

ORDINANCE NO. _____

WHEREAS, the Staff of the City of Cartersville and the Mayor and City Council have reviewed and considered implementing an ordinance to regulate the practice of urban camping and the improper use of public areas for the benefit of the citizens of Cartersville, Georgia and its visitors.

NOW BE IT AND IT IS HEREBY ORDAINED by the Mayor and City Council of the City of Cartersville, that the CITY OF CARTERSVILLE CODE OF ORDINANCES. CHAPTER 11. – MISCELLANEOUS PROVISIONS AND OFFENSES. ARTICLE I. – IN GENERAL. SECTIONS 11-4 – 11-50 RESERVED. are hereby amended by deleting said sections in their entirety and replacing them as follows:

1.

Sec. 11-4. – Urban Camping and Improper Use of Public Areas.

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

(1) *Camp or Camping* shall mean the use of an area for living-accommodation purposes such as sleeping activities, or making preparations to sleep (including the laying down of bedding for the purpose of sleeping), or storing personal property or storing other belongings, making a fire, carrying on cooking activities, or using a tent, or other structure for habitation. These activities constitute camping if, in light of all the circumstances, it reasonably appears that in conducting one or more of these activities, the person is in fact using the area as a living accommodation, regardless of the intent of the person or the nature of any other activities in which the person may also be engaging.

(2) *Storing Personal Property* shall mean leaving one’s personal effects, including, but not limited to, clothing, bedrolls, cookware, sleeping bags, luggage, knapsacks, backpacks, wagons, or shopping carts, unattended for more than one hour. This term shall not include the parking of a bicycle in an approved bicycle stand or designated parking area.

(3) *Public Area* shall mean an area to which the public or a substantial group of persons has access, including, but not limited to, streets, highways, roadways (including shoulders and medians), bridges, the area above and below any bridge, sidewalks, alleys, parking lots and decks, plazas, parks, public greenspace areas, playgrounds, schools, transportation facilities, within a public-transportation vehicle, an area owned in whole or in part by, operated by, for, or under the custody and control of the City of Cartersville, Georgia, and other public property, including city-owned property and any other property where public gatherings occur on a regular basis, and any other property where public meetings are conducted.

(4) *Private property* shall mean real property owned by a non-governmental entity.

(5) *Interference with ingress or egress* shall mean camping, storing personal property, standing, sitting, lying down, using personal property, or performing any other activity where such activity:

a. materially interferes with the ingress into or egress from buildings, driveways, streets, alleys, or any other real property that has a limited number of entrances or exits, regardless of whether the property is owned in whole or in part by the city, a private owner, or another public entity, unless having received the prior express written permission of the property owner; or

b. reasonably appears, in light of all of the circumstances, to have the purpose or effect of blocking ingress into or egress from buildings, driveways, streets, alleys, or any other real property that has a limited number of entrances or exits, regardless of whether the property is owned in whole or in part by the city, a private owner, or another public entity, unless having received the prior express written permission of the property owner.

(b) **Prohibited Acts.** Unless acting under a valid permit issued by the City of Cartersville, Georgia or otherwise authorized by the City of Cartersville, it shall be unlawful for any person within the corporate limits of the city to commit any of the following acts.

(1) No person shall camp in a public area.

(2) No person shall interfere with ingress or egress of any building, private property, or public area.

(3) Any private property owner that allows camp or camping as defined herein, that is in compliance with State of Georgia Rules and Regulations Tourist Accommodations, Chapter Section 511-6-2, shall within five (5) days, after receiving warning either delivered in person or by certified mail to the address provided for said owner per the Bartow County Tax Assessor and/or if the private owner is a business registered with the Georgia Secretary of State, to the registered agent, must remove the camp site unless it is an area owned for said use in the City of Cartersville and in compliance with State of Georgia Rules and Regulations Tourist Accommodations, Chapter 511-6-2.

(c) **Non-Prohibited Acts.** Nothing in this section shall prohibit authorized city employees/agencies authorizing activities in the performance of their official duties.

(d) **Warning for First Offense.** No person may be issued a citation or arrested for violating this section until that person has received a verbal or written warning to cease the unlawful conduct. If the person fails to promptly comply with the warning issued, then that person may be issued a citation or arrested.

(e) **Other Remedies for Prohibited Acts.** Notwithstanding the issuance of a citation or arrest of a person violating this section, any personal property used to camp, in which a citation was

issued, or being stored, as defined above, may be deemed abandoned by the City of Cartersville or the City of Cartersville Police Department and may be confiscated by them without prior warning. The City of Cartersville or the City of Cartersville Police Department shall retain the property in a manner consistent with the handling of other confiscated or abandoned property. However, after thirty (30) days from the disposition of the case, the property may be disposed of by the City of Cartersville Police Department.

Sec. 11-5. – 11-50. – Reserved.

2.

That all ordinances, or parts of ordinances in conflict herewith be, and the same are, hereby repealed.

3.

It is the intention of the city council and it is hereby ordained that the provisions of this ordinance shall become and be made a part of the Code of Ordinances, City of Cartersville, Georgia, and the sections of this Ordinance may be renumbered and/or alphabetized accordingly to accomplish such intention.

BE IT AND IT IS HEREBY ORDAINED

FIRST READING: _____

SECOND READING: _____

MATTHEW J. SANTINI, MAYOR

ATTEST: _____
JULIA DRAKE, CITY CLERK