

**ORDINANCE NUMBER 21-11077**

AN ORDINANCE AMENDING CHAPTER 17 OF THE SALINA CODE BY ADOPTING A NEW ARTICLE IV, INCLUDING SECTIONS 17-50 through 17-55, PROHIBITING CAMPING ON PUBLIC PROPERTY OR PUBLIC RIGHT-OF-WAY EXCEPT BY AN AUTHORIZED PARTICIPANT IN A SPECIAL EVENT WHICH INCLUDES CAMPING PURSUANT TO A PERMIT APPROVED BY THE CITY MANAGER, AS AN AUTHORIZED USER OF RECREATIONAL VEHICLE FACILITIES AT LOCATIONS IN KENWOOD PARK, OR IF DEEMED HOMELESS AND THERE IS NO AVAILABLE SPACE IN AN OVERNIGHT SHELTER; PROVIDING FOR ISSUANCE OF A PERMIT FOR SPECIAL EVENT CAMPING ON CITY-OWNED PROPERTY; AND REPEALING SECTION 27-17 TO DISCONTINUE A PERMIT SYSTEM FOR ACCESS TO A SPECIFIC PARK WHEN THE PARK IS OTHERWISE CLOSED TO THE PUBLIC.

**BE IT ORDAINED** by the Governing Body of the City of Salina, Kansas:

**Section 1. New Article IV, Chapter 17 of the Salina Code.** The Salina Code is amended by adding an article to Chapter 17 to be numbered Article IV, which article reads as follows:

**Sec. 17-50. Public Policy.** The city has an interest in ensuring the streets and public areas within the city are readily accessible and available to residents and the public at large. The Governing Body finds that use of these areas for camping purposes (a) interferes with the rights of others to use the areas for that which they were intended and (b) constitutes a public health and safety hazard which adversely impacts commercial areas and neighborhoods. It is, therefore, the public policy of the city:

- (1) To maintain streets, parks and other public property and areas within the city in a clean, sanitary, and accessible condition and to adequately protect the health, safety, and public welfare of the community;
- (2) To recognize that camping and camping activities associated with special events can be beneficial to the cultural and educational climate in the city while promoting tourism, promoting commerce, or providing additional entertainment options, subject to reasonable conditions and requirements; and
- (3) Not to punish any citizen based solely upon such citizen's status alone, but to ensure ready and equal access to public property while preserving the health, safety and welfare of all citizens.

**Sec. 17-51. Definitions.** The following words and terms as used in this article are defined to mean the following:

- (1) *To camp or camping* means to set up, or to remain in or at a campsite, for the purpose of remaining overnight, or of establishing or maintaining a temporary place to live.
- (2) *Campsite* means any place where:
  - (a) Any bedding, sleeping bag, tarpaulin, cot, bed, hammock, cardboard, newspapers, or other sleeping matter is placed, established, set up, used, or maintained;

- (b) Any stove, fire or cooking utensils or non-city designated cooking facilities are placed, established, set up, used, or maintained;
  - (c) Any tent, hut, lean-to, shack, trailer camper, vehicle, or any part thereof, or any other shelter or structure is placed, established, set up or maintained; or
  - (d) Personal property, including, but not limited to, camp paraphernalia, is kept or stored.
- (3) *Camp paraphernalia* includes, but is not limited to, tarpaulins, cots, beds, sleeping bags, hammocks, cooking equipment, stoves, lanterns, tents, huts, lean-tos, shacks, trailer campers, vehicles or any part thereof, any other sleeping matter, or any other shelter or structure.
- (4) *Overnight shelter* means a public or private shelter that is open to an individual or family unit experiencing homelessness, at no charge.
- (5) *Public property* means any publicly owned property, including, but not limited to, streets, sidewalks, alleys, parks, parking lots, easements, improved or unimproved land, or any building or physical structure owned or managed by the city or other governmental agency.
- (6) *Public right-of-way* means the entire width of the area from property line to property line, including all area intended, designed, or used for vehicular or pedestrian traffic and the area between the roadway and the abutting private property line.

#### **Sec. 17-52. Unlawful camping.**

- (a) Prohibition. It is unlawful for any person to camp in or upon any public property or public right-of-way, unless such person is:
- (1) an authorized participant in a special event which includes camping on city-owned property as approved pursuant to section 17-53;
  - (2) an authorized user of the recreational vehicle facilities located in Kenwood Park at either the Tony's Pizza Event Center or the Expo Center; or
  - (3) deemed homeless and there is no available space for him/her in an overnight shelter.
- (b) Enforcement. Law enforcement officers shall not enforce the prohibition set forth in subparagraph (a) of this section when the person is on public property and there is no available space for him/her in an overnight shelter. If there is available space in an overnight shelter but the person cannot utilize the overnight shelter space due to his/her voluntary actions, such as, but not limited to, intoxication, drug use, unruly behavior, or violation of shelter rules, the overnight shelter space shall be considered available for purposes of enforcement of this ordinance.

**Sec. 17-53. Camping Associated with Special Events on City-owned Property.** A special event on city-owned property shall not include camping unless a permit for special event camping on city-owned property has been approved by the city manager on the basis of the following guidelines and any administrative regulations the city manager may adopt that are consistent with the policy considerations outlined in section 17-50 and the following guidelines:

(1) Nature of the special event.

