY INVOLVEMENT: None.

ALTERNATIVES TO STAFF RECOMMENDATIONS: Board discretion.

ATTACHMENTS:

1. Draft Ordinance
2. Pre-Adoption Summary
3. Post-Adoption Summary

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE OF THE BOARD OF SUPERVISORS OF THE COUNTY OF HUMBOLDT REPEALING ORDINANCE NO. 2488 AND SECTIONS 262.5-1 THROUGH 262.5-4 RELATING TO REGULATION OF THE GROUNDS OF THE HUMBOLDT COUNTY COURTHOUSE TO TITLE II OF DIVISION 6 OF CHAPTER 2.5 OF THE HUMBOLDT COUNTY CODE**

The Board of Supervisors of the County of Humboldt ordains as follows:

SECTION 1. Humboldt County Ordinance No. 2488 is repealed.

SECTION 2. Sections 262.5-1 through 262.5-4 of Chapter 2.5 of Division 6 of Title II of the Humboldt County Code are repealed as shown on the attached pages.

SECTION 3. This ordinance shall take effect and be in force thirty (30) days from the date of its passage. A summary shall be published at least five (5) days before the date set for adoption and within fifteen (15) days after passage of this ordinance. It shall be published once with the names of the Board of Supervisors voting for and against the ordinance in a newspaper of general circulation published in the County of Humboldt, State of California.

PASSED, APPROVED AND ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2014.

AYES: Supervisors--  
NOES: Supervisors--  
ABSENT: Supervisors--

\_\_\_\_\_  
Chair of the Board of Supervisors of the County of Humboldt, State of California

(SEAL)

ATTEST:

Kathy Hayes, Clerk of the Board of Supervisors  
County of Humboldt

\_\_\_\_\_

Attachment 1

Chapter 2 - Regulation of the Use of the County Courthouse

- § 262-1. Use.
- § 262-2. No Admission Fees.
- § 262-3. Use by Political Parties.
- § 262-4. Application for Use.
- § 262-5. Priority of Uses.
- § 262-6. Access to Basement Restricted.
- § 262-7. Extended Workday.
- § 262-8. Penalty.

~~Chapter 2.5 - Regulation of the Grounds of the Humboldt County Courthouse~~

- ~~§ 262.5-1. Purpose.~~
- ~~§ 262.5-2. Definitions.~~
- ~~§ 262.5-3. Prohibited Acts.~~
- ~~§ 262.5-4. Penalty.~~

Chapter 3 - Prohibition of the Removal of Logs, Trees, Lumber and Other Merchantable Forest Products From County-Owned Land

- § 263-1. Findings.
- § 263-2. Definition.
- § 263-3. Prohibitions; Exceptions; Permits.
- § 263-4. Appeals.
- § 263-5. Revocation.
- § 263-6. Exceptions.
- § 263-7. Violations and Penalty.

Chapter 4 - Prohibition of the Discharge of Firearms, On, Into or Across County Property

- § 264-1. Prohibitions.
- § 264-2. Exceptions.
- § 264-3. Peace Officer in the Course of Official Duties.
- § 264-4. Penalty.

Chapter 5 - Rules and Regulations of Humboldt County Airports

- § 265-1. Definitions.
- § 265-2. Introduction.
- § 265-3. General.
- § 265-4. Motor Vehicles.
- § 265-5. Ground Rules.
- § 265-6. Taxiing.
- § 265-7. Landing and Takeoff Rules.
- § 265-8. Traffic Patterns.
- § 265-9. Aircraft Fueling and Defueling.
- § 265-10. Fuel Sales.
- § 265-11. Fire Regulations.
- § 265-12. Fees, Rates and Charges.
- § 265-13. Separability.
- § 265-14. Violations and Penalties.

Chapter 6 - Regulations of Skateboarding, Rollerskating, In-Line Skating or the Use of Similar Devices on County Property

- § 266-1. Skateboarding and Skating Prohibited Upon County Property.
- § 266-2. Signs.
- § 266-3. Enforcement.
- § 266-4. Penalty for Violation.
- § 266-5. Severability.

