

ORDINANCE NO. 25-2024

AN ORDINANCE BY THE COUNCIL OF THE CITY OF NEW PHILADELPHIA, OHIO TO CREATE SECTION 510 WITH REGARDS TO PROHIBITED CAMPING, AND DECLARING AN EMERGENCY.

WHEREAS, as there is a need to put in place an ordinance to address prohibited camping within the City on public property.

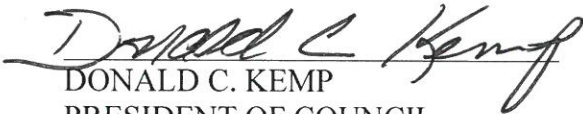
NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NEW PHILADELPHIA, OHIO, THAT:

SECTION 1. The attached Ordinance 510 is added to the Codified Ordinances of the City of New Philadelphia.

SECTION 2. This Ordinance is hereby declared to be an emergency measure and its immediate passage is necessary in order to preserve, protect and maintain the health, safety and welfare of the citizens of the City of New Philadelphia, Ohio.

SECTION 3. This Ordinance shall take effect and be in force immediately upon its passage.

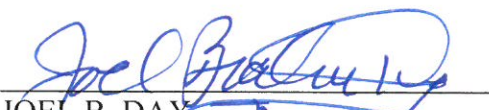
PASSED: Sept 23, 2024

  
DONALD C. KEMP  
PRESIDENT OF COUNCIL

ATTEST:

  
JULIE COURTRIGHT  
CLERK OF COUNCIL

APPROVED:

  
JOEL B. DAY  
MAYOR

SPONSORED BY: PARKS AND CEMETERY COMMITTEE

Chapter 510  
PROHIBITED CAMPING

Sections:

- 510.01 Definitions
- 510.02 Sleeping on Sidewalks, Streets, Alleys, or Within Doorways Prohibited
- 510.03 Camping Prohibited
- 510.04 Removal of Campsite on Public Property
- 510.05 Disposition and Release of Personal Property
- 510.06 Mitigation
- 510.07 Camping in Parks
- 510.08 Penalty

510.01 Definitions

Unless the context requires otherwise the following definitions apply to Chapter 510:

- A. "To Camp" means to set up or to 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.

510.02 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.

510.03 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, (ii) by a formal declaration of the Mayor or his designee 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 and consistent with Council goals and notices and in accordance with conditions imposed by the Service Director or his designee. 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.

#### 510.04 Removal of Campsite on Public Property

Upon discovery of a campsite on public property, removal of the campsite by the Police Department may occur under the following circumstances:

- A. Prior to removing the campsite, the City shall post a notice, 24-hours in advance.
- 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.
- C. After the 24-hour notice period has passed, the Police Department is authorized to remove the campsite and all personal property related thereto.

#### 510.05 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 Police Department for a minimum of 30 days, during which time it shall be reasonably available for and released to an individual confirming ownership.

#### 510.06 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, and garbage from the campsite after being informed it was in violation of the law.

#### 510.07 Camping in Parks

- A. It is unlawful for any person to camp, as defined in this section within the boundaries of the City parks.
- B. Overnight parking of vehicles shall be unlawful. For the purposes of this section, anyone who parks or leaves a vehicle parked for two consecutive hours or who remains within one of the parks as herein defined for purposes of camping as defined in this section for two consecutive hours, without permission from the City Council, between the hours of midnight and 6:00 a.m. shall be considered in violation of this Chapter.

#### 510.08 Penalty

Whoever violates any portion of this section shall be subject to the following:

- A. Failure to remove a campsite within the 24-hour notice as defined herein may result in a citation for a minor misdemeanor for a first offense.
- B. A second offense violation may result in a 30 day ban from the public park issued by the Service Director or his designee, in addition to a minor misdemeanor charge.
- C. Failure to abide by the 30 day ban may result in a 4th degree misdemeanor charge.