

# Urban Camping Ordinance



Committee of the Whole

June 12, 2024

# Background

## Urban Camping Work Group

- Recommendations - Ordinance addresses these recommendations:
  - 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 and support program for individuals living unsheltered on City property
  - Limit unsheltered living 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 compassionate, graduated response with enhanced resources and incentives provided before citations or judicial enforcement is pursued.

# Existing Missoula Code

## **12.40.010 Parks, Trails, Conservation Lands -- Closed hours.**

B. It is unlawful to camp or sleep in any public park, trail, conservation land, public parking lot, boulevard, or any public rights of way including beneath or upon any public bridges or along any river, stream or creek. However, this provision

# Other Montana Cities

- Whitefish, Kalispell, Great Falls, Helena, Billings, Bozeman all close parks to overnight use, prohibiting overnight camping use by the unhoused. Many other cities and towns also prohibit camping or sleeping overnight on all City property (non-park property, rights-of-way, etc...).

The screenshot shows the City of Billings website interface. At the top left is the "City Of BILLINGS" logo. A search bar contains the text "Search or jump to". On the right side of the header, there are links for "NOTIFICATIONS", "SIGN IN", and "HELP", along with a Google Assistant icon. Below the header, a breadcrumb trail reads: "Billings, Montana - Code of... / Chapter 24 - TRAFFIC AN... / ARTICLE 24-400. - STOPPI... / DIVISION 1. - GENERALLY / Sec. 24-411. - Parking for...". A "SHOW CHANGES" link is visible on the right. On the left side, a sidebar shows "VERSION: MAR 25, 2024 (CURRENT)" with a dropdown arrow and a printer icon. The main content area displays "Sec. 24-411. - Parking for camping purposes." followed by the text: "It is unlawful for any person to park any motor vehicle for camping purposes in the city except in an authorized tourist park."

## MT > Helena > Helena, MT Code of... > 7-12-2: RULES AND REGULATIONS FOR PARKS:



same are defined on the park inventory classifications definitions list which is available for review in the city's parks and recreation office. (Ord. 2762, 1-8-1996)

### 7-12-2: RULES AND REGULATIONS FOR PARKS:



The following rules and regulations shall apply to all public "parks" as defined above:

A. It is unlawful to camp or sleep overnight in any public park, park walkway, boulevard, greenway, open space area, or beneath any public bridge within or adjacent to any of the areas identified herein without the written permission of the director of parks and recreation or his designated representative.

# Representative Example of Common Modern Camping Prohibition – Couer D'Alene, Idaho

## **4.25.090: CAMPING ON PUBLIC PROPERTY PROHIBITED:**

### A. Definitions:

**AVAILABLE OVERNIGHT SHELTER:** A public or private shelter with overnight space, open to an individual or family unit experiencing homelessness at no charge. If an individual cannot utilize the overnight shelter due to voluntary actions such as intoxication, drug use, unruly behavior, or violation of shelter rules, the overnight shelter space shall be considered available.

...

### B. Prohibition:

1. It is unlawful for any person to camp, or to establish or maintain a campsite, overnight or longer in or on any public property.

### C. Exceptions: The prohibition of this section shall not apply to:

1. Persons receiving prior written permission from the City; or
2. Sleeping in an RV on any highway, roadway, or street adjacent to a residential property with the permission of the owner or occupant of said residential property, provided, such use may be for a maximum of one week in each calendar year; or
3. Sleeping or cooking in a public park or beach on a temporary basis, during normal hours of operation, in conjunction with the recreational use of such park or beach; or
4. If there is no available overnight shelter.

# Camping on City Property

## Mayor to develop program for support individuals

- Lockers/small secure storage spaces
- Trash and Sharps collection
- Bathrooms
- Other support to allow sanitary and safe camping

## Time

- Allowed 8:00 p.m. to 8:00 a.m. on City property unless included in a place restriction

## Manner

- Maintain access to private property/business
- Keep property clean and sanitary
- No fires (certain cook stoves allowed)
- Structures must be portable, such as tents
- Protect environmental areas
- Allowed only in certain locations

# Ordinance – Areas Camping Prohibited

City staff may enforce MMC 12.40.010.B at any time in the following locations.

