

Camping Ordinance Questions and Answers

Q: *What does the ordinance do?*

A: The ordinance prohibits individuals from camping on public property; or on private property without having in their possession the owner's express written consent.

Q: *What is 'camping?'*

A: The primary intent of the ordinance is to keep people from living on sidewalks, alleys, and other public areas. 'Camping' is broadly defined to include bedding, sleeping bags, blankets, luggage, cookware, and tents, which, taken as a whole, make it appear that the person is using the property as a living area.

Q: *What is 'public property?'*

A: 'Public property' means public parks and all property that is owned, managed, or maintained by the City, including streets, sidewalks, alleys, public right of way, and easements; and, thus subject to City enforcement efforts.

Q: *Does 'public property' include the levees and areas close to the Kansas River?*

A: Yes. The City owns a portion of the property (located along the levee units located on the Kansas River and Shunga Creek), and is responsible for the operation and maintenance of other portions of the property that comprises these levee units.

Q: *Would the ordinance apply to parks since those are owned by the County now?*

A: Yes. As part of the transfer of ownership to the County, the City agreed to continue to enforce City ordinances on these properties.

Q: *Would the ordinance apply to a person sleeping in a car or camper parked on the street?*

A: Yes. Sleeping in a vehicle parked on a public street is included in the definitions of 'camp' and 'public property.'

Q: *Would the ordinance prohibit a parent/child weekend campout at the Zoo, Black Friday campouts in retail parking areas, campouts along City-owned property along the Kansas River, or other similar activities?*

A: No. The ordinance will not prohibit activities that may typically occur in association with the particular property involved. Common sense and good judgment will be applied. There will likely be designated camping areas established for camping along the Kansas River, for which a corresponding permit will be required.

Q: ***How will the ordinance be enforced?***

A: A citation may be issued, or an arrest may be made, only if:

- (1) the person fails to comply with TPD's order by leaving and taking his or her personal property with him or her; and
- (2) the person is not in need of medical or social service assistance; or
- (3) if it appears that the person is in need of medical or social service assistance, the person declines TPD's offer to transport the person to either a hospital or shelter.

Q: ***What is the time frame within which personal property must be removed?***

A: This ordinance requires that personal property be removed from public property within 24 hours of receiving 'pre-removal notice,' as provided in the ordinance. A pre-removal notice would not be required for removing unauthorized personal property from privately-owned property, due to trespass.

Q: ***What will the 'pre-removal notice' say?***

A: It will contain a general description of the personal property and the location from which such property will be removed; the date and time the notice was posted; a warning that the property will be impounded if not removed from public areas within 24 hours and that simply moving the property to another location on public property will not suffice; a warning that the property will be discarded if not claimed within 90 days, accompanied by information related to where the property is being stored and instructions, including contact information on how it can be retrieved.

Q: ***What if the person just moves the property to another location?***

A: This is not considered 'removing' the property - so the person would still be in violation.

Q: ***What happens if the 24 hour period has expired and the property is still there?***

A: TPD will take photos of the property, then remove it; taking it to the impound lot for storage. TPD will leave a 'post-removal notice,' as provided in the ordinance. A post-removal notice would not be required for removing unauthorized personal property from privately-owned property, due to trespass.

Q: ***What will the 'post-removal notice' say?***

A: It will contain a general description of the personal property removed; the date an approximate time it was removed; a statement of that violation (personal property stored on public property); a warning that the property will be discarded if not claimed within 90 days, accompanied by information related to where the property is being stored and instructions, including contact information on how it can be retrieved.

Q: ***How are these notices served if the person is not present at the time?***

A: If the apparent owner of the personal property is gone, pre-removal notice will be posted conspicuously on or near the personal property and post-removal notice will be posted conspicuously in the area from which the personal property was removed.

Q: ***How can an owner get his or her personal property back?***

A: Both the 'pre-removal notice' and the 'post-approval notice' will provide appropriate contact information, via telephone numbers or emails or City website. The person will need to show some proof of ownership by indicating the location and date that property was seized, as well as a description of the property.

Q: ***What happens to the personal property if it is not retrieved by the owner?***

A: This ordinance requires that personal property be moved within 24 hours of receiving the 'pre-removal notice' provided for in the ordinance. If the property is not moved, TPD will remove it, leave a 'post-removal notice' and subsequently hold the property for 90 days. If the property is not claimed within this 90-day period of time, TPD may dispose of the property by discarding it or selling it at auction.

Q: ***What's the penalty if convicted?***

A: Misdemeanor. Fine of up to \$499 and 30 days in jail.