

**AN ORDINANCE OF THE CITY OF RICHMOND HILL, GEORGIA TO PROHIBIT URBAN CAMPING AND OTHER IMPROPER USES OF PUBLIC PLACES WITHIN THE CITY, TO PROVIDE DEFINITIONS, TO PROHIBIT CERTAIN ACTIVITIES IN PUBLIC PARKS AND ON PUBLIC PROPERTY, TO PROVIDE FOR PUNISHMENT FOR VIOLATIONS, TO PROVIDE AN EFFECTIVE DATE AND TO REPEAL CONFLICTING ORDINANCES.**

**WHEREAS**, in recent times there has been a marked increase in the unauthorized use of City parks, streets, sidewalks and rights of way for the purpose of living accommodations, storage of unattended property, bathing, urinating and defecating other than in facilities specifically designated for those purposes and open to the public and other similar improper uses of such parks and public places, and;

**WHEREAS**, such activities greatly diminish both the aesthetic value and proper use of such parks and public facilities, have been demonstrated to reduce surrounding property values and are detrimental to both the aesthetics of the City and constitute public health hazards as well as dangers to the general public safety;

**NOW THEREFORE**, in consequence of the above, the Richmond Hill City Council does hereby ordain and establish as follows:

**SECTION I**

**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:

1. *"Camp" or "camping"* means the use of a City-owned or controlled street, sidewalk and/or other right-of-way or park for living accommodation purposes such as sleeping activities, or making preparations to sleep (including the laying down of bedding or other materials for the purpose of sleeping), or storing personal belongings, or making a fire, or carrying on cooking activities, or using a tent or any other object or 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 participant is in fact using the area as a living or sleeping accommodation, regardless of the intent of the participant or the nature of any other activities in which he or she may also be engaging.
2. *"City"* means the City of Richmond Hill, Georgia.
3. *"City property"* means any City-owned or controlled street, sidewalk, bench, parking lot, median any other public right-of-way. The term shall also include all City owned or controlled parks, playgrounds, plazas, attractions and monuments.
4. *"Interference (or "interfere") with ingress and egress"* means standing, sitting, lying down, using personal property, or performing any other activity on City property and/or in a park, where such activity: a) materially interferes with the ingress into and egress from buildings, driveways, streets, alleys, or any other real property, regardless of whether the property is owned by the City, a private owner or another public entity; b) reasonably appears, in light of all of the circumstances, to have the purpose of blocking ingress and egress; and c) occurs without the express written permission of the owner of the property at issue. Where written permission has been granted, the individuals

interfering with ingress and egress must have in their possession the written permission at the time of the activity in question.

5. "Park" or "parks" means any City-owned or controlled park, playground, plaza, attraction or monument.

6. "Storing (or "store") personal property" means leaving one's personal effects unattended on City property and/or in a park, such as but not limited to clothing, bedrolls, cookware, sleeping bags, luggage, knapsacks, or backpacks, or any appliance or apparatus used to transport the same. This term does not include parking a bicycle or other lawful mode of transportation.

## SECTION II Unlawful Acts

- a. It shall be unlawful for any person within the City of Richmond Hill to:
  1. Camp in any park or on any City property.
  2. Store any personal property on any City property or any City park. This subsection shall not apply to personal property temporarily left in the event of an actual emergency or to any law enforcement officer placing temporary traffic control devices.
  3. Interfere with ingress or egress to any City property.
  4. Urinate or defecate in any park or on any City property regardless of whether the location is in public view, except in restrooms or portable lavatories open to the public. This subsection shall not apply to individuals wearing diapers or who accidentally soil themselves.
  5. Use any water fountain, drinking fountain, pool, sprinklers, reservoir, lake or any other water source for the purpose of bathing or cleaning clothing or other personal belongings except in specifically designated facilities open to the public.
- b. The City Manager may, upon proper application to the City Manager and upon forms issued by the City Manager, permit limited lawful exceptions to the prohibitions set forth in subsections (a)(1), (a)(2), (a)(3) and (a)(5) of this section. Any such application must be filed a minimum of sixty (60) days in advance of the activity sought to be permitted.
- c.
  1. Upon receipt of any application for such permitted exceptions, the City Manager shall promptly consider the same, and within ten (10) days of the receipt of such application shall either:
    - A. Grant the application,
    - B. Deny the application,
    - C. Grant the application with stipulations or exceptions, including, but not limited to reasonable fees and costs,

- D. Return the application for incompleteness with written notation of those sections not properly completed, or
- E. Mark the application as one requesting exceptions beyond his or her authority and cause the application to be placed on the next available agenda for City Council.

