

ORDINANCE NO. 109-2022

TITLE: CAMPING ON PUBLIC PROPERTY

AN ORDINANCE TO ENACT SECTION 642.37 OF THE CODIFIED ORDINANCES OF THE CITY OF BARBERTON TO PROHIBIT CAMPING UPON PUBLIC PROPERTY WITHIN THE CITY OF BARBERTON, AND DECLARING AN EMERGENCY.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Barberton, State of Ohio:

SECTION 1. That Section 642.37 of the Codified Ordinances of the City of Barberton is hereby enacted to read as follows:

§ 642.37 PROHIBIT CAMPING UPON PUBLIC PROPERTY

- A. Except as may be permitted by the mayor, or his or her designee, or as otherwise provided in division (C) of this section, it is unlawful to camp upon any public property owned by the city, including, without limitation, streets, sidewalks, easements, parks, parking lots, public grounds or public right-of-ways.
- B. As used in this section, **TO CAMP** means setting up, remaining in, or at property for the purpose of sleeping, making preparation to sleep, storing personal property, and/or performing cooking activities for habitation purposes.
- C. This section shall not apply to persons who:
 - 1. Have no alternative lodging available to them, and are otherwise homeless, and
 - 2. Have insufficient resources to secure alternative lodging, and
 - 3. Are unable to secure free services such as shelters within a reasonable proximity to the city, or hotel/motel vouchers which are or have been made available.
- D. Whoever violates this section is guilty of “illegal public camping.” Except as otherwise provided, “illegal public camping” is a misdemeanor of the fourth degree. If the offender previously has been convicted of, or pleaded guilty to “illegal public camping” than the violation is a misdemeanor of the first degree.

SECTION 2. That it is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this ordinance were taken in an open meeting of this Council and that all deliberations of this Council and of any of its committees that resulted in such formal action were meetings open to the public in compliance with the law.

SECTION 3. That this ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety, convenience and welfare of the City of Barberton and the inhabitants thereof, in order for the immediate preservation of the public peace, health and safety in the City of Barberton, and provided it receives the necessary votes required by the City Charter, shall be in full force and effect from and after its passage and approval; otherwise to be in full force and effect from and after the earliest period allowed by law.

Passed JULY 25, 2022

Clerk of Council

President of Council

Approved _____ 2022

Mayor