CITY OF JOPLIN
COUNCIL AGENDA ITEM

ITEM
Council Bill No. 2025-001 – amending (repealing) Chapter 86 – Parks and Recreation, Article II – Park Rules and Regulations, Section 86-37 - Camping, by enacting a new Section 86-37 – Camping.

MEETING DATE
March 17, 2025

ORIGINATING DEPARTMENT
Legal

ATTACHMENTS
Council Bill No. 2025-001

REVIEWED BY
City Attorney Peter Edwards; Police Chief Richard Pearson; Parks & Recreation Director Paul Bloomberg; City Manager Nicholas Edwards.

SUMMARY
This Council Bill amends Chapter 86 of the City Code relating to camping on public property by deleting a section from the current ordinance that requires the police department check with local homeless shelters regarding available beds to make it consistent with a recent U.S. Supreme Court decision.

BACKGROUND

The enforcement of generally applicable laws regulating camping on public property does not violate the U.S. Constitution. The Supreme Court held in *Grants Pass v. Johnson* that the town's ordinance barring people from sleeping outside in public using a blanket, pillow, or sleeping bags did not violate the Constitution. This decision overturned a 9th Circuit Court of Appeals decision that required law enforcement check to see if shelter beds were available before issuing citations. The City is proposing this ordinance revision to be consistent with the Supreme Court decision.

FUNDING SOURCE
N/A

RECOMMENDATION
Staff recommends this Council Bill be placed on First Reading.

COUNCIL BILL NO. 2025-001 ORDINANCE NO. _____

AN ORDINANCE amending Chapter 86 – Parks and Recreation, Article II – Park Rules and Regulations; specifically, Section 86-37 - Camping.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF JOPLIN, MISSOURI, as follows:

Section 1. That Section 86-37 – Camping is hereby repealed, and a new Section 86-37 – Camping is enacted in lieu thereof as follows:

"Sec. 86-37. Camping.

(a) Purpose. The purpose of this chapter is to prevent harm to the health or safety of the public and to promote the public health, safety and general welfare by prohibiting camping and storage of personal property on public property, which interferes with the rights of others to use the area in the manner for which it is intended.

(b) Definitions. The following definitions are applicable to this Section:

~~"Available overnight shelter" means a public or private shelter, with an available overnight space, open to an individual experiencing homelessness at no charge. "Available overnight shelter" also includes a hotel or motel that is made available to an individual experiencing homelessness at no charge.~~

"Camp" means to pitch, use, or occupy camp facilities for the purposes of habitation, as evidenced by the use of camp paraphernalia.

"Camp facilities" include, but are not limited to, tents, huts, temporary shelters.

"Camp paraphernalia" includes, but is not limited to, tarpaulins, cots, beds, sleeping bags, blankets, mattresses, hammocks, carts or cooking facilities or equipment.

"Park" means any publicly owned area controlled by the City or other governmental entity for park purposes. "Park" also includes all associated areas, including parking lots for parks.

"Public property" means any real property, building, structure, equipment, sign, shelter, vegetation, trail, and public open space, including all associated areas such as parking lots, controlled or owned by the City or any other governmental agency.

"Store" means to put aside or accumulate for use when needed, to put for safekeeping, to place or leave in a location.

"Street" means any highway, lane, road, street, right-of-way, sidewalk, boulevard, alley, and every way or place in the City open as a matter of right to public pedestrian and vehicular travel.

(c) Unlawful camping or storage of personal property in public places. It shall be unlawful for any person to camp or to store personal property, including camp facilities or camp paraphernalia, in the following areas:

(1) Any park; or

(2) Any street; or

(3) Any public property, improved or unimproved.

(d) Penalty. Any person having been found guilty of any violation of this section shall be punished as provided in section 1-5 of this Code of Ordinances."

~~(e) Enforcement. A violation of this Section shall be enforced as follows:~~

~~(1) Prior to issuing any citation or arrest pursuant to this Section, the investigating officer shall inquire whether the unlawful camping and storage of personal property is due to homelessness. If the officer learns that such is the case, the officer shall determine, in accordance with relevant department policy, there is available overnight shelter to accommodate the subject of the investigation. If the officer determines there is no available overnight shelter, the officer shall not issue a citation.~~

~~(2) If the officer determines there is available overnight shelter, the officer shall provide directions to the shelter location.~~

~~(3) Any individual who refuses to accept the shelter space offered is subject to citation or arrest pursuant to this Section."~~

Section 2. That this Ordinance shall be in full force and effect from and after its passage.

PASSED BY THE COUNCIL OF THE CITY OF JOPLIN, MISSOURI, this _____ day of _____, 2025, by a vote of _____.

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Keenan T. Cortez, Sr., Mayor

ATTEST:

_____
Holly Nagy, City Clerk

APPROVED AS TO FORM:

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Peter C. Edwards, City Attorney