

**CITY OF BAXTER, MINNESOTA  
ORDINANCE 2024-016**

**AN ORDINANCE AMENDING THE TEXT OF TITLE 10 OF THE BAXTER CITY  
CODE**

THE CITY OF BAXTER ORDAINS:

**SECTION 1. Amendments.** The text of Title 4 (Public Health and Safety) to add Chapter 6, Camping, of the Baxter City Code is hereby amended by deleting the ~~stricken~~ material and adding the underlined material as follows:

TITLE 4, PUBLIC HEALTH AND SAFETY  
CHAPTER 6, CAMPING

4-6-1: PURPOSE:

A. Settlements of unhoused individuals (also known as "encampments") in public spaces is a growing social, public safety, and environmental concern faced by cities of all sizes, including Baxter. The dynamics of homelessness, both short and longer term, are extremely complex, reflecting a wide range of contributing factors.

B. Historically, in Baxter, encampments tend to result in accumulation of garbage and human waste, which creates a health hazard and can contaminate the ground and water. Other typical hazards include drug paraphernalia (e.g., needles) and unchecked fires associated with cooking, often involving explosive fuels. Encampments are also prone to a heightened physical safety and property risk for those in the encampments as well as those who may be present in the same area. Encampments also tend to cause damage or disruption to the soil and forested areas.

C. Many in the community, including public and private entities, have responded to the needs of those experiencing housing instability, providing significant levels of resources and services.

D. In addition to the City's efforts to connect unhoused individuals with resources and services, the City also has an obligation to make best efforts to provide a safe and clean environment for other members of the community who want or need to use public spaces. Access to parks, trails, schools, green spaces, public transportation, and the protection of public utilities and infrastructure is a community good for all.

E. While many unhoused individuals are able to exist in a space that does not cause public disruption, it is also true that many encampments do create significant harms, for both the unhoused individuals as well as members of the public attempting to use the same spaces. Law enforcement personnel, who have had primary responsibility for responding to encampment areas, need to be supported with effective tools to address these complex situations.

Encampments and unsheltered individuals who create the most social harm cannot be ignored or just moved from one space to the next.

4-6-2: DEFINITIONS:

CITY: Refers to the City of Baxter, Minnesota.

CAMP: To set up, or to remain in or at a campsite.

CAMPSITE: Any place where any tent, lean-to, shack, or other structure, any vehicle or part thereof, or any bedding, sleeping bag, or other sleeping matter, or any stove or fire is placed, established, or maintained for the purpose of establishing or maintaining a temporary place to live.

PUBLIC RIGHT-OF-WAY: The area on, below or above a public roadway, highway, street, cartway, bicycle lane or public sidewalk in which the City has an interest, including other dedicated rights-of-way for travel purposes and utility easements of the City. A right-of-way does not include the airwaves above a right-of-way with regard to cellular or other nonwire telecommunications or broadcast service. Public right-of-way includes outlots, parks, and drainage and utility easements.

4-6-3: PROHIBITION:

A. No person shall camp in or upon any public property or public right-of-way in the City except in any location where camping has been expressly allowed by the officer or agency having the control, management and supervision of the public property or public right-of-way in question.

B. No person shall camp upon any private property in the City without the express written consent of the property owner or the owner's agent, and only in such locations where camping may be conducted in accordance with any other applicable city law.

C. Any camping or campsite materials or personal property associated with a camping area that is in violation of this ordinance may be removed and disposed of or cleaned up and disposed of by the City or its designated contractors. The City will continue to utilize encampment protocols that will provide notice (verbal or in writing), and a reasonable period of time (generally a maximum of 48 hours) for persons to access available services and seek shelter options.

4-6-4: CRIMINAL PENALTY:

A. Any violation of this section is deemed a misdemeanor, as defined in Minnesota Statute §609.02, subd. 3, currently a crime for which a sentence of not more than 90 days or a fine of not more than \$1,000, or both, may be imposed.

B. No person may be prosecuted under this chapter unless:

1. The person has been informed of the various charitable and social services available to the person, including shelter options as well as daytime services; and

2. The person has been warned that their conduct is a violation of this section, subject to criminal prosecution. An individual who has been warned and then relocates to another space that a reasonable person would understand is also covered by this section is not entitled to a new warning.

4-6-5: PRIORITIZATION OF ENFORCEMENT:

A. Subdivision 1. Recognizing that enforcement resources are insufficient to cover all included spaces at all times, prioritization will be given to the following spaces:

1. In, or within 100 feet of, a City Park.

2. Within 250 feet of a preschool, kindergarten, elementary or secondary school, or a licensed childcare center.

3. The area of the sidewalk or trail corridor on City sidewalks intended for pedestrian travel or access to public transit.

4. Upon or within 250 feet of a lot or parcel containing an electric utility substation or electric power generation facility.

5. Upon or within 250 feet of a lot or parcel containing a water utility pumping facility or water storage facility.

6. Areas posted as no-trespassing by authorized City personnel.

**SECTION 3.** Effective Date. This amendment shall take effect upon its passage and publication.

**SECTION 4.** Summary Publication. Pursuant to Minnesota Statutes Section 412.191, in the case of a lengthy ordinance, a summary may be published. While a copy of the entire ordinance is available without cost at the office of the City Clerk, the following summary is approved by the City Council and shall be published in lieu of publishing the entire ordinance:

The City Council adopted an ordinance amending Title 4, "Public Health and Safety to add Chapter 6 which prohibits camping in or upon any public property or public right-of-way in the City.

**Whereupon, said Ordinance is hereby declared adopted on this 6th day of November 2024.**

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**Darrel Olson, Mayor**

**ATTEST:**

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**Kelly Steele, City Clerk**

*City Seal*