



DATE: Tuesday, March 18, 2025
TO: Mayor and City Council
FROM: City Attorney
SUBJECT: Illegal Camping Ordinance

Background: On June 28, 2024, the United States Supreme Court decided *City of Grants Pass v. Johnson*, 603 U.S. 520, (2024). The Court held that local government ordinances with civil and criminal penalties for camping on public land did not violate the Eighth Amendment's Cruel and Unusual Punishments Clause. In addition, such ordinances do not criminalize the mere status of homelessness, but instead prohibit such actions as occupying a campsite on public property for the purpose of maintaining a temporary place to live.

Discussion: On January 14, 2025, the City Council reviewed the proposed ordinance and provided staff direction. This ordinance offers definitions, establishes processes, allows enforcement by the Bel Aire Police Department, and includes penalty provisions.

- The City Manager or the City Manager's designee, may issue a temporary permit to allow camping on public property.
- Unlawful camping at certain locations on public property or on public right-of-way, will lead to immediate removal. Some of those locations are;
 - in or under bridges, overpasses, highways, or
 - within 50 feet of medians, roadways, highways, railways, bike paths, walking trails, or
 - within 100 feet of park pavilions, community centers, or public restroom, or
 - within 500 feet of playground equipment, schools or childcare facilities, public or private swimming pool.
- For other locations, individuals will be given (8) hours to vacate the property.
- Procedures are established for individuals to retrieve identification documents and other non-soiled items that have been impounded. Items that are soiled, wet or mildewed, do not need to be maintained. Impounded items must be kept a minimum of (120) days.
- Camping on private property is prohibited unless the individual is the owner/lessor of the private property or has written permission from the owner to camp on the private property. Such permission must include the name, address, and phone number of the owner giving authorization.
- Penalties for illegal camping is a fine not to exceed \$200, or imprisonment of (30) days in custody, or both fine and imprisonment. If the court determines that the defendant is indigent, it may allow the defendant to complete community service for any fines and costs owed.

Financial Considerations: No financial data available at this time.

Legal Considerations: The City Attorney has drafted the proposed ordinance. It is approved as to form and requires a majority vote for approval.

Recommendation/Action: It is recommended that City Council adopt the ordinance.

Attachment: Ordinance