

(Summary Published in the Leavenworth Times on August 13, 2021)

**ORDINANCE NO. 8170**

**AN ORDINANCE AMENDING CHAPTER 30, OFFENSES, ARTICLE I BY ADDING SECTION 30-8, ILLEGAL CAMPING, OF THE CODE OF THE CITY OF LEAVENWORTH, KANSAS. PROVIDING SUBSTITUTE PROVISIONS AND REPEALING SECTION 32-37.**

**BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF LEAVENWORTH KANSAS:**

**Section 1.** That the Code of Ordinance of the City of Leavenworth, Kansas, Chapter 30, Offenses, Article I is hereby amended and added to read as follows:

**Sec. 30-8. Illegal camping.**

(a) Definitions:

*Camping* shall mean the use of land to conduct one or more “specified activities” (defined below) when, based upon such use, it reasonably appears, considering all the circumstances, that the participants, in conducting the specified activities, are using the area as a living accommodation regardless of the intent of the participants or the nature of any other activities in which they may be engaging. Camping shall not include residing in a permanent structure that may be lawfully occupied as a permanent or temporary residence.

*City* shall mean the City of Leavenworth, Kansas.

*Specified activities* shall include one or more of the following:

- Sleeping or preparing to sleep, such as laying down bedding;
- Storing personal belongings including, but not limited to, clothing, sleeping bags, bedrolls, blankets, sheets, luggage, backpacks, kitchen utensils, cookware, and similar materials;
- Making any fire for the purpose of warmth, or cooking (excluding cooking on a designated city grill as part of a city approved shelter reservation);
- Erecting a tent, lean-to, or other similar temporary structure.

(b) It shall be illegal to engage in camping on private property without the consent of the property owner.

(c) It shall be illegal to engage in