

# **EXHIBIT C**

## Proposed amendments to BCC 7-3A-2

### 7-3A-2: Camping In Public Places

A. Prohibitions: It shall be unlawful for any person to use any of the streets, sidewalks, parks or public places as a camping place at any time, or to cause or permit any vehicle to remain in any of said places to the detriment of public travel ~~or convenience~~; or to cause or permit any livestock of any description to be herded into any of said places during any hours of the day or night; provided, that this section shall not prohibit the operation of a sidewalk cafe pursuant to a permit issued by the City Clerk.

1. The term "camp" or "camping" shall mean the use of public property as a temporary or permanent place of dwelling, lodging or residence, or as a living accommodation at any time between sunset and sunrise, ~~or as a sojourn.~~

2. Indicia of camping may include, but are not limited to, storage of personal belongings, using tents or other temporary structures for sleeping or storage of personal belongings, carrying on cooking activities or making any fire in an unauthorized area, or any of these activities in combination with one another or in combination with either sleeping or making preparations to sleep (including the laying down of bedding for the purpose of sleeping).

B. Enforcement: Law enforcement officers shall not enforce this camping section when the individual is on public property and there is no available overnight shelter.

1. The term "available overnight shelter" is a public or private shelter, with an available overnight space, ~~open to for an individual or family unit experiencing homelessness, at no charge, as defined in Section B.2. If the individual cannot utilize the overnight shelter space due to voluntary actions, such as intoxication, drug use, unruly behavior or violation of shelter rules, the overnight shelter space shall still be considered available.~~

2. The term "available overnight shelter" shall not include the following:

i. Shelter space where an individual cannot stay because the individual has exceeded a shelter's maximum stay rule or because shelter is unavailable due to the individual's sex or sexual orientation.

ii. Shelter space that cannot reasonably accommodate the individual's mental or physical needs or disabilities.

iii. Shelter space that does not permit a minor child to be housed in the same facility with at least one parent or legal guardian.

iv. Shelter space for which an individual is required to attend or participate in religious activities or programs as a condition of utilizing the shelter space.

3. Police or their designee shall initiate contact with the shelters after 11 p.m. daily to determine whether the shelters have available space and, if so, the number of available

sleeping spaces. Prior to issuing any citation, a police officer shall also confirm that a shelter has available space that can be utilized by that particular individual. No police officer shall issue a citation to a homeless person sleeping, lying, sitting, or camping outdoors unless the officer first confirms the shelter has available space that can be utilized by the individual.

C. Exception: This section does not affect subsection [7-7A-5E](#) or [7-7A-11A](#) of this title, which do not prohibit sleeping in a public park during hours of operation. (Ord. 38-14, 9-23-2014)