2. The City Manager shall promptly notify the applicant of his or her actions upon the application at the address and/or telephone number contained on the application.

d. In passing upon all such applications, the City Manager and the City Council shall consider only the following criteria:

- 1. The nature and extent of the activity proposed,
- 2. The location of the proposed activity,
- 3. The impact, if any, that such activity would have upon the then use or uses of the City property involved,
- 4. The impact, if any, that such activity would have upon the then use or uses of surrounding properties involved,
- 5. The Applicant's need to perform the proposed activities at the time and place specified in the application,
- 6. Any inherent dangerousness of the proposed activity,
- 7. The lawfulness of the proposed activity,
- 8. The availability of public and emergency services to support the activity,
- 9. Any public health or safety concerns attendant to the proposed activity,
- 10. The burden or benefit created by the proposed activity to the citizens, taxpayers and the general public.

e. Any person aggrieved by any action of the City Manager upon any application may within ten (10) days of such action appeal the same to City Council, who shall consider the matter on the next available agenda, and who shall hold a hearing on the application, after due notice to the applicant and with the right of the applicant to both subpoena and present oral testimony and documentary evidence and argument, cross examine witnesses and be represented by an attorney. After such due process hearing, Council shall decide the application de novo, applying only the criteria of subsection (d) above and taking one of the actions set forth in subsection (c) above, except that City Council shall have the additional right to table or continue the matter for one regularly scheduled meeting.

f. Any person aggrieved by any action of City Council upon any application may apply for certiorari to the Superior Court of Bryan County, Georgia, in the manner provided by State Law.

g. The City Manager shall not grant any application under this section for a duration of more than ten (10) days, nor shall City Council grant any application under this section for a duration of more than six (6) months.

- h. No successive applications under this section may be granted, except by Council, and only upon a specific finding by Council of extreme hardship, public necessity, public convenience or emergency.

**SECTION III**  
Warnings and Exceptions

1. No person may be arrested for violating this code section until he or she has received an oral or written warning from the Richmond Hill Police Department to cease the prohibited conduct. If the violator fails to comply with the warning issued, he or she may be arrested for violation of this section.
2. Where personal property is stored in violation of Section II above, the Richmond Hill Police Department may deem the property to be abandoned and may confiscate it. No warning is required prior to the confiscation. The department shall retain the property in a manner consistent with the handling of other confiscated property.
3. The prohibitions set forth in subsections (1) and (2) of Section II above shall not apply during a permitted outdoor event on property where the outdoor event is located, if so set out in a city-issued outdoor event permit.
4. The prohibitions set forth in Section II, subsections 2, 3 and 5 above shall not apply to City officials or employees acting in their official capacity, performing the activities as part of their official City duties.
5. The prohibitions set forth in Section II, subsections 2, 3 and 5 above shall not apply to City contractors or subcontractors where said activities are associated and performed in conjunction with the scope of work set forth in the City contract.
6. No provision of this Ordinance shall be construed to prohibit any of the following acts:
  - a. Persons sitting or lying down as a result of a medical emergency;
  - b. Persons in wheelchairs sitting on sidewalks;
  - c. Persons sitting down while attending parades;
  - d. Persons sitting down while patronizing sidewalk cafes;
  - e. Persons lying down or napping while attending performances, festivals, concerts, fireworks, or other special events;
  - f. Persons sitting on chairs or benches supplied by a public agency or abutting private property owner;
  - g. Persons sitting on seats in bus or public transportation zones occupied by people waiting for a bus or other form of public transportation;
  - h. 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;

i. 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; or

j. Children sleeping while be carried by an accompanying person or while sitting or lying in a stroller or baby carriage.

k. Law enforcement agents or emergency personnel during the performance of their official duties.

**SECTION IV**  
Effective Date


This Ordinance shall become effective on 06.21.2016.

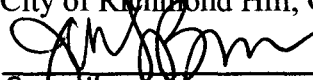
**SECTION V**  
Specific Repealer

All Ordinances and parts of Ordinances in conflict herewith are hereby repealed.

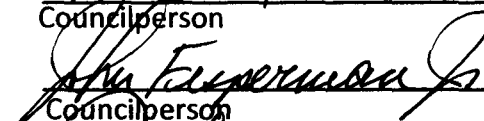
**BE IT SO ORDAINED AND ESTABLISHED** this 21 day of June, 2016.

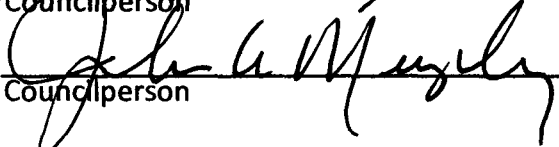
Approved:

  
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Harold Fowler, Mayor

City of Richmond Hill, Georgia  
  
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Councilperson

  
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Councilperson

  
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Councilperson

  
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Councilperson

Attest:

  
Linda Blankenship

City Seal:

Assistant City Clerk