

## WORK SESSION AGENDA

**CITY COUNCIL WORK SESSION  
TUESDAY  
MAY 8, 2018**

**COUNCIL CHAMBERS  
211 WEST ASPEN AVENUE  
6:00 P.M.**

**1. Call to Order**

**NOTICE OF OPTION TO RECESS INTO EXECUTIVE SESSION**

*Pursuant to A.R.S. §38-431.02, notice is hereby given to the members of the City Council and to the general public that, at this work session, the City Council may vote to go into executive session, which will not be open to the public, for legal advice and discussion with the City's attorneys for legal advice on any item listed on the following agenda, pursuant to A.R.S. §38-431.03(A)(3).*

**2. Pledge of Allegiance and Mission Statement**

**MISSION STATEMENT**

*The mission of the City of Flagstaff is to protect and enhance the quality of life for all.*

**3. Roll Call**

*NOTE: One or more Councilmembers may be in attendance telephonically or by other technological means.*

MAYOR EVANS  
VICE MAYOR WHELAN  
COUNCILMEMBER BAROTZ  
COUNCILMEMBER MCCARTHY

COUNCILMEMBER ODEGAARD  
COUNCILMEMBER OVERTON  
COUNCILMEMBER PUTZOVA

**4. Public Participation**

*Public Participation enables the public to address the council about items that are not on the prepared agenda. Public Participation appears on the agenda twice, at the beginning and at the end of the work session. You may speak at one or the other, but not both. Anyone wishing to comment at the meeting is asked to fill out a speaker card and submit it to the recording clerk. When the item comes up on the agenda, your name will be called. You may address the Council up to three times throughout the meeting, including comments made during Public Participation. Please limit your remarks to three minutes per item to allow everyone to have an opportunity to speak. At the discretion of the Chair, ten or more persons present at the meeting and wishing to speak may appoint a representative who may have no more than fifteen minutes to speak.*

**5. Review of Draft Agenda for the May 15, 2018, City Council Meeting.**

**6. Information about the possible funding and installation of a Peace Pole.**

7. **Review of Apartment Rental Applicant Fees/Prior to Notice to Applicants of Available Units and/or Number of Applications**
8. **Discussion of license agreements, leases, and easements allowing other parties to cross or use City-owned property.**
9. **Discussion/Direction:** Staff Proposed Amendments to Chapter 3-01 Business License Regulations
10. **Discussion of Camping Ordinance**
11. **Public Participation**
12. **Informational Items To/From Mayor, Council, and City Manager; future agenda item requests.**
13. **Adjournment**

CERTIFICATE OF POSTING OF NOTICE

The undersigned hereby certifies that a copy of the foregoing notice was duly posted at Flagstaff City Hall on \_\_\_\_\_, at \_\_\_\_\_ a.m./p.m. in accordance with the statement filed by the City Council with the City Clerk.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2018.

\_\_\_\_\_  
Elizabeth A. Burke, MMC, City Clerk

## CITY OF FLAGSTAFF

### STAFF SUMMARY REPORT

**To:** The Honorable Mayor and Council  
**From:** Mark Di Lucido, Comm Design & Redevel Proj Adm  
**Date:** 04/17/2018  
**Meeting Date:** 05/08/2018



#### TITLE:

**Information about the possible funding and installation of a Peace Pole.**

#### DESIRED OUTCOME:

Hear presentation regarding the Peace Pole project, discuss, and provide direction.

#### EXECUTIVE SUMMARY:

The Peace Pole is a proposed public art project suggested by a local citizen-group, The Flagstaff Peace Pole Committee (FPPC). Community Design and Redevelopment staff have been assisting the FPPC in designing the pole and an associated bronze plaque that explains the origin and importance of peace poles, as well as determining a suitable location for the project. These links, <http://www.un.org/en/events/peaceday/resources.shtml> and <https://peacepoleproject.org/>, provide more information on Peace Poles and International Peace Day, and how other towns and cities have incorporated them into their communities.

The pole idea has been presented to two of the City's commissions, Parks and Recreation and Beautification and Public Art. The Heritage Preservation Commission will also consider the pole on May 16th. The Downtown Business Alliance also supports the pole and has pledged to perform maintenance should it become necessary.

FPPC and City staff have identified Heritage Square as the preferred location for the pole. As downtown Flagstaff's most heavily used public space, Heritage Square offers the best opportunity for the greatest number of locals and tourists to see the pole. Staff and the FPPC believe the pole's design compliments the pedestrian use of the Square. Since the Square is owned by the Hopi Tribe, the pole idea will be presented to the Tribal Council by staff the week of April 23<sup>rd</sup>.

As currently designed, the pole design consists of a six-faceted steel obelisk with the phrase "May Peace Prevail on Earth" plasma-cut into each of the pole's facets in the Hopi, Navajo, Spanish, English, and Japanese languages. Universally accepted symbols of peace, or alternatively, the sign-language version of "May Peace Prevail on Earth" would be cut into the sixth facet. The pole will be internally illuminated with LED lighting and is consistent with the City's dark-sky requirements. The bronze plaque that explains the pole's purpose will be mounted to an existing sandstone boulder adjacent to the pole's planned location.

FPPC would like to dedicate the Peace Pole on September 21<sup>st</sup>, which is International Peace Day. A local Peace Day Celebration is planned by FPPC in Heritage Square on September 22<sup>nd</sup>.

Staff proposes that the pole be completely funded by the BBB (Public Arts and Sciences) tax. Fabrication

is by a local sculptor and will cost \$4,665. The bronze plaque will cost an additional \$1,200.

**INFORMATION:**

City Council and Regional Plan Goals:

Goal CC.5: Support and promote art, science, and education resources for all to experience.

Goal LU.11: Prioritize the continual reinvigoration of downtown Flagstaff, whose strategic location, walkable blocks, and historic buildings will continue to be a vibrant destination for all.

Policy NH.2: Look to downtown Flagstaff as the primary focal point of the community character

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**Attachments:**     Night time simulation  
                              Daytime simulation  
                              Bronze plaque



Que La Paz Prevalzca en el Mundo  
**Tuuwaqalmok Lolmani**  
Nahasdzaan Bikaagi Taa axtsogoo Hozhoo doolex



Que La Paz Prevalzca en el Mundo  
Tuuwaqalmok Lolmani

Nahasdzan Bikagagi, Taa'axvigoo, Haa'axvigoo, Haa'axvigoo

 International Day of Peace

The United Nations' International Day of Peace is held every year on September 21 to encourage the spirit of peaceful cooperation and goodwill between individuals, organizations and governments. It is a day of cease-fire and non-violence. It is a day of and for children and youth of every country. It is a day of peace.

Who Will You Make Peace With?

International September 21, 2014





# International Day of Peace

The United Nations' International Day of Peace is held annually on September 21 to encourage the efforts of individuals, organizations and governments to end conflict and promote peace within and among all peoples and nations. It is a global call for ceasefire and non-violence, a day of strengthening the ideals of peace and alleviating tensions and causes of conflict, through education and public awareness.

Japanese poet, philosopher and writer Masahisa Goi founded a world-wide movement of world peace following the traumatic experience of World War II. He believed that a uniting and positive effect on all humanity would result if we put all our thoughts and efforts into the message,

**“May Peace Prevail on Earth”**

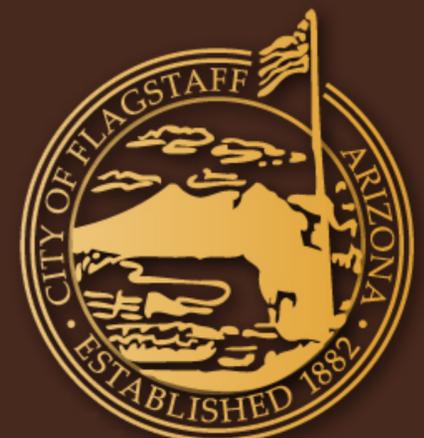
These words carry an elevated and harmonious vibration that transcends religious, ethnic, and political boundaries. Peace Poles inscribed with this message in various languages have been planted in every continent, in ordinary places and in places of conflict, as constant reminders and witnesses to the hope for peace.

With gratitude to the City of Flagstaff (a Golden Rule City), the Hopi Tribe, and all organizations and individuals who contribute to the well-being of others.



**Who Will You Make Peace With?**

**Dedicated September 21, 2018**



**CITY OF FLAGSTAFF  
STAFF SUMMARY REPORT**

**To:** The Honorable Mayor and Council  
**From:** Christina Rubalcava, Senior Assistant City Attorney CR  
**Date:** 04/30/2018  
**Meeting Date:** 05/08/2018



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**TITLE**

**Review of Apartment Rental Applicant Fees/Prior to Notice to Applicants of Available Units and/or Number of Applications**

**STAFF RECOMMENDED ACTION:**

This item is for discussion only.

**EXECUTIVE SUMMARY:**

This is a FAIR item to discuss regulation of the application fees charged to potential tenants and notice by landlords at the time of application regarding the number of available units and the number of applications already received by the landlord.

**INFORMATION:**

If four Councilmembers want to move this item forward, staff is looking for direction on the type of regulation Council is interested in exploring further.

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**Attachments:**

**CITY OF FLAGSTAFF  
STAFF SUMMARY REPORT**

**To:** The Honorable Mayor and Council  
**From:** Sterling Solomon, City Attorney  
**Date:** 04/19/2018  
**Meeting Date:** 05/08/2018



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**TITLE**

**Discussion of license agreements, leases, and easements allowing other parties to cross or use City-owned property.**

**STAFF RECOMMENDED ACTION:**

Discussion.

**EXECUTIVE SUMMARY:**

Staff will present to Council various methods (legal instruments) that allow the crossing and use of City-owned property. This discussion will include how license agreements, leases, and easements are approved and by what authority.

**INFORMATION:**

Please see attached presentation.

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**Attachments:** [Presentation](#)

# License Agreement Discussion

Work Session

4/8/18





# License



- City Manager approved.
- A privilege granted to use the land in a specific manner.
- Does not create an estate in the land.
- Contracts valued at less than \$50,000 may be signed by the City Manager, per the Procurement Code Manual and City Manager Directive.
- Revocable at will but typically with a term.
- Renewable.
- Temporary in nature.
- Often Short term but can be long term.
- Sometimes requested at the last minute
- Utility license agreements similar to an easement but typically not recorded.
- Maybe non-transferable.



# Lease



- City Council Approved.
- Transfers Lessor's interest in the property to Lessor.
- Fixed term.
- Contracts exceeding \$50,000 must have prior approval of Council.
- City Charter, Article VII Section 2(c) Article VIII, Section 9 Leases must be approved by Council after a public competitive process.



# Easement



- City Council approved (typically all easements are ratified once per year).
- Permission to use the real property for specific purpose.
- Transfers an interest in the real property.
- Recorded and encumbers the property.
- Usually non-exclusive.
- May be revocable if use is abandoned.



# Lease, License, Easement Comparison

Characteristics:	Lease	License	Easement
Conveys an interest in real property	Yes	No	Yes
Revocable	No (usually)	Yes (usually)	No
Transferable	Yes	No	Yes
Exclusive Right	Yes	Optional	Optional



# Types of License Agreements

- Temporary parking on City property
- Staging sites
  - Contractor request for City Capital Improvement Projects
  - Private development requests
- Utility lines
  - Roads/utility license across open space (ex. Observatory Mesa and Picture Canyon)
- Shared use of private roads
- Use of Veterans' property
- License or temporary construction easement for City road/utility projects
- Airport office space
- Utility facilities
- Bike parking
- Community meeting space at city facility
- Telecommunications
- FUTS trails
- Rental Time (such as Jay Lively Ice time)
- Temporary bus stops
- Sidewalks (sidewalk cafes)
- Advertising
- Open Space License Agreement
- Art? (possible future discussion)



# How are License Fees Established?



- Fair market value
- Calculation formula
  - Open Space properties
  - Sidewalk Cafés
- Negotiated (if through a competitive process)

## CITY OF FLAGSTAFF

### STAFF SUMMARY REPORT

**To:** The Honorable Mayor and Council  
**From:** Sandy Corder, Revenue Director  
**Co-Submitter:** Rick Tadder  
**Date:** 04/26/2018  
**Meeting Date:** 05/08/2018



#### TITLE

**Discussion/Direction:** Staff Proposed Amendments to Chapter 3-01 Business License Regulations

#### STAFF RECOMMENDED ACTION:

Council Direction.

#### EXECUTIVE SUMMARY:

This work session item will provide an overview of the proposed key amendments to the Business License Regulations, as well as recommended changes in associated Business License and Transaction Privilege Tax (TPT) fees. The goal is to seek input and direction from Council.

#### INFORMATION:

The City's Revenue Director and Senior Assistant City Attorney will present information on staff proposed amendments to the Business License Regulations, as well as recommended changes in associated Business License and Transaction Privilege Tax (TPT) fees.

City staff is proposing amendments to Business Licensing Regulations to obtain a complete picture of all businesses located within the City and to help with code compliance. The City currently only requires a business license for certain occupations. The City requires a local transaction privilege tax (TPT) license, but this is now issued by the Arizona Department of Revenue (ADOR). ADOR relies on the City and taxpayers to update its records.

The City Council in the past has directed staff to work on new Business Licensing Regulations. The proposed changes are outlined in the attached handout. The proposed fee changes have been posted on the City website and social media. City staff presented the proposed changes to the Chamber of Commerce Business Advocacy Group on April 19th, and to the Downtown Business Alliance group on April 30th. City staff hopes to meet with other community groups as well before the final adoption of changes.

The primary changes are:

1. All businesses located within the City must obtain a business license unless exempted by law;
2. The business license fee will be reduced from \$20/year to \$8/year (the City is able to reduce the annual fee because more businesses will now be licensed);
3. The local TPT license fee will be changed from \$46/one time to \$38/year (the City is seeking to recoup the \$150,000/year being charged to the City by ADOR for local tax administration);
4. Peddlers and solicitors will no longer have a separate licensing system, they will obtain a business

license.

