

**ORDINANCE
NO. 1571**

AN ORDINANCE PROHIBITING CAMPING IN THE CITY

THE CITY COUNCIL OF THE CITY OF BRAINERD DOES ORDAIN:

SECTION ONE: Purpose

1. 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 Brainerd. The dynamics of homelessness, both short and longer term, are extremely complex, reflecting a wide range of contributing factors. It is recognized that, like many Cities, Brainerd's housing stock and price dynamics can create an affordability challenge, causing unstable housing for some.
2. Historically, in Brainerd and elsewhere, encampments have attracted and involved people experiencing significant addiction and mental health challenges, as well as individuals who seek to take advantage of those staying in encampments. Among other problems, 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.
3. 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.
4. 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.
5. 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.

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

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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.

2045.07 - Prioritization of Enforcement. 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 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 THREE: This ordinance shall take effect and be in full force one week from and after its publication.

Adopted this ____ day of ____ 2024

KELLY BEVANS
President of the Council

Approved this ____ day of ____ 2024

DAVE BADEAUX
Mayor

ATTEST: _____
NICHOLAS W. BROYLES
City Administrator

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