

ORDINANCE NO. 2023- 03

AN ORDINANCE TO PROHIBIT CAMPING ON
PUBLIC PROPERTY WITHIN THE CITY OF HILLSDALE

WHEREAS, the City of Hillsdale has determined that camping or engaging in activities associated with human habitation on or near public trails, public parks, public streets, and other areas of public property within the City of Hillsdale has a tendency to cause interference with the public's ability to utilize and enjoy those public assets, has a tendency to interfere with the City's ability to maintain such areas of public property, and has a tendency to cause significant damage to such areas of public property; and

WHEREAS, the City of Hillsdale has determined that camping or engaging in activities associated with human habitation on or near public trails, public parks, public streets and other areas of public property within the City of Hillsdale that are not equipped with appropriate facilities to support such activities has the potential to and does create unsanitary conditions and other conditions that present a substantial risk of danger to the health and safety of those engaging in such activities, to neighboring property owners, to others attempting to utilize such areas of public property, and to the general public;

NOW, THEREFORE, the City of Hillsdale hereby ordains as follows:

Section 1. Definitions.

The following words, terms and phrases, when used in this ordinance, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Bridge means a structure, including the approaches thereto, erected in order to afford passage over any obstruction in any public road, railroad, or other right-of-way, or to afford passage under or over existing public roads, railroads, or other rights-of-way.

Camp or *camping* means the use of any public property or public facility for living accommodations, such as sleeping activities or making preparations to sleep, storing personal property, or using a tent or other structure for habitation for more than one hour at a time. *Camp* or *camping* does not include the use of public property or public facilities for recreational use or for authorized public or private events that involve the use of tents, awnings, or other structures in connection with such recreational use or authorized public or private event.

Public property or *public facility* means, without limitation, all parks, streets (including adjacent shoulders, medians, and terrace areas), sidewalks, parking areas, picnic shelters, recreational and athletic fields and appurtenances, buildings, public transportation vehicles, greenspaces, playgrounds, benches, rights-of-way, and any area underneath a bridge, that is owned, operated, maintained, or under the custody and control of the City of Hillsdale.

Store or *storing* means leaving one's personal property such as, without limitation, clothing, bedrolls, cookware, sleeping bags, luggage, shopping carts, knapsacks, or backpacks, unattended for more than one hour.

Section 2. Prohibited Acts.

(a). It is unlawful to camp or to engage in the activity of camping as defined in Section 1 of this ordinance within the City of Hillsdale.

(b). It is unlawful to camp or to engage in the activity of camping as defined in Section 1 of this ordinance, or to sit or lie down on any public property or private property so as to interfere with the ingress or egress from buildings or to interfere with the public's use and enjoyment of any public property or public facility.

Section 3. Warnings; Removal and Confiscation of Debris and Personal Property.

No person may be arrested for violating this ordinance without having first received a verbal and written warning to cease such unlawful conduct and a verbal or written referral for available services such as, without limitation, transportation, shelter, and/or an agency referral. Regardless of whether an individual is arrested for a violation of this ordinance, where a violation of this ordinance is observed, City officials shall have the right to remove any debris or personal property that creates a legitimate health and safety concern, or that creates an immediate and substantial danger to the environment. In addition, where a person has stored personal property in violation of this ordinance, the City of Hillsdale Police Department may deem the personal property to be abandoned and may confiscate it. No warning is required prior to the confiscation. The Department shall retain the confiscated personal property in a manner consistent with the handling of other confiscated property.

Section 4. Exceptions.

The following shall not be treated as a violation of this ordinance:

- (a). Persons sitting or lying down as a result of a medical emergency;
- (b). Persons sitting in wheelchairs or on mobility scooters while using sidewalks;
- (c). Persons sitting down while attending parades;
- (d). Persons sitting down while patronizing outdoor cafes;
- (e). Persons sitting down while attending performances, festivals, concerts, fireworks, parades, or other special events taking place on any public property or in any public facility;
- (f). Persons sitting on chairs or benches supplied by a public agency or abutting private property owner;

(g). Persons sitting or lying down while waiting in an orderly line outside a box office to purchase tickets to any sporting event, concert, performance, or other special event, or waiting outside a business premises to enter the premises to conduct business or commerce;

(h). Persons sitting or lying down in an orderly line awaiting entry to any building, including shelters, or awaiting social services, such as the provision of food, supplies, or meals; or

(i). Children under the age of 13 years sleeping anywhere while being accompanied by a supervising adult or while sitting or lying in a stroller or baby carriage;

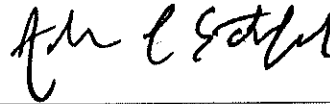
(j). Contractors or subcontractors engaging in activities that would otherwise constitute a violation of this ordinance where said activities are associated and performed in conjunction with the scope of work set forth in a contract with the City of Hillsdale.

Section 5. Penalty.

A violation of this ordinance is a municipal civil infraction subject to a fine of not less than \$100.00 nor more than \$500.00 in the discretion of the Court.

This ordinance shall take effect 15 days from the date of its passage and after publication as provided by Charter.

The foregoing ordinance was duly adopted at a regular meeting of the Hillsdale City Council held on the 5th day of June, 2023.



Adam Stockford, Mayor



Katy Price, City Clerk

Date Proposed:	<u>4/17/2023</u>
Date Published as Proposed:	<u>5/10/2023</u>
Date Passed:	<u>6/05/2023</u>
Date Published as Passed:	<u>6/10/2023</u>
Effective Date:	<u>6/20/2023</u>