**ORDINANCE 2024-164**

**AN ORDINANCE PROHIBITING THE ACT OF CAMPING ON PUBLIC PROPERTY**

 **BE IT ORDAINED BY THE GOVERNING BODY OF THE TOWN OF ROLLING HILLS, WYOMING:**

**Section I. Legislative Findings and Intent**

1. With the exception of those who participate in town-approved camping programs such as Harvest Host, it is found and declared that:

* 1. The act of camping on public property tends to endanger the health and safety of those engaged in such camping as well as the public at large;

* 1. Campsites positioned on public property of the Town of Rolling Hills, including on undeveloped parcels, public rights-of-way, public pathways, public parks and public parking areas, also undermine the public’s ability to use that property for its intended purpose;

* 1. Camping on public property can create unsafe and unsanitary living conditions which pose a threat to the peace, health and safety of the people who are camping and to the community;

* 1. During high and extreme fire conditions, camping on public property poses an increased fire danger due to potential unregulated campfires, stoves and other incendiary camping supplies;

* 1. Increased emergency personnel would be needed to monitor activities of people camping overnight on public properties;

* 1. This ordinance is intended strictly to regulate the use of publicly owned property and is not intended to regulate activities on private property; and,

* 1. The enactment of this ordinance is necessary to protect the peace, health, and safety of the town and its inhabitants.

**Section II. Applicability; Definitions**

1. As used in this ordinance:

* 1. "Abate" or "abatement" means the removal of all personal property, garbage and other foreign materials together with the reclamation and restoration of a campsite to its natural or lawful purpose;

* 1. "Campsite" or "camping" means an area where a person temporarily resides or dwells through use of a tent, tarpaulin, lean-to, sleeping bag, bedroll, blanket or any other form of cover or protection from the elements;

* 1. "Town" means the incorporated Town of Rolling Hills;

* 1. "Department" means the zoning committee and the town council of the Town of Rolling Hills;

* 1. "Public Pathway" means the path established by the Town of Rolling Hills that can be utilized by pedestrians and bicyclists throughout the town;

* 1. "Personal property" means any item that readily appears to belong to a person and has apparent value or utility in its present condition. Personal property does not include building materials, metal, makeshift shelters, rigid plastic, garbage, contraband, debris or waste.

* 1. "Public property" means any street, alley, sidewalk, bike path, greenway, park, parkway or any other structure or area encompassed within the public right-of-way and includes any other grounds, buildings or other facilities owned, leased or managed by the town, regardless of whether the public property is vacant or occupied and actively used for any public purpose;

* 1. "Reside or dwell" includes, without limitation, conducting such activities as eating, sleeping or the storage of personal possessions; and,

* 1. "Unlawful campsite" means any area of public property as specified above upon which any person camps for a minimum of one night without the consent of the Town of Rolling Hills by means of participation in a program such as Harvest Host.

**Section III. Unlawful Campsites on Public Property Prohibited; Public Property Occupancy Restriction; Exception; Penalty**

1. It is unlawful for any campsite to be situated on public property located within the incorporated limits of the Town of Rolling Hills except as authorized by the Town for approved, established camping programs that generally include one-night stays, such as Harvest Host. All unlawful campsites shall be subject to abatement by the Department in accordance with section IV of this ordinance.

1. Between the hours of 12:00 a.m. and 5:00 a.m., no person shall use or otherwise occupy any public property located within the incorporated limits of the Town of Rolling Hills, except as authorized under subsection (C) of this section.

1. The prohibitions imposed under subsection (B) of this section shall not apply to any person actively using the subject area as a means to commute or otherwise travel for business or for recreational purposes, to utilize mail facilities, or if the person has been authorized by the Town pursuant to an established program such as Harvest Host.

1. Any person who violates subsection (B) of this section is guilty of a misdemeanor punishable by imprisonment for not more than six (6) months, a fine of not more than seven hundred fifty dollars ($750.00), or both.