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**Attachments:** [Proposed Business License Changes Comparison Chart](#)  
[PowerPoint](#)

PROPOSED BUSINESS LICENSE UPDATES

<p><b><u>CURRENT</u></b>  <b>Ch. 3-01 <i>General License Regulations</i></b></p>	<p><b><u>PROPOSED</u></b>  <b>Ch. 3-01 <i>Business License Regulations</i></b></p>
<p><b><i>WHO NEEDS A LICENSE?</i></b></p> <p><b>Any person engaged in one of 35 occupations or 5 wholesale businesses; each location</b></p> <p>Note: City historically issued a combined occupational business license/local transaction privilege tax (TPT) license. The City therefore had records of many businesses operating in the City. Since 1/1/2017 ADOR issues both the state and local TPT licenses and it has become more difficult to track businesses. City Code §§ 3-01-001-0001, -0002, -0008</p>	<p><b><i>WHO NEEDS A LICENSE?</i></b></p> <p><b>Any business location;                      Any transient merchant (see further discussion below)</b>                      (See exemptions below)</p> <p>Note: Many businesses that currently only need a TPT license, now also will need a business license.</p> <p>Pros: Location-based licensing will help fire, building, zoning, and wastewater code compliance; help ensure transaction privilege tax (TPT) licensing; and help economic development. Licenses will be public records, except for home addresses and personal phone numbers.</p> <p>Pro: Hairdressers, accountants, attorneys, dentists, engineers will not need a license, if location is licensed. Proposed Code § 3-01-001-0002</p>
<p><b><i>WHO IS EXEMPT?</i></b></p> <p><b>Exemptions from occupational licensing</b></p> <ul style="list-style-type: none"> <li>• Any occupation not listed</li> <li>• Designated caregivers</li> </ul> <p>City Code § 3-01-001-0012</p>	<p><b><i>WHO IS EXEMPT?</i></b></p> <p><b>Exemptions from business licensing (per City)</b></p> <ul style="list-style-type: none"> <li>• Federally exempt 501c organization</li> <li>• Governmental entity</li> <li>• Proprietary club</li> <li>• Public educational entity</li> <li>• Employees delivering goods</li> <li>• Person who engages in casual sales, as defined in City Tax Code § 3-05-001-0100</li> <li>• Adult business licensed under City Code Ch. 3-08</li> </ul>

	<ul style="list-style-type: none"> <li>• Utility company with City license or franchise issued under another chapter of City Code</li> </ul> <p><b>Exemptions from business licensing (per State law)</b></p> <ul style="list-style-type: none"> <li>• Licensed under A.R.S. Title 20 <i>Insurance</i></li> <li>• Designated caregivers</li> <li>• Producer selling food products (farmers)</li> <li>• Business in town for temporary disaster response</li> <li>• Liquor wholesaler</li> <li>• Residential rental property registered with County</li> </ul> <p><b>See possible additional exemptions for transient merchants, discussed below</b> Proposed Code § 3-01-001-0003</p>
<b><i>WHAT IS ANNUAL LICENSE FEE?</i></b>	<b><i>WHAT IS ANNUAL LICENSE FEE?</i></b>
<p><b>\$20, prorated on quarterly basis</b></p> <p>Example: A license issued in March costs \$5, but business must pay \$20 for renewal on July 1. City Code § 3-01-001-0002</p>	<p><b>\$8 per year</b></p> <p>Example: A license issued in March costs \$8 and is renewed the following March.  Proposed Code: § 3-10-001-0008</p>
<b><i>WHEN IS LICENSE RENEWED?</i></b>	<b><i>WHEN IS LICENSE RENEWED?</i></b>
<p><b>July 1</b></p> <p>Note: This causes an increased workload for City staff from May through August. City Code § 3-01-001-0006</p>	<p><b>Anniversary month</b></p> <p>Proposed Code § 3-01-001-0006</p>
<b><i>WHEN MAY LICENSE BE REVOKED?</i></b>	<b><i>WHEN MAY LICENSE BE REVOKED?</i></b>
<p><b>If conditions of license violated</b></p> <p>Note: Ch. 3-03 has procedures for revoking a peddlers and solicitors</p>	<p><b>If conditions of license violated; procedures</b></p>

<p>permit, but there are no procedures for revoking a license under City Code § 3-01-001-0009</p>	<p>Pro: Promotes due process. Same due process for businesses and transient merchants.</p> <p>Proposed Code § 3-01-001-0012</p>
<p><b><i>HOW IS LICENSE ENFORCED?</i></b></p>	<p><b><i>HOW IS LICENSE ENFORCED?</i></b></p>
<p><b>Police enforcement.</b></p> <p>Failure to have a license is a misdemeanor, punishable by a fine of \$100 to \$300.</p> <p>Note: A class 3 misdemeanor per state law is also punishable by up to 30 days imprisonment.</p> <p>City Code § 3-01-001-0011</p>	<p><b>Code compliance or police enforcement.</b></p> <p>Failure to have a license is a petty offense.</p> <p>Note: A petty offense is punishable by a fine up to \$300, per A.R.S. § 13-802.D.</p> <p>Proposed Code § 3-01-001-0013</p>

<p><b><u>CURRENT</u></b> <b>Ch. 3-03 Peddlers</b></p>	<p><b><u>PROPOSED</u></b> <b><u>Delete Ch. 3-03 Peddlers; move to Ch. 3-01 Business License Regulations</u></b></p>
<p><b><i>WHO NEEDS A PERMIT?</i></b></p> <p>Peddlers and solicitors must obtain a permit for specific dates, times and areas of operation.</p> <p>Permit fee \$25, up to 5 years. City Code § 3-03-001-0003</p>	<p><b><i>WHO NEEDS A LICENSE?</i></b></p> <p>Transient merchant (defined to include peddler, solicitor, fair vendor, or mobile food vendor) must have a business license; license for specific dates, times and areas of operation.</p> <p>No permit fee.</p> <p>Pros: Helps streamline code.</p> <p>Alternative: Keep separate licensing, Ch. 3-03 Peddlers. Proposed Code § 3-01-001-0001</p>
<p><b><i>WHO IS EXEMPT?</i></b></p> <p>Religious and charitable organizations</p> <p>Note: No business license required if not engaging in business activities.</p>	<p><b><i>WHO IS EXEMPT?</i></b></p> <ol style="list-style-type: none"> <li>1. If you qualify for a business license exemption;</li> <li>2. Vendor at a special event where organizer has obtained special event permit issued</li> </ol>

<p>City Code §3-03-001-0003</p>	<p><b>under Chapter 8-12 <i>Special Events</i></b></p> <p>Alternatives: Exempt these vendors?:</p> <ul style="list-style-type: none"> <li>a. Vendor with a temporary use permit issued by Community Development (CD) under City Code § 10-20.40.150 (E.g. seasonal sales);</li> <li>b. Vendor with a sidewalk vendor cart issued CD under City Code Division 8-03-002 <i>Sidewalk Cafes, Sidewalk Vending Carts and other Permitted Encroachments.</i></li> </ul> <p>Note: City Parks and CD would need to collect and submit vendor information to Management Services in order to track TPT licensing. Proposed Code § 3-01-001-0001</p>
<p><b>WHAT ARE APPLICATION REQUIREMENTS?</b></p>	<p><b>WHAT ARE APPLICATION REQUIREMENTS?</b></p>
<p><b>Applicant info, photo id, days and location of operation, advertising signs, criminal history, what is being sold, employer info, motor vehicle info; plus deposit of \$25 per day, not to exceed \$200 as prepayment of local TPT</b></p> <p>Note: City no longer may collect local TPT. City Code § 3-03-001-0003</p>	<p><b>Applicant info, photo id, days and location of operation, what is being sold, criminal history past 5 years</b></p> <p>Pro: Simplifies licensing, complies with law, consistent with current criminal history checks.</p> <p>Proposed Code § § 3-01-001-0004, -0005</p>
<p><b>MAY VENDORS AT A SPECIAL EVENT PAY A FEE IN LIEU OF LOCAL TPT?</b></p>	<p><b>MAY VENDORS AT A SPECIAL EVENT PAY A FEE IN LIEU OF LOCAL TPT?</b></p>
<p><b>Yes. Under old law the organizer for a special event paid a sum equal to (\$15 x the number of fair vendors selling at such event) x (the number of days per event), in lieu of local TPT</b></p> <p>Note: The City no longer may collect local TPT or accept payments in lieu. City Code § 3-03-001-0005</p>	<p><b>No. All vendors must have a TPT license and pay TPT, if applicable.</b></p> <p>Pro: Complies with law.</p> <p>Note: Event organizer must have a business license and submit list of vendors. Special event permits are issued under City Code Chapter 8-12 <i>Special Events</i>.</p>

<b><i>WHAT ARE RESTRICTIONS ON SOLICITATION?</i></b>	<b><i>WHAT ARE RESTRICTIONS ON SOLICITATION?</i></b>
<p><b>Peddlers and solicitor not allowed within 300’ of public school. Allowed in parks per competitive process. Not allowed to impede traffic.</b></p> <p>Note: Mobile vendors sell food near high schools. City Code § 3-03-001-0007</p>	<p><b>Transient merchant will now be allowed near a public school, and in parks per a special event permit. Not allowed to impede traffic.</b></p> <p>Proposed Code § 3-01-001-0009</p>
<p><b>Peddlers and solicitors not allowed to cry out, blow horn, use loudspeaker, but ice cream trucks ok</b> City Code § 3-03-001-0008</p>	<p><b>Deletes special noise restrictions</b></p> <p>Note: City noise ordinance, Ch. 6-08, <i>Noise Control</i>, prohibits amplified noise, with certain exceptions.</p>
<p><b>Peddlers and solicitors prohibited from solicitation where a “no solicitation” sign is posted, and from 8 pm to 8 am</b> City Code § 3-03-001-0013</p>	<p><b>No solicitation where a “no solicitation” sign is posted, and no soliciting from 8 pm to 8 am</b></p> <p>Proposed Code § 3-01-001-0010</p>

## **FEES**

<b><u>CURRENT</u> Ch. 3-10 <i>User Fees</i></b>	<b><u>PROPOSED</u> Ch. 3-10 <i>User Fees</i></b>
<p><b>Annual occupational license fee - \$20</b> City Code § 3-01-001-0006</p>	<p><b>Annual business license fee - \$8</b> Proposed Code §§ 3-01-001-0006</p>
<p><b>Penalty for late renewal - \$0</b> City Code § 3-01-001-0006</p>	<p><b>Penalty for late renewal – 50% of license fee</b> Proposed Code §§ 3-01-001-0006, 3-10-001-0008</p>
<p><b>Local TPT/use tax license - \$46 one-time</b> (duplicative reference, see below)</p>	<p><b>Local TPT/use tax license - \$38 annual</b> (duplicative reference, see below)</p>

<b><u>CURRENT</u> Ch. 3-05 <i>Privilege and Excise Taxes</i></b>	<b><u>PROPOSED</u> Ch. 3-05 <i>Privilege and Excise Taxes</i></b>

<p><b>Local TPT/use tax license - \$46 one-time</b> City Code § 3-05-003-0320</p>	<p><b>Local TPT/use tax license - \$38 annual</b></p> <p>Note: This pays for costs of local tax administration being administered by Arizona Department of Revenue but charged to the City.</p> <p>Proposed Code § 3-05-003-0320</p>
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# CITY OF FLAGSTAFF

## STAFF PROPOSED AMENDMENTS TO CHAPTER 3-01 BUSINESS LICENSE REGULATIONS

### MANAGEMENT SERVICES DIVISION REVENUE SECTION

Council Presentation  
May 8, 2018



**TEAM FLAGSTAFF**  
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# INTRODUCTION

➤ Discussion on staff proposed amendments to the City's Business License Regulations

➤ Why are we here?:

- Previously three systems:
  - Transaction Privilege Tax (TPT)
  - Occupational Business License
  - Special Permits
- Key Benefits to Businesses, City, and Economic Development
- Changes in Code
- Changes in User Fees



# INTRODUCTION

## ➤ Key Benefits to Businesses, City, and Economic Development

- New Software
  - Routinely Able to Track Economic Health of Community
  - Greater Accuracy in Geo Reporting Than in the Past
  - One Database for Tracking and Reporting Information
  - Forward Facing “Citizens Access”
- Code Compliance
- Training and Compliance Assistance



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# INTRODUCTION Continued

➤ Changes in Code; Policy questions that we want to address regarding proposed amendments:

## Staff Proposed Amendments:

- Who Needs a License?
- Business License Exemptions
- Annual License Fee Changes
- License Renewal
- License Revocation
- License Enforcement
- Permit vs. License and Exemptions
- Application Requirements
- Special Event Permit vs. TPT
- Restrictions on Solicitation
- Annual User Fees and Penalties
- Local TPT/Use Tax License



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# INTRODUCTION Continued

➤ Changes in User Fees; Policy questions that we want to address regarding proposed amendments:

## Staff Proposed Amendments:

- Annual User Fees and Penalties
- Local TPT/Use Tax License



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# INTRODUCTION Continued

➤ The issue or problems to be resolved are as follows:

- *Streamline and automate Business License process;*
- *Appropriately capture fees to recover ADOR and City costs; and*
- *Reduce redundancy and improve services for business community.*



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# Proposed Updates

## Ch. 3-01 – License Regulations

### Business License Regulations

Description	From	Proposed
WHO NEEDS A LICENSE?	Any person engaged in one of 35 occupations or 5 wholesale businesses; each location  §§ 3-01-001-0001, -0002, -0008	Any business location; Any transient merchant  (Exemptions)  § 3-01-001-0002



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# Proposed Updates

Ch. 3-01 – License Regulations

## Business License Regulations

Description	From	Proposed
<p><b>WHO IS EXEMPT?</b></p>	<p>Any occupation not listed</p> <p>Designated caregivers</p> <p>§ 3-01-001-0012</p>	<p>Exemptions from business licensing per City</p> <p>Exemptions from business licensing per State law</p> <p>§ 3-01-001-0003</p>



# TEAM FLAGSTAFF

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# Proposed Updates

## Ch. 3-01 – License Regulations

Business License Regulations		
Description	From	Proposed
WHAT IS ANNUAL LICENSE FEE?	\$20 Prorated on quarterly basis	\$8 per year
	§ 3-01-001-0002	§ 3-10-001-0008

Business License Regulations		
Description	From	Proposed
WHEN IS LICENSE RENEWED?	July 1	Anniversary month
	§ 3-01-001-0006	§ 3-01-001-0006



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# Proposed Updates

## Ch. 3-01 – License Regulations

### Business License Regulations

Description	From	Proposed
<b>WHEN MAY LICENSE BE REVOKED?</b>	If conditions of license violated  § 3-01-001-0009	If conditions of license violated; procedures  § 3-01-001-0012

### Business License Regulations

Description	From	Proposed
<b>HOW IS LICENSE ENFORCED?</b>	Police enforcement  § 3-01-001-0011	Code compliance or police enforcement  § 3-01-001-0013





# Proposed Updates

Ch. 3-03 – License Regulations

## Business License Regulations

Description	From	Proposed
<p><b>WHO NEEDS A PERMIT?</b></p> <p>vs.</p> <p><b>WHO NEEDS A LICENSE?</b></p>	<p>Peddlers and solicitors must obtain a permit for specific dates, times and areas of operation.</p> <p>Permit fee \$25, up to 5 years.</p> <p>§ 3-03-001-0003</p>	<p>Transient merchant. Includes peddler, solicitor, fair vendor, or mobile food vendor. License is specific.</p> <p>No permit fee.</p> <p>§ 3-01-001-0001</p> <p>Alternative: Keep separate licensing</p> <p>Ch. 3-03 Peddlers</p>



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# Proposed Updates

## Ch. 3-03 – License Regulations

Business License Regulations		
Description	From	Proposed
WHO IS EXEMPT?	Religious and charitable organizations	<ol style="list-style-type: none"> <li>1. If qualified for a business license exemption;</li> <li>2. Vendor at a special event where organizer has obtained special event permit issued under Chapter 8-12 Special Events</li> </ol>
Permits	§ 3-03-001-0003	§ 3-01-001-0001



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# Proposed Updates

Ch. 3-03 – License Regulations



Business License Regulations	
Description	Alternatives:
WHO IS EXEMPT?	Exempt these vendors?: Vendor with a temporary use permit issued by Community Development (CD) under City Code § 10-20.40.150 (E.g. seasonal sales);
Continued	Vendor with a sidewalk vendor cart issued CD under City Code Division 8-03-002 Sidewalk Cafes, Sidewalk Vending Carts and other Permitted Encroachments.



