

BE IT ORDAINED by the City Council of the City of Fall River, as follows:

That Chapter 46 of the Code of the City of Fall River, Massachusetts, 2018, which chapter relates to Offenses, be amended as follows:

By inserting a new section as follows:

§ 46-16. Unauthorized Camping on Public Property

A. Findings and Purpose

Camping without adequate sanitation services, such as access to water, sewer, and regular garbage collection, presents a public health and safety concern. Additionally, unauthorized camping on public property often interferes with the intended use of the public space. As a result, this camping ordinance is necessary to preserve the health, safety, and welfare of the public and to prevent the unnecessary interference with the rights of others to use public spaces for the purposes for which they were intended.

B. Definitions

CAMP or TO CAMP

To sleep in a tent, under a tarp or canopy, in a motor vehicle, or in any other outdoor shelter.

CAMPING MATERIALS

Any items used to camp or to provide outdoor shelter, such as a tent, tarp, canopy, mattress, furniture, stove, fuel tank, and cooking utensils.

CAMPSITE

Any place where a tent, tarp, or other temporary structure is located for the purpose of providing outdoor shelter.

PUBLIC PROPERTY

Any city, state, or federally owned property, including, but not limited to, a park, bench, street, sidewalk, parking lot, alley, school property, right-of-way, or under a bridge or other public structure.

SHELTER IS UNAVAILABLE

A shelter is any building serving as a temporary refuge or residence for the homeless. A shelter is only unavailable if all beds are full. A homeless individual's refusal to go to a specific shelter due to its rules and regulations (e.g., no pets, alcohol, or cohabitation, etc.) is irrelevant to the definition of "shelter is unavailable".

C. Unauthorized Camping on Public Property

It is unlawful to camp, to occupy a campsite, or to leave camping materials on public property unless specifically authorized to do so by (1) the Park Board if located in a park; (2) the Mayor if located on any other city-owned property; or (3) by the appropriate State or Federal official if located on State or Federal property.

D. Sleeping on Sidewalks, Streets, or Public Ways

It is unlawful for any person, with or without camping materials, to lie down or sleep on a public street, sidewalk, bike path, or public way.

E. Public Urination and Defecation

It is unlawful to urinate or defecate in any place open to the public and while exposed to public view.

F. Fuel Tanks and Open Fires

It is unlawful to use a fuel tank (propane, kerosene, etc.) or have an open fire at an unauthorized campsite on public property. Notwithstanding the above, portable propane tanks may be used within designated picnic areas during regular park hours.

G. Removal of Personal Property at Unauthorized Campsites

Camping materials and other personal property located at an unauthorized campsite on public property may be removed and destroyed. The City, its agents, and/or employees will not be liable for any loss or damage of any kind associated with the removal and/or destruction of personal property at an unauthorized campsite.

H. Penalties

Any person found to be in violation of any provision of § 46-19 shall be subject to the noncriminal procedure set forth in §§ 2-1021 through 2-1025 of the Code of the City of Fall River, however, the imposition of a fine shall not be imposed if 1) the person is homeless; 2) shelter is unavailable; and 3) the homeless person is willing to immediately go to a shelter if/when space becomes available.