

**CITY OF FORT OGLETHORPE
STATE OF GEORGIA**

ORDINANCE NUMBER 2023-10

IT IS HEREBY ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF FORT OGLETHORPE AN ORDINANCE TO AMEND THE FORT OGLETHORPE CODE OF ORDINANCES, PART II, CHAPTER 54, OFFENSES AND MISCELLANEOUS PROVISIONS, BY THE ADDITION OF SEC. 54-10 – URBAN CAMPING AND IMPROPER USE OF PUBLIC SPACES; TO REGULATE THE USE OF PUBLIC SPACE WITHIN THE CITY; TO PROVIDE FOR PROVISIONS THEREIN AS AUTHORIZED BY STATE LAW; TO PROVIDE FOR MODIFICATION; TO PROVIDE FOR SEVERABILITY; TO REPEAL CONFLICTING ORDINANCES OR PARTS THEREOF; TO PROVIDE FOR AN ADOPTION EFFECTIVE DATE; AND, FOR ALL OTHER PURPOSES ALLOWED BY LAW.

WHEREAS, the duly elected governing authority of the City of Fort Oglethorpe, Georgia is authorized under Article IX, Section II, Paragraph III of the Constitution of the State of Georgia, the Official Code of Georgia Annotated, § 36-35-3, and the Charter of the City of Fort Oglethorpe, Georgia, to adopt reasonable ordinances to protect and improve the public health, safety, welfare, and aesthetics of the citizens of the City of Fort Oglethorpe, Georgia; and

WHEREAS, the duly electing governing authority of the City of Fort Oglethorpe, Georgia is vested in the City Council composed of a Mayor and five Council Members; and

WHEREAS, the City has experienced a growth in camping in public parks, sidewalks, street right of ways, and other public places within the City; and

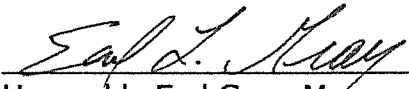
WHEREAS, all ordinances or parts of ordinances in conflict herewith are hereby repealed.

WHEREAS, that if any part of this ordinance shall be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect or impair other parts of the ordinance unless it clearly appears that such other parts are wholly and necessarily dependent upon the part held to be invalid or unconstitutional.

IT IS NOW THEREFOR ORDAINED that the Fort Oglethorpe Code of Ordinances, Part II, Chapter 54, Offenses & Miscellaneous Provisions is hereby amended by the addition of Section 54-10, Urban Camping and Improper Use of Public Spaces as follows:

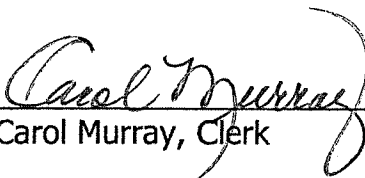
SO ADOPTED AND ORDAINED THIS 13TH day of MARCH, 2023.

BY:



Honorable Earl Gray, Mayor

ATTEST:



Carol Murray, Clerk

First Reading: 02/13/2023

Second Reading: 02/27/2023

Public Hearing: 03/13/2023

Final Reading: 03/13/2023

(A) DEFINITIONS. The following words, terms, and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

- (1) Camp or camping shall mean the use of a public area for living accommodation purposes such as sleeping activities, or making preparations to sleep (including the laying down of bedding for the purpose of sleeping), or storing personal property or storing other belongings, making a fire, carrying on cooking activities, or using a tent, or other structure for habitation, These activities constitute camping if, in light of all the circumstances, it reasonably appears that in conducting one or more of these activities, the person is in fact using the area as a living accommodation, regardless of the intent of the person or the nature of any other activities in which the person may also be engaging.
- (2) Interference with ingress or egress shall mean camping, storing personal property, standing, sitting, lying down, using personal property, or performing any other activity where such activity:
 - (a) Materially interferes with the ingress into or egress from buildings, driveways, streets, alleys, or any other real property that has a limited number of entrances or exits, regardless of whether the property is owned in whole or in part by the city, a private owner, or another public entity, unless having received the prior express written permission of the property owner; or
 - (b) Reasonably appears, in light of all of the circumstances, to have the purpose or effect of blocking ingress into or egress from buildings, driveways, streets, alleys, or any other real property that has a limited number of entrances or exits, regardless of whether the property is owned in whole or in part by the city, a private owner, or another public entity, unless having received the prior express written permission of the property owner.
- (3) Public area shall mean an area to which the public or a substantial group of persons have access, including, but not limited to, streets, highways, roadways (including shoulders, right of ways, and medians), bridges, the area above and below any bridge, sidewalks, alleys, parking lots and decks, plazas, parks, public greenspace areas, playgrounds, schools, transportation facilities, within a public-transportation vehicle, an area owned in whole or in part by, operated by, for,

or under the custody and control of the City of Fort Oglethorpe, Georgia, and other public property, including city-owned property and any other property where public gatherings occur on a regular basis, and any other property where public meetings are conducted.

- (4) Storing persona/ property shall mean leaving one's personal effects, including, but not limited to, clothing, bedrolls, cookware, sleeping bags, luggage, knapsacks, backpacks, wagons, or shopping carts, unattended for more than one hour. This term shall not include the parking of a bicycle in an approved bicycle stand or designated parking area.

(B) PROHIBITED ACTS. Unless acting under a valid permit issued by the City of Fort Oglethorpe, Georgia or otherwise authorized by the City of Fort Oglethorpe, it shall be unlawful for any person within the corporate limits of the city to commit any of the following acts.

- (1) No person shall camp in a public area:
- (2) No person shall interfere with the ingress or egress of any building, private property, or public area:
- (3) Non-prohibited acts: Nothing in this section shall prohibit authorized city employees/agencies authorizing activities in the performance of their official duties:
- (4) Warning for first offense. No person may be issued a citation or arrested for violating this section until that person has received a verbal or written warning to cease unlawful conduct. If the person fails to promptly comply with the warning issued, then that person may be issued a citation or arrested;
- (5) Other remedies for prohibited acts. Notwithstanding the issuance of a citation or arrest of a person violating this section, any personal property used to camp, in which a citation was issued, or being stored, as defined above, may be deemed abandoned by the City of Fort Oglethorpe or the City of Fort Oglethorpe Police Department and may be confiscated by them without warning. The City of Fort Oglethorpe or the City of Fort Oglethorpe Police Department shall retain the property in a manner consistent with the handling of other confiscated or abandoned property.