## 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.

SECTION TWO: Section 2045 of the City Code is hereby added with the following new language underlined. Section 2045 - Camping 2045.01 - Definitions, Subdivision 1. For the purposes of this section, the following words, terms and abbreviations shall have the definitions given to them. Subd. 2 City refers to the City of Brainerd, Minnesota Subd. 3 Camp means to set up, or to remain in or at a campsite. Subd. 4 Campsite means 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. 2045.03 - Prohibition, Subdivision 1. No person shall camp in or upon any public property 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 in question. Subd. 2. 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 Subd. 3. Any camping or campsite materials or personal property associated • with a camping area that is in violation of this ordinance may be removed or cleaned up 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. 2045.05 - Criminal Penalty. Subdivision 1. Any violation of this section is deemed at 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. Subd. 2. 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

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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** 

Approved this \_\_\_ day of \_\_\_\_ 2024

NICHOLAS W. BROYLES

City Administrator

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President of the Council

DAVE BADEAUX

Mayor