

ORDINANCE NO.: 2023-079

Amending the 1998 Code of Ordinances of the City of Columbia, South Carolina, Chapter 14, Offenses and Miscellaneous Provisions, Article IV, Offenses Against the Public Peace and Order, Section 14-105, Urban Camping and Improper Use of Public Places

BE IT ORDAINED by the Mayor and Council this _____ day of _____, 2023, that the 1998 Code of Ordinances of the City of Columbia, South Carolina, Chapter 14, Offenses and Miscellaneous Provisions, Article IV, Offenses Against the Public Peace and Order, Section 14-105, Urban Camping and Improper Use of Public Places, Specific Standards is amended to read as follows:

Sec. 14-105. Urban camping and improper use of public places.

- (a) *Definitions.* The following definitions apply for purposes of this section:
- (1) *Camp* shall mean residing in or using a public street, sidewalk, or park for private living accommodations, such as erecting tents or other temporary structures or objects providing shelter; sleeping in a single place for any substantial prolonged period of time; regularly cooking or preparing meals; or other similar activities.
 - (2) *Storing personal property* shall mean leaving one's personal effects, such as, but not limited to, clothing, bedrolls, cookware, sleeping bags, luggage, knapsacks, or backpacks, unattended for any substantial prolonged length of time. This term shall not include parking a bicycle or other mode of transportation.
 - (3) *Public park* includes all municipal parks, public playgrounds, public plazas, attractions, and monuments.
 - (4) *Public street* includes all public streets and highways, public sidewalks, public benches, public parking lots, and medians.
- (b) *Public parks.* It shall be unlawful to camp or to store personal property in any park, as defined above, owned by the city.
- (c) *Public streets.* It shall be unlawful to camp, to sleep, to store personal property, to sit or to lie down on any public street, as defined above.
- (d) *Other public property.* Blocking ingress and egress. It shall be unlawful to camp, to sleep, to store personal property, to sit or to lie down on any public property so as to interfere with ingress or egress from buildings.
- (e) *Warning.* No person may be arrested for violating this code section until he or she has received an oral or written warning to cease the unlawful conduct. Warnings are not particular to a location but to the unlawful conduct overall. If the violator fails to comply with the warning issued, he or she is subject to arrest for urban camping.
- (f) *Notice.* Proper signage that provides conspicuous notice to a person that their conduct is unlawful and in violation of this section code shall be deemed a written warning.
- ~~(f)~~(g) *Exceptions.* This code section shall not be construed to prohibit the following behavior:
- (1) Persons sitting or lying down as a result of a medical emergency;
 - (2) Persons in wheelchairs sitting on sidewalks;
 - (3) Persons sitting down while attending parades;
 - (4) Persons sitting down while patronizing sidewalk cafés;
 - (5) Persons lying down or napping while attending performances, festivals, concerts, fireworks, or other special events;
 - (6) Persons sitting on chairs or benches supplied by a public agency or the abutting private property owner;

- (7) Persons sitting on seats in bus zones occupied by people waiting for the bus;
- (8) Persons sitting or lying down while waiting in an orderly line outside a box office to purchase tickets to any sporting event, concert, performance, or other special event;
- (9) Persons sitting or lying down while waiting in an orderly line awaiting entry to any building, including shelters, or awaiting social services, such as provision of meals;
- (10) Children sleeping while being carried by an accompanying person or while sitting or lying in a stroller or baby carriage; or
- (11) Camping as permitted by the city's parks and recreation department.

(h) Standard. In determining whether an exception applies, law enforcement shall apply a reasonableness standard and consider the direct or circumstantial evidence of the intent of the person engaged in the conduct.

(Ord. No. 2007-068, 9-19-07)

Requested by:

Mayor Daniel Rickenmann

Mayor

Approved by:

City Manager

Approved as to form:

ATTEST:

Deputy City Attorney

City Clerk

Introduced: 7/18/2023
Final Reading: 8/1/2023

LEGAL DEPARTMENT DRAFT