

REQUEST FOR CITY COUNCIL CONSIDERATION

Meeting Date: January 9, 2023

Agenda Item: 5G	Prepared by: Chris Noury, City Attorney
Agenda Section: Consent: Ordinance. Second Reading	Date: January 3, 2023
Subject: Amendment to Chapter 16, Offenses and Miscellaneous Provisions, of the Code of Ordinances of North Myrtle Beach regarding urban camping and improper use of public places	Division: Legal

An ordinance of the City of North Myrtle Beach regarding urban camping and improper use of public places.

The proposed ordinance prohibits camping or storing personal property in any park, (as defined in the ordinance) public streets and other public areas.

(f) **Exceptions.** This code section shall not be construed to prohibit the following behavior:

- (1) Persons sitting or lying down as a result of a medical emergency;
- (2) Persons in wheelchairs sitting on sidewalks;
- (3) Persons sitting down while attending parades;
- (4) Persons sitting down while patronizing sidewalk cafés;
- (5) Persons lying down or napping while attending performances, festivals, concerts, fireworks, or other special events;
- (6) Persons sitting on chairs or benches supplied by a public agency or the abutting private property owner;
- (7) Persons sitting on seats in bus zones occupied by people waiting for the bus;
- (8) 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;
- (9) 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;
- (10) Children sleeping while being carried by an accompanying person or while sitting or lying in a stroller or baby carriage;
- (11) Camping as permitted by the city's parks and recreation department; and
- (12) Persons sitting or lying down on the beach incidental to recreation or leisure activity typically associated with the use of the beach.

The ordinance also includes language which provides that no person may be arrested for violating the ordinance until he or she has received an oral or written warning to cease the unlawful conduct.

Recommended Action:

Approve or deny the ordinance on second reading

Reviewed by City Manager

Reviewed by City Attorney

Council Action:

Motion By _____ 2nd By _____ To _____

AN ORDINANCE

AN ORDINANCE OF THE CITY OF NORTH MYRTLE BEACH REGARDING URBAN CAMPING AND IMPROPER USE OF PUBLIC PLACES.

Sec. 16-16 Urban camping and improper use of public places.

Definitions. The following definitions apply for purposes of this section:

(1) Camp shall mean residing in or using a public street, sidewalk, or park for private living accommodations or temporary use, such as erecting tents or other temporary structures or objects providing shelter; sleeping in a single place for any substantial prolonged period of time; regularly cooking or preparing meals; or other similar activities.

(2) *Storing personal property* shall mean leaving 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.

(3) *Public park* includes all municipal parks, public playgrounds, public plazas, attractions, and monuments.

(4) *Public street and other public areas* include all public streets and highways, medians, public rights-of-way, public sidewalks, public benches, publicly-owned lots, public parking lots, and public beaches.

(a) *Public parks.* It shall be unlawful to camp or to store personal property in any park, as defined above, owned by the city.

(b) *Public streets and other public areas.* It shall be unlawful to camp, to sleep, to store personal property, to sit or to lie down on any public street, as defined above.

(c) *Other public property.* Blocking ingress and egress. It shall be unlawful to camp, to sleep, to store personal property, to sit or to lie down on any public property so as to interfere with ingress or egress from buildings.

(d) *Warning.* No person may be arrested for violating this code section until he or she has received an oral or written warning to cease the unlawful conduct. If the violator fails to comply with the warning issued, he or she is subject to arrest for urban camping.

(e) Violation of this section shall subject the offender, upon conviction, to punishment as provided in Section 1-6.

(f) **Exceptions.** This code section shall not be construed to prohibit the following behavior:

(1) Persons sitting or lying down as a result of a medical emergency;

(2) Persons in wheelchairs sitting on sidewalks;

(3) Persons sitting down while attending parades;

(4) Persons sitting down while patronizing sidewalk cafés;

(5) Persons lying down or napping while attending performances, festivals, concerts, fireworks, or other special events;

(6) Persons sitting on chairs or benches supplied by a public agency or the abutting private property owner;

(7) Persons sitting on seats in bus zones occupied by people waiting for the bus;

(8) 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;

- (9) 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;
- (10) Children sleeping while being carried by an accompanying person or while sitting or lying in a stroller or baby carriage;
- (11) Camping as permitted by the city's parks and recreation department; and
- (12) Persons sitting or lying down on the beach incidental to recreation or leisure activity typically associated with the use of the beach.

DONE, RATIFIED AND PASSED, THIS _____ DAY OF _____, 2023.

ATTEST:

Mayor Marilyn Hatley

City Clerk

APPROVED AS TO FORM:

City Attorney

FIRST READING: 12.5.2022
SECOND READING: 1.9.2023

REVIEWED:

City Manager

ORDINANCE: 23-04