

6/6/13

ORDINANCE NO. 49-515

AN ORDINANCE CREATING NEW CHAPTER 5.20 OF THE CODE OF THE CITY OF WICHITA, KANSAS, PERTAINING TO THE PROHIBITION OF CAMPING ON PUBLIC PROPERTY WITHOUT A PERMIT, AND THE PENALTIES THEREFOR.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS:

SECTION 1. Section 5.20.010 of the Code of the City of Wichita, Kansas, is hereby created to read as follows: **“Preamble.** WHEREAS, the City of Wichita has an important governmental interest in ensuring the streets and public areas within the city are readily accessible and available to residents and the public at large; and

WHEREAS, the use of these areas for camping purposes interferes with the rights of others to use the areas for which they were intended; and

WHEREAS, the use of these areas for camping purposes can constitute a public health and safety hazard which adversely impacts commercial areas and neighborhoods; and

WHEREAS, the purpose of this chapter is to maintain streets, parks and other public property and areas within the City of Wichita in a clean, sanitary and accessible condition and to adequately protect the health, safety and public welfare of the community, while recognizing that, subject to reasonable conditions, camping and camping activities associated with special events can be beneficial to the cultural and educational climate in the city; and

WHEREAS, it is not the intent of the City of Wichita to punish any citizen based solely upon such citizen’s status alone, but to enact an ordinance ensuring ready and equal

access to public property by the community while preserving the health, safety and welfare of all citizens.

WHEREFORE, the city of Wichita enacts the ordinance codified in Sections 5.20.010 through 5.20.070 prohibiting camping upon public property within the city.”

SECTION 2. Section 5.20.020 of the Code of the City of Wichita, Kansas, is hereby created to read as follows:

“Unlawful Camping. It is unlawful and a public nuisance for any person or persons to camp in or upon any public property or public right of way, unless such person or persons have been granted a temporary permit allowing such activity as set forth in Section 5.20.040 of this chapter, or the individual or individuals are deemed homeless and there are no appropriate shelters available for them.”

SECTION 3. Section 5.20.030 of the Code of the City of Wichita, Kansas, is hereby created to read as follows:

“Definitions. As used in this Chapter:

(a) “To camp” 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.

(b) “Campsite” means any place where:

(1) any bedding, sleeping bag, tarpaulin, cot, bed, hammock, cardboard, newspapers, or other sleeping matter is placed, established, set up, used or maintained; or

(2) any stove, fire or cooking utensils or non-city designated cooking facilities are placed, established, set up, used or maintained; or

(3) any tent, hut, lean-to, shack, trailer camper, vehicle or any part thereof, or any other shelter or structure is placed, established, set up, used or maintained; or

(4) personal property, including camp paraphernalia, is kept or stored.

(c) “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.

(d) “Public property” means any property publicly owned property, including but not limited to streets, sidewalks, alleys, parks, parking lots, easements, improved or unimproved land, or any buildings or physical structures owned or managed by the City or other governmental agency.

(e) “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.”

SECTION 4. Section 5.20.040 of the Code of the City of Wichita, Kansas, is hereby created to read as follows:

“Temporary camping permits – issued by the City Manager. The City Manager, or the Manger’s designee, may issue a temporary permit to allow camping on public property, or storage of personal property on public property 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, marathons or other sporting events, scouting activities, historical reenactments or community events, as that term is defined in Section

3.11.020 of this Code. The City Manager or the Manager’s designee shall adopt rules and regulations governing the criteria for the application for, and review and approval of such temporary camping and storage permits and is further empowered to ascertain that the operation or maintenance of any temporary camp or campsite or storage of personal property to which these permits will apply will in no way jeopardize the public health, safety or welfare. For this purpose, the City Manager or the Manager’s designee is also empowered to implement additional rules and regulations as necessary, pertaining to all aspects of the temporary camping or storage permits, including the revocation of such permits issued pursuant to this section if the City Manager or the Manager’s designee becomes satisfied that the maintenance or continuing operation of the camp or campsite or the storage of personal property is adverse to the public health, safety and welfare.”

SECTION 5. Section 5.20.050 of the Code of the City of Wichita, Kansas, is hereby created to read as follows:

“Violations – penalty. Any person who is convicted of a violation of any of the provisions of this chapter shall be deemed guilty of a misdemeanor and shall be punished by a fine not to exceed five hundred dollars (\$500), or by imprisonment for not more than thirty (30) days, or by both such fine and imprisonment. Provided, however, that if it be shown to the Court that the person convicted is indigent, the Court may, in its discretion, order that such person, in lieu of the payment of any fine imposed herein and/or court costs mandated by Chapter 1.04 of this Code for a violation of this chapter, be allowed to perform public service to satisfy the payment of such fine and/or costs. The Court shall make a finding of indigency and shall note the same upon the court disposition sheet resulting from the violation, along

with the number of public service hours to be performed by such person, which shall be determined by the Court and shall be at least ten (10) hours and not to exceed forty (40) hours.

In addition to the penalties set forth herein, the City Attorney may institute civil actions to abate a public nuisance under this chapter.”

SECTION 6. Section 5.20.060 of the Code of the City of Wichita, Kansas, is hereby created to read as follows:

“**Severability.** If any section, subsection or clause of the ordinance codified in Section 5.20.010 through 5.20.060 shall be deemed unconstitutional or otherwise invalid, the validity of the remaining sections, subsections, and clauses shall not be affected.”

SECTION 7. This ordinance shall be included in the Code of the City of Wichita, Kansas, and shall be effective upon its passage and publication once in the official city paper.

PASSED by the governing body of the City of Wichita, Kansas, this 18th day of June, 2013.

Carl Brewer, Mayor

ATTEST:

Karen Sublett, City Clerk

Approved as to Form:

Gary E. Rebenstorf, Director of Law