

## **OVERVIEW OF PARTIAL BAN W/ZONES (Change to Ordinance since 10-14-19)**

### **I. Private Property.**

***Reason for Change*** – Through discussion and commentary provided during multiple PHS Committee meetings, it has become evident that who can and cannot camp on a particular piece of private property is a decision best left to the corresponding property owner.

Placing TPD in the position of checking whether or not a particular camper has been given permission to camp on private property creates an unnecessary administrative burden on law enforcement. Although determining who the property owners are can be accomplished in real time by pulling up information through GIS mapping, it is the next steps that would be time-consuming: Tracking down these property owners (i) to ask if they granted permission, or (ii) to verify whether documentation provided by the camper is genuine (is the signature giving permission authentic, etc.)

Private property is best handled through trespassing complaints by individual property owners. If a property owner does not wish for individuals to camp on his/her property, he/she can contact TPD and TPD will respond accordingly.

### **II. Flood Control Works.**

***Reason for Change*** – The original partial ban ordinance prohibits camping under public infrastructure such as bus shelters, bridges, overpasses and flood control works (e.g. the levee system).

The revised partial ban ordinance (with zones) defines the term “flood control works” as the system comprised of levees, flood walls, relief wells, closure structures, pump stations and ponding areas that serve to protect the City from flooding – because “flood control works” encompass more than the levee systems.

Public Works and Utilities Staff members have detailed knowledge of the components that make up “flood control works” – including, but not limited to, the levee systems – as well as the corresponding areas that would be covered by the camping restriction. If TPD comes upon an area where camping is taking place but is uncertain whether or not camping is restricted in that area as a “flood control works,” TPD would have the option of either accessing ownership information in real time through GIS mapping or contacting a Public Works or Utilities Staff

member. There would be no need for an elaborate review of levee system maps to determine if a violation of the ordinance has occurred.

### **III. Zones.**

***Reason for Change*** – Through discussion and commentary provided during multiple PHS Committee meetings, there seemed to be a desire to focus on particular areas within the City – downtown and NOTO were specifically mentioned. Staff analyzed this perspective and believes establishing zones within which camping is restricted would withstand legal challenge. Selecting areas within which the City can document its governmental interest (i.e., promoting economic developing, protecting infrastructure assets), yet ensuring people have alternative locations to camp, is the key.

Specifically-identified boundaries have been established for downtown and NOTO in the currently proposed ordinance. There is no need to develop any type of “property registration procedure” – primarily because this would add an additional level of bureaucracy that is not needed (particularly given that private property is no longer included as a restricted area). It should also be noted that a ten-foot restriction has been added with respect to camping near any doorway, loading dock, stairway or fire escape.

### **IV. Trails.**

***Reason Not Addressed*** – The City must ensure that people have alternative locations to camp in order to withstand a legal challenge. This means the City must be very deliberate as it picks and chooses restricted areas. Hike/bike trails are not listed as part of the definition of “public infrastructure.”

Although there have been instances where individuals have been found camping on or along these trails, TPD has conveyed that these instances are few and far between. If individuals are found to be obstructing these trails, users may contact TPD with the location and a ticket can be issued for such obstruction. The prohibition against obstructing a trail would be the same as the prohibition against obstructing a sidewalk.