

## CHAPTER 12 – PUBLIC PEACE AND SAFETY

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### ARTICLE III – OFFENSES INVOLVING PROPERTY

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#### Section 12-3012. Unauthorized camping on public property restricted

- (a) It shall be unlawful for any person to camp on private property without the express written consent of the property owner or the owner’s agent, except in any location where camping has been expressly authorized by the city.
- (b) It shall be unlawful for any person to camp on any public property, except in any location where camping has been expressly authorized by the city.
- (c) No city employee authorized to issue a citation shall issue a citation, make an arrest, or otherwise enforce this section against a person camping on public property unless:
  - (1) A city employee or a law enforcement official has issued the person in a camp a verbal or written order, including a publicly posted notice, to move from the camp and take their property with them; ~~and~~
  - ~~–(2) The city has a shelter option available for the person ordered to move from the camp and the person has been offered placement in the shelter option; and~~
  - ~~–(3) Exception to this section. If a person is offered a shelter option and refuses to go to the shelter option and the person refuses or fails to move from the camp location when ordered this person may be issued a citation and is subject to arrest.~~
- (d) Any person convicted of violating this section shall not be subject to the general penalty provisions as provided in sections 3-2100, *et seq.*
- (e) For purposes of this section:
  - (1) *Camp or camping* means the use of property for the purpose of unauthorized overnight occupancy, or to reside or dwell on public property with shelter overnight, or the use of public property for the purpose of overnight occupancy or longer occupancy. The term “shelter” as used in this definition includes, without limitation, any tent, tarpaulin, lean-to, sleeping bag, bedroll, blankets, or any form of cover or protection from the elements other than clothing. The term “reside or dwell” includes, without limitation, conducting such activities as eating, sleeping, or the storage of personal possessions. Evidence of unauthorized camps includes, but is not limited to, sleeping, or making preparations to sleep by laying out personal belongings, bedding, bedroll(s), blanket(s), sleeping pad(s), sleeping bag(s), erecting or occupying a tent, makeshift shelter, lean-to, tarpaulin, enclosure, or other structure used for overnight living purposes, or any form of cover or protection from the elements other than clothing, or making preparations for a fire or making a fire (except for fires at sites specifically designated or

authorized for a fire by the parks, recreation and golf department (PRG), setting up or using a camp stove, cooking device, or other type of heating source (except for grills and personal grills permitted in designated areas by PRG). Camp or camping can include using a vehicle for overnight occupancy where overnight occupancy or overnight camping violates city code or a city rule or regulation or is not otherwise authorized by the city. Camping does not include napping during the day or picnicking.

- (2) *Public property* means, by way of illustration but not limited to, a highway, highway median, any street, street median, road, road median, alley, sidewalk, strips of land between streets and sidewalks, lanes, catch basins, pedestrian or transit mall, bike path, greenway, public parking lot, or any other structure or area encompassed within the public right-of-way; any park, parkway, open space, natural area, trail, beach, playground, or other publicly owned recreation facility; a municipal watercourse, bodies of water, watercourses, stormwater infrastructure such as, but not limited to, pond areas, bridges, pipes, inlets and culverts; or any other grounds, buildings, or other facilities owned or leased by the city or by any other public entity, regardless of whether such public property is vacant or occupied and actively used for any public purpose.