## TITLE II - ADMINISTRATION

## DIVISION 6

## BUILDINGS AND PROPERTY

## CHAPTER 2.5

REGULATION OF THE GROUNDS OF THE HUMBOLDT COUNTY COURTHOUSE~~262.5-1. PURPOSE.~~

~~The public areas of the County Courthouse grounds should be readily accessible and available to residents and the public at large in a safe and sanitary condition. The use of the grounds for camping, storage of personal property, or public urination and defecation interferes with the rights of others to use the grounds for the purposes for which they were intended, and subjects the public to substantial health and safety risks. The purpose of this chapter is to maintain the County Courthouse grounds open to the public in a safe, sanitary and accessible condition. (Ord. 2477, § 1, 03/27/2012, Ord. 2477 repealed and re-enacted by Ord. 2488, 10/02/2012)~~

~~262.5-2. 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 chapter. (Ord. 2477, § 1, 03/27/2012, Ord. 2477 repealed and re-enacted by Ord. 2488, 10/02/2012)~~

~~(a) "Camp" means one or more of the following activities: pitching or occupying camp facilities or the use of camp paraphernalia. These activities constitute camping when it reasonably appears, considering all the circumstances, that the individual, in conducting these activities, is in fact using the area as a living accommodation regardless of the intent of the individual or the nature of any other activities in which they may be engaging. (Ord. 2477, § 1, § 03/27/2012, Ord. 2488, § 2, 10/02/2012)~~

~~(b) "Camp facilities" include, but are not limited to, tents, huts, temporary shelters, or other similar facilities. (Ord. 2477, § 1, 03/27/2012, Ord. 2477 repealed and re-enacted by Ord. 2488, 10/02/2012)~~

~~(c) "Camp paraphernalia" includes, but is not limited to, tarpaulins, cots, beds, mattresses, sleeping bags, hammocks, cookware, cooking equipment, kitchen utensils or other similar equipment. (Ord. 2477, § 1, 03/27/2012, Ord. 2477 repealed and re-enacted by Ord. 2488, 10/02/2012)~~

~~(d) "County Courthouse grounds" or "grounds" are defined as the public areas outside of the County Courthouse and Humboldt County Correctional Facility located in the City of Eureka, County of Humboldt, State of California, bounded by "K" Street on the east, Fourth Street on the north, "I" Street on the west, and Fifth Street on the south and the County parking lot on the south side of Fifth Street between "I" Street and "J" Street. Grounds include all parking lots, walkways, lawns, planters, steps, stairs, breezeways and any other area outside of the buildings located thereon. This chapter shall not apply to the public sidewalks directly bordering the grounds. (Ord. 2477, § 1, 03/27/2012, Ord. 2477 repealed and re-enacted by Ord. 2488, 10/02/2012)~~

~~(e) "Personally attended" means that a person is physically present within four (4) feet of the object at all times. (Ord. 2488, § 2, 10/02/2012)~~

~~(f) "Store" means to put aside or accumulate for use when needed, to put for safekeeping, or to place or leave in a location. (Ord. 2477, § 1, § 03/27/2012, Ord. 2488, § 2, 10/02/2012)~~

## Attachment 1

~~(g) "Waste matter" means any discarded, used, or leftover substance including, but not limited to, a lighted or nonlighted cigarette, cigar, match, or any flaming or glowing material, wax or any garbage, trash, refuse, paper, container, packaging or construction material, carcass of a dead animal, any nauseous or offensive matter of any kind, or any object likely to injure any person. (Ord. 2477, § 1, § 03/27/2012; Ord. 2488, § 2, 10/02/2012)~~

## 262.5-3. PROHIBITED ACTS.

~~It is unlawful for any person to do any of the acts hereinafter enumerated on the County Courthouse grounds. (Ord. 2477, § 1, 03/27/2012; Ord. 2477 repealed and re-enacted by Ord. 2488, 10/02/2012)~~

~~(a) To camp on the County Courthouse grounds. (Ord. 2477, § 1, § 03/27/2012; Ord. 2477 repealed and re-enacted by Ord. 2488, 10/02/2012)~~

~~(b) To store personal property, including camp facilities and camp paraphernalia, construction materials, tools, lumber, paint, tarps, tables, furniture, luggage, or clothing and all other similar property. For purposes of this chapter, storage of personal property does not include tables being used for the display of informational materials, or free-standing signs or displays which are placed at least four (4) feet from each other to allow unrestricted passage between them and are personally attended. No such table, free-standing sign or display shall remain on the County Courthouse grounds from sunset until sunrise. (Ord. 2477, § 1, § 03/27/2012; Ord. 2488, § 2, 10/02/2012)~~

~~(c) To construct or erect any building or structure of any kind, whether permanent or temporary in character, including but not limited to any tent, awning, windbreak or similar structure. (Ord. 2477, § 1, 03/27/2012; Ord. 2477 repealed and re-enacted by Ord. 2488, 10/02/2012)~~

~~(d) To secure any object, including but not limited to, clothing, bedding or signs to County property in any way or run or string any rope, cord, ribbon, twine, wire or similar item into, upon, or across County Courthouse grounds. (Ord. 2477, § 1, § 03/27/2012; Ord. 2488, § 2, 10/02/2012)~~

