

ORDINANCE NO. _____

ENTITLED: "AN ORDINANCE AMENDING CHAPTER 8.68, CAMPING ON PUBLIC PROPERTY, OF THE MUNICIPAL CODE OF THE CITY OF CHEYENNE, WYOMING, EXPANDING THE GENERAL PROHIBITION ON CAMPING TO ALL PUBLIC PROPERTY OF THE CITY, CREATING A PERMITTING PROCESS, MAKING CONFORMING AMENDMENTS AND REPEALING OBSOLETE PROVISIONS."

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF CHEYENNE, WYOMING:

Section 1. That Section 8.68.025, Sleeping on Sidewalks, Streets, Alleys or Within Doorways Prohibited, and Section 8.68.035, Camping Allowed with Lawful Permit; Permit Administration, of Chapter 8.68, Camping on Public Property, of Title 8, Health and Safety, of the City of Cheyenne, Wyoming, are hereby created to read:

8.68.025 - Sleeping on sidewalks, streets, alleys or within doorways prohibited.

- A. No person shall sleep on any public sidewalk, street or alleyway at any time as a matter of individual and public safety.
- B. No person may sleep in any pedestrian or vehicular entrance to public or private property abutting a public sidewalk.
- C. Any person who violates this section is guilty of a misdemeanor punishable by a fine of fifty dollars (\$50.00). Any person found in violation of this section may also be immediately removed from the premises. Upon conviction for a violation of this section, if a defendant demonstrates that after receiving the citation and before the hearing, they meaningfully engaged with public or private resources or service providers to address the reasons that led them to be in violation, the court shall consider that information when determining the appropriate sentence.

8.68.035 - Camping allowed with lawful permit; permit administration.

- A. Notwithstanding the prohibitions imposed under Section 8.68.030 of this chapter, a person may camp on public property of the city upon the issuance of a camping permit by the city clerk and payment of the associated permit fee as provided by this section. All applications for a camping permit shall be submitted to the city clerk on forms provided by the clerk and shall be submitted not less than ten (10) business days before the date the camping will occur. No permit may be issued under this section except upon the approval of the clerk and the director of the community recreation and events department.
- B. Before the issuance of any camping permit under this section, the director of the community recreation and events department shall:

1. Determine and keep a record of all parcels of public property of the city that are appropriate for camping and for which a camping permit may be issued under this section. In identifying any parcel for camping under this paragraph, the director shall only select those parcels, and the locations in each parcel, that will not overburden the surrounding community in terms of noise, traffic and environmental impact;
 2. Prescribe the attendant camping permit fee for camping on a parcel of public property, which fee may vary by parcel of public property, but which shall only be in an amount sufficient to defer the costs and impacts associated with the camping activity; and
 3. Prescribe permit conditions, the intent of which shall be provide for the proper maintenance and administration of the parcels upon which camping occurs and to protect public health and safety of the camping participants and the community.
- C. Any person camping on a parcel of public property without a permit as provided by this section shall be guilty of a misdemeanor punishable by a fine of not more than fifty dollars (\$50.00). Each day a person camps without a permit shall constitute a separate a distinct violation of this section.

Section 2. That Chapter 8.68, Camping on Public Property, of Title 8, Health and Safety, of the City of Cheyenne, Wyoming, is hereby amended to read:

8.68.010 - Legislative findings and intent.

A. It is found and declared that:

1. The act of camping on public property tends to endanger the health and safety of those engaged in such camping as well as the public at large;
2. Campsites positioned on public property of the city of Cheyenne, including on undeveloped parcels, public rights-of-way, under bridges and on or near sidewalks, also undermine the public's ability to use that property for its intended purpose;
3. Camping on public property also creates unsafe and unsanitary living conditions which pose a threat to the peace, health and safety of the people who are camping and the community;
- ~~4. Crow Creek serves as a vital component of the drainage network of the city of Cheyenne, offers valuable habitat for local flora and fauna and the creek's health requires special attention;~~
- ~~5.~~4. Some individuals have come to increasingly rely on public property adjacent to Crow Creek for the purpose of camping and the establishment of campsites creates significant hazards for Cheyenne, including damaging water quality through the introduction of trash, human waste and other materials;

