

CAMPING ON PUBLIC PROPERTY

Definitions.

The following definitions shall apply in the interpretation and enforcement of this article:

Camp or *camping* means the use or occupation of any temporary shelter, such as a tent, hut, shack, or the like, for sleeping purposes, or the use of bedding, such as a blanket, sleeping bag, bed roll, newspapers, cardboard, or similar material for sleeping outdoors.

Public entity means federal, state, municipal or other local government, or any political subdivision, public administrative board or authority thereof.

Public place means real property generally visible to public view, open to the public and owned or controlled by a public entity, such as but not limited to, driveways, parking lots, parks, plazas, green space, public restrooms, and the doorways and entrances to public buildings.

Prohibited conduct.

Camping is prohibited in all public places, except as otherwise provided herein. The mere act of sleeping in a public place is not sufficient to constitute a violation of this article. One or more of the following should be observed before determining if probable cause exists that a person is violating this article:

- (a) The person has built or is maintaining a fire;
- (b) The person is engaged in cooking activities;
- (c) The person is engaged in digging or earth breaking activities;
- (d) The person is using a temporary shelter, such as a tent, hut, shack, or the like;
- (e) The person is atop of or covered by bedding, such as a blanket, sleeping bag, bed roll, newspapers, cardboard, or other similar materials used for sleeping; or
- (f) The person is asleep and when awakened states that he or she has no other place to live.

Safe harbor.

- (a) No person shall be charged with a violation of this article unless the person continues to engage in conduct prohibited by this article after having been:
 - (1) Notified by a law enforcement officer that his/her conduct violates this article; and
 - (2) If the person has no legally permanent or temporary residence, such person is provided an opportunity to relocate to an existing and available public or private shelter space open to an individual or a family unit experiencing homelessness at no charge and provided transportation by the city to such shelter space.
- (b) The prohibitions contained in this article shall not be enforced against any person who has no legally permanent or temporary residence and there is no available public or private shelter space open to an individual or family unit experiencing homelessness at no charge.

Exceptions.

- (a) The prohibitions contained in this article shall not apply to any person who is located on park property during the hours the park is open to the public.
- (b) The prohibitions contained in this article shall not apply to any person who is using an area approved for camping by the appropriate public entity.

Personal property.

In the event a person is arrested under this article or is relocated to a shelter and any personal property is left behind, the property shall be inventoried and stored in accordance with

city guidelines. If the property is unclaimed after the 90th day from the date the property was inventoried, the property shall be deemed abandoned and used, sold, or disposed of in accordance with city guidelines.

Penalty.

Any person convicted of violating any of the provisions of this article shall be punished as provided in section 1-9 of this Code.

SLEEPING IN OR ON THE RIGHT-OF-WAY

Definitions.

The following definitions shall apply in the interpretation and enforcement of this article:

Right-of-way means land dedicated, deeded, used or to be used for a street, alley, walkway, boulevard, drainage facility, access for ingress or egress, or other purposes by the public.

Prohibited conduct.

Sleeping outdoors is prohibited in or on any part of the right-of-way, except as otherwise provided herein.

Safe harbor.

- (a) No person shall be charged with a violation of this article unless the person continues to engage in conduct prohibited by this article after having been:
 - (1) Notified by a law enforcement officer that his/her conduct violates this article; and
 - (2) If the person has no legally permanent or temporary residence, such person is provided an opportunity to relocate to an existing and available public or private shelter space open to an individual or a family unit experiencing homelessness at no charge and provided transportation by the city to such shelter space.
- (b) The prohibitions contained in this article shall not be enforced against any person who has no legally permanent or temporary residence and there is no available public or private shelter space open to an individual or family unit experiencing homelessness at no charge.

Personal property.

In the event a person is arrested under this article or is relocated to a shelter and any personal property is left behind, the property shall be inventoried and stored in accordance with city guidelines. If the property is unclaimed after the 90th day from the date the property was inventoried, the property shall be deemed abandoned and used, sold, or disposed of in accordance with city guidelines.

Penalty.

Any person convicted of violating any of the provisions of this article shall be punished as provided in section 1-9 of this Code.