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# Proposed Updates

## Ch. 3-03 – License Regulations

### Business License Regulations

Description	From	Proposed
<p>WHAT ARE APPLICATION REQUIREMENT ?</p>	<p>Applicant info, photo id, days and location of operation, advertising signs, criminal history, what is being sold, employer info, motor vehicle info; plus deposit of \$25 per day, not to exceed \$200 as prepayment of local TPT</p> <p>§ 3-03-001-0003</p>	<p>Applicant info, photo id, days and location of operation, what is being sold, criminal history past 5 years</p> <p>§ § 3-01-001-0004, -0005</p>



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# Proposed Updates

## Ch. 3-03 – License Regulations

### Business License Regulations

Description	From	Proposed
<p><b>MAY VENDORS AT A SPECIAL EVENT PAY A FEE IN LIEU OF LOCAL TPT?</b></p>	<p><b>Yes.</b></p> <p>Organizer for a special event paid a sum equal to:            (\$15 x the number of fair vendors selling at such event) x (the number of days per event), in lieu of local TPT</p> <p><b>§ 3-03-001-0005</b></p>	<p><b>No.</b></p> <p>All vendors must have a TPT license and pay TPT, if applicable.</p> <p><b>§ 3-03-001-0005</b></p>



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# Proposed Updates

## Ch. 3-03 – License Regulations

### Business License Regulations

Description	From	Proposed
<p>WHAT ARE RESTRICTIONS ON SOLICITATION ?</p>	<p>Peddlers and solicitor not allowed within 300' of public school.</p> <p>Allowed in parks per competitive process.</p> <p>Not allowed to impede traffic.</p> <p>§ 3-03-001-0007</p>	<p>Transient merchant will now be allowed near a public school, and in parks per a special event permit.</p> <p>Not allowed to impede traffic.</p> <p>§ 3-01-001-0009</p>



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# Proposed Updates

## Ch. 3-03 – License Regulations

### Business License Regulations

Description	From	Proposed
<p>WHAT ARE RESTRICTIONS ON SOLICITATION ?</p> <p>Continued</p>	<p>Peddlers and solicitors not allowed to cry out, blow horn, use loudspeaker, but ice cream trucks ok</p> <p>§ 3-03-001-0008</p>	<p>Deletes special noise restrictions, as it is duplicative</p> <p>Delete</p>



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# Proposed Updates

## Ch. 3-03 – License Regulations

### Business License Regulations

Description	From	Proposed
<p>WHAT ARE RESTRICTIONS ON SOLICITATION ?</p> <p>Continued</p>	<p>Peddlers and solicitors prohibited from solicitation where a “no solicitation” sign is posted, and from 8 pm to 8 am</p> <p>§ 3-03-001-0013</p>	<p>No solicitation where a “no solicitation” sign is posted, and no soliciting from 8 pm to 8 am</p> <p>§ 3-01-001-0010</p>



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# Proposed Updates

## Ch. 3-10 – User Fees

### Business License Regulations

Description	From	Proposed
License fee	Annual occupational license fee \$20	Annual business license fee \$8
	§ 3-03-001-0013	§ 3-01-001-0010

### Business License Regulations

Description	From	Proposed
Penalty for late renewal	\$0	50% of license fee
	§ 3-01-001-0006	§§ 3-01-001-0006, 3-10-001-0008



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# Proposed Updates

Ch. 3-10 – User Fees



Business License Regulations		
Description	From	Proposed
Local TPT/use tax license	\$46 one-time § 3-05-003-0320	\$38 annual § 3-05-003-0320



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# Next Steps

- 1<sup>st</sup> Reading of Ordinance  
(with revisions per Council from Work Session)
  - June 5, 2018 @ 6:00 p.m.
- 2<sup>nd</sup> Reading of Ordinance (with final revisions, if any)
  - June 19, 2018 @ 4:30 p.m.
- Effective September 1, 2018



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# QUESTIONS?



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## CITY OF FLAGSTAFF

### STAFF SUMMARY REPORT

**To:** The Honorable Mayor and Council  
**From:** Dan Musselman, Interim Police Chief  
**Co-Submitter:** Lt. Frank Higgins  
**Date:** 04/19/2018  
**Meeting Date:** 05/08/2018



#### TITLE

#### Discussion of Camping Ordinance

#### STAFF RECOMMENDED ACTION:

Leave the camping ordinance the way it currently is written so it is enforceable and able to withstand any legal challenges and remains an effective tool to combat the real risk and danger of forest fires

#### EXECUTIVE SUMMARY:

The camping ordinance was passed in 2005 to provide for the safety, harmonious use, and well-being of all users of city property. The ordinance prohibits the storage of personal belongings and placement of structures on public property within the city limits for living accommodation purposes, thus limiting the dangers of forest fires, littering, and overuse and abuse of public property. The Police Department previously provided information to Council on the ordinance and enforcement efforts. Upon completion of the presentation Council wanted further discussion of this ordinance, an exploration of similar ordinances in the Southwest, and research on what other communities are doing to address the homeless issue. The City Attorney's office feels the existing Ordinance should be left whole or repealed in its entirety, as any further changes will make the Ordinance unenforceable and more susceptible to legal challenges.

#### INFORMATION:

This ordinance was first passed in October of 2005. In 2009 it was revisited by council and the severity of the crime was lessened from a class one misdemeanor to a class three misdemeanor. The current ordinance reads as follows:

It is unlawful for any individual to camp on public property within the Flagstaff city limits unless specifically authorized by law. For this section, the term "camping" means the use of any city property or any undeveloped, unimproved county, state, and federal property for living accommodation purposes, including, but not limited to, activities such as:

- (1) Sleeping activities or making preparations to sleep including the laying down of bedding for the purpose of sleeping;
- (2) Storing personal belongings;
- (3) Making any fire, other than in a fire or barbecue pit provided by the City for such use;
- (4) Using any tent, shelter, vehicle, or other structure for sleeping;
- (5) Cooking, other than in a fire or barbecue pit provided by the City for such use.

The above listed activities shall constitute camping when it reasonably appears, in light of all the circumstances, that the participants, in conducting such activities, are in fact using the area for living

accommodation purposes, either as recreational camping or as a primary living space, and regardless of the intent of the participants or the nature of any other activities in which they may also be engaging. "Camping" shall be distinguished from those short term uses such as napping and picnicking that are characterized by brief and intermittent use of city property for recreational purposes during daylight hours.

C. No person shall be arrested for a violation of this ordinance unless the person continues to engage in such conduct after warning by any police officer or authorized representative of the government entity responsible for such public property, or unless such property has been conspicuously posted with a warning of the provisions of this ordinance.

D. For the purpose of this section " city property" shall mean all real property including appurtenances thereon which is owned, leased, or controlled by the City and shall include all improved or unimproved land, all public right of ways including trails, easements, public sidewalks and public parking lots.

E. A violation of this section is a class 3 misdemeanor. Each day that a violation of this section continues shall constitute a separate offense.

F. Necessity, as set forth in ARS [13-417](#), is a defense to prosecution under this Section.

The necessity defense found in ARS §13-417 has been incorporated into this ordinance. This defense reads that conduct that would otherwise be considered an offense shall be justified if a reasonable person felt compelled to engage in the conduct and had no reasonable alternative to avoid imminent public or personal injury. The Council discussion at the time reflected concern that an individual who during the winter months was found sleeping in a sleeping bag to avoid freezing when shelters are full should not be held responsible for the crime of camping in the City limits. Concern was also expressed that an individual fleeing from an abusive relationship (such as domestic violence) should also not be held criminally liable under this ordinance-especially those individuals found sleeping in their vehicle. Officers were directed again to consider the totality of the circumstances to determine if a violation of this ordinance has occurred given the spirit of the ordinance. Sleeping alone does not constitute an offense, however setting up temporary shelter, cooking, campfires for warmth, etc may collectively establish a reason to believe a person is camping.

This ordinance is used sparingly as a tool by officers to help protect our forest and watershed. Officers conduct wood watch patrols during the summer months to help keep the forested areas around the city free from litter and to reduce fire danger from illegal camp and cooking fires. The Officers usually conduct fly overs to identify camps or follow up on reports from concerned citizens. The following morning, they hike in to the camps, providing the occupants with a listing of social services and advising them of the ordinance. Follow up is conducted within the next few days to make sure the camp has been removed.

The ordinance has also been enforced when citizens in neighborhoods or at businesses report people camping in vehicles for extended periods of time on public streets and in public right of ways such as along Lucky Lane.

Officers with the Police Department make approximately 7,000 arrest per year for various violations of statutes and ordinances. We have made 21 arrests for the camping ordinance over the past four years (four in 2013, nine in 2014, four in 2015, and four in 2016). Camping arrests make up less than 1% of our total arrests. Four of the 21 persons arrested had charges in addition to the camping violation. Most suspects were issued a citation and released, rather than taken into custody. Officers with the Flagstaff Police Department have issued dozens of warnings for camping violations (2013 - 26 warnings, 2014 - 70 warnings, 2015 - 47 warnings, 2016 - 60 warnings).

Camping Ordinances Memo  
PowerPoint



# WARNING

The wooded area around Flagstaff is extremely dry and susceptible to forest fires. Due to the inherent fire danger, the Flagstaff Police Department, Coconino County Sheriff's Office, and the U.S. Forest Service are notifying you that you are in violation of the following statute(s):

- FIRE RESTRICTIONS / OPEN BURNING**  
ARS 13-2913.A - Unlawful Violation of Fire Ban  
FCC 5-02-001-0004: Open Burning - IFC 307.1.1
- LITTERING**  
ARS 13-1603, FCC 6-06-001-0002, Title 36 CFR 261.11 (b)
- ENTERING OR BEING IN AN AREA CLOSED BY FOREST ORDER**  
**FOREST CLOSED FOR PUBLIC SAFETY**  
Title 36 CFR 261.58 (e)
- CAMPING PROHIBITED WITHIN THE CITY LIMITS OF FLAGSTAFF**  
FCC 6-01-001-0022
- CAMPING PROHIBITED IN A CITY PARK**  
FCC 8-11-001-0009L
- EXCEEDING 14 DAY LIMIT FOR CAMPING IN NATIONAL FOREST**  
Title 36 CFR 261.58 (e)
- RESIDING ON NATIONAL FOREST LANDS**  
Title 36 CFR 261.10 (b)

**NOTICE:** YOU ARE HEREBY NOTIFIED OF THE ABOVE INDICATED VIOLATIONS. LAW ENFORCEMENT OFFICERS WILL CHECK THIS AREA AT A LATER TIME, AND IF YOU ARE FOUND IN VIOLATION, YOU WILL BE SUBJECT TO CITATION AND/OR ARREST.

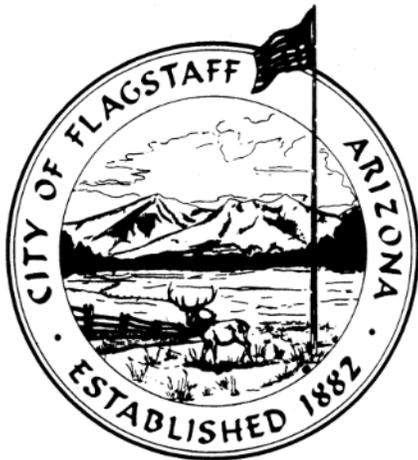
Assistance may be available by contacting  
**COMMUNITY SERVICES**  
2652 N. King St  
Phone: (866) 822-9298

- YOUR PROPERTY WAS FOUND ABANDONED ON PUBLIC LANDS. IT WILL BE STORED AT THE FLAGSTAFF POLICE DEPARTMENT. YOU MAY PICK UP YOUR PROPERTY ANYTIME WITHIN THE NEXT 30 DAYS. ANY UNCLAIMED PROPERTY WILL BE DESTROYED AFTER THAT TIME.

THE CASE NUMBER TO CLAIM YOUR PROPERTY IS: \_\_\_\_\_

# Local Service Providers

Agency	Phone	Services Provided	When	For Whom
American Legion 204 W Birch Ave	774-7682	Emergency Food Boxes Coats for Kids Transport to VA Hospital	10a-7p Mon-Sat	Agency Referrals
Catholic Social Services 460 N. Switzer Canyon Suite 400	774-9125	Sack lunches at 8:30 Until Gone, Homeless Outreach Program, Family/Individual Housing, Veteran Program	8a-5p Mon-Fri	Anyone
Cedar Closet Thrift Shop 2919 N West St	779-3029	Cheap Clothing	10a-4p Tue-Sat	Agency Referral for Free Clothing
Community Services 2625 N. King St	679-7425	Rent & Utility Assistance, Motel Vouchers, Bus Passes, Referrals, Senior Services	8a-5p Mon-Fri	Screened for Eligibility
Goodwill Industries 4308 E Route 66 963 W Route 66	526-9188 774-3447	Cheap Clothing, House wares, etc. Employment Programs	8a-5p Mon-Fri	Anyone
Family Food Center 1903 N 2 <sup>nd</sup> St	774-3188	Hot Meals Everyday From 4:00 pm to 5:30 pm	4p-5:30p	Anyone
Hope Cottage 2211 E. Johnson Ave	774-9270	Lodging – Check in at 4p; dinner at 6p Christian Facility	4p-6p	Women & Children
Native Americans for Community Action 2717 N Steves Blvd	526-2968	Rent & Utility vouchers Must be a Client for 3 Months	8a-5p Mon-Fri	Clients
Northern AZ Food Bank 3805 E Huntington Dr	526-2211	Emergency Food Boxes & Wood Assistance	10a-1p Mon-Fri	Anyone
North Country Healthcare 2920 N. 4 <sup>th</sup> St	522-9400	Medical & Dental Services, Sliding Fee Scale, Walk in Clinic	8a-5p Mon-Fri	Local Residents
Northland Family Help Center	527-1900	Women's and Children's Shelter, Crisis Intervention & Counseling, Crisis Hotline is 24 Hours	9a-5p Mon-Fri	Women & Children Only
Salvation Army 507 N Humphreys St	774-1403	Sack Lunches, Emergency Food Boxes, Rental & Utility Assistance	8a-12p Mon-Thu	Anyone
Salvation Army Thrift Store 2229 E Cedar Ave	774-5061	Cheap Clothing Free Clothing Via Agency Referral	9a-5p Mon-Sat	Agency Referral for Free Clothing
The Foundation House 2410 E Route 66	774-8845	A Sober Living Environment for Men (requires rent payment)	Daytime Hours	Men
St. Vincent DePaul 2113 N East St	774-6511	Emergency Food Boxes, Rental & Utility Assistance	9a-11a Mon-Fri	Local Residents
Sunshine Rescue Mission 124 S San Francisco St	774-3512	Lodging (Intake from 4p-6p), Meals (7a, 12p, 6p), Clothing/Food Boxes (Mon-Fri, 330p-5p)	Varies	Lodging for Men Only
Think Jesus Project Killip School 2300 E 6 <sup>th</sup> Ave	380-2565	Hot Meals and Entertainment Sunday From 1:00 pm to 4:00 pm	Sundays 1p-4p	Anyone
Traveler's Assistance 460 Switzer Canyon Suite 400	774-9125	Gasoline & Emergency Bus Vouchers	8a-5p Mon-Fri	Travelers
Victim – Witness 201 E Birch St #4	779-6163	Victim Advocacy, Criminal Justice, Crisis Intervention, Social Service referrals	8a-5p Mon-Fri	Anyone in Coconino County
Flagstaff Shelter Services 4185 E Huntington Ave	225-2533	Emergency Shelter & Day Productivity Center	Varies	Homeless Men and Women



# FLAGSTAFF POLICE DEPARTMENT

911 SAWMILL RD • FLAGSTAFF, ARIZONA 86001 • (928) 779-3646  
ADMIN FAX (928) 213-3372  
TDD 1-800-842-4681



Chief of Police  
Dan Musselman (Interim)

To: Mayor and City Council  
CC:  
From: Chief (acting) Dan Musselman, Deputy Chief (acting) Frank Higgins  
Date: April 23, 2018  
Re: Camping Ordinance Comparisons

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Madam Mayor and members of the city council,

Attached you will find camping ordinances from 11 different jurisdictions. These different cities are listed in the order of their population size. Cities that have responded to our requests for information will have the total number of arrests made during the 2017 calendar year listed as well.