- ~~6.~~ 5. ~~Currently portions of Crow Creek are severely~~ Many areas in Cheyenne are materially impacted ~~through~~ by camping on public property, demonstrated by the presence of trash, discarded items of personal property, discarded shelter elements, and human waste;
- ~~7.~~ The water quality of Crow Creek is of particular concern with significantly elevated levels of E. coli, a sub-group of the fecal coliform group that can cause extraintestinal illness and lead to diseases including typhoid fever and cholera;
- ~~8.~~ 6. Additionally, continued trash deposits into ~~Crow Creek~~ the waterways of the city negatively impact the city of Cheyenne's ability to effectively manage surface water runoff because trash can obstruct discharge pipes and otherwise impede the flow of surface water through the city's surface water runoff infrastructure;
- ~~9.~~ 7. Moreover, camping on public property ~~along Crow Creek~~ not only presents dangers to the health and safety of those people camping but poses a threat to persons and property, including residents and property owners near those areas;
- ~~10.~~ 8. During high and extreme fire conditions, public property ~~along Crow Creek~~ poses a can face unique fire ~~danger~~ dangers due to dry brush and other abundant fuel sources, and combined with potential unregulated campfires, stoves and other incendiary camping supplies, such danger is only increased;
- ~~11.~~ It is difficult for emergency personnel to evacuate people camping on public property along Crow Creek during a fire event, which places additional strains on the city of Cheyenne's emergency response programs and personnel;
- ~~12.~~ This chapter's regulations are intended strictly to regulate the use of publicly owned property along Crow Creek, and are not intended to regulate activities on private property; and
- ~~13.~~ 9. The enactment of this chapter is necessary to protect the peace, health, and safety of the city and its inhabitants.

8.68.020 - Applicability; definitions.

- A. This chapter shall not be construed to modify, limit or supersede any requirement imposed under the Unified Development Code (UDC). To the extent there is a conflict between this chapter and the UDC, the UDC shall govern.
- B. As used in this chapter:
1. "Abate" or "abatement" means the removal of all personal property, garbage and other foreign materials together with the reclamation and restoration of a campsite to its natural or lawful purpose;

2. "Campsite" or "camping" means an area where a person temporarily resides or dwells through use of a tent, tarpaulin, lean-to, sleeping bag, bedroll, blanket or any other form of cover or protection from the elements other than clothing;
3. "City" means as defined by Section 1.04.020 of the city code;
4. "Department" means the compliance department of the city of Cheyenne;
- ~~5. "Greater Cheyenne greenway" means the ten foot wide, reinforced concrete path established by the city of Cheyenne that can be utilized by pedestrians and bicyclists throughout the city and surrounding areas;~~
- ~~6.~~5. "Personal property" means any item that readily appears to belong to a person and has apparent value or utility in its present condition. Personal property does not include building materials, metal, makeshift shelters, rigid plastic, garbage, contraband, debris or waste.
- ~~7.~~6. "Public property" means any street, alley, sidewalk, bike path, greenway, park, parkway or any other structure or area encompassed within the public right-of-way and includes any other grounds, buildings or other facilities owned, leased or managed by the city, regardless of whether the public property is vacant or occupied and actively used for any public purpose;
- ~~8.~~7. "Reside or dwell" includes, without limitation, conducting such activities as eating, sleeping or the storage of personal possessions; and
- ~~9.~~8. "Unlawful campsite" means any area of public property as specified by Section 8.68.030(A) of this chapter upon which any person ~~camp~~ engages in the act of camping.

8.68.030 - Camping and unlawful campsites on public property prohibited; public property occupancy restriction; exception; penalty.

- A. It is unlawful for any campsite to be situated on public property ~~adjacent to or contiguous to Crow Creek located within the incorporated limits~~ of the city ~~of Cheyenne between Interstate 25 and Morrie Avenue.~~ Every unlawful ~~campsites~~ campsite shall be subject to abatement by the department in accordance with Section 8.68.040 of this chapter.
- B. ~~Between the hours of 12:00 a.m. and 5:00 a.m.,~~ No person shall use or otherwise occupy any public property ~~adjacent to or contiguous to Crow Creek located within the incorporated limits~~ of the city of Cheyenne ~~between Interstate 25 and Morrie Avenue, except as authorized under subsection (C) of this section.~~ for camping purposes unless the person holds a valid permit issued in accordance with Section 8.68.035 of this chapter.