**Section IV. Abatement of Unlawful Campsites; Notice Requirement; Exception**

1. Any unlawful campsite identified by a law enforcement officer or other Rolling Hills town employee is subject to abatement by the Department. Upon the identification of an unlawful campsite the law enforcement officer or town employee shall promptly notify the Department of the campsite and its location.

1. Upon receiving notice of an unlawful campsite under subsection (A) of this section, the Department shall assess the condition of the campsite, prioritizing abatement on campsites that pose the greatest threat to public health and safety. When the Department abates any campsite in accordance with this section, law enforcement and the public works department shall coordinate with the Department to provide abatement assistance and support.

1. Except for emergency abatements as authorized under subsection (E) of this section, the Department may only abate an unlawful campsite after satisfying the following conditions:

* 1. Providing all persons present at the unlawful campsite verbal or written notice of the date and time of the scheduled abatement;

* 1. Posting notice around the area of the unlawful campsite at intervals sufficient to advise any person entering the campsite of the date and time of the scheduled abatement. The department shall not be required to repost any previously posted notice that has been removed or destroyed prior to the scheduled abatement; and

* 1. The expiration of a forty-eight (48) hour notice period following the delivery of the notice as required under paragraphs (1) and (2) of this subsection.

1. The notices required under subsection (C) of this section shall include a statement:

* 1. Advising that campsites in the area are prohibited under this ordinance and that all unlawful campsites are subject to abatement by the Town; and

* 1. That all personal property and any other property, contraband, litter or waste remaining at the unlawful campsite after the expiration of the forty-eight (48) hour notice period shall be considered abandoned and subject to removal and disposal by the Town.

1. The required tolling of the forty-eight (48) hour notice period before an unlawful campsite may be abated as required by paragraph (C)(3) of this section shall not apply and the campsite may be immediately abated by the department when:

* + 1. There are grounds for law enforcement officials to believe that illegal activities are occurring at an established camping site;

* + 1. Law enforcement officials or the chief of the fire department, or his or her designee, determines abatement is necessary due to an emergency that presents an imminent threat to real property or to the health and safety of any person.

**Section V. Severability**

Sections, paragraphs, sentences, clauses, and phrases of this ordinance are severable. If any section, paragraph, sentence, clause, or phrase of this ordinance is declared unconstitutional or otherwise unlawful, such declaration shall not affect any of the remaining sections, paragraphs, sentences, clauses, and phrases.

 **PASSED, APPROVED and ADOPTED this 2nd day of January 2024.**

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 Jon O. Maines, Mayor

 1st Reading December 5, 2023

 2nd Reading December 19, 2023

 Public Hearing January 2, 2024

 3rd Reading January 2, 2024

STATE OF WYOMING )

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COUNTY OF CONVERSE )

I, Jon Maines, Mayor of the Town of Rolling Hills, Wyoming, do hereby proclaim that the above and foregoing Ordinance of said Town of Rolling Hills was, on the dates set out above, duly passed as an Ordinance and approved by the Town Council of the Town of Rolling Hills, as attested by the Clerk of said town, and do hereby proclaim the same to be in full force and effect as of January 2, 2024, following the date of its passage and approval.

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 Jon Maines, Mayor

TOWN SEAL ATTEST: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 Teresa Montgomery, Clerk / Treasurer

STATE OF WYOMING )

 ) ss

COUNTY OF CONVERSE )

I, Teresa Montgomery, Clerk of the Town of Rolling Hills, Wyoming, do hereby certify that the foregoing was posted pursuant to Wyoming Statutes and set for public hearing and comment before its third and final reading on January 2, 2024. I further certify the foregoing was read and passed as an Ordinance on January 2, 2024. I further certify that the above and foregoing Ordinance of the Town of Rolling Hills, Wyoming, was proclaimed by the Mayor of said town to be in full force and effect from and after January 2, 2024, after the statutory time period following the third and final reading.

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 Teresa Montgomery, Clerk / Treasurer