



## MEMO TO CITY COUNCIL

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### Request to Include Topic for City Council Meeting

**From:** Tishra L Murray, Deputy City Attorney      **Meeting Date:** March 3, 2026  
**Presenter:** Bill Nary, Meridian City Attorney      **Estimated Time:** 10 minutes  
**Topic:** Meridian Police Department and Legal Department Report: Proposed updates to Meridian City Code sections 6-3-2(A)(2) (public camping or sleeping); 6-3-2(A)(4) (loitering); and 6-3-6 (noise)

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### Recommended Council Action:

Please review and approve the proposed updates to Meridian City Code and direct staff to finalize ordinance for adoption.

### Background:

The first proposed code is a new code required by changes in Idaho Code adopted in 2025 by the Idaho State Legislature. Under the new law, cities in Idaho with a population of over 100,000 must not authorize, permit, or enable public camping or sleeping as defined in Idaho Code § 67-2341. The proposed new code, Meridian City Code (MCC) section 6-3-1, would adopt the state code's definition and prohibition of public camping, as required, and update a related provision to remove conflicting or duplicative language.

The second proposed code would amend MCC section 6-3-2(A)(4), regarding loitering. This new law is a "loitering plus" code that criminalizes specific behaviors instead of just "loitering or standing around." The impetus for this code update is a recent U.S. District Court decision finding that Boise's identical code language is unconstitutionally vague.

The third proposed code would repeal and replace MCC section 6-3-6, regarding noise. This update is in response to another recent U.S. District Court case in which Boise was sued by the Sierra Club following a prosecution of a noise violation for protesting using amplified sound. In a motion for preliminary injunction the Court found Boise's noise ordinance is likely speaker-based rather than content-neutral, a finding that would necessitate a much higher standard to pass First Amendment muster. Boise entered into a settlement with the Sierra Club. The proposed code update is designed to address Meridian's identical noise ordinance to make sure that Meridian City Code does not infringe upon First Amendment activity and only limits time, place, and manner of protected speech as allowed by law. The proposed language also modernizes and clarifies the listed exceptions.