

CITY OF STONE MOUNTAIN, GEORGIA

ORDINANCE NO. _____

Formatted: Font: (Default) Arial

Formatted: Centered

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.

Formatted: Font: (Default) Arial

Formatted: Justified

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

Formatted: Font: (Default) Arial

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;

Formatted: Font: (Default) Arial

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:

Formatted: Font: (Default) Arial

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

Formatted: Font: (Default) Arial

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

Formatted: Font: (Default) Arial

(a) Purpose and Intent

Formatted: Font: (Default) Arial

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.

Formatted: Font: (Default) Arial

Sec. 17-105 – (b) 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:

Formatted: Font: (Default) Arial, Not Bold

1. Camping, Camping

Formatted: Font: (Default) Arial

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

- Erecting tents, tarps, or temporary shelters;

Formatted: Justified

- Sleeping or remaining in a fixed location for more than sixty (60) consecutive minutes;
- Cooking, storing, or preparing food;
- Using materials or objects to create bedding or shelter.

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.

Formatted: Justified

Formatted: Font: (Default) Arial

Sec. 17-106 – (e) 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 its intended use.
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.

Commented [AC1]: I'm not sure what this means. Seems too vague?

Formatted: Font: (Default) Arial

Formatted: Font: (Default) Arial

Formatted: Font: (Default) Arial

~~(d) 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.~~

Formatted: Font: (Default) Arial

(h) Sec. 17-107 – Exceptions to Prohibited Conduct

This ~~Article~~ section 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 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;
4. City-approved vendors operating within permitted guidelines.

Commented [AC2]: This contradicts the second bullet under camping? I think we need to be more specific here.

Formatted: Font: (Default) Arial

Formatted: Font: (Default) Arial

(e) Sec. 17-108 – Warning and Enforcement and Penalties Protocol

(a)

Formatted: Justified, Indent: Left: 0.5"

Formatted: Justified

Formatted: Font: (Default) Arial, Not Bold

Formatted: Font: (Default) Arial

(d) Time, Place, and Manner Authority

Formatted: Font: (Default) Arial, Not Bold

~~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.~~

Formatted: Font: (Default) Arial

(b) Graduated Enforcement

Formatted: Font: (Default) Arial, Not Bold

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 and required corrective action, and providing a time for compliance.
3. A reasonable opportunity shall be provided to cease the conduct or remove property.

Formatted: Font: (Default) Arial

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, including those discussed in Martin v. City of Boise and City of Grants Pass v. Johnson.

4.

Formatted: List Paragraph, Justified, No bullets or numbering

Formatted: Justified

(c) (f) Graduated Enforcement Penalties

Formatted: Font: (Default) Arial

Formatted: Font: (Default) Arial, Not Bold

A Violations of this section shall be enforced as follows:

Formatted: Font: (Default) Arial

Formatted: Font: (Default) Arial, Not Bold

Formatted: Font: (Default) Arial

1. 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.

3.

Formatted: Justified, Outline numbered + Level: 1 + Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left + Aligned at: 0.25" + Tab after: 0.5" + Indent at: 0.5"

Formatted: Justified

Formatted: Font: (Default) Arial

Sec. 17-109 - (g) 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;

Formatted: Justified, Indent: Left: 0.25", No bullets or numbering

2. Stored for a minimum of thirty (30) days;

Formatted: Justified

Formatted: Justified, Indent: Left: 0.25", No bullets or numbering

- 3. Made available for retrieval through a reasonable process.

Formatted: Font: (Default) Arial

Formatted: Justified

~~(h) Exceptions~~

~~This section shall not apply to:~~

- ~~2.1. Individuals experiencing a medical emergency;~~
- ~~3.1. Persons using mobility devices;~~
- ~~4.1. Permitted events, including festivals, parades, or city-approved gatherings;~~
- ~~5.1. Outdoor dining areas operating under valid authorization;~~
- ~~6.1. Persons seated on public benches or designated seating areas;~~
- ~~7.1. Individuals waiting in an orderly manner for public transportation, entry, or services;~~
- ~~8.1. Children under thirteen (13) years of age resting under supervision;~~
- ~~9.1. City-approved vendors operating within permitted guidelines.~~

Formatted: Font: (Default) Arial

~~(i) Enforcement Considerations~~

~~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, including those discussed in Martin v. City of Boise and City of Grants Pass v. Johnson.~~

Formatted: Font: (Default) Arial

~~(j) Penalties~~

~~Penalties shall be consistent with the graduated enforcement provisions herein and applicable state law, including fines, citations, or misdemeanor prosecution as authorized.~~

Formatted: Font: (Default) Arial

~~Sec. 17-110 – (k) 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.~~

Formatted: Font: (Default) Arial

SECTION 2.

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

SECTION 3.

This ordinance shall become effective upon adoption.

Formatted: Font: (Default) Arial