While all the ordinances are unique, you will find there are some similarities. Four cities require a warning before enforcement action is taken. Two cities (Payson and Denver) have the requirement written into their ordinance, whereas Portland's policy is a result of a court ruling. The city of Sacramento is required to post the campsite 24 hours prior to any enforcement due to case law in that jurisdiction. The city of Boulder does not require a warning by law, but the police department encourages a warning on the first contact.

All of the cities consider violations of their camping ordinance to be a misdemeanor offense, there are several that have prosecutorial discretion. In Payson, a code enforcement officer can issue a civil citation for a violation of the camping ordinance, but if the citation is issued by a police officer, it is a misdemeanor offense. The cities of Eureka and Sacramento have prosecutorial discretion to decriminalize the offense.

Out of the eleven comparison cities, a majority of them (Payson, Eureka, Prescott, Boulder, Fort Collins, Sacramento, and Denver) have restrictions on camping on private property as well. All of the cities, with the exception of Sacramento and Denver, also have prohibitions on camping within a vehicle or recreation vehicle.

Respectfully,

Frank P. Higgins

# Town of Payson, Arizona

## Population 15,476 (2016)

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### Number of arrests in 2017: 20

#### 130.17 CAMPING OR SLEEPING IN CERTAIN PLACES.

(A) It is unlawful for any person to set up, use or maintain any temporary structure, tent, bag, vehicle, camper or any other thing for the purpose of camping, lodging, sleeping, cooking or establishing a temporary place of rest, unless exempted by the following divisions.

(B) It is unlawful for any person to sleep in or upon any public building, alley, sidewalk, public way or other public place or facility.

(C) It is unlawful for any property owner, manager, renter, lessee, or agent thereof, to knowingly permit any person to violate this section.

(D) No person shall be arrested for a violation of any provision in this section, unless the person continues to engage in such conduct after warning by any police officer, the property owner, manager, renter, lessee, or agent thereof, or unless the property is conspicuously posted, warning of the provisions of divisions (A) and (B) of this section, and designating a violation thereof as a misdemeanor.

(E) This section shall not apply to the ordinary and permitted uses of improved residential lots subject to and in conformity with the zoning ordinance of the town, nor shall this section be interpreted to limit the use of lots by the owners thereof for any lawful purpose.

(F) This section shall not apply to campgrounds or similar businesses duly licensed by the town.

(G) This section shall not be construed to limit the normal activities or designated uses of the public parks of the town.

(H) This section shall not apply to the parking of any vehicle, camper or recreational vehicle for a period of less than 24 hours with the consent, express or implied, of the property owner, manager, renter, lessee or agent thereof.

(I) Unless otherwise permitted under division (H) of this section, the parking of any vehicle, tent, camper, recreational vehicle or other similar device in any location for more than six hours, when not upon one's own real property, shall be prima facie evidence of intent to violate this section.

(J) The Council may temporarily waive some or all of the provisions of this section.

#### 10.99 GENERAL PENALTY.

(A) Any person found guilty of violating any provision of this Code for which another penalty is not set forth shall be guilty of a class one misdemeanor, and upon conviction thereof shall be punished in the same manner as is provided for the punishment for class one misdemeanors in A.R.S. Title 13, Chapters 7,

8 and 9, as amended from time to time, and as currently providing for a fine of not more than \$2,500 for individuals and not more than \$20,000 for firms, entities, companies, corporations, or businesses and by imprisonment for not more than six months or by probation for not more than three years, or by any combination or all of such fine, imprisonment and probation. Each day that a violation continues shall be a separate offense punishable as hereinabove described. ( `82 Code, Art. 1-8) (Am. Ord. 205, passed 12-29-83; Am. Ord. 228, passed 1-10-85; Am. Ord. 424, passed 10-27-94; Am. Ord. 709A, passed 4-5-07)

(B) Except for cases in which a person has been previously cited for the same or substantially similar violation within 24 months, any violation of this Code that would otherwise be a misdemeanor, may, upon concurrence of the prosecutor and the magistrate, be deemed a civil violation and punished in accordance with division (C) below.

(C) Any violation of or failure or refusal to do or perform any act required by Title VII of this code constitutes a civil traffic violation which shall result in a civil penalty not to exceed \$250. In addition, the court shall levy penalty assessments pursuant to A.R.S. §§ 12-116.01 and 12-116.02. Civil violations are subject to the provisions of A.R.S. §§ 28-1591 et seq., as amended. (Ord. 205, passed 12-29-83; Am. Ord. 837, passed 9-19-13)

# Durango, Colorado

## Population: 18,503 (2016)

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Number of arrests in 2017: 197

Sec. 17-57. - Trespassing.

(a) Definitions. As used in this section, unless the context otherwise requires:

(1) "Premises" means any real estate and all improvements erected thereon.

(2) A person "enters unlawfully" or "remains unlawfully" in or upon premises when the person is not licensed, invited, or otherwise privileged to do so. A person who, regardless of their intent, enters or remains in or upon premises that are at the time open to the public, does so with license and privilege unless the person defies a lawful order not to enter or remain, personally communicated to them by the owner of the premises or some other authorized person. A license or privilege to enter or remain in a building that is only partially open to the public is not a license or privilege to enter or remain in that part of the building that is not open to the public.

(b) It shall be unlawful for any person to enter or remain in or upon premises of another which are enclosed in a manner designed to exclude intruders, are fenced, or are posted with "no trespass" signs or if such person knowingly and unlawfully enters or remains in or upon the common areas of a hotel, motel, condominium or apartment building, without permission.

(c) It shall be unlawful for any person to take down any fence, let down any bars, or to open any gate or door into or on any property of another without the consent of the owner, occupant, or person in control thereof.

(d) It shall be unlawful for any person to knowingly enter in or remain upon or lodge in or use or occupy any barn, garage, shed, shop, house, building, other structure, motor vehicle, railroad car or other vehicle without the permission of the owner or person in control thereof.

(e) It shall be unlawful for any person to knowingly lodge in or camp upon any public way, public park, public place, or public building.

(f) It shall be unlawful for any person to knowingly, during the nighttime, enter upon any privately owned premises of another which is not open to the use of the public, unless that person has first obtained the consent of the owner or person in possession or control thereof.

(g) It shall be unlawful for any person to remain on the premises of another after being requested to leave by the owner, agent of the owner, tenant or any person in possession or control of the premises, or by returning to the premises within twenty-four (24) hours from the request to leave or within such other

period of time as may be specified in the request, without the permission of the owner, agent of the owner, tenant or any person in possession or control of the premises.

(Ord. No. O-2003-33, § 1, 10-21-03)

Sec. 24-77. - Municipal parking lots.

Municipal parking lots are established within the downtown area of the city for the purpose of supplying employee and public parking during regular posted business time periods. Regulatory signs are posted at the entrances to all municipal lots. The provisions of this section do not supersede or replace any other provisions of this chapter with respect to general parking regulations, such as parking in a manner that obstructs driveways or traffic, payment of parking meters, parking that interferes with snow removal, parking in proximity to intersections or crosswalks, parking in proximity to fire hydrants, and all other general parking regulations. All persons who park vehicles in municipal parking lots shall be required to comply with the requirements of this section.

- (1) Permits. If the city manager or his/her designee deems it necessary or prudent, parking permits may be required and made available upon payment of the prescribed fee.
- (2) Permit does not guarantee parking. The intent of the permit system, if implemented, is to allocate a limited number of parking spaces among the various classifications of parking users on an equitable basis. The issuance of a permit does not guarantee a place to park.
- (3) Issuance of permits and fees. Parking permits will be issued through the parking division. Permit fees for each type of permit shall be determined by the city. Payment of the applicable fees will be required prior to the issuance of any permit. All permits are valid only for their designated use and area.
- (4) Valid permit to be displayed. Permits are valid only through the date shown on the face of the permit. Permits must be displayed at all time so as to be visible through the front windshield of the vehicle for which the permit has been issued. Permits may be replaced through a license plate recognition system or other automated system at the direction of the city manager or his/her designee.
- (5) Parking meters. Certain areas of municipal parking lots may be designated for metered parking. Parking within such areas shall require compliance with sections 24-58 through 24-62 of this chapter.
- (6) Signs. The city shall designate the various parking areas through signage placed at the entrance to the affected public parking facilities. Parking policies applicable to municipal parking lots may be modified periodically to adapt to actual parking demand.
- (7) Reserved parking areas. In any area designated as a permit zone, where parking is prohibited during certain hours without a specific authorizing permit, it shall be unlawful for any person to park any motor vehicle in such reserved parking area during such designated hours without the display of a visible and valid parking permit. Permits may be replaced through a license plate recognition system or other automated system at the direction of the city manager or his/her designee.

(8) No solicitation. It shall be unlawful to solicit the sale of any vehicle through signs or any other form of advertisement within a municipal parking lot.

(9) No overnight parking. It is unlawful for any person to camp overnight or to park a recreational vehicle overnight within any municipal parking lot.

(10) Oversized commercial vehicles prohibited. It shall be unlawful for any person to park a commercial vehicle having a carrying capacity in excess of one (1) ton within any municipal parking lot.

(Ord. No. O-2014-44, § 2, 12-16-14; Ord. No. O-2016-31, § 13, 11-15-16 )

Sec. 1-16. - General penalty; continuing violations.

(a) Whenever in this Code or in any ordinance of the city any act is prohibited or is made or declared to be unlawful or an offense, or whenever in such Code or ordinance the doing of any act is required or the failure to do any act is declared to be unlawful, where no specific penalty is provided therefor, the violation of any such provision of this Code or any ordinance shall be punished by a fine not to exceed one thousand dollars (\$1,000.00) or imprisonment for a term not to exceed ninety (90) days, or by both such fine and imprisonment.

(b) If the person convicted of a violation of any section of this Code is under the age of eighteen (18) years, the penalty authorized by this section shall be limited to a fine not to exceed the sum of one thousand dollars (\$1,000.00).

(c) Each day any violation of any provision of this Code or of any ordinance shall continue shall constitute a separate offense; provided, however, in a case of parking violations involving overtime parking, each two-hour period that a motor vehicle shall remain parked after the expiration of legal parking shall constitute a separate offense.

(d) In all cases where the same offense is made punishable or is created by different clauses or sections of this Code, the prosecuting officer may elect under which to proceed; but not more than one (1) recovery shall be had against the same person for the same offense; provided, that the revocation of a license or permit shall not be considered a recovery or penalty so as to bar any other penalty being enforced.

(Code 1962, §§ 1-3-1, 1-3-5; Ord. No. 1987-20, § 1, 10-20-87; Ord. No. 1994-22, § 1, 10-4-94)

# Eureka, California

## Population: 27,226 (2016)

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### 93.02 CAMPING PERMITTED ONLY IN SPECIFICALLY DESIGNATED AREAS.

(A) Except as provided herein, no person shall camp in any public or private space or public or private street, except in areas specifically designated for such use. CAMP shall mean residing in or using a public or private space for living accommodation purposes, such as sleeping activities, or making preparations to sleep (including the laying down of bedding for the purpose of sleeping), or storing personal belongings, (including but not limited to clothing, sleeping bags, bedrolls, blankets, sheets, luggage, backpacks, kitchen utensils, cookware, and similar material), or making any fire or using any tents, regularly cooking meals, or living in a parked vehicle. These activities constitute camping when it reasonably appears, in light of all the circumstances, that a person is using a public space as a living accommodation regardless of his/her intent or the nature of any other activities in which he/she might also be engaging. PRIVATE shall mean affecting or belonging to private individuals, as distinct from the public generally. All police officers are hereby charged with the enforcement of the camping provisions of this chapter.

(B) For the purposes of this section:

(1) PUBLIC SPACE. Shall include the following areas:

(a) Any public park or public beach.

(b) Any public parking lot or public area improved or unimproved.

(2) PUBLIC STREET. Shall include any public street or public sidewalk including public benches.

(3) PRIVATE SPACE. Shall include the following areas:

(a) Any private park or private beach.

(b) Any private parking lot or private area improved or unimproved.

(4) PRIVATE STREET. Shall include any private street or alley including private benches.

(C) Camping on private property shall be lawful if the owner of the private property is present at all times that the camping is occurring and if the camping is occurring accessory to a permitted residential use on property which is zoned for a residential purpose only. However, notwithstanding this exemption, if the camping is creating or maintaining a nuisance, as defined in the Eureka Municipal Code, it shall be unlawful.

('63 Code, § 5-2.01) (Ord. 573-C.S., passed 8-4-94; Am. Ord. 598-C.S., passed 12-19-95) Penalty, see § 10.99

§ 93.03 HOUSE TRAILERS; AUTO AND TRAILER CAMPS.

(A) It shall be unlawful for any person to use a house trailer, trailer, semi-trailer, truck, or other movable structure for habitation within the city except in a duly established licensed auto camp.

('63 Code, § 5-2.04)

10.99 GENERAL PENALTY.

(A) It shall be unlawful for any person to violate any provision or to fail to comply with any of the requirements of this code or the provisions of any code adopted by reference by this code. Any person violating any of such provisions or failing to comply with any of the mandatory requirements of this code shall be guilty of a misdemeanor. Any person convicted of a misdemeanor under the provisions of this code shall be punishable by a fine of not more than \$1,000 or by imprisonment in the county jail for a period not exceeding six months, or by both such fine and imprisonment. Each such person shall be guilty of a separate offense for each and every day during any portion of which any violation of any provision of this code, or the provisions of any code adopted by reference by this code, is committed, continued, or permitted by such person and shall be punishable accordingly. Any violation of this code which is declared to be a misdemeanor shall be considered and treated as an infraction subject to the procedures described in Cal. Penal Code §§ 19.6 and 19.7, when:

(1) The City Attorney files a complaint charging the offense as an infraction unless the defendant, at the time he is arraigned, after being informed of his rights, elects to have the case proceed as a misdemeanor; or

(2) The court, with the consent of the defendant, determines that the offense is an infraction in which event the case shall proceed as if the defendant had been arraigned on an infraction complaint.

(B) In addition to the penalties provided by this section, any condition caused or permitted to exist in violation of any of the provisions of this code, or the provisions of any code adopted by reference by this code, shall be deemed a public nuisance and may be summarily abated by this city, and each day such condition continues shall be regarded as a new and separate offense.

('63 Code, § 1-2.01)

(C) Each violation of this code expressly declared to be an infraction is punishable by:

(1) A fine not exceeding \$100 for the first violation;

(2) A fine not exceeding \$200 for the second violation of the same ordinance within one year;

(3) A fine not exceeding \$500 for each additional violation of the same ordinance within one year.