- (a) The applicant must demonstrate that the special event warrants camping as part of an organized program beneficial to the cultural or educational climate of the city.
- (b) The applicant must demonstrate that the special event is intended to promote tourism, promote commerce, or provide additional entertainment options.
- (c) The applicant may charge an admission fee for the special event; however, the admission fee and the extent to which the applicant intends to place temporary barriers marking the event boundaries are factors to be evaluated in determining the suitability of scheduling and location of the special event.

(2) Location.

- (a) The applicant must demonstrate that other options for locating the special event are either unavailable or unsuitable for the special event.
- (b) The special event must be permitted by and meet any applicable requirements of the zoning code.

(3) Scheduling and use limitations.

- (a) Scheduling of the special event should take into consideration all other scheduled events impacted by the special event.
- (b) The special event should not allow interference with the public use of adjoining rights-of-way.
- (c) The special event should not impair access to commercial businesses, needed public parking, or needed residential parking.

(4) Requirements of the applicant.

- (a) The applicant must provide a means for the city to identify by full name those persons authorized to camp as part of the special event.
- (b) The applicant must provide portable restroom facilities necessary to accommodate the anticipated special event attendance.
- (c) The applicant must meet any ancillary requirements relating to the health, safety, and convenience of persons affected by the special event.
- (d) The applicant must reimburse the city for any direct labor costs and direct out-of-pocket costs to the city associated with the special event.
- (e) The applicant must demonstrate consideration for and the capability to fulfill its responsibility for posting the city-owned property at a reasonable time prior to the special event.

- (f) The applicant must provide proof of liability insurance coverage with limits determined by the city to be suitable for the special event.
- (g) The applicant shall be responsible for and demonstrate the capability for clean-up and full restoration of the city-owned property for its ordinary use immediately following the scheduled completion of the special event and shall be responsible for the cost of any clean-up or repair cost incurred by the city resulting from the special event.

(5) Application process.

- (a) The applicant must timely submit a complete application on a form provided by the city, including a detailed site plan for the special event.
- (b) Review of the application shall be subject to the city-wide special event review process and any other city review processes unique to the nature of the special event.

**Sec. 17-54. Application Fee and Deposit.** An applicant for a permit for special event camping on city-owned property shall pay to the city clerk at the time of filing the application a non-refundable application fee in an amount determined pursuant to section 2-2. As a precondition of issuance of a permit, the applicant shall pay a deposit in the combined amount necessary to (a) reimburse the city for the estimated amount of any anticipated direct labor costs and direct out-of-pocket costs to the city associated with the special event, plus (b) an amount to be applied to any post-event clean-up costs if the applicant fails to timely complete the work and the cost of any damage to city property resulting from the special event. Any unutilized portion of the deposit shall be reimbursed to the applicant following completion of the special event.

**Sec. 17-55. Violation – Penalty.** Any person who violates any of the provisions of this article shall be guilty of a misdemeanor.

**Section 3. Repealer.** Existing Salina Code Section 27-17 is repealed to discontinue a permit system for access to a specific park when the park is otherwise closed to the public.

**Section 4. Effective.** This ordinance shall be in full force and effect from and after its adoption and publication once in the official city newspaper by the following summary:

Ordinance No. 21-11077 Summary

On September 20, 2021, the City Commission passed Ordinance No. 21-11077. The Ordinance amends Chapter 17 of the Salina Code by adopting a new Article IV, including sections 17-50 through 17-55 prohibiting camping on public property or public right-of-way except by an authorized participant in a special event which includes camping pursuant to a permit approved by the city manager, as an authorized user of recreational vehicle facilities at locations in Kenwood Park, or if deemed homeless and there is no available space in an overnight shelter; providing for issuance of a permit for special event camping on city-owned property; and repealing section 27-17 to discontinue a permit system for access to a specific park when the park is otherwise closed to the public. A complete copy of the Ordinance can be found at [www.salina-ks.gov](http://www.salina-ks.gov) or in the office of the City Clerk, 300 W. Ash, free of charge. This summary is certified by the City's legal counsel.

Introduced:

September 13, 2021

Passed:

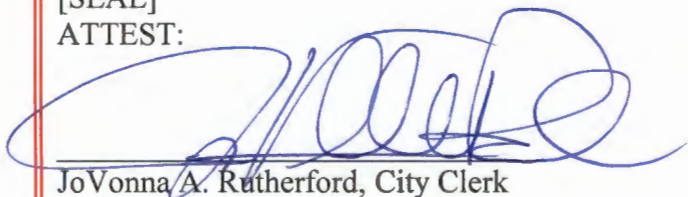
September 20, 2021



Melissa Rose Hodges, Mayor

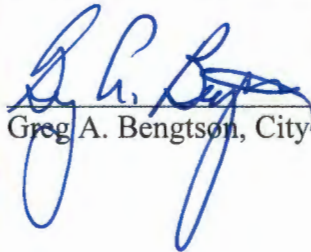
[SEAL]

ATTEST:



JoVonna A. Ratherford, City Clerk

The publication summary set forth above is certified this 21<sup>st</sup> day of September, 2021.



Greg A. Bengtson, City Attorney