



**AGENDA ITEM: 12.1**

**AGENDA DATE: May 09, 2025**

**TO: Chairman and Members of the Board**  
**THRU: Michael A Kaigler, County Manager**  
**FROM: R. Jonathan Hart, County Attorney**

**ISSUE:**

Amendment to add Article XIII to Chapter 21, entitled "Health, Safety and Sanitation" wherein Regulation of Urban Camping/Improper Use of Public Spaces is established as part of the Chatham County Code.

**BACKGROUND:**

The issue of government regulation of the use of public spaces recently came before the U.S. Supreme Court in the matter Grants Pass v. Johnson. On June 28, 2024, the Court issued its order which upheld the City of Grants Pass, Oregon's regulation of its anti-camping laws. Specifically, the court ruled that governments can ban people from sleeping and camping in public places. The Court overturned lower court rulings that deemed it cruel and unusual under the Eighth Amendment to criminally fine people for sleeping outside in public areas.

**FACTS AND FINDINGS:**

1. Homelessness is a complex issue, and its causes are many, yet governments must find effective ways of handling homelessness in their communities while balancing the needs for public safety.
2. This ordinance seeks to address proper and improper use of public spaces in Chatham County while also identifying the procedure to address improper use, and any mitigation for those individuals who may violate this ordinance.

**BLUEPRINT ALIGNMENT:**

Quality of Life – Goal 4: Provide effective and efficient government services while ensuring that processes and procedures are planned and executed with transparency in government.

**FUNDING:**

None

**ALTERNATIVES:**

1. Board approve amendment to add Article XIII to Chapter 21, entitled "Health, Safety and Sanitation" wherein Regulation of Urban Camping/Improper Use of Public Spaces is established as part of the Chatham County Code
2. Provide staff with other direction.

**POLICY ANALYSIS:**

It is the policy of the Board to ensure accuracy and fiscal responsibility.

**RECOMMENDATION:**

Staff recommends approval of Alternative No. 1.

#BJ: Urban Camping AMENDMENT TO CHAPTER 21 modified 3.25.25 (002)

R. Jonathan Hart	Completed	04/08/2025 12:35 PM
Linda Cramer	Completed	04/08/2025 1:58 PM
Janice E. Bocook	Completed	04/08/2025 3:57 PM
Danielle Hillery	Completed	04/08/2025 4:10 PM
Michael A. Kaigler	Completed	04/10/2025 3:30 PM
Board of Commissioners	Completed	04/11/2025 9:30 AM

## **AMENDMENT TO CHAPTER 21: HEALTH, SAFETY, AND SANITATION; ARTICLE XIII – REGULATION OF URBAN CAMPING/IMPROPER USE OF PUBLIC SPACES**

### **§21-1301 Purpose**

This ordinance seeks to address proper and improper use of public spaces in unincorporated Chatham County while also identifying the procedure to address improper use, and any mitigation for those individuals who may violate this ordinance.

### **§21-1302 Definitions**

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

1. “Bridge” means a structure, including the approaches thereto, erected in order to afford passage over any obstruction in any public road, railroad, or other right-of-way; or to afford passage under or over existing public roads, railroads, or other rights-of-way. As used in section the definition of "bridge" shall include a controlled access highway overpass as defined herein.
2. “Camp” means to reside in or use a location for private living accommodations, such as erecting tents or other temporary structures or objects providing shelter; sleeping in a single place for more than an hour at a time; cooking or preparing meals; or other similar activities.
3. “Controlled access highway overpass” means a crossing of two (2) controlled access highways or of a controlled access highway and other public road, pedestrian path, railroad, or public right-of-way at different levels where clearance to traffic on the lower level is obtained by elevating the higher level.
4. “Public park” means and includes all county parks and trails, public playgrounds, public plazas & squares, attractions, and monuments.
5. “Public property” means and includes all public streets and highways, public sidewalks, public benches, public parking lots, and medians.
6. “Store or storing personal property” means leaving one's personal effects, such as, but not limited to, clothing, bedrolls, cookware, sleeping bags, luggage, knapsacks, or backpacks, unattended for more than one (1) hour. This term shall not include parking a bicycle or other mode of transportation.
7. “Interference (or "interfere") with ingress and egress" means standing, sitting, lying down, using personal property, or performing any other activity on public property and/or in a park, where such activity: a) materially interferes with the ingress into and egress from buildings, driveways, streets, alleys, or any other real property that has a limited number of entrances/exits, regardless of whether the property is owned by the city, a private owner or another public entity; b) reasonably appears, in light of all of the circumstances, to have the purpose of blocking ingress and egress; and c) occurs without the express written permission of the owner of the property at issue. Where written permission has been granted, the individuals interfering with ingress and egress must have possession of the permission at the time of the activity in question.