('63 Code, § 1-2.07)

(Ord. 362-C.S., passed 5-18-82)

# Prescott, Arizona

## Population: 42,513 (2016)

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Number of arrests in 2017: 49

### CHAPTER 5-9: OUTDOOR CAMPING

#### 5-9-1 DEFINITIONS:

"Camping" or "camp" shall mean the use of an area outdoors for living accommodation purposes, and shall include, but not be limited to, erecting a tent or other type of shelter, or laying down bedding material, or both, for the purpose of, or in such a way as will permit it to be used for living accommodation purposes or for sleeping purposes; or parking a trailer, camper or other vehicle for the foregoing purposes. (Ord. 3778, 7-14-1998)

#### 5-9-2 CAMPING ON MUNICIPAL PROPERTY:

No person shall camp on property owned, leased or licensed by the City, unless that property is specifically posted with signage allowing camping, or is otherwise a specifically designated camping area. (Ord. 3778, 7-14-1998)

#### 5-9-3 CAMPING ON PRIVATE PROPERTY:

No person shall camp on private property, unless that person has in his or her possession written permission from the property owner or lawful tenant of that property. (Ord. 3778, 7-14-1998)

#### 5-9-4 PENALTY:

Any person who violates any provision of this Chapter shall be guilty of a misdemeanor, and upon conviction thereof shall be punished as provided in Section 1-3-1 of this Code. (Ord. 3778, 7-14-1998)

#### 5-9-5 SEVERANCE CLAUSE:

The provisions of this Chapter are hereby declared to be severable, and if any section, sentence, clause or phrase of this Chapter shall, for any reason, be held to be invalid or unconstitutional, such decisions shall not affect the validity of the remaining sections, sentences, clauses and phrases of this Chapter, but they shall remain in effect, it being the legislative intent that this Chapter shall stand notwithstanding the validity of any part thereof. (Ord. 3778, 7-14-1998)

#### 1-3-1 GENERAL PENALTY; MISDEMEANORS, CIVIL VIOLATIONS, CONTINUING VIOLATIONS:

(A) Except as otherwise expressly provided in this code, whenever in this code or in any ordinance of the City any act is prohibited or is made or declared to be unlawful or an offense or a misdemeanor, or whenever in such code or ordinance the doing of any act is required or the failure to do any act is declared to be unlawful, where no specific penalty is provided therefor, the violation of any such provision of this code or any ordinance shall be a Class 1 misdemeanor and punished as Class 1 misdemeanors under state law. Each day any violation of any provision of this code or of any ordinance shall continue shall constitute

a separate offense. Unless contrary to or inconsistent with the manifest intent of the council or the context of the specific code or ordinance provision being enforced, a misdemeanor charge under this subsection shall require the unlawful act or failure to act was done in a manner which the evidence shows to have been "intentionally," "knowingly," or "recklessly," as defined in A.R.S. Title 13, Chapter 1.

(B) Except for provisions relating to civil traffic violations, whenever in this code or in any ordinance of the City, any act is made or declared a civil violation, where no specific penalty is provided for, the sanction for violation of any such provision or ordinance shall be as set forth in Section 1-3-2.

(C) In addition to the penalties hereinabove provided, any condition caused or permitted to exist in violation of any of the provisions of this code or any ordinance shall be deemed a public nuisance and may be, by the City, abated as provided by law and each day that such condition continues shall be regarded as a new and separate offense.

(D) In addition to a fine and/or imprisonment as set forth in subsection (A) of this section, the court, in its discretion, may sentence a defendant convicted of a misdemeanor violation of this code to a period of probation, for a term not to exceed one (1) year, and may place conditions on the defendant during said period of probation. Said conditions within the terms of probation are those intended to further the defendant's compliance with the code provision violated.

(E) In addition to a fine and/or imprisonment as set forth in subsection (A) of this section, the court, in its discretion, may sentence a defendant to perform community service, and/or set such other conditions as a part of the court's sentence.

(F) Violations of any provision of the City Charter, this code or of any proscription, requirement or duty set forth in any ordinance are hereby declared to be civil code infractions which may be adjudicated and enforced by the City Court using the procedures set forth in Chapter 1-14, as an additional enforcement alternative to other remedies provided in this section or remedies and procedures provided for specifically in this code or any City ordinance. Use of the civil code infraction alternative is not mandatory and shall be at the discretion of the City official undertaking enforcement action on an alleged violation of this code or other ordinances. (Ord. 687, 11-9-1964; Ord. 4330, 9-9-2003; Ord. 4995-1533, 10-11-2016)

# Boulder Colorado

## Population: 108,090 (2016)

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Number of arrests in 2017: 290

5-6-10. - Camping or Lodging on Property Without Consent.

(a) No person shall camp within any park, parkway, recreation area, open space, or other city property.

(b) No person shall camp within any public property other than city property or any private property without first having obtained:

(1) Permission of the authorized officer of such public property; or

(2) Permission of the owner of private property.

(c) This section does not apply to any dwelling in the city, as defined by Section 5-1-1, "Definitions," B.R.C. 1981.

(d) For purposes of this section, camp means to reside or dwell temporarily in a place, with shelter, and conduct activities of daily living, such as eating or sleeping, in such place. But the term does not include napping during the day or picnicking. The term shelter includes, without limitation, any cover or protection from the elements other than clothing. The phrase during the day means from one hour after sunrise until sunset, as those terms are defined in Chapter 7-1, "Definitions," B.R.C. 1981. Camp does not include temporary residence associated with the performance of a governmental service by emergency responders or relief workers during a Disaster Emergency as defined in Section 2-2.5-2, "Definitions," B.R.C. 1981.

(e) Testimony by an agent of the persons specified in Subsection (b) of this section that such agent is the person who grants permission to camp or lodge upon such property, or that in the course of such agent's duties such agent would be aware of permission and that no such permission was given, is prima facie evidence of that fact.

Ordinance Nos. 7129 (2001); 7719 (2010); 7831 (2012); 7946 (2013); 7965 (2014)

- 5-6-3. - Unlawful Use of Vehicles as Residence.

No person shall occupy a vehicle upon any city street or streets or other public property if any of the purposes for such occupation is to use the vehicle as a permanent or temporary residence. Sleeping overnight upon any city street once in any seven-day period does not constitute use of the vehicle as a temporary residence.

Ordinance Nos. 5546 (1993); 7831 (2012); 7965 (2014)

- 5-2-4. - General Penalties.

- (a) The penalty for violation of any provision of this code or any ordinance is a fine of not more than \$1,000.00 per violation, or incarceration for not more than ninety days in jail or by both such fine and incarceration, except as follows:
  - (1) Where any different provision is made elsewhere in this code or any ordinance;
  - (2) Where the defendant's criminal culpability is vicarious, jail may not be imposed as a penalty;
  - (3) Where a non-traffic violation is involved, in order to impose a jail sentence, the court must be satisfied from the evidence and other material available to it for sentencing that the defendant acted intentionally, knowingly or recklessly with respect to the material elements of the violation. Where traffic offenses are concerned, ordinary negligence is sufficient to permit the imposition of jail;
  - (4) Where a defendant is a child under the age of ten years, in which case the child may not be held accountable in municipal court for any violation; or
  - (5) Where the defendant is a child of ten years through and including seventeen years of age, the child may not be sentenced to jail except upon conviction of a moving traffic violation for which penalty points are assessed against the driving privilege under the laws of this state.

# Fort Collins, Colorado

## Population: 164,207 (2016)

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Number of arrests in 2017: 495 (Camping on Public Property – 215, natural areas – 80)

Sec. 17-181. -Camping on public property restricted.

It shall be unlawful for any person to camp or pitch a tent, or knowingly permit any person to camp or pitch a tent, on public property within the City. Camping, for the purposes of this Section, shall mean to sleep, spend the night, reside or dwell temporarily with or without bedding or other camping gear and with or without shelter, or to conduct activities of daily living such as eating or sleeping, in such place unless such person is camping in compliance with Chapter 23 in a natural or recreation area. Camping shall not include incidental napping or picnicking.

Sec. 17-182. -Camping on private property restricted; exceptions.

a) It is unlawful for any person to camp or to knowingly permit any person to camp, as defined in § 17-181, on private property within the City, except on the premises of a residential dwelling with the permission of the property owner. Any such camping must be temporary in nature and must not exceed a period of seven (7) consecutive days or a total of fourteen (14) days in a calendar year; provided, however, that an extension of these time limits may be granted by the Director of Community Development and Neighborhood Services or his or her designee upon written application of a person claiming extraordinary circumstances or undue hardship. The Director's decision whether to grant an extension shall be based upon all attendant circumstances, including, without limitation, any objections posed by occupants of premises located on the same block face of the applicant. In no event shall an extension exceed seven (7) additional consecutive days or fourteen (14) additional days in a calendar year.

(b) It is unlawful for any person to occupy any motor vehicle, recreational vehicle or trailer or knowingly permit any person to occupy any motor vehicle or recreational vehicle or trailer, as defined in § 20-104 of the Code, on private property for living or sleeping purposes unless:

(1) such vehicle or trailer is located in a manufactured home park or RV park or campground where vehicle spaces are provided and where such occupancy does not violate any other City, state or federal regulation; or

(2) such vehicle or trailer is located on the premises of a residential dwelling in compliance with § 20-105 and the occupancy thereof is with the permission of the property owner and does not exceed seven (7) consecutive days or a total of fourteen (14) days in a calendar year.

Sec. 23-192. - Definitions.

The following words, terms and phrases, when used in this Article, shall have the meanings ascribed to them in this Section:

Camping shall mean to sleep or spend the night or reside or dwell temporarily in a natural area, with or without bedding or other camping gear, and with or without shelter, or to conduct activities of daily living, such as eating or sleeping, in such place. Camping shall not include incidental napping or picnicking.

Sec. 1-15. - General penalty and surcharges for misdemeanor offenses, traffic offenses and traffic and civil infractions.

(a) Except as to petty offenses, traffic infractions described in Subsection (b) below, and any civil infraction specified as such in this Code, any person who shall violate any provision of this Code, the Charter or any provision of any code or other regulation adopted by reference by this Code, by doing any act prohibited or declared to be unlawful thereby, or who shall engage in any business, occupation or activity for which a license or permit is required without having a valid license or permit therefor, or who shall fail to do any act required by any such provision, or who shall fail to do any act when such provision declares such failure to be unlawful or to be an offense or misdemeanor, shall be guilty of a misdemeanor and, upon conviction, shall be punished by the penalty specifically provided for such violation or, if none, then by a fine not exceeding two thousand six hundred fifty dollars (\$2,650.) or by imprisonment not exceeding one hundred eighty (180) days, or by both such fine and imprisonment, in addition to any costs which may be assessed. No person under the age of eighteen (18) years as of the date of the offense shall be subject to imprisonment except in the case of failure to comply with a lawful order of the court, including an order to pay a fine, and then only in the manner provided in Section 13-10-113, C.R.S., and the Colorado Children's Code, Section 19-1-101 et seq., C.R.S. Each day upon which a violation continues shall constitute a separate misdemeanor offense unless some other specific time period is provided for any particular offense. The maximum fine set forth above shall be adjusted for inflation on January 1 of each calendar year. For the purpose of this provision, inflation shall mean the annual percentage change in the United States Department of Labor, Bureau of Labor Statistics, consumer price index for Denver-Boulder, all items, all urban consumers, or its successor index.

(b) A violation of any provision of Chapter 28, Vehicles and Traffic, in this Code or the Fort Collins Traffic Code, shall be deemed to be a traffic infraction if, at the time of the commission of the violation, its counterpart violation under the provisions of Article 4 in Title 42 of the Colorado Revised Statutes, if any, is designated by state law as being a traffic infraction. If no counterpart violation exists under state law, the violation shall be deemed to be a traffic infraction. All other violations under Chapter 28 of this Code or the Fort Collins Traffic Code shall be considered misdemeanors punishable as described in Subsection (a) above. Any person against whom judgment is entered for a traffic infraction under this Code shall be subject to the penalty of a fine and any surcharge, the total of which is not to exceed two thousand six hundred fifty dollars (\$2,650.), and shall not be subject to imprisonment on account of such judgment. The maximum fine set forth above shall be adjusted for inflation on January 1 of each calendar year. For the purpose of this provision, inflation shall mean the annual percentage change in the United States Department of Labor, Bureau of Labor Statistics, consumer price index for Denver-Boulder, all items, all urban consumers, or its successor index.

(c) Except as provided in Subsection (d) below, a law enforcement officer, code enforcement officer, the City Attorney or their designees may request that the Municipal Judge order restitution of direct out-of-pocket costs incurred by any victim of a misdemeanor. By way of illustration, such direct out-of-pocket costs may include, but need not be limited to, costs to repair or replace damaged property,

medical insurance deductibles, or medical costs directly paid and unreimbursed by any entity other than the victim or the victim's parent or guardian.

(d) Restitution through Municipal Court shall not be available for victims of traffic infractions or traffic misdemeanors.

(e) Any person convicted of violating the provisions of Chapter 4, Animals and Insects; Chapter 17, Miscellaneous Offenses; or Chapter 20, Nuisances, shall reimburse the City for costs incurred by the City or Poudre Fire Authority in enforcing the provisions of said sections if such enforcement required the use of an extraordinary number of personnel, highly trained personnel, sophisticated equipment or nontraditional methods of enforcement. The amount of such restitution shall be apportioned among multiple defendants involved in the same criminal episode as deemed appropriate by the Municipal Judge, taking into consideration the behavior of the defendant(s), the amount and kind of expenses incurred by the City or Poudre Fire Authority, the number of participants involved in the criminal activity and such other circumstances as the Municipal Judge may consider relevant. Notwithstanding the foregoing, if another provision of the Code imposes a more specific restitution requirement than the requirement imposed by this Section, then the Code provision which requires the greater amount of restitution will control.

(f) Except as provided in Paragraph (4) below, any person found responsible for a violation of this Code designated as a civil infraction shall pay a civil penalty for such infraction of not more than two thousand six hundred fifty dollars (\$2,650.). Said amount shall be adjusted for inflation on January 1 of each calendar year. For the purpose of this provision, inflation shall mean the annual percentage change in the United States Department of Labor, Bureau of Labor Statistics, consumer price index for Denver-Boulder, all items, all urban consumers, or its successor index, plus costs, damages and expenses as follows:

(1) Each act of violation and every day upon which a violation occurs shall constitute a separate violation.

(2) A person found responsible by the Municipal Court or Referee for any violation of this Code charged as a civil infraction shall pay the penalty and costs assessed, which may include all costs, direct and indirect, which the City has incurred in connection with the civil infraction. In addition, the Municipal Judge or Referee may issue any orders necessary to abate a nuisance.

(3) If a defendant fails to answer a citation for a civil infraction or notice to appear in court or before a Referee for such infraction, a default judgment shall enter in the amount of the civil penalty plus all costs, expenses and damages. In the event a defendant fails to pay a civil penalty, costs, damages or expenses within thirty (30) days after the payment is due or fails to pay a default judgment, the City may pursue any legal means for collection and, in addition, may obtain an assessment lien against the property that was the subject of the violation if the Code violation is designated as a nuisance in Chapter 20, is a violation of any civil infraction contained in Chapter 5, 12, 20, 24 or 27, or is a violation of Land Use Code Section 3.18.16 and was committed by an owner or tenant of the property, as defined in Land Use Code Section 5.1.2.

