

AN AMENDMENT TO ADD "CAMPING ORDINANCE OF BRANTLEY COUNTY"
TO BRANTLEY COUNTY LAND USE ORDINANCE

WHEREAS: The County of Brantley, a political subdivision of the State of Georgia, by and through its governing authority, the Board of Commissioners, is desirous of amending that certain ordinance entitled the **Land Use Ordinance for Brantley County, Georgia** adopted the **8th** day of **September, 2016**, as later amended, at a regular meeting of the said Board, so that when amended, the said Ordinance shall provide for additional prohibited conditions, specific periods for abatement and specific fines and/or recovery of costs of the County to cure said prohibited conditions pending abatement..

WHEREAS: Said amendment shall further the intent of the ordinance to establish and enforce public health, safety, and general welfare, prevent the overcrowding of land, provide adequate transportation, water, sewerage, schools, parks and promote desirable living conditions.

WHEREAS Said amendment shall further promote the intent of the ordinance by protecting condition of property owners and occupants so that a safe and improved quality of life is attained by residents, businesses, industries, and neighborhoods within the unincorporated area of Brantley County, protect property against blight and depreciation and conserve the value of buildings and encourage the most appropriate use of land, buildings, and structures throughout Brantley County, Georgia and for other purposes

THEREFORE: BE IT ADOPTED BY THE BOARD OF COMMISSIONERS OF BRANTLEY COUNTY AS THE GOVERNING AUTHORITY OF BRANTLEY COUNTY:

SECTION ONE

Sec 9-8.1- Title.

This Chapter shall be known and may be cited as the "Camping Ordinance of Brantley County".

Sec. 9-8.2- Definitions.

The following words, terms, and phrases, when used in this Ordinance, shall have the meanings ascribed to them in this section, except where

the context clearly indicates a different meaning . When not inconsistent with the context, words in the plural number include the singular number, and words in the singular include the plural number.

Camp or *Camping* shall mean occupying or using a public park, public area, square, building, or parking area servicing a public park/area/square/building as defined herein 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.

Public area(s) shall mean an area to which the public or a substantial group of persons has access, including, but not limited to, streets, highways, roadways (including shoulders 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 Brantley County, Georgia, and other public property, including all areas in the immediate vicinity of public buildings and any other property where public gatherings occur on a regular basis, and any other property where public meetings are conducted.

Store (or storing) personal property shall mean to leave 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.

Inappropriately use a public area shall mean to use public areas, or the improvements located thereon, for any personal or otherwise unlawful use not otherwise authorized by this Chapter or any other Ordinance of Brantley County. This shall include, but is not limited to, the use of public parks, fountains, and/or utilities for bathing, hygienic care, or elimination.

Interfere with ingress or egress shall mean to camp, store personal property, stand, sit, lie down, use personal property, or perform any other activity where such activity:

(a) Materially interferes with the ingress into or egress from buildings, driveways, streets, sidewalks, 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 County, 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, sidewalks, 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 County, a private owner, or another public entity, unless having received the prior express written permission of the property owner.

Ordinance shall mean the Camping Ordinance of Brantley County and any portion thereof.

Sec. 9-8.3 - Prohibited Act s.

Unless acting under a valid permit issued by Brantley County or otherwise authorized by Brantley County, it shall be unlawful for any person in the unincorporated areas of Brantley County to commit any of the following acts :

- (a) No person shall camp in a public area.
- (b) No person shall interfere with ingress or egress of any building, private property, or public area
- (c) No person shall inappropriately use a public area as defined herein.
- (d) No person shall store personal property in a public area.

Sec. 9-8.4 - Prohibited Use of Private Property.

It shall be unlawful for anyone other than the owner of a private property, a leaseholder of such private property, or other rightful occupant of such private property to camp, sleep, reside, store personal property, or lie upon any private property without the owner's or leaseholder's permission . Any such use of private property authorized by and consented to by the owner or leaseholder of such private property must be in conformity with the provisions of the Code of Ordinances, Brantley County, Georgia and the Zoning Ordinance of Brantley County, Georgia, including, but not limited to, the zoning and land use provisions of said Code of Ordinances which are applicable to such private property, including specifically Brantley County Land Use Ordinance Section 5-1 Table of Permitted Uses and if such use is a violation of said Code of Ordinances or said Zoning Ordinance, an authorization of such use by the landowner or leaseholder shall not nullify a violation of any provision of this Chapter.

Sec 9-8.5- Warning.

No person may be arrested for violating this Chapter until such person has received a verbal or written warning to cease the unlawful conduct. If the violator fails to promptly comply with the warning issued, then that person may be issued a citation or arrested.

Sec. 9-8.6 - Exceptions .

This Chapter shall not be construed to prohibit any of the following behaviors :

- (a) Uses of public parks or public streets authorized by the Brantley County Board of Commissioners or an authority delegated to authorize such use;
- (b) A person or persons sitting or lying down as a result of a medical emergency; and,
- (c) A person or persons sitting or resting in a public park, public street, or private property where such activity does not constitute camping as herein defined, and such activity does not interfere with ingress and egress as defined herein .

Sec. 9-8.7 - Abandoned Personal Property.

Any personal property used to camp, in cases where a citation is issued for violating this Ordinance, or any personal property stored in violation of Section Sec. 9-8.3(d), may be deemed abandoned by the Brantley County Sheriff's Department or Brantley County Code Enforcement and may be confiscated by the same without prior warning. This code section shall apply to the confiscation of abandoned personal property regardless of whether the personal property relates to the issuance of a

citation or arrest as a result of a violation of this Ordinance . The Brantley County Sheriff's Department or Brantley County Code Enforcement shall retain the property in a manner consistent with the handling of other confiscated or abandoned property. The Brantley County Sheriff's Department or Brantley County Code Enforcement shall not be liable for the disposal of abandoned personal property as defined herein.

Sec. 9-8.8- Severability.

If any section, clause, sentence or phrase of this Ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this Ordinance. It is hereby declared as the intent of Brantley County that this Ordinance would have been adopted had such invalid or unconstitutional portion not been included herein.

Sec. 9-8.9 - Penalties.

- (a) The Sheriff, his deputies or any POST certified designee from BCSO shall implement , administer and enforce the provisions of this Ordinance.
- (b) Each and every day a violation continues shall be deemed a separate offense. Each and every violation of this Ordinance, including separate violations on the same day, shall be deemed a separate offense.
- (c) After receiving a warning pursuant to Section Sec. 9-8.-5 hereof, any person in violation of this Ordinance, upon conviction, shall be guilty of an ordinance violation punishable by a fine of at least

\$100.00, but not to exceed \$1,000 .00; or by imprisonment of at least 24 hours, not to exceed 60 days; or both. Any person who violates this Ordinance may be subject to immediate arrest.

SECTION TWO Any Ordinances or resolutions heretofore adopted in conflict with this Ordinance are hereby repealed .

SECTION THREE: This ordinance shall become effective immediately upon its adoption by the County Commission

SO ORDAINED, this the 7th day of December, 2023



Chris "Skipper" Harris, Chairman



Brian Hendrix, Commissioner



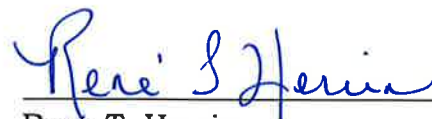
Harold Herndon, Commissioner



Andy Riggins, Commissioner



Randy Davison, Commissioner



Rene T. Herrin
Brantley County Clerk

