

ORDINANCE NO. 4528

AN ORDINANCE CREATING AND ENACTING
CHAPTER 8-15 OF TITLE 8 OF THE
ROCHESTER CODE OF ORDINANCES
RELATING TO THE ESTABLISHMENT OF
PROHIBITED CAMPING ON CITY PROPERTY
AND CITY RIGHT-OF-WAY.

THE COMMON COUNCIL OF THE CITY OF ROCHESTER DO ORDAIN:

Section 1. Chapter 8-15 of the Rochester Code of Ordinances is hereby created and enacted to read as follows:

8-15. CAMPING ON CITY PROPERTY AND CITY RIGHT-OF-WAY

Sec. 8-15-1 – Statement of legislative purpose and intent.

(a) Settlements of unhoused individuals (also known as “encampments”) in public spaces is a growing social, public safety, and environmental concern faced by cities of all sizes, including Rochester. The dynamics of homelessness, both short and longer term, are extremely complex, reflecting a wide range of contributing factors. It is recognized that, like many Cities, Rochester’s housing stock and price dynamics can create an affordability challenge, causing unstable housing for some.

(b) Historically, in Rochester and elsewhere, encampments have attracted and involved people experiencing significant addiction and mental health challenges, as well as individuals who seek to take advantage of those staying in encampments. Among other problems, encampments tend to result in accumulation of garbage and human waste, which creates a health hazard and can contaminate the ground and water. Other typical hazards include drug paraphernalia (e.g., needles) and unchecked fires associated with cooking, often involving explosive fuels. Encampments are also prone to a heightened physical safety and property risk for those in the encampments as well as those who may be present in the same area. Encampments also tend to cause damage or disruption to the soil and forested areas.

(c) Many in the community, including public and private entities, have responded to the needs of those experiencing housing instability, providing significant levels of resources and services. This includes current access to a daytime facility (8 a.m. – 8 p.m.) that provides access to shelter, food, medical services, laundry, and other vital services, as well as overnight shelter options at multiple facilities, supported by tremendous volunteer efforts.

(d) In addition to the City's efforts to connect unhoused individuals with resources and services, the City also has an obligation to make best efforts to provide a safe and clean environment for other members of the community who want or need to use public spaces. Access to parks, trails, schools, green spaces, public transportation, and the protection of public utilities and infrastructure is a community good for all.

(e) While many unhoused individuals are able to exist in a space that does not cause public disruption, it is also true that many encampments do create significant harms, for both the unhoused individuals as well as members of the public attempting to use the same spaces. Law enforcement personnel, who have had primary responsibility for responding to encampment areas, need to be supported with effective tools to address these complex situations. Encampments and unsheltered individuals who create the most social harm cannot be ignored or just moved from one space to the next.

Sec. 8-15-2 – Definitions.

The following words, terms, and phrases shall have the meanings ascribed to them in this chapter, except where the context clearly indicates a different meaning:

City refers to the City of Rochester, Minnesota

Camp means to set up, or to remain in or at a campsite.

Campsite means any place where any tent, lean-to, shack, or other structure, any vehicle or part thereof, or any bedding, sleeping bag, or other sleeping matter, or any stove or fire is placed, established, or maintained for the purpose of establishing or maintaining a temporary place to live.

Overnight shelter refers to overnight shelter services, including but not limited to The Rochester Community Warming Center, Dorothy Day Hospitality House, and Salvation Army (when operating an overnight service.)

Sec. 8-15-3 – Prohibition.

- a. No person may camp in or upon any City land or right-of-way, unless otherwise specifically authorized, subject to the enforcement requirements in paragraph 8-15-4 below.
- b. Any camping or campsite materials or personal property associated with a camping area that is in violation of this ordinance may be removed or cleaned

up by the City or its designated contractors. The City will continue to utilize encampment protocols that will provide notice (verbal or in writing), and a reasonable period of time (generally a maximum of 48 hours) for persons to access available services and seek shelter options.

Sec. 8-15-4 – Criminal Penalty.

- a. Any violation of this section is deemed a misdemeanor, as defined in Minnesota Statute §609.02, subd. 3, currently a crime for which a sentence of not more than 90 days or a fine of not more than \$1,000, or both, may be imposed.
- b. No person may be prosecuted under this chapter unless:
 1. The person has been informed of the various charitable and social services available to the person, including shelter options as well as daytime services; and
 2. The person has been warned that their conduct is a violation of this section, subject to criminal prosecution. An individual who has been warned and then relocates to another space that a reasonable person would understand is also covered by this section is not entitled to a new warning; and
 3. During “nighttime” hours (8 p.m. to 8 a.m.) law enforcement personnel have confirmed that some form of overnight shelter is available to the person, and documented the same. A person who has been trespassed from otherwise available shelter services will be deemed as having shelter services available to them.

Sec. 8-15-5 – Prioritization of enforcement

- a. Recognizing that enforcement resources are insufficient to cover all included spaces at all times, prioritization will be given to the following spaces:
 1. In, or within 100 feet of, a City Park.
 2. Within 250 feet of a preschool, kindergarten, elementary or secondary school, or a licensed childcare center.
 3. The area of the sidewalk corridor on City sidewalks, including bus shelters, intended for pedestrian travel or access to public transit.

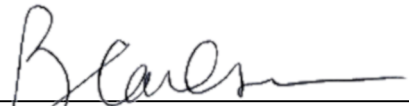
4. Upon or within 250 feet of a lot or parcel containing an electric utility substation or electric power generation facility.
5. Upon or within 250 feet of a lot or parcel containing a water utility pumping facility or water storage facility.
6. Areas posted as no-trespassing by authorized City personnel.

Section 2. This ordinance shall be effective as of the date of its publication.

PASSED AND ADOPTED BY THE COMMON COUNCIL OF THE CITY OF
ROCHESTER, MINNESOTA, THIS 18th DAY OF March, 2024.

ATTEST:


CITY CLERK


PRESIDENT OF SAID COMMON COUNCIL

APPROVED THIS 19th DAY OF March, 2024.




MAYOR OF SAID CITY