### **§21-1303 Warning must first be issued.**

1. Pursuant to this Article, no person may be arrested for violating this section until he/she has first received an oral or written warning from a law enforcement agency to cease the

prohibited conduct. If the violator fails to comply with the warning issued, s/he may be arrested for violation of this section.

2. Exceptions: This Article shall not be construed to prohibit the following behavior:
  - a. Persons sitting or lying down as a result of a medical emergency;
  - b. Persons sitting in medically authorized wheelchairs in public parks, public streets, or other public places;
  - c. Persons sitting down while attending parades for which valid permits have been issued;
  - d. Persons sitting down while patronizing sidewalk cafes;
  - e. Persons sitting on chairs or benches supplied by a public agency or abutting private property owner; provided, however, that this exception shall not be construed so as to allow persons to camp on such a chair or bench;
  - f. Persons sitting on seats in bus zones occupied by people waiting for the bus;
  - g. Persons sitting or lying down while waiting in an orderly line outside a box office to purchase tickets to any sporting event, concert, performance, or other special event;
  - h. Persons sitting or lying down while waiting in an orderly line awaiting entry into any building, including shelters, or awaiting social services, such as provision of meals; or Children sleeping anywhere while being carried by a supervising adult or while sitting or lying in a stroller or baby carriage.

#### **§21-1304 Camping Regulated**

No person may occupy a campsite inconsistent with the regulations in this Chapter unless specifically authorized by:

- (i) a formal declaration of the Chairman of the County Commission in emergency circumstances, or
- (ii) upon resolution by the County Commission, the Commission may exempt a special event from the prohibitions of this Chapter if the Commission finds such exemption to be in the public interest and consistent with Commission's goals and notices.
  - a. Any conditions imposed will include a condition requiring that the applicant provide evidence of adequate insurance coverage and agree to indemnify the County for any liability, damage or expense incurred by the County as a result of activities of the applicant. Any findings by the Commission shall specify the exact dates and location covered by the exemption.
  - b. In the event a formal declaration or a resolution is given by the County Commission to allow for camping as construed by this chapter, such declaration or resolution is only for the time, place, and activity listed. Once the resolution or declaration has expired, all camping materials on County property must be removed.

#### **§21-1305 Sleeping on Sidewalks, Streets, Alleys, Within Doorways or on or under Bridges Prohibited**

1. No person may sleep on public sidewalks, streets, or alleyways at any time as a matter of individual and public safety.

2. No person may sleep in any pedestrian or vehicular entrance to public or private property abutting a public sidewalk.
3. No person may sleep on, under, or the approaches to any bridge at any time as a matter of individual and public safety.
4. In addition to any other remedy provided by law, any person found in violation of this section after having first been given either an oral or written warning may then be removed from the premises.

**§21-1306 Removal of Campsite on Public Property.**

Any violations pursuant to Article XIII of Chapter 21, the County or law enforcement shall be able to remove individuals, personal property, camping materials, and campsites from County property.

**§21-1307 Disposition and Release of Personal Property.**

Items having no apparent utility or monetary value and items in an unsanitary condition may be discarded. Weapons, drug paraphernalia, items appearing to be stolen, and evidence of a crime may be retained as evidence by the Police Department until an alternate disposition is determined. All personal property removed from a campsite which is not, disposed of, or held as evidence (as provided above), shall be stored by the Police Department pursuant to O.C.G.A. § 17-5-54, during which time it shall be made reasonably available for and released to an individual confirming ownership.