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2 **Ordinance to Amend and Reenact the City Code of the City of Hampton, Virginia by**
3 **Amending Chapter 24, Offenses - Miscellaneous, Article I, In General, Section 24-**
4 **50, to prohibit camping and storage on public property.**

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6 **WHEREFORE**, most people will accept housing when it is safe, dignified, and
7 appropriate, a small number repeatedly refuse help because they are deeply traumatized.
8 For this group, the answer is not simply tolerance nor simple enforcement, it requires
9 balanced strategy; and,

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11 **WHEREFORE**, the City will strive to pair persistent outreach with a variety of housing
12 options and insist that public spaces remain safe and usable; and,

13
14 **WHEREFORE**, when someone's behavior is dangerous or disruptive, the City will
15 address that behavior directly through outreach or co-responder teams and community
16 court programs where possible; and,

17
18 **WHEREFORE**, the City's goal is compassionate compliance; protecting the community
19 while never giving up on the individual; this ordinance is intended as a measure of last
20 resort, only to be used once an individual has been given access to resources and the
21 opportunity for compliance; and,

22
23 **NOW THEREFORE, BE IT ORDAINED** by the City Council of the City of Hampton,
24 Virginia, that Section 24-50 of Article I, Chapter 24 of the City Code of the City of
25 Hampton, Virginia be amended to read as follows:

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27 **Chapter 24 – OFFENSES - MISCELLANEOUS**

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29 **ARTICLE I. – IN GENERAL**

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31 **Secs. 24-50. – Reserved.** *Unlawful public camping and storage.*

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33 *(a) It is unlawful for any person or persons to camp, lay or sleep, or store items on,*
34 *upon, or about any public property at any time. This section's regulations are not*
35 *intended to regulate activities on property that is privately owned.*

36
37 *(b) Definitions. The following definitions apply for the purpose of this section.*

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39 ***Camp** means to reside or sleep on public property with or without the use of*
40 *tents, temporary shelters, vehicles or equivalents, or as evidenced by the use of*
41 *beds, blankets, cots, hammocks, mattresses, sleeping bags, tarpaulins or*
42 *equivalents, or cooking tools or fire. Camp shall not mean the authorized use of*

43 a governmental entity's public property, including the use of public beaches
44 during the hours that they are open to the public.

45
46 **Public Property** means any and all property in which the City of Hampton, or
47 another governmental entity, has a property interest (i.e. control, easement,
48 lease, ownership, possessory interest, or rental), including, without limitation,
49 beaches, parks, open spaces, public sidewalks and streets, public facilities,
50 public buildings, public schools and associated athletic facilities, roads, and
51 parking lots.

52
53 **Store** means, without limitation, accumulating, keeping, leaving, or maintaining
54 personal property for camping on public property for future use or safekeeping.
55 Store or Storage shall not mean the authorized storage of personal property on
56 a governmental entity's public property, or unoccupied vehicles lawfully parked
57 on a public street.

- 58
59 (c) Property which is stored on public property in violation of this section, and which
60 is unattended, may be immediately seized by City staff or contractors. Such
61 property shall be stored by the City for 30 days. City staff or contractors seizing
62 the property will take reasonable steps to leave or provide notice that the
63 property has been seized. Individuals may contact the City to determine if an
64 item of theirs is being temporarily stored by the City. Items that staff determine
65 to be trash, garbage, debris, unsanitary or hazardous, to include any weapons,
66 may be disposed of immediately.
- 67
68 (d) The City Manager or their designee(s) may adopt administrative policies and
69 procedures for implementing this chapter.
- 70
71 (e) Any person convicted of violating this section shall be guilty of a Class 2
72 misdemeanor. Prior to charging any person under this section, such person
73 shall be given a verbal warning to cease such activity and reasonable time to
74 comply with such warning, as well as information on alternative accommodations
75 such as available homeless shelters or hotels, and public and charitable
76 programs that offer housing assistance, and information on resources that
77 provide mental health and other human services support. If on a subsequent
78 occasion at least 24 hours after the initial warning, the same individual is found
79 to still be in violation of this section, a police officer will provide an additional
80 warning and information about services, and upon continued noncompliance,
81 may issue a summons.