

ORDINANCE NO. 1133

"AN ORDINANCE TO REGULATE CAMPING WITHIN THE CITY LIMITS OF THE CITY OF ATHENS IN ORDER TO PROVIDE FOR THE CONITNUED SAFETY, HEALTH AND WELFARE OF THE CITIZENS OF THE CITY OF ATHENS, TENNESSEE"

WHEREAS, the City of Athens desires to provide for the continued safety, health, and welfare of the citizens and businesses; and

WHEREAS, due to an increase in homeless camping, it has become necessary to create an Ordinance prohibiting the same; and

WHEREAS, the same being constitutional as found in *City of Grants Pass v. Johnson* 603 U.S. ____ (2024).

NOW, THEREFORE,

BE IT ORDAINED by the City Council of the City of Athens, Tennessee, as follows:

SECTION ONE - TITLE: DEFINITIONS.

Unless the context requires, otherwise the following definitions apply to this Ordinance.

- A. "To Camp" means to set up or remain in or at a campsite.
- B. "Campsite" means any place where bedding, sleeping bag, or other material used for bedding purposes, or any stove or fire is placed, established, or maintained for the purpose of maintaining a temporary place to live, whether or not such place incorporates the use of any tent, lean-to, shack, or any other structure, or any vehicle or part thereof.

SECTION TWO – TITLE: SLEEPING ON SIDEWALKS, STREETS, ALLEYS, or WITHIN DOORWAYS PROHIBITED

- A. No person may sleep on public sidewalks, streets, or alleyways 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. In addition to any other remedy provided by law, any person found in violation of this section may be immediately removed from the premises.

SECTION THREE – TITLE: CAMPING PROHIBITED

No person may occupy a campsite in or upon any sidewalk, street, alley, lane, public right of way, park, bench, or any other publicly owned property or under any bridge or viaduct, unless:

- (i) otherwise specifically authorized by this Code, or
- (ii) by a formal declaration of the Mayor in emergency circumstances, or
- (iii) upon Council resolution, the Council may exempt a special event from the prohibitions of this section, if the Council finds such exemption to be in the public interest. Any conditions imposed will include a condition requiring that the applicant provide evidence of adequate insurance coverage and agree to indemnify the City for any liability, damage or expense incurred by the City as a result of activities of the applicant. Any findings by the Council shall specify the exact dates and location covered by the exemption.

SECTION FOUR – TITLE: REMOVAL OF CAMPSITE ON PUBLIC PROPERTY

Upon discovery of a campsite on public property, citation of those within the campsite by the Police Department may occur followed by removal of the campsite by the Public Works Department under the following circumstances:

- A. Prior to removing the campsite, the City shall post a notice, 24-hours in advance; and
- B. At the time a 24-hour notice is posted, the City shall inform a local agency (delivering social services to homeless individuals) of the location of the campsite; and
- C. After the 24-hour notice period has passed, the Public Works Department is authorized to remove the campsite and all personal property related thereto with supervision of the Police Department to ensure no breach of the peace occurs.

SECTION FIVE – TITLE: DISPOSITION AND RELEASE OF PERSONAL PROPERTY

For purposes of this Chapter, "personal property" means any item reasonably recognizable as belonging to a person and having apparent utility or monetary value. Items having no apparent utility or monetary value and items in an unsanitary condition may be immediately discarded. Weapons, drug paraphernalia, items appearing to be stolen, and evidence of a crime may be retained as evidence by the Police Department until an alternate disposition is determined. All personal property removed from the campsite which is not retained, disposed of, or held as evidence (as provided above) shall be stored by the City of Athens for a minimum of thirty (30) calendar days, during which time it shall be reasonably available for and released to an individual confirming ownership.

SECTION SIX – TITLE: MITIGATION

Upon conviction for a violation of this Chapter, in addition to any other factors deemed appropriate by the Court, the Court shall consider in mitigation whether or not the person immediately removed all personal property and litter, including but not limited to bottles, cans, rubbish and garbage from the campsite after being informed it was in violation of the law.

PASSED ON FIRST READING: September 17, 2024

PASSED ON SECOND READING: October 15, 2024

DATE OF PUBLIC HEARING: October 15, 2024



RANDALL DOWLING, CITY MANAGER

STEVEN S. SHERLIN, MAYOR

APPROVED AS TO FORM:



CHRISTOPHER M. CALDWELL, CITY ATTORNEY