(4) If a person who is alleged to have committed a violation of any provision of this Code that is classified as a civil infraction has been found liable for two (2) or more such violations within the twelve-month period immediately preceding the new alleged violation, then, whether or not the previous

violations were committed at the same premises as the new alleged violation, the new alleged violation may be charged as a misdemeanor criminal offense that is subject to a penalty or imprisonment, costs, fees and any other orders imposed in accordance with this Section.

(g) Assessment of traffic calming surcharge. A surcharge of thirty-five dollars (\$35.) shall be assessed by the Municipal Court as set forth in this Section and shall be in addition to court fines, costs, other surcharges and fees. Said surcharge shall be assessed against any person who:

- (1) after a trial or hearing before the Court, a hearing officer, a referee or a jury, is found guilty of operating a motor vehicle in violation of any provision of the Fort Collins Traffic Code for which the Department of Revenue has assigned a penalty of one (1) or more points;
- (2) pleads guilty or no contest to, or enters an Alford plea to, any such violation pursuant to any plea agreement; or
- (3) accepts an early payment discount in a case where the citation was issued for such a violation.

Said surcharge shall be assessed at the time of disposition by the Municipal Court and shall be dedicated by the Finance Department and exclusively spent for traffic-calming expenditures, including, but not limited to, training, education, signage, facilities, public education and additional traffic enforcement police officers and equipment.

(h) Any person who shall violate any provision of this Code designated as a petty offense shall pay a penalty for such offense of not more than five hundred dollars (\$500). Jail shall not be a possible penalty for petty offenses.

(Code 1972, § 1-23; Ord. No. 157, 1986, § 1-23, 11-4-86; Ord. No. 64, 1987, § 1, 5-5-87; Ord. No. 4, 1990, 2-6-90; Ord. No. 104, 1990, §§ 1, 2, 12-18-90; Ord. No. 16, 2003, § 10, 2-18-03; Ord. No. 32, 2005, 3-15-05; Ord. No. 126, 2005, 11-15-05; Ord. No. 167, 2005, 12-20-05; Ord. No. 198, 2006, § 1, 12-19-06; Ord. No. 085, 2008, § 1, 8-19-08; Ord. No. 136, 2009, 1-5-10; Ord. No. 066, 2010, 6-15-10; Ord. No. 003, 2014, 1-21-14; Ord. No. 121, 2015, 10-6-15; Ord. No. 171, 2017, § 2, 12-19-17)

# Colorado Springs, Colorado

## Population: 465,101 (2016)

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Number of arrests in 2017: 27

9.6.110: CAMPING ON PUBLIC PROPERTY PROHIBITED:

A. It is unlawful for any person to camp on any public property, except as may be specifically authorized by the appropriate governmental authority.

B. For purposes of this section "camp" or "camping" means to use the public area for living accommodation including, but not limited to, the activities and circumstances listed below. These activities and circumstances may be considered in determining whether reasonable grounds for belief have arisen that a person has "camped" or is "camping" in violation of this section.

1. Sleeping or making preparations to sleep, including the lying down of bedding for the purpose of sleeping.
2. Occupying a shelter out of doors. "Shelter" shall mean any cover or protection from the elements other than clothing, such as a tent, shack, sleeping bag, or other structure or material.
3. The presence or use of a campfire, camp stove or other heating source or cooking device.
4. Keeping or storing personal property. (Ord. 10-10)

9.6.504: PARKING AND STORAGE STANDARDS FOR UNLICENSED, INOPERABLE AND RECREATIONAL VEHICLES:

A. Exceptions: It is unlawful to park or store any unlicensed or inoperable vehicle outside of an enclosed building on private property or within the public right of way. This section shall not apply to the following:

1. Vehicles defined by Colorado Revised Statutes section 42-12-101, as "collectors' items" or "parts cars" provided that no more than one vehicle so defined shall be kept outside of a building on any one property. Any inoperable collector's item or parts car shall be stored in a manner so that it is screened from the view of any adjacent street, alley or neighboring property.
2. Unlicensed or inoperable vehicles which are stored in a properly zoned junkyard.
3. Unlicensed or inoperable vehicles stored in conjunction with a properly zoned vehicle repair business, provided all vehicles are covered by a dated work estimate and order signed by the vehicle owner authorizing repairs.

B. Unlawful: It shall be unlawful to park or store the following vehicles outside in a residential zone district:

1. Any commercial vehicle with a gross vehicle weight rating (GVWR) of ten thousand one (10,001) pounds or greater on private property. This provision does not apply to recreational vehicles.
2. Any construction equipment, flatbed, or trailer normally used to transport such equipment on private property.
  - C. Parking: Outside vehicle parking shall be allowed on areas of private property where vehicle storage is allowed as outlined in the public right of way except in residential zones in accord with the applicable traffic laws.
  - D. Storage Prohibited: Except as provided in subsection E of this section, outside vehicle storage is prohibited on residentially zoned property.
  - E. Storage Standards: Except for commercial vehicles, outside vehicle storage is allowed in the following locations:
    1. Vehicles, other than recreational vehicles, may be stored within the front yard upon a driveway surface.
    2. Vehicles may be stored in the side or rear yard, however, if more than one vehicle is stored within the side or rear yard, all vehicles, with the exception of one, shall be totally enclosed by an opaque screen of a minimum height of six feet (6'). The screen may consist of any combination of opaque fencing, vegetation, natural features or structures.
    3. Recreational vehicles and trailers may only be stored upon a driveway surface within rear or side yard, unless the conditions in subsection E4 of this section, are met.
    4. Recreational vehicles may only be stored on a driveway surface in the front yard of the property if:
      - a. The side or rear yard is insufficient in width and/or size to accommodate the vehicle or accommodate the access to the side or rear yard;
      - b. The steepness of the terrain prevents access to the side or rear yard or prevents storage within the side or rear yard; or
      - c. Existing landscaping prevents access to the side or rear yard or prevents storage within the side or rear yard.
    5. A recreational vehicle stored on a driveway surface in the front yard must be stored at least ten feet (10') from the edge of the sidewalk or pedestrianway which is nearest to the front lot line of the property. If there is no sidewalk or pedestrianway, the recreational vehicle must be at least ten feet (10') from the curb nearest to the front lot line of the property. The ten foot (10') distance shall be measured in a straight line from the nearest point of the recreational vehicle to the edge of the sidewalk, pedestrianway, curb or street.
  - F. Right Of Way Storage Prohibited: Recreational vehicle storage within the public rights of way is prohibited.

## G. Recreational Vehicle Standards in Residential Zones:

1. Except for mobile home parks, no recreational vehicles shall be used in such a manner as to constitute a permanent dwelling unit;
2. A recreational vehicle stored or parked outside shall be in a condition that provides for the safe and effective performance of its intended function; and
3. No recreational vehicle shall be permanently connected to wastewater, water lines or a source of electricity. (Ord. 90-119; Ord. 97-87; Ord. 01-42; Ord. 03-123)

### 9.1.110: PENALTIES:

Whenever in this chapter any act is prohibited or is made or declared to be unlawful, an offense, violation or misdemeanor, or the doing of any act is required, or the failure to do any act is declared to be unlawful or an offense, violation, or misdemeanor, any person who shall be convicted of the violation of any provisions of this chapter shall be punished as provided in chapter 1 of this Code. (1968 Code §8-7; Ord. 01-42)

### 1.1.201: GENERAL PENALTY:

A. Any person who performs or fails to perform an act where the performance or failure to perform is declared in any provision of this Code or any promulgated rule or regulation to be unlawful or an offense or misdemeanor, or any person who performs an act which is prohibited or fails to perform an act which is required by any provision of this Code or any promulgated rule or regulation, or any person who fails to meet a standard of conduct or behavior prescribed in any provision of this Code for which no specific penalty is provided shall, upon conviction, be punished as provided in subsection B of this section.

B. Any person convicted for the violation of any provision of this Code or any promulgated rule or regulation shall be punished by a fine of not more than two thousand five hundred dollars (\$2,500.00); by imprisonment in jail for a period not exceeding one hundred eighty nine (189) days; by a sentence of probation; or by a combination of fine, imprisonment, and a sentence of probation; unless a lesser penalty is provided for elsewhere in this Code. The Municipal Court shall designate fines that may be made payable at the Violations Bureau. The minimum fine, subject to the limit specified above, shall be as follows for the following offenses:

1. Subsection 3.2.213F1e, "Structures And Devices At Municipal Bus Stops", of this Code; the court shall impose a fine of not less than one hundred dollars (\$100.00).
2. Section 10.17.105, "Traffic Control Signal Legend", of this Code; the court shall impose a fine of not less than one hundred dollars (\$100.00).
3. Section 10.3.101, "Approaching Stop Or Yield Intersections", of this Code; the court shall impose a fine of not less than one hundred dollars (\$100.00).
4. Chapter 10, "Motor Vehicles And Traffic", article 5, "Speed Regulations", of this Code; the court shall have the discretion to reduce the payable fine for speeding offenses by no more than thirty dollars (\$30.00).

5. Subsection 10.5.107B1 of this Code prohibiting speed contests; the court shall impose a fine of not less than one hundred fifty dollars (\$150.00) plus ten dollars (\$10.00) for every mile per hour over the posted or unposted speed limit, pursuant to this part, where the speed of the vehicle involved has been confirmed by a legally accepted method of verification, and, in the discretion of the Judge, ten (10) days' jail.

6. Subsection 10.5.107B2 of this Code prohibiting speed exhibitions; the court shall impose a fine of not less than one hundred fifty dollars (\$150.00) on the first conviction, two hundred dollars (\$200.00) on a second conviction and two hundred fifty dollars (\$250.00) on a third conviction occurring in a five (5) year period.

C. A separate and distinct offense shall be deemed to have been committed for each day on which any violation of this Code or of any City rule or regulation shall continue.

D. The provisions of this section shall not be applicable to violations of sections 9.6.606 through 9.6.615 of this Code.

E. Possibility of imprisonment upon conviction for violation of the offenses listed in section 11.4.104 of this Code is hereby eliminated.

F. The pedestrian safety program funding fee imposed by section 10.24.101 of this Code shall be collected by imposing a surcharge, of fifteen dollars (\$15.00), which surcharge shall be imposed in addition to any other fine imposed by this Code.

G. An information technology surcharge ("IT surcharge") of five dollars (\$5.00) shall be assessed on all convictions resulting from the issuance of a summons and complaint alleging a violation of this Code, excepting chapter 10, articles 11 through 16 and 25 of this Code relating to parking violations, and excepting violations of subsections 10.5.104F, "AVIS Violations", and 10.17.105C of this Code. This IT surcharge shall be imposed in addition to any other fine imposed by this Code or the Municipal Court; however, the fine imposed, plus applicable surcharge(s), shall not exceed the maximum fine amounts as set forth in this part or elsewhere in this Code. All proceeds derived from the IT surcharge shall be applied to information technology support needs of the Municipal Court. (Ord. 11-18; Ord. 13-71; Ord. 15-84)

# Sacramento, California

## Population: 495, 234 (2016)

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Number of arrests in 2017: 27

### 12.52.030 Unlawful camping.

It is unlawful and a public nuisance for any person to camp, occupy camp facilities, or use camp paraphernalia in the following areas:

- A. Any public property; or
- B. Any private property.

1. It is not intended by this section to prohibit overnight camping on private residential property by friends or family of the property owner, so long as the owner consents and the overnight camping is limited to not more than one consecutive night.

2. Nothing in this chapter is intended to prohibit or make unlawful, activities of an owner of private property or other lawful user of private property that are normally associated with and incidental to the lawful and authorized use of private property for residential or other purposes; and provided further, nothing is intended to prohibit or make unlawful, activities of a property owner or other lawful user if such activities are expressly authorized by the Planning and Development Code or other laws, ordinances and regulations.

3. The city manager may, as provided in Section 12.52.050 of this chapter, issue a temporary permit to allow camping on public or private property in connection with a special event.

A violation of this section is a misdemeanor. In addition to the remedies set forth in Penal Code Section 370, the city attorney may institute civil actions to abate a public nuisance under this chapter. (Ord. 2013-0021 § 34; prior code § 44.03.007)

### 1.28.020 Criminal sanctions—Misdemeanors and infractions.

A. It is unlawful for any person to violate any provision or to fail to comply with any of the requirements of this code, including any administrative order issued hereunder. Any person violating any of the provisions, or failing to comply with any of the requirements of this code, including an administrative order, shall be guilty of a misdemeanor, except where it has been provided by state law or this code that the violator shall be guilty of an infraction. Any person convicted of a misdemeanor under the provisions of this code shall be punishable by a fine of not more than one thousand dollars (\$1,000.00), or not less than five hundred dollars (\$500.00), or by imprisonment in the County Jail for a period not exceeding six months, or by both fine and imprisonment; provided that violations of Chapter [13.10](#) of this code regarding unlawful dumping shall be punishable by a fine of not less than five hundred dollars (\$500.00), or by imprisonment in the County Jail for a period not exceeding six months, or by both fine and imprisonment.

B. Notwithstanding the above provisions, a violation of any provision of this code is an infraction when the prosecutor files a complaint charging the offense as an infraction or reduces the charge to an infraction.

C. Whenever in this code, or in any other ordinance of the city, any act is prohibited or is made or declared to be unlawful or an offense, or the doing of any act is required, or the failure to do any act is declared to be unlawful or a misdemeanor, where no specific penalty is provided therefore, the violation of any provision of this code, any adopted code, administrative order or any other ordinance of the city shall be deemed to be a misdemeanor and shall be punished as set forth in subsection A of this section.

D. Multiple Convictions of an Infraction. Any offense which would otherwise be an infraction is a misdemeanor if the defendant has been convicted of the same offense three or more times within the twelve (12) month period immediately preceding the commission of the offense and the convictions are alleged in the accusatory pleading. For this purpose, a bail forfeiture shall be deemed a conviction of the offense charged.

E. Separate Offenses. Any person that violates any provision or fails to comply with any of the requirements under this code shall be guilty of a separate offense for each and every day during any portion of which any violation of any provision of this code is committed, continues, is maintained or permitted by the person, and may be punishable as such. (Ord. 2001-047 § 1; Ord. 2001-046 § 2)

# Portland, Oregon

## Population: 639,863 (2016)

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Number of arrests in 2017: 0

### 14A.50.020 Camping Prohibited on Public Property and Public Rights of Way.

A. As used in this Section:

1. "To camp" means to set up, or to remain in or at a campsite, for the purpose of establishing or maintaining a temporary place to live.
2. "Campsite" means any place where any bedding, sleeping bag, or other sleeping matter, or any stove or fire is placed, established, or maintained, whether or not such place incorporates the use of any tent, lean-to, shack, or any other structure, or any vehicle or part thereof.

B. It is unlawful for any person to camp in or upon any public property or public right of way, unless otherwise specifically authorized by this Code or by declaration by the Mayor in emergency circumstances.

C. The violation of this Section is punishable, upon conviction, by a fine of not more than \$100 or by imprisonment for a period not to exceed 30 days or both.

# Denver, Colorado

## Population: 693,060 (2016)

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Number of arrests in 2017: 5

Sec. 38-86.2. - Unauthorized camping on public or private property prohibited.

a) It shall be unlawful for any person to camp upon any private property without the express written consent of the property owner or the owner's agent, and only in such locations where camping may be conducted in accordance with any other applicable city law.

(b) It shall be unlawful for any person to camp upon any public property except in any location where camping has been expressly allowed by the officer or agency having the control, management and supervision of the public property in question.