~~(e) To throw, place or, having thrown or placed, leaving behind waste matter of any kind whatsoever, or any other article or thing, upon the County Courthouse grounds unless in a properly designated receptacle. (Ord. 2477, § 1, § 03/27/2012; Ord. 2488, § 2, 10/02/2012)~~

~~(f) To damage or cause to be damaged any of the vegetation, grass, trees, shrubbery, flowers, buildings or other property on the County Courthouse grounds in any manner, including securing or anchoring any object into the earth. (Ord. 2477, § 1, § 03/27/2012; Ord. 2488, § 2, 10/02/2012)~~

~~(g) To write, print, cut or carve or otherwise mark in or upon any building or buildings or any seats or benches or any other property whatsoever on the County Courthouse grounds, or any other property whatsoever belonging to the County. (Ord. 2477, § 1, § 03/27/2012; Ord. 2488, § 2, 10/02/2012)~~

~~(h) To lead or let loose any animal other than dogs on a leash not more than six feet long. This section shall not apply to service animals, as defined in the Americans with Disabilities Act. (Ord. 2477, § 1, § 03/27/2012; Ord. 2488, § 2, 10/02/2012)~~

~~(i) To open, use, expose, deface or interfere with any water pipe, hydrant, spigot, sprinkler, camera, light, electrical outlet, sign or other installation on County Courthouse grounds. (Ord. 2477, § 1, § 03/27/2012; Ord. 2488, § 2, 10/02/2012)~~

~~(j) To take up any portion of the County Courthouse grounds so as to obstruct or interfere with the flow of pedestrians, whether such person does so alone or together with one or more persons, or with equipment or personal property of any nature, and whether such person does so by standing, sitting, lying, or in any other manner. (Ord. 2477, § 1, § 03/27/2012; Ord. 2488, § 2, 10/02/2012)~~

~~(k) To urinate or defecate on County Courthouse grounds. (Ord. 2477, § 1, § 03/27/2012; Ord. 2488, § 2, 10/02/2012)~~

~~(l) To operate a food facility as defined in the Section 113789 of the California Health and Safety Code, or any successor statute thereto, including mobile and temporary facilities. (Ord. 2477, § 1, § 03/27/2012; Ord. 2488, § 2, 10/02/2012)~~

~~262.5-4. PENALTY.~~

~~Any person violating any provision of this chapter shall be deemed guilty of an infraction or misdemeanor as hereinafter specified. Such person shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of this chapter is committed or continued. (Ord. 2488, § 2, 10/02/2012)~~

~~Any person so convicted shall be: (1) guilty of an infraction offense and punished by a fine not exceeding one hundred dollars (\$100.00) for a first violation; (2) guilty of an infraction offense and punished by a fine not exceeding two hundred dollars (\$200.00) for a second violation; (3) guilty of a misdemeanor offense and punished by a fine not exceeding one thousand dollars (\$1,000.00) or six months in jail, or both, for every subsequent offense. (Ord. 2488, § 2, 10/02/2012)~~

**SUMMARY FOR PUBLICATION PRIOR TO ADOPTION OF ORDINANCE**

(The summary shall be published and a certified copy of the full text of the proposed ordinance shall be posted in the office of the Clerk of the Board of Supervisors at least five (5) days prior to the Board of Supervisors meeting at which the proposed ordinance is to be adopted.)

SUMMARY

On, \_\_\_\_\_, 2014, at its regularly scheduled Board meeting, the Humboldt County Board of Supervisors will consider for adoption a proposed ordinance repealing Humboldt County Ordinance No. 2488 and Sections 262.5-1 through 262.5-4 relating to regulation of the grounds of the Humboldt County Courthouse to Title II of Division 6 of Chapter 2.5 of the Humboldt County Code.

The text of the proposed ordinance is available from the Clerk of the Board, Room 111, 825 Fifth Street, Eureka, CA.

**SUMMARY FOR PUBLICATION AFTER ADOPTION OF ORDINANCE**

(The summary shall be published within fifteen (15) days after the adoption of the ordinance.)

**SUMMARY**

On \_\_\_\_\_, 2014, the Humboldt County Board of Supervisors adopted Ordinance No. \_\_\_\_\_, repealing Humboldt County Ordinance No. 2488 and Sections 262.5-1 through 262.5-4 relating to regulation of the grounds of the Humboldt County Courthouse to Title II of Division 6 of Chapter 2.5 of the Humboldt County Code.

A copy of the ordinance is posted in the office of the Clerk of the Board of Supervisors.

The votes were:

AYES:

NOES:

ABSENT: