

WEST BOUNTIFUL CITY

ORDINANCE #486-24

AN ORDINANCE ENACTING TITLE 8.14 OF WEST BOUNTIFUL MUNICIPAL CODE RELATED TO SLEEPING AND CAMPING ON PUBLIC PROPERTY

WHEREAS, the West Bountiful City has determined the need to enact provisions of the West Bountiful Municipal Code dealing with sleeping and camping on public property; and

WHEREAS, these regulations will protect and improve the health, safety, and welfare of the residents and visitors of West Bountiful; and

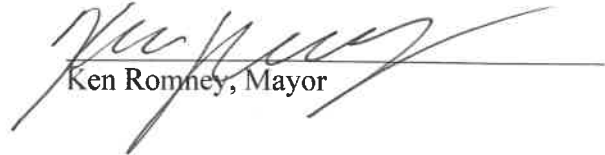
WHEREAS, the City Council has the authority to adopt this ordinance pursuant to Utah Code Annotated 10-3-702, and hereby exercises its legislative powers in so doing:

NOW THEREFORE BE IT ORDAINED by the city council of West Bountiful City that the West Bountiful Municipal Code Title 8.14 be enacted as shown in exhibit A.

This ordinance will become effective upon signing and posting.

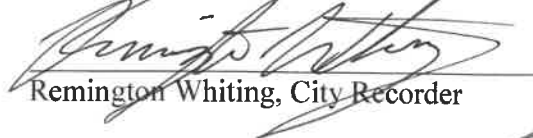
Adopted this 7th day of May 2024.

By:


Ken Romney, Mayor

Voting by the City Council:	<u>AYE</u>	<u>NAY</u>
Councilmember Ahlstrom	☒	☐
Councilmember Butterfield	☒	☐
Councilmember Enquist	☒	☐
Councilmember Nielsen	☒	☐
Councilmember Preece	☒	☐

ATTEST:


Remington Whiting, City Recorder



8.14 Sleeping and Camping on Public Property

8.14.010

Definitions.

For the purpose of this Chapter the following terms, phrases, words, and their derivations shall have the meaning given herein:

“Available overnight shelter” means a public or private facility open to an individual or a family experiencing homelessness with an available overnight space to house the individual or family at no charge. Overnight shelter space shall be considered available if the individual is not permitted to use otherwise available overnight shelter space due to the individual’s voluntary actions, including, but not limited to, intoxication, drug use, unruly behavior, or violation of shelter rules.

“Camp” or **“camping”** means to set up or to remain in or at a campsite.

“Campsite” means any place where bedding, sleeping bag, or other material used for bedding purposes, or any stove or fire is placed, established, or maintained for the purpose of maintaining a place to dwell or sleep, whether or not such place incorporates the use of any tent, lean-to, shack, or any other structure, or any vehicle or part thereof.

“Parking strip” means the area between a curb, or a place where a curb would be located if improvements were installed, and where a sidewalk is located or would be installed.

“Personal property” means any tangible item reasonably recognizable as belonging to a person and having apparent utility or monetary value.

“Public property” means any real property, building, or structure owned, used or leased by West Bountiful City or any department thereof, including, but not limited to, any sidewalk, street, parking strip, alley, lane, public right-of-way, park, open space, bench, equipment, and other similar property.

“Reasonable notice” means notice reasonably calculated under all the circumstances to apprise a person that camping is prohibited at a particular location and, where personal property is deposited, affording the person time to gather their personal property and depart.

8.14.020

Sleeping on Public Property Without Authorization Prohibited.

West Bountiful City finds that sleeping on sidewalks, streets, parking strips, alleys, lanes, rights-of-way and within any publicly used ingress or egress to or from or within public property is unsafe as it obstructs pedestrian and/or vehicular traffic, and may place the person sleeping and/or the public in danger of harm. Therefore, except as may be otherwise expressly authorized by the City:

- (1) No person may sleep on any public sidewalk, street, parking strip, alley, lane, or public right-of-way.
- (2) No person may sleep in any publicly used ingress or egress to or from or within public property.
- (3) A violation of this Section after a request to cease and desist shall be unlawful and shall give rise to any remedy provided by law.

8.14.030

Camping on City Public Property Without Authorization Prohibited.

No person may camp in or upon any public property, nor any property owned by other governmental entities that have posted notice prohibiting camping, unless:

- (1) The owner of the property has authorized the person to camp at that location;
- (2) Camping is specifically authorized by the issuance of a special event permit in accordance with the West Bountiful Municipal Code;
- (3) Camping is done for the purpose of watching a public parade.
- (4) Camping is necessary after the formal proclamation of an emergency in accordance with the West Bountiful Municipal Code;
- (5) Camping is otherwise specifically authorized by West Bountiful Municipal Code; or
- (6) The individual is on public property other than a sidewalk, street, parking strip, alleyway, lane, or public right-of-way, and there is no available overnight shelter.

8.14.040

Removal of Unlawful Campsite.

The authorized agents of West Bountiful City may remove a campsite from public property if:

- (1) After reasonable notice, the individual refuses to remove their personal property from the premises;
- (2) Personal property appears to be abandoned;
- (3) There is probable cause for law enforcement officials to believe that illegal activities other than camping are occurring at the campsite; or
- (4) There is immediate danger to human life, health or safety, including, but not limited to, possible contamination of public or private property by unsanitary and/or hazardous materials.

8.14.050

Removal, Disposition and Release of Personal Property.

Upon removal of a campsite, all litter, including items having no apparent utility or monetary value and items in an unsanitary condition, may be immediately discarded. All other personal property shall be gathered, retained, and released, with notice being provided to the property owner, in accordance with Utah Code Title 24, the Forfeiture and Disposition of Property Act; Utah Code Title 77, Chapter 24A, Lost or Mislaid Personal Property; and relevant West Bountiful Police Department policy.

8.14.060

Enforcement and Mitigation.

In enacting this Chapter, it is not West Bountiful City's intent to criminalize homelessness or violate a homeless person's constitutional rights. Likewise, the City does not wish to prohibit the ordinary recreational use of the parks such as picnicking on a blanket, or resting or sleeping in a park during normal park hours. Enforcement of this Chapter shall be undertaken to avoid such results.

Upon conviction for a violation of this Chapter, in addition to any other factors deemed appropriate by the Court, the Court shall consider in mitigation whether or not the person

immediately removed all personal property and litter, including, but not limited to, bottles, cans, and garbage from the campsite after being informed it was in violation of the law.

8.14.070

Application to City Property Outside City Limits.

This Chapter applies to public property owned by West Bountiful City that is located outside the City's municipal limits.

**CERTIFICATE OF PASSAGE
AND POSTING ORDINANCE**

*I, the duly appointed and acting recorder for the City of West Bountiful,
do hereby certify that the foregoing Ordinance No. 486-24 was duly
passed and posted on the Utah Public Notice Website, the City Website,
and at West Bountiful City Hall on May 8, 2024.*


Remington Whiting, City Recorder

DATE: 05/08/24