

MOTION TO AMEND ORDINANCE 24-030-O

BY COUNCILOR MAYOU AND COUNCILOR AWAL:

We move to amend Ordinance 24-030-O as follows:

The city of Duluth does ordain:

Section 1. That Section 34-46 be added to Chapter 34 of the Duluth City Code is as follows:

Section 1. That Section 34-46 be added to Chapter 34 of the Duluth City Code is as follows:

Sec. 34-46. Camping or Establishing a Campsite on City Property.

(a) Findings and purpose.

(1) The city council finds that camping or establishing a campsite on city property results in social, public safety, and health hazards, environmental issues, and has an overall negative impact on the entire community. Among other problems, camping or establishing a campsite on city property tends to result in accumulation of garbage and human waste, danger from unchecked fires associated with cooking, often involving explosive fuels, and physical safety and property risks for those at the campsite and those who may be in the same area;

(2) The city council declares camping or establishing a campsite on city property to be a ~~public nuisance~~ public health and safety risk and intends, through the adoption of this ordinance, to create enforcement tools to prevent camping or the establishment of campsites on city property and to establish a program for removal of any camping or campsite materials or personal property associated with camping on city property;

(b) Definitions. For the purposes of this Section, the following terms shall have the meanings stated below:

(1) City. The City of Duluth, Minnesota;

(2) Camp or Camping. To set up or to remain at a campsite;

(3) Campsite. Any place where any tent, lean-to, shack, or other structure, any vehicle or part thereof, or any bedding, sleeping bag, or other sleeping material is placed, established, or maintained with the effect of establishing a temporary place of shelter;

(4) Enforcement officer. An employee of the city of Duluth Police Department who is a licensed peace officer.

(c) Prohibited acts.

(1) Camping or Establishing a Campsite. No person may camp or establish a campsite in or upon any land owned by the city, or in any city right-of-way, unless specifically authorized by the City.

(d) Camping or Establishment of a campsite as nuisance.

(1) Declaration. The city council declares camping or establishing a campsite on city property in violation of this Section to be a public nuisance and, therefore, camping or establishing a campsite is subject to the penalties, removal and abatement provisions specified in this Section;

(e) Criminal Penalty

(1) Any violation of this Section is deemed ~~a misdemeanor as defined in Minnesota Statute Section 609.02, subdivision 3, or its successor, a crime for which a sentence of not more than ninety (90) days or a fine of not more than \$1,000, or both,~~ an ordinance violation for which a fine of not more than \$200 may be imposed.

(2) A person may only be prosecuted under this Section if:

(A) The enforcement officer has informed the person of the various charitable and social services available to the person, including shelter options and daytime services; and

(B) The person has been warned that their conduct is in violation of this Section, subject to criminal prosecution. An individual who has been warned and then relocates

to another space that a reasonable person would understand is also covered by this Section is not entitled to a new warning; and

(C) During “nighttime” hours (10:00pm to 6:00am) law enforcement personnel have confirmed and informed the person that some form of overnight shelter bed is available to that person, and documented the same. A person who has been trespassed from otherwise available shelter services is deemed as having shelter services available to them.

(D) For purposes of this Section, “available” does not include beds where the individual is required to be sober for entry, where the individual must separate from their pet to gain entry, or where the individual is required to participate in religious services contrary to their beliefs.

Section 2. That this ordinance shall take effect and be in force 30 days from and after its passage and publication.

STATEMENT OF PURPOSE: The purpose of this ordinance is to prohibit camping or establishing campsites on city property. A shelter bed must be available to a person in order for this ordinance to be enforced. For facilities that do not provide beds, such as the warming center, capacity will be defined by the fire code.