1. Within 100 feet (about the length of a regulation basketball court) of a structure containing a residential dwelling unit
2. Within 100 feet of a public entrance to a commercial business or non-profit organization
3. Within 300 feet (about the length of a standard city block) of a parcel or lot containing a school or a daycare
4. Within 300 feet of any shelter facility
5. Within 300 feet of a Mayor-designated safe parking/camping site
6. Within conservation lands
7. Within McCormick Park, Caras Park, Westside Park, Jacob's Island Bark Park, MRL Park or within 100 feet of certain park amenities
8. On or within 10 feet of bike lanes, trails, pathways, and blocking sidewalks
9. Within 50 feet of the water's edge for Clark Fork River, Rattlesnake Creek, or Grant Creek
10. Areas temporarily or permanently signed no camping due to environmental degradation or because of public health, safety and or welfare concerns.

# Overnight Sheltering Example

Kiwanis Park "Over Night Sheltering zones"



Draft for Illustration Purposes

0 80 160 320 Feet





# Living in Vehicles on City Streets

## Permit system to regulate use

- 30 days with possibility of two extensions – 90 days total
- Only one vehicle per block, no more than three per quarter mile
- Proximity restrictions for residential dwellings, business entrances, parks, schools, daycare, bike lanes, and sidewalks
- Immediate area must be clean and orderly
- No waste or storage in right-of-way
- No fires
- No structures

# Regulations for Unsheltered Living

- Focus on health, safety, sanitation, environmental protection, and access
  - Proximity to high-use and sensitive areas
  - Waste disposal access
  - Fire hazards minimized
  - Concentration of unsheltered residents
  - Damage to natural environment
  - Retain access to trails, businesses, and park amenities
- Provides for permitting system for people living in vehicles
- Provides for support system including storage and sanitation
- Establishes rules for potential future designated camping or parking sites proposed by work group

# Vehicle Permit Example

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## Vehicle Permit Example

No more than three per quarter mile, minimum 100' from public entrance to a commercial business or non-profit organization.



# Vehicle Permit Example

Draft for Illustration Purposes



# Enforcement

- Policy goal – graduated response with enhanced resources and incentives before citations
  - Site assessment and monitoring
  - Required outreach

## **12.60.050 Enforcement.**

A. Policy Goal and Required Pre-Enforcement Actions. The City believes that enforcement of the rules applicable to an Unsheltered Individual is best achieved 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.

# Enforcement - Outreach

- Prior to abatement or enforcement, the City must:
  - Refer person to available shelter facility or other temporary housing.
  - Inquire about caseworker or other established relationships and attempt to contact them or ensure that others, such as the Homeless Outreach Team, do this outreach.
  - Provide information about other available support services.
- Written Warning – Required for first violation; should provide suggested remedies and a timeframe to correct the violation.
- Deferred Prosecution or Deferred Sentence for first citation is mandatory.
- Municipal Infraction; no criminal penalty; no ability to arrest.

# Enforcement – Abatement

- Notice requirements
  - 120 hours for unsanitary or unsafe conditions on city streets
  - 72 hours for unsanitary or unsafe conditions on city property (other than streets)
  - 24 hours for violations of time or place regulations
  - Includes information for remedies, timeframe, and information about storage/claiming property
- Procedure – provide shelter information, evaluate reasonable requests for time or assistance, documentation
- Weather – delay abatement in extreme weather events

# Abatement Continued

- Abandoned personal property found at abatement site to be stored.
  - Indication that it belongs to a person
  - Item has apparent utility in its current condition (not deteriorating)
  - Can be safely removed from site
- Items not stored
  - Hazardous (contaminated with waste, bugs, explosives, weapons, drug paraphernalia, mold)
  - Likely to become hazardous (perishables, wet items that could become moldy)
  - Un-storable due to size, weight, etc.
  - Contraband, stolen, or listed on City's regularly abandoned items list
- Notice to claim stored items