~~C. The prohibitions imposed under subsection (B) of this section shall not apply to any person actively using the greater Cheyenne greenway located within the subject area as a means to commute or otherwise travel for business or for recreational purposes.~~

~~D. C.~~ Any person who violates subsection (B) of this section is guilty of a misdemeanor punishable by ~~imprisonment for not more than six (6) months, a fine of not more than seven hundred fifty dollars (\$750.00), or both (\$50.00).~~ Any person found in violation of subsection (B) of this section may also be immediately removed from the premises. Upon conviction for a violation of subsection (B) of this section, if a defendant demonstrates that after receiving the citation and before the hearing, they meaningfully engaged with public or private resources or service providers to address the reasons that led them to be in violation, the court shall consider that information when determining the appropriate sentence.

8.68.040 - Abatement of unlawful campsites; notice requirement; exception.

- A. Any unlawful campsite identified by a law enforcement officer or other Cheyenne city employee is subject to abatement by the department. Upon the identification of an unlawful campsite the law enforcement officer or Cheyenne city employee shall promptly notify the department of the campsite and its location.
- B. Upon receiving notice of an unlawful campsite under subsection (A) of this section, the department shall assess the condition of the campsite, prioritizing abatement on campsites that pose the greatest threat to public health and safety. When the department abates any campsite in accordance with this section, the public works ~~departments~~ department shall coordinate with the department to provide abatement assistance and support when necessary.
- C. Except for emergency abatements as authorized under subsection (E) of this section, the department may only abate an unlawful campsite after satisfying the following conditions:
1. Providing all persons present at the unlawful campsite verbal or written notice of the date and time of the scheduled abatement;
 2. Posting notice around the area of the unlawful campsite at intervals sufficient to advise any person entering the campsite of the date and time of the scheduled abatement. The department shall not be required to repost any previously posted notice that has been removed or destroyed prior to the scheduled abatement; and
 3. The expiration of a forty-eight- (48) hour notice period following the delivery of the notice as required under paragraphs (1) and (2) of this subsection.
- D. The notices required under subsection (C) of this section shall include a statement:
1. Advising that both camping on and locating campsites in the area are on public property of the city is prohibited ~~under this chapter~~ and that all any person violating this

prohibition is subject to criminal prosecution and that any unlawful campsites are campsites is subject to abatement by the city; and

2. That all personal property and any other property, contraband, litter or waste remaining at ~~the~~ an unlawful campsite after the expiration of the forty-eight- (48) hour notice period shall be considered abandoned and subject to removal and disposal by the city.
- E. The required tolling of the forty-eight- (48) hour notice period before an unlawful campsite may be abated as required by paragraph (C)(3) of this section shall not apply and the campsite may be immediately abated by the department when:
- ~~a.~~ 1. There are grounds for law enforcement officials to believe that illegal activities are occurring at an established camping site;
 - ~~b.~~ 2. The chief of the fire department, or his or her designee, determines abatement is necessary due to an emergency that presents an imminent threat to real property or to the health and safety of any person; or
 - ~~e.~~ 3. An unlawful campsite is in a watercourse and there is an imminent threat of flooding due to a flash flood warning, flood warning or flood watch issued by the National Weather Service and confirmed by the city engineer.

F. Any personal property collected by the city because of an emergency abatement as authorized under subsection (E) of this section, which property does not constitute evidence of a crime, shall be retained by the city for not less than forty-eight (48) hours during which time it shall be made reasonably available for and released to the person confirming ownership.

Section 3. Sections, paragraphs, sentences, clauses, and phrases of this ordinance are severable. If any section, paragraph, sentence, clause, or phrase of this ordinance is declared unconstitutional or otherwise unlawful, such declaration shall not affect any of the remaining sections, paragraphs, sentences, clauses, and phrases.

Section 4. This ordinance shall be in full force and effect upon approval and publication.

FIRST READING: _____

SECOND READING: _____

THIRD AND FINAL READING: _____

PATRICK COLLINS, MAYOR

(SEAL)

ATTEST:

KRISTINA F. JONES, CITY CLERK

Published: _____
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