(c) No law enforcement officer shall issue a citation, make an arrest or otherwise enforce this section against any person unless:

(1) The officer orally requests or orders the person to refrain from the alleged violation of this section and, if the person fails to comply after receiving the oral request or order, the officer tenders a written request or order to the person warning that if the person fails to comply the person may be cited or arrested for a violation of this section; and

(2) The officer attempts to ascertain whether the person is in need of medical or human services assistance, including, but not limited, to mental health treatment, drug or alcohol rehabilitation, or homeless services assistance. If the officer determines that the person may be in need of medical or human services assistance, the officer shall make reasonable efforts to contact and obtain the assistance of a designated human service outreach worker, who in turn shall assess the needs of the person and, if warranted, direct the person to an appropriate provider of medical or human services assistance in lieu of the person being cited or arrested for a violation of this section. If the officer is unable to obtain the assistance of a human services outreach worker, if the human services outreach worker determines that the person is not in need of medical or human services assistance, or if the person refuses to cooperate with the direction of the human services outreach worker, the officer may proceed to cite or arrest the person for a violation of this section so long as the warnings required by paragraph (1) of this subsection have been previously given.

(d) For purposes of this section:

(1) "Camp" means to reside or dwell temporarily in a place, with shelter. The term "shelter" includes, without limitation, any tent, tarpaulin, lean-to, sleeping bag, bedroll, blankets, or any form of cover or protection from the elements other than clothing. The term "reside or dwell" includes, without limitation, conducting such activities as eating, sleeping, or the storage of personal possessions.

(2) "Designated human service outreach worker" shall mean any person designated in writing by the manager of the Denver Department of Human Services to assist law enforcement officers as provided in subsection (c), regardless of whether the person is an employee of the department of human services.

(3) "Public property" means, by way of illustration, any street, alley, sidewalk, pedestrian or transit mall, bike path, greenway, or any other structure or area encompassed within the public right-of-way; any park, parkway, mountain park, or other recreation facility; or any other grounds, buildings, or other facilities owned or leased by the city or by any other public owner, regardless of whether such public property is vacant or occupied and actively used for any public purpose.

(Ord. No. 255-12, § 1, 5-14-12)

### Sec. 1-13. - General penalty.

(a) Criminal violations. Except as provided in subsections (b) through (d) of this section, whenever any section of this Code or any section of a rule or regulation promulgated hereunder requires, prohibits or declares to be unlawful the doing of any act, any violation of such section is hereby declared to be a criminal violation.

(b) General penalty. If no definite fine or penalty is provided for a violation and except as otherwise provided in section 1-14, any person who shall be convicted of a violation of any such section may, for each offense, be fined in a sum not more than nine hundred ninety-nine dollars (\$999.00) or jailed not to exceed three hundred (300) days, or both so fined and jailed.

(1) Nothing in this section shall be construed to limit sentencing options that are otherwise available to the court.

(2) Nothing in this section shall be construed to limit the length of probation provided in section 14-61 of this Code.

(c) Separate violations. Unless distinct and separate violations can be otherwise established, each day an offense and violation continues shall constitute a separate offense and violation.

(d) Minors. Any minor over the age of ten (10) years who shall be found to have violated any provision of chapter 34, chapter 38, or section 8-131 of this Code shall be subject to the provisions of article II of chapter 34 of this Code.

(e) Non-criminal violations. Whenever any section of this Code or any section of a rule or regulation promulgated hereunder requires, prohibits or declares to be unlawful the doing of any act, and such violation is declared to be a noncriminal violation upon an admission or finding or judgment of guilt or liability by default or otherwise, the violator shall be subject to such penalty as provided in the chapter or section which defines such infraction. A penalty assessment notice procedure may be established to

resolve the allegation of such infraction in addition to any other resolution procedure authorized in this Code.

(f) Licenses or privileges. The suspension or revocation of any license, certificate or other privilege conferred by the city shall not be regarded as a penalty for the purposes of this Code but shall be in addition to the penalty provided in subsections (a) through (e).

(g) Cumulative remedies. The civil, criminal, and administrative actions, fines, sentences, penalties, judgments, and remedies provided by this Code are intended to be cumulative in nature unless specifically indicated otherwise. The city may pursue one (1) or more of these civil, criminal, and administrative actions, fines, sentences, penalties, judgments, and remedies and may do so simultaneously or in succession.

(Code 1950, § 011.10; Ord. No. 692-82, § 2, 12-13-82; Ord. No. 699-86, § 1, 10-27-86; Ord. No. 756-89, § 1, 12-18-89; Ord. No. 556-93, § 1, 7-19-93; Ord. No. 41-97, § 1, 1-13-97; Ord. No. 29-99, § 1, 1-4-99; Ord. No. 513-17, § 1, 5-22-17)

# San Francisco, California

## Population: 864,816 (2016)

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Number of arrests in 2017: 21

### SEC. 3.12. CAMPING PROHIBITED.

No person shall construct or maintain or inhabit any structure, tent or any other thing in any park that may be used for housing accommodations or camping, nor shall any person construct or maintain any device that can be used for cooking, except by permission from the Recreation and Park Department or Commission.

No person shall modify the landscape in any way in order to create a shelter, or accumulate household furniture or appliances or construction debris in any park.

(Added by Ord. 603-81, App. 12/18/81; amended by Ord. 12-08, File No. 071136, App. 1/31/2008)

### SEC. 94.3. REGULATIONS FOR CITY PLAZAS

(3) Camping Prohibited. The provisions of Park Code Section 3.12 concerning camping shall apply to the Plaza except that the RED shall administer these provisions.

### SEC. 94A.7. OPERATIONAL REQUIREMENTS

(4) Camping Prohibited. The provisions of Park Code Section 3.12 concerning camping shall apply to all People Places. The Director of Real Estate shall administer those provisions for City Lot People Places, and Public Works shall administer them for Sidewalk, Curbside, or Roadway People Places.

### SEC. 94A.2. DEFINITIONS

“People Place” is a publicly-accessible location approved under the Places for People Program and located (a) on City-owned property, (b) on the sidewalk, and/or (c) in the curbside lane or on all or any portion of the roadway between curbs where the public can gather and participate in commercial or non-commercial offerings and events. Such offerings and events may include, but are not limited to: cultural events, arts activities, and entertainment; food and drink; and general recreation. A People Place is managed, fully or partially, by a Steward under a People Place Permit issued under the Program and may involve the temporary and reversible installation and maintenance of physical treatments, improvements, or elements.

### SEC. 3.13. SLEEPING PROHIBITED DURING CERTAIN HOURS.

No person shall remain in any park for the purpose of sleeping between the hours of 8:00 p.m. and 8:00 a.m., except that special permission may be granted by the Recreation and Park Department to persons providing security services between said hours in any park or for other unusual events.

A person cited under this section shall not be in violation of this section if: 1) he or she does not have an outstanding citation for violation of this section; and, 2) within 30 hours of issuance of the citation, he or she accepts Social Services offered by the City, another public entity, or a private, non-profit agency. For the purpose of this section, the term "Social Services" shall mean temporary or permanent housing, residential substance abuse treatment, Homeless Outreach Team Case Management services, or admission to a hospital or other residential facility for medical treatment. For purposes of this section, "outstanding citation" shall mean a citation that is not paid or that is under appeal.

(Added by Ord. 603-81, App. 12/18/81; amended by Ord. 12-08, File No. 071136, App. 1/31/2008)

#### SEC. 97. USE OF VEHICLES FOR HUMAN HABITATION PROHIBITED.

(a) No person shall use or occupy or permit the use or occupancy of any house car, camper or trailer coach for human habitation, including but not limited to sleeping, eating or resting, either single or in groups, on any street, park, beach, square, avenue, alley or public way, within the City and County of San Francisco between the hours of 10:00 p.m. and 6:00 a.m.

(b) No person shall use or occupy or permit the use or occupancy of any motor vehicle for human habitation, either single or in groups, on any street, park, beach, square, avenue, alley or public way, within a residential neighborhood of the City and County of San Francisco between the hours of 10:00 p.m. and 6:00 a.m. For the purposes of this Section, "motor vehicle" shall mean any self-propelled vehicle other than a house car, camper or trailer coach. "Residential neighborhood" shall mean any area of the City zoned for R-H, R-M or R-C use under the City Planning Code, and "habitation" shall mean the use of a motor vehicle as a dwelling place, and shall not mean the use of a motor vehicle for alleviation of sickness or temporary physical inability to operate such motor vehicle.

#### SEC. 98. PENALTY.

Any person who violates any provisions of this Article shall be deemed guilty of a misdemeanor and upon conviction such person shall be punished by a fine of not to exceed \$1,000 or by imprisonment in the County Jail for a period not to exceed six months, or by both such fine and imprisonment.

#### SEC. 10.01. PENALTIES.

(a) Unless otherwise specified in this Code, any person violating any section of this Code shall be deemed guilty of a misdemeanor or an infraction. The complaint charging such violation shall specify whether the violation is a misdemeanor or infraction, which decision shall be that of the District Attorney; provided, however, that whenever a person has been arrested and incarcerated based solely on the violation or violations of this Code, he or she shall retain the right at the time of arraignment or plea to object to the offense being made an infraction, in which event the complaint shall be amended to charge the misdemeanor and the case shall proceed on the misdemeanor complaint.

(b) Upon conviction of a violation charged as an infraction, the person so convicted shall be punished for the first offense by a fine of not more than \$100, and for a second offense within one year by a fine of not more than \$200, and for each additional offense within one year by a fine of not more than \$500.

(c) Upon conviction of a violation charged as a misdemeanor, the person so convicted shall be punished by a fine of not more than \$1000 or by imprisonment in the County Jail for a period of not more than six months, or by both such fine and imprisonment.

(d) Any person convicted of a crime involving the vandalism, defacement or destruction of any portion of any park, grounds, roadways, avenues, squares, recreation facilities, or other property placed under the control, management and direction of the Recreation and Park Commission, including violations of this Code or California Penal Code Sections 594, 640.5, or 640.6 shall be liable to the City for any and all costs associated with fixing, altering, removing, or abating violations as well as any labor expended to otherwise abate and/or restore the area affected. Any costs sought pursuant to this Section 10.01 shall be recoverable as restitution and may be ordered by a court of competent jurisdiction in any related criminal prosecution. The remedies in this subsection (d) are in addition to any other remedies available at law or equity, including but not limited to restorative justice outcomes such as community service and/or repair of affected properties.

(Added by Ord. 603-81, App. 12/18/81; amended by Ord. 38-10, File No. 091441, App. 2/18/2010; Ord. 72-14, File No. 140261, App. 5/23/2014, Eff. 6/22/2014)

# Discussion of the Flagstaff Camping Ordinance





# How We Got Here



- First discussion May 23rd, 2017
  - Overview and necessity defense
  - Arrest and warning data
- Second discussion October 3rd, 2017
  - Presented Fire and crime data
  - Concerns with amendment or repeal
- Today's presentation
  - Other ordinances
  - Unique programs
  - Local Initiatives
  - Discussion



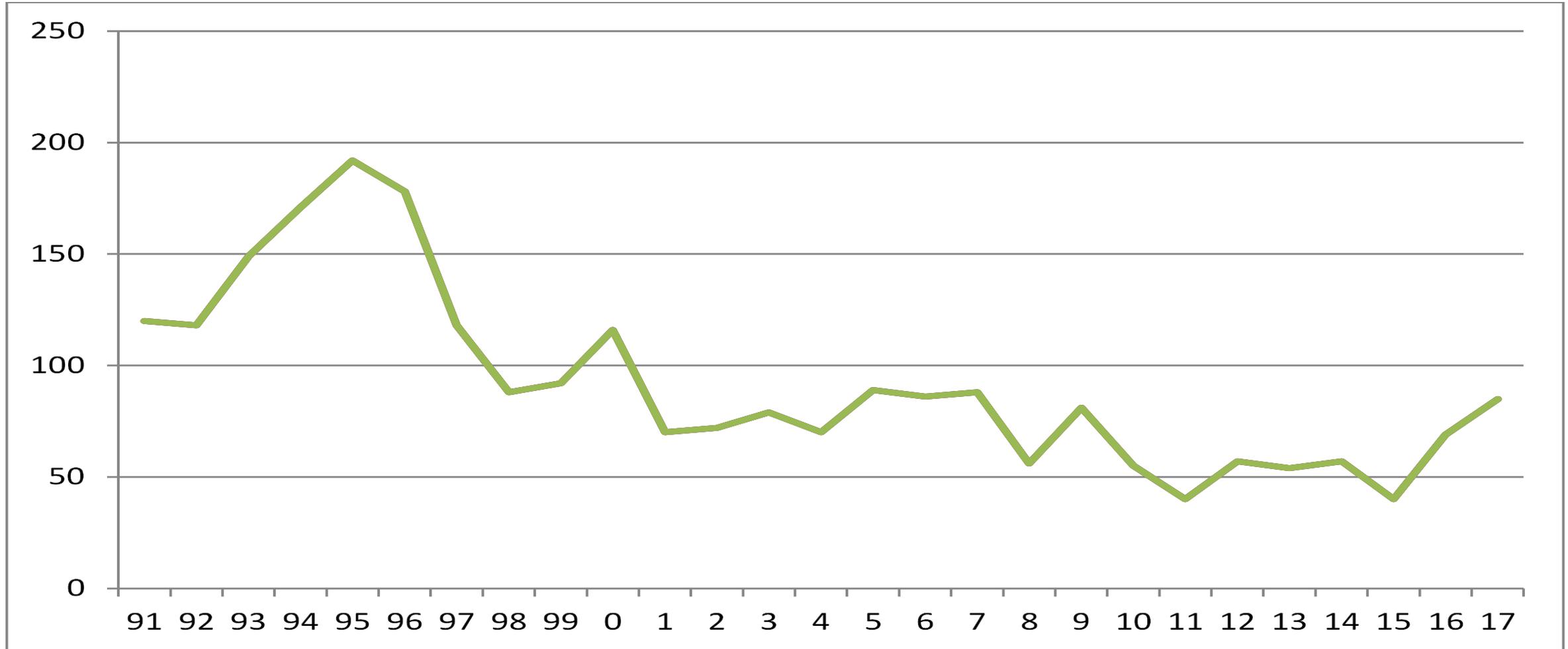
- “It is unlawful for any individual to camp on public property within the Flagstaff city limits unless specifically authorized by law. For the purpose of this section, the term "camping" means the use of any city property or any undeveloped, unimproved county, state, and federal property for living accommodation purposes, including, but not limited to, activities such as:



- 1) Sleeping activities or making preparations to sleep including the laying down of bedding for the purpose of sleeping;
- 2) Storing personal belongings;
- 3) Making any fire, other than in a fire or barbecue pit provided by the City for such use;
- 4) Using any tent, shelter, vehicle, or other structure for sleeping;
- 5) Cooking, other than in a fire or barbecue pit provided by the City for such use.”



