

**STATE OF GEORGIA
COUNTY OF DEKALB**

ORDINANCE NO. 2026-03

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES OF THE CITY OF STONE MOUNTAIN, GEORGIA, BY CREATING A NEW SECTION WITHIN CHAPTER 17, OFFENSES AND MISCELLANEOUS PROVISIONS, TO ESTABLISH REGULATIONS GOVERNING URBAN CAMPING AND THE IMPROPER USE OF PUBLIC SPACES; TO PROVIDE FOR DEFINITIONS; TO ESTABLISH PROHIBITED CONDUCT; TO PROVIDE FOR ENFORCEMENT PROCEDURES, EXCEPTIONS, AND PENALTIES; TO PROVIDE FOR SEVERABILITY; AND FOR OTHER LAWFUL PURPOSES.

WHEREAS, the Mayor and City Council find that the City of Stone Mountain must maintain safe, accessible, and sanitary public spaces for residents, businesses, and visitors; and

WHEREAS, the unregulated use of public property for camping and storage of personal property contributes to obstruction of sidewalks and rights-of-way, public health concerns, and increased calls for service; and

WHEREAS, the City seeks to adopt reasonable and constitutionally sound regulations addressing the use of public spaces while ensuring fair and humane enforcement practices;

NOW THEREFORE, BE IT ORDAINED by the Mayor and City Council of the City of Stone Mountain, Georgia, that the Code of Ordinances is hereby amended as follows:

SECTION 1. Chapter 17, Offenses and Miscellaneous Provisions, is hereby amended by adding a new Article VI to read as follows:

**Article VI – Urban Camping and Improper Use of Public Spaces
Sec. 17-104 – Purpose, Findings, and Intent**

The purpose of this section is to regulate specific conduct occurring on public property in order to maintain public safety, accessibility, sanitation, and the intended use of public spaces. This section shall not be construed to criminalize the status of homelessness.

The Mayor and City Council find that unregulated camping and storage of personal property on public property contributes to:

- Obstruction of sidewalks and rights-of-way;
- Impediments to emergency access;
- Sanitation and public health concerns;
- Increased calls for service and associated criminal activity; and
- Diminished quality of life and economic vitality.

The City adopts reasonable time, place, and manner restrictions to ensure public property remains accessible and safe for all.

Sec. 17-105 – Definitions

Words or terms not defined in this section but defined in applicable state law or this Code shall be given that meaning. All other words or phrases shall be given their common, ordinary meaning unless the context requires otherwise. The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them below except where the text clearly indicates a different meaning:

1. Camp, Camping

The use of public property for living accommodations, including but not limited to:

- Erecting tents, tarps, or temporary shelters;
- Sleeping or remaining in a fixed location for more than **ninety (90)** consecutive minutes;
- Cooking, storing, or preparing food;
- Using materials or objects to create bedding or shelter.

Camp or camping does not include temporary recreational activities such as having a picnic or a family gathering at a public park.

2. Storing Personal Property

Leaving personal belongings unattended on public property for more than one (1) hour, including but not limited to clothing, bedding, sleeping bags, backpacks, carts, or cookware. This definition does not include bicycles or other lawful modes of transportation.

3. Public Property

All property owned, leased, or maintained by the City, including parks, sidewalks, streets, rights-of-way, medians, parking lots, and public facilities.

4. Obstruct by Camping

The placement of a person or property that:

- Reduces pedestrian passage to less than four (4) continuous feet;
- Blocks ADA-compliant access; or
- Impairs entry or exit from buildings, driveways, or emergency access points.

Sec. 17-106 – Prohibited Conduct

1. It shall be unlawful for any person to camp on public property except as otherwise authorized.
2. **It shall be unlawful to store personal property on public property in a manner inconsistent with the ordinary use of the public property.**
3. It shall be unlawful to sit, lie, or place belongings on public streets, sidewalks, or rights-of-way in a manner that obstructs pedestrian or vehicular traffic or constitutes camping.
4. It shall be unlawful to obstruct by camping ingress or egress to any building or structure.

Sec. 17-107 – Exceptions to Prohibited Conduct

This Article shall not apply to:

1. Individuals experiencing a medical emergency;
2. Persons using mobility devices;
3. Permitted events, including festivals, parades, or city-approved gatherings;
4. Outdoor dining areas operating under valid authorization;
5. Persons seated (not lying or sleeping) on public benches or designated seating areas;
6. Individuals waiting in an orderly manner for public transportation, entry, or services;
7. Children under thirteen (13) years of age resting under supervision; and
8. City-approved vendors operating within permitted guidelines.

Sec. 17-108 – Enforcement and Penalties

(a) Time, Place, and Manner Authority

The City may impose reasonable time, place, and manner restrictions on the use of public property to ensure accessibility, safety, and intended public use, including designation of specific areas where certain conduct is restricted or prohibited.

(b) Graduated Enforcement

1. An officer shall identify the specific violation and issue a clear verbal warning to the individual who is violating this Article.
 2. A written warning shall be issued advising the individual of the violation of this Article, stating the required corrective action, and providing a time for compliance.
 3. A reasonable opportunity shall be provided to cease the conduct or remove property.
 4. Officers shall document warnings issued, compliance opportunities provided, and observed conduct prior to enforcement action.
 5. Availability of shelter or services may be considered as a factor in enforcement decisions but shall not be a prerequisite for enforcement.
- Enforcement of this section shall comply with applicable constitutional standards.

(c) Penalties

1. A first violation of the provisions of this Article or failure to comply with any of its requirements, shall result in a written warning.
2. A second violation of the provisions of this Article or failure to comply with any of its requirements, shall result in a civil citation. Upon conviction thereof, a fine of not more than five hundred dollars (\$500) may be imposed and/or not more than 30 days in jail.
3. A third violation and/or subsequent violations of the provisions of this Article or failure to comply with any of its requirements shall constitute a misdemeanor charge. Upon conviction thereof, a fine of not more than one thousand dollars (\$1,000.00) may be imposed and/or not more than thirty (60) days in jail.

Sec. 17-109 – Property Handling

Personal property determined to be abandoned or unlawfully stored in violation of this Article may be removed by the City. When practicable:

1. Property shall be cataloged;
2. Stored for a minimum of thirty (30) days;
3. Made available for retrieval through a reasonable process.

Sec. 17-110 – Severability

If any section, subsection, sentence, clause, or phrase of this ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portions.

SECTION 2.

All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 3.

This ordinance shall become effective upon adoption.

SO ORDAINED this ____ day of _____, 2025.

Jelani Linder, Mayor

Attest:

Shavala Ames, City Clerk

Approved as to form:

[CITY SEAL]

Angela Couch, City Attorney