

CITY OF FARMINGTON

BILL 53122023

ORDINANCE 4-57

AN ORDINANCE OF THE CITY OF FARMINGTON MISSOURI AMENDING THE MUNICIPAL CODE OF THE CITY OF FARMINGTON, TITLE II: PUBLIC HEALTH SAFETY AND WELFARE BY ADDING A NEW TITLE XV – ORDINANCE VIOLATIONS REGARDING CAMPING IN PUBLIC PLACES.

WHEREAS, the City of Farmington owns and operates certain public places including streets, ways, boulevards, sidewalks, planting or parking strips, shoulders, squares, triangles, rights-of-way, publicly owned parking lots or publicly owned areas, improved or unimproved, and other public places appropriated to the public for public use, including buildings, structures and appurtenances situated thereon; and,

WHEREAS, the City Council of the City of Farmington desires to enact certain regulations related to camping or storage of camping paraphernalia upon public spaces; now therefore,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FARMINGTON, MISSOURI AS FOLLOWS:

SECTION 1: That the Municipal Code of the City of Farmington, Title II: Public Health Safety and Welfare by adding a new Article XV Ordinance Violations Concerning Camping in Public Spaces as follows.

ARTICLE XV

Ordinance Violations Regarding Camping in Public Places

Section 210.2370 – Definitions

The following definitions are applicable in this Article unless the context otherwise requires:

AVAILABLE OVERNIGHT SHELTER – A public or private shelter, transitional housing, or outdoor encampment operated by or permitted by the City, located within the City of Farmington, that offers overnight shelter or camping space to persons experiencing homelessness and shelter staff confirms to a City employee that it has an available overnight space at no cost for that person; or if no such available overnight shelter is available within the City of Farmington, public or private shelter, transitional housing, or an outdoor encampment operated or permitted by a public entity within St. Francois County provided shelter staff confirms to a City employee that it has an available overnight space at no cost for that person and that it is accessible to the person by public transportation or vehicle for hire at no cost for that person.

If the person is unable to utilize an available overnight shelter due to voluntary actions such as intoxication, drug use, assaultive behavior, or violation of shelter rules, the overnight shelter space shall still be considered available for the purposes of this section.

CAMP - (1) to dwell, reside within or use camping facilities for temporary or permanent habitation or housing; and/or (2) to use camping paraphernalia.

CAMPING FACILITIES - Include, but are not limited to, recreational vehicles, motor vehicles, trailers, tents, huts, or temporary shelters.

CAMPING PARAPHERNALIA - Includes, but is not limited to, tarpaulins, cots, beds, sleeping bags, hammocks, or non-City-designated cooking facilities and similar equipment.

PARK - Means and includes all City parks, public squares, park drives, parkways, boulevards, ball fields, sports complexes, and play and recreation grounds under the jurisdiction of the City of Farmington.

PUBLIC PLACE - Means and includes streets, ways, boulevards, sidewalks, planting or parking strips, shoulders, squares, triangles, rights-of-way, publicly owned parking lots or publicly owned areas, improved or unimproved, and other public places appropriated to the public for public use, including buildings, structures and appurtenances situated thereon.

RECREATIONAL VEHICLE - Means a travel trailer, motor home, truck camper, or camping trailer that is primarily designed and used as temporary living quarters, is either self-propelled or mounted on or drawn by another vehicle, is transient and is not immobilized or permanently affixed to a mobile home lot.

STORE - Means to put aside or accumulate for use when needed, to put for safekeeping, to place or leave in a location.

STREET - Means any highway, avenue, lane, road, street, drive, place, boulevard, alley, right-of-way, and every way or place in the City of Farmington open as a matter of right to public vehicular travel.

Section 210.2380 - Unauthorized Camping in Public Spaces

A. Except as authorized by Section 210.2390, it shall be unlawful for any person to camp in any park or other public place. The authority to arrest and file charges for a violation of this Section shall be suspended when there is no available overnight shelter for the individual camping.

B. Except as authorized by Section 210.2390, or as otherwise provided by City Code or ordinance, it shall be unlawful for any person to store, pitch or park camping facilities or to store or pitch camping paraphernalia in any park or other public place. Enforcement

of this Section is suspended when there is no available overnight shelter for the individual camping.

Section 210.2390 - Authorized Camping in Public Places

A. It shall be lawful to camp, occupy camping facilities, or use or store camping paraphernalia within or on any park or other public place that may be designated by the City for such use in the City of Farmington in connection with a special event. A special event is intended to include, but not be limited to, programs operated by the departments of the city, youth or school events, sports league and tournament games and practices or other sporting events, scouting activities, historical reenactments or community events subject to other applicable codes or ordinances.

B. Those persons who camp, occupy camping facilities, or use or store camping paraphernalia within or on any park or other public place designated by the City for such use in connection with a special event must comply with the following requirements:

- (1) Adequate trash receptacles, trash collection and sanitary facilities must be available and used during such activities;
- (2) The camping activity must not unreasonably disturb or interfere with the peace, comfort, and repose of property owners in the area; and
- (3) The camping activity must not provoke disorderly conduct or create a disturbance.


Section 210.2400 Penalty For Violations. A person violating the provision of Section 210.2370 through Section 210.2390 shall be punished by a fine not exceeding five hundred dollars (\$500.00) or by imprisonment in the County Jail not exceeding three (3) months, or by both such fine and imprisonment.

SECTION 2. The officers, agents and employees of the City are hereby authorized and directed to execute all documents and take such necessary steps as they deem necessary and advisable in order to carry out and perform the purpose of this Ordinance.

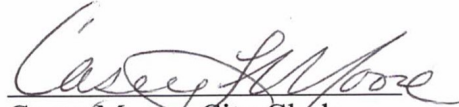
SECTION 3. The sections of this Ordinance shall be severable. If any section of this Ordinance is found by a court of competent jurisdiction to be invalid, the remaining sections shall remain valid, unless the court finds that: (a) the valid sections are so essential to and inseparably connected with and dependent upon the void section that it cannot be presumed that the City Council has or would have enacted the valid sections without the void ones; and (b) the valid sections, standing alone, are incomplete and are incapable of being executed in accordance with the legislative intent.

SECTION 4. This Ordinance shall be in full force and effect from and after the date of its passage.

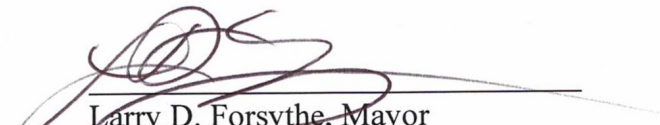
DULY READ AND PASSED THIS 11TH DAY OF JANUARY, 2024.


Larry D. Forsythe, Mayor

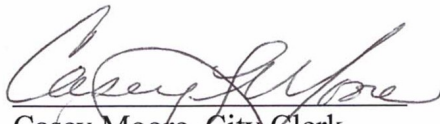
ATTEST:


Casey Moore, City Clerk


Approved this 11 day of JANUARY, 2024


Larry D. Forsythe, Mayor

ATTEST:


Casey Moore, City Clerk

APPROVED AS TO FORM:


R. Scott Reid, City Counselor