# Wildland Fires by Year 1991-2017





# Wildland Fires by Year 1991-2017



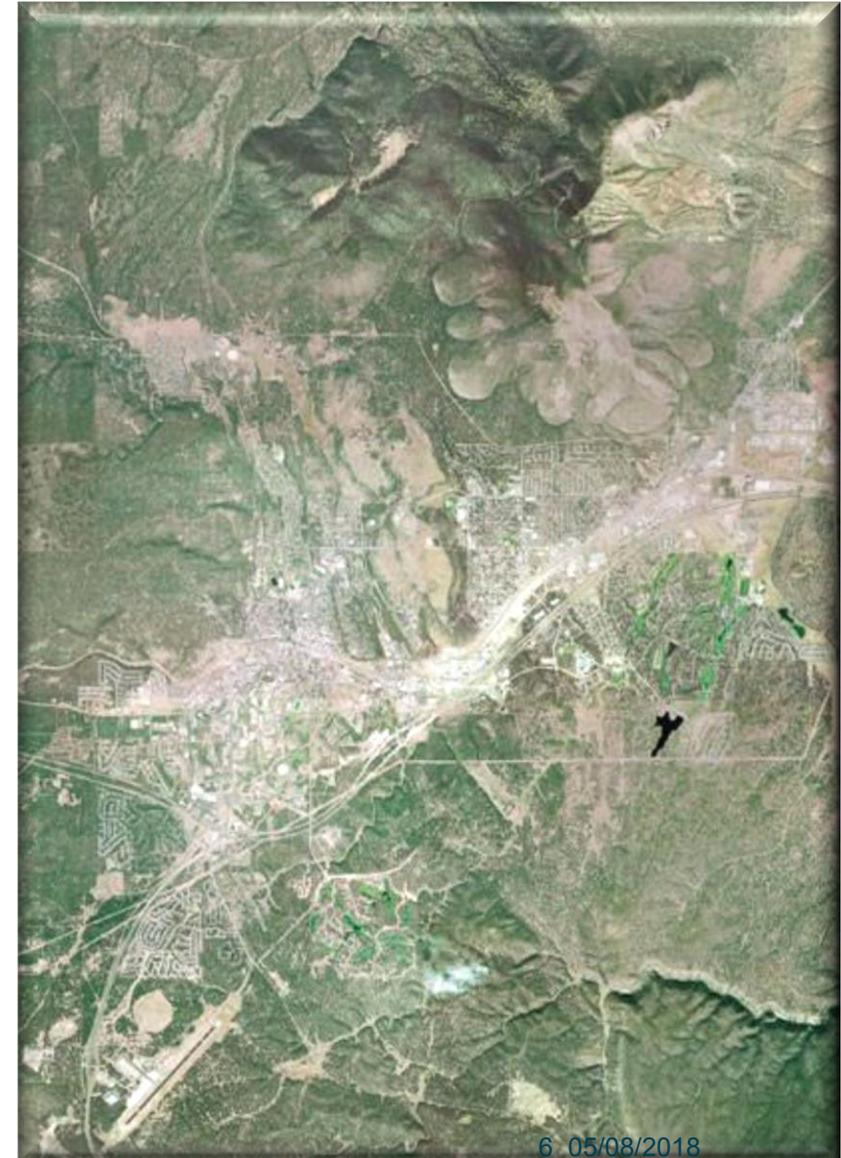
<b>Population</b>	<b>Year</b>	<b>Number of wildland Fires</b>
47,230	1991	120
48,330	1992	118
49,620	1993	149
50,465	1994	171
52,745	1995	192
55,885	1996	178
58,145	1997	118
59,945	1998	88
60,880	1999	92
52,894	2000	116
57,527	2001	70
58,840	2002	72
60,273	2003	79
60,869	2004	70
60,726	2005	89
61,453	2006	86
63,489	2007	88
63,867	2008	56
64,581	2009	81
65,985	2010	55
66,013	2011	40
66,322	2012	57
67,502	2013	54
69,391	2014	57
70,643	2015	40
71,867	2016	69
72,961	2017	85



# Arrests by Year



- **2013: 4 Arrests / 26 Warnings**
  - Two of the four had arrest warrants
  - One with littering, fire ban and reckless burning
- **2014: 9 Arrests / 70 Warnings**
- **2015: 4 Arrests / 47 Warnings**
  - One for an additional charge of trespassing
- **2016: 4 Arrests / 60 Warnings**
- **2017: 1 Arrest / 48 Warnings**
- **2018: 1 Arrest / 15 Warnings**





## **Safeguards already written into the Ordinance:**

- Officers must provide a warning
- Officers must show the violators are using the area for Living accommodation purposes (sleeping, property storage, fire, cooking, and shelter)
- The ordinance distinguishes “camping” from napping
- Officers provide a list of social services available
- Necessity is a defense if the violator has no other current options (shelters full or fleeing violence)



# Concerns with Amendment or Repeal

- A valuable tool to combat the fire danger will be lost if repealed or if an amendment results in an unenforceable ordinance
- No reason to conduct flyovers or woods patrols
- Other violations such as littering are hard to enforce
- It may attract others to camp, thereby compounding the danger of forest fires
- Less people will camp in established camp grounds





# Other City Ordinances

Payson, Arizona

Durango, Colorado

Eureka, California

Prescott, Arizona

Boulder, Colorado

Ft. Collins, Colorado

Colorado Springs, Colorado

Sacramento, California

Portland, Oregon

Denver, Colorado

San Francisco, California



City	Criminal Offense	Warning Required	R/Vs Included	Private Property Included	Number of arrests (2017)
Flagstaff, AZ	Yes	Yes	Yes	No	1
Payson, AZ	Yes/Unless issued by Code Enforcement	Yes	Yes	Yes	20
Durango, CO	Yes	No	Yes	No	197
Eureka, CA	Yes/Prosecutor discretion	No	Yes	Yes	49
Prescott, AZ	Yes	No	Yes	Yes	49
Boulder. Co	Yes	No/encouraged 1 <sup>st</sup> offense	Yes/1 in 7 Days OK	Yes	290
Fort Collins, CO	Yes	No	Yes	Yes	495
Colorado Springs, CO	Yes	Yes	Yes	No	27
Sacramento, CA	Yes/Discretion for infraction	No	No	Yes	27
Portland, OR	No longer enforced	Yes/ By court Ruling	Yes	No	0
Denver, CO	Yes	Yes	No	Yes	5
San Francisco, CA	Yes	No	Yes	No	21

City	Population	Number of Arrests (2017)
Flagstaff, AZ	71,459	1
Payson, AZ	15,476	20
Durango, CO	18,503	197
Eureka, CA	27,226	Not Available
Prescott, AZ	42,513	49
Boulder, Co	108,090	290
Fort Collins, CO	164,207	495
Colorado Springs, CO	465,101	27
Sacramento, CA	495, 234	27
Portland, OR	639,863	0
Denver, CO	693,060	5
San Francisco, CA	864,816	21



# Similarities

- Four of the cities require a warning prior to enforcement
  - Boulder encourages a warning for first offense (not required)
- All are classified as misdemeanor violations, although several have discretion to address the violation as a civil infraction
- Nine cities have restrictions on RV camping on roadways





# Differences

- Seven cities include prohibitions against camping on private property in their camping ordinance
- Boulder has prohibitions against camping in an RV but allows sleeping overnight upon any city street once in any seven day period
- Five cities have active homeless outreach programs
  - Some cities have civilian teams (Boulder, San Francisco)
  - Some use police resources (Sacramento, Colorado Springs)
  - Portland uses 2 police officers and 8 social workers



# Portland Oregon

- Portland no longer actively enforces its camping ordinance
- PPD's Central Precinct has an Outreach Unit (two officers)
- The Outreach Unit is focused more on outreach and housing the people they contact
- They work with a team of eight social workers
- Campers cannot be forced to leave unless the site has been posted for 24 hours





# Colorado Springs, Colorado

- Requirements prior to enforcement of camping ordinance
  - Verify there is shelter space available
    - If no space is available, officers are not allowed to move or cite them until such a time as there is adequate space available
  - Provide resource information
  - Post a 24 hour notice to vacate the camp
- 500 emergency shelter beds available in the winter
- 350 emergency shelter beds available in the summer
  - Only single digit availability on most nights
  - Estimated 400+ out on the streets



# Boulder, Colorado

- Boulder County Homeless Systems Coordinated Entry
  - Similar in concept to the Front Door program in Flagstaff
- Referrals to Coordinated Entry by the Homeless Outreach Team recommended on first contact
- Following citations or arrests, the Municipal Court can require active engagement with the Court's Homeless Navigator for those who are high utilizers of emergency services (Emergency Room, Addiction treatment, mental health, jail, etc.)



# Unique Ideas

- Rotating Parking lots (Eureka, Ca) – Discontinued
- 30 homeless in 60 Days (Eureka, CA)
- Container project (Eureka, Ca)
- Safe Sleep Policy (Portland, OR) - Discontinued
- Joint Intervention Program (Farmington, NM)
- Temporary Homeless Shelter Tents (San Diego, CA)
- Serial Inebriate Program (San Diego, CA)



# Rotating Parking lots Eureka, California



- The city of Eureka created rotating designated sleeping areas on three separate properties.
  - The properties were shut down on November 3, 2016
  - The city manager stated the decision to close the camps was due to high crime rates associated with the camps and that they had become a major public safety Issue
    - Increases in theft, graffiti, violent confrontations, and assaults





# 30 Homeless in 60 Days Eureka, California



- Eureka successfully implemented the “30 homeless in 60 Days” program
  - Focused on reducing barriers for people who need housing
  - Created the Blue Angel Container Village
  - Program found housing for 73 adults and children in 38 Days, far exceeding their goal





# Greater Eureka Community Outreach Project's (GECOP) shipping container village



- Betty's Village (Betty Kwan Chinn, Eureka California)
  - Connex boxes converted to a shelter program; provides case management services for up to 40 of the most chronically homeless individuals in Humboldt County
  - Each 10 foot by 40 foot container houses four separate units that allow two people per unit





# Mayor Hale's Homeless Experiment Portland, Oregon



- After shelter beds dwindled from 720 in 2008 to 478 by 2015, The Portland mayor began allowing homeless people to camp on public places and sidewalks
  - Camping allowed between 9:00 PM and 7:00 AM
  - Seven civic groups filed a lawsuit to end the “safe sleep policy”
  - The policy was stopped after six months





# Joint Intervention Program – “Paul's Place” Farmington, New Mexico



- On November 1, 2016 “Paul’s Place” officially opened
  - Houses 46 individuals, 12 of them female (open barracks)
  - Case manager on site from 1500-0700 nightly
  - Residents are at programming during the day and must stay sober
  - Residents can stay in dorm while in the program or in aftercare
  - Two Police Officers are assigned to the program and on site daily
    - The target population is defined as men and woman age 18 and over who are frequent users of services as a result of chronic public inebriation
      - Frequent users identified as people who have multiple arrests, Contact with fire and EMS, days in jail, visits to the ED, or sobering center



# Temporary Homeless Shelter Tents San Diego, California



- Three industrial-sized tents to house San Diego's homeless
- Part of the city's efforts to contain a hepatitis A outbreak.
  - The tents are designed to House 350 people
  - San Diego helped secure more than \$6.5 million in permanent housing funding from the San Diego Housing Commission to make the project possible





# Serial Inebriate Program San Diego, California



- The Serial Inebriate Program (SIP) serves chronic homeless inebriates who are offered treatment in lieu of custody through a court order
- An ordinance against public intoxication allows a person to be brought into the Inebriate Reception Center (IRC)
- An individual is identified as a “chronic” inebriate by IRC staff after accumulating five transports to the IRC within 30 days
- Following this classification, the person is placed in custody for the crime of Public Intoxication and is assessed for SIP eligibility



# Serial Inebriate Program San Diego, California



- SIP was developed in partnership with law enforcement, emergency medical services, hospitals, and the courts
- SIP serves chronic homeless inebriates who are offered treatment in lieu of custody through a court order
- Clients go to programming during the day if not working, and also have to complete 4 hours of community service per week
- Clients are court ordered to remain sober while sentenced to the six-month program



# Local Initiatives



- City of Flagstaff Community Development Housing Section
- Sunshine Rescue Mission
- Flagstaff Shelter Services
- Catholic Charities Community Services
- The Front Door Program
- ANEW Living
- Numerous Others



# Community Development Housing Section City of Flagstaff



- City of Flagstaff, Housing Section
  - Active participant in the local Continuum of Care
  - Supports the Veterans Affairs Supportive Housing (VASH) Program
  - Community Development Block Grant (CDBG) – 2017
    - Served 6,040 individuals experiencing homelessness
    - Prevented 60 households from entering into homelessness
    - Ensured that 24 households remain safe, decent and affordable housing
  - Northland Family Help Center Rehabilitation (250 People) \$36,217.00
  - Sharon's Manor Rehabilitation (20 households) \$139,083.00
  - CC Community Serv. – Housing Stabilization (40 households) \$40,000.00
  - FSS Coordinated Entry Operational Assistance (1,000 People) \$57,794.00



# Sunshine Rescue Mission

- Sunshine Rescue Mission Inc.
  - Faith based shelter
    - Clients must be sober for overnight stays
  - The Mission, Hope Cottage, Dorsey Manor
    - Houses 150 – 200 men, women, and children
    - Meals are served to the general public 3 times a day
      - Serves 200 – 350 meals every day
  - Provides emergency services (1 – 5 days)
  - Provides transitional services (1 week – 3 months)
  - Provides discipleship ministry (12 – 18 months)



# Flagstaff Shelter Services

- Flagstaff Shelter Services
  - Offers shelter regardless of faith, mental health, or sobriety
  - In 2014 Flagstaff Shelter Services became a year-round shelter
  - Shelters nearly 100 people each day; has an overflow shelter with local churches during the coldest months – 150 sheltered
    - Most clients work directly with a Housing Case Manager
    - 43,000 emergency shelter beds provided each year
  - Provides day services to over 50 people a day (Food, Showers, Clothing, Supplies, Case Management, Bus Passes, Etc.)
  - Hosts a free health clinic twice a week
  - Flagstaff Front Door intake point for individuals



# Catholic Charities Community Services

- Catholic Charities Community Services
  - Offers assistance to people of all faiths and beliefs
    - Comprehensive adoption services
    - Financial Education
    - Foster care
    - Subsidized housing
    - Immigration services
    - Unexpected Pregnancy Counseling
    - Veteran Services
  - Flagstaff Front Door intake point for families



# The Front Door Program

- A community-wide collaborative effort which provides a coordinated entry point for services for those experiencing homelessness in Flagstaff
- Eliminates wait lists and places individuals and families with the most appropriate agency for their housing needs in the quickest and most cost-effective manner
- In 2017, over 200 individuals and families have been permanently housed in Coconino County
  - 1400 more were diverted to either transitional or emergency shelter until they are able to be housed



# ANEW Living (Now a part of Front Door) Flagstaff, Arizona



- A non profit transitional housing program for individuals and families experiencing homelessness in Flagstaff
  - Operates without any government funding
  - Low cost monthly program fees: \$600 - \$800 per month
- ANEW Living offers on-site life skills classes and meetings designed to enhance a person's basic life & coping skills
  - financial literacy, job interview skills, interpersonal skills, coping from loss or trauma, social activities, healthy lifestyles, cooking on a budget, computer skills, etc.
- Boasts a 68% success rate



# Other available services (not all-inclusive)

- American Legion
- AZ Dept of Veterans Services
- County Community Services
- County Public Health
- Connect2Help Circle
- Dept of Economic Security
- Flagstaff Family Food Center
- Flagstaff Family Food Bank
- Full Circle People's Pantry
- Job Corps (16 – 24 YOA)
- North Country Healthcare
- Northland Family Help Center
- The Salvation Army
- Sharon Manor
- St Vincent de Paul
- Think Jesus Project



# Questions and Discussion

