



City of Missoula, Montana
City Council Committee Agenda item

Committee: Committee of the Whole
Item: Ordinance adding Chapter 12.60, to adopt regulations governing camping on City Right-of-way and other City Property, and repealing Chapter 12.40.010.B.
Date: June 6, 2024
Sponsor(s): Mayor Andrea Davis, Council Members Amber Sherrill, Mirtha Becerra, Gwen Jones, Mike Nugent, Stacie Anderson, Sandra Vasecka, and Bob Campbell.

Department or Function: Mayor’s Office and City Council

Prepared by: Dale Bickell

- Ward(s) Affected:**
- Ward 1
 - Ward 2
 - Ward 3
 - Ward 4
 - Ward 5
 - Ward 6
 - All Wards
 - N/A

Action Required:
Consider an ordinance adding Chapter 12.60, to adopt regulations governing camping on City Right-of-way and other City Property, and repealing Chapter 12.40.010.B.

Timeline and Recommended Motions:
Committee discussion: June 12, 2024
Council sets public hearing: June 10, 2024
Recommended motion: [First reading and preliminary adoption] Set a public hearing on June 24 and preliminarily adopt an ordinance adding Chapter 12.60, to adopt regulations governing camping on City Right-of-way and other City Property, and repealing Chapter 12.40.010.B.
Public Hearing: June 24, 2024
Recommended motion: [Second and final reading] (Adopt/deny) an ordinance adding Chapter 12.60, to adopt regulations governing camping on City Right-of-way and other City Property, and repealing Chapter 12.40.010.B.
Deadline: [Click or tap here to enter text.](#)

Background and Alternatives Explored:
On February 21st, the Mayor convened the first of five sessions of the Urban Camping Work Group. This group represented diverse stakeholders including City Council, members of the provider community, business interests, neighborhood representatives, and members of the houseless community. The purpose was to explore and make actionable recommendations to the City Council that are intended to assist the City in positively managing issues and situations related to Missoula’s unsheltered/unhoused population including those living in vehicles/RVs on City property/streets.

This process resulted in the attached documents:

- Aspirational Vision/Guiding Principles; Desired Short and Longer Term Outcomes; Proposed Steps In A Comprehensive Strategy
- Recommendations - Potential Parts of a City Ordinance Intended to Help Manage Impacts From Urban Camping And Unsheltered Situations

The proposed ordinance is intended to implement specific recommendations from the Urban Camping Work Group including:

- Providing a system for responsible RV and vehicle parking within public rights-of-way
- Provide rules and regulations for allowable unsheltered living on City property
 - Provide a program to support individuals living unsheltered on City property such as storage for personal belongings, trash collection, and bathroom facilities
- Limit unsheltered living in order to protect areas used by children, eco-sensitive areas, important infrastructure and their uses, regulate activities close to commerce/businesses, and regulate activities near residences and neighborhoods.
- Direct the Mayor to investigate program development for designated campsites, parking areas, and partnerships with private sector organizations and landowners.
- Enforcement and abatement through a graduated response with enhanced resources and incentives provided before citations or judicial enforcement is pursued. The City believes that any enforcement action should be compassionate and should attempt to minimize adverse impacts on the individuals subject to the enforcement to the extent feasible and practicable under the circumstances.

Additionally, by providing legal options for unhoused people to camp this ordinance brings City code in compliance with *Boise v. Martin* by repealing the blanket prohibition on camping found in Chapter 12.40.010.B. The Ninth Circuit Court held the Cruel and Unusual Punishment clause, part of the Eighth Amendment to the United States Constitution, "prohibits the imposition of criminal penalties for sitting, sleeping, or lying outside on public property for homeless individuals who cannot obtain shelter." The Ninth Circuit extended this ruling in the *Johnson v. Grant's Pass* opinion, stating that the Cruel and Unusual Punishment clause also prohibits criminal enforcement against homeless individuals who use "the most rudimentary precautions" an unhoused person might take against the elements, such as bedding, blankets or sleeping bags. Although the Ninth Circuit Court decision is under appeal at the U.S. Supreme Court and regardless of any pending decision, this ordinance would provide legal options for people to camp.

*Sponsors of the ordinance recognize the need to act quickly in order to have the ordinance in effect as soon as practicable. Therefore, the public hearing would be set by Council at its meeting on June 10th rather than setting the public hearing subsequent to a committee discussion.

**Under state statute, ordinances have a 30-day waiting period prior to becoming effective.

Financial Implications:

The enforcement and program activities contemplated under the ordinance will have financial implications. Those costs will be brought forward as programs are developed and through the FY2025 budget process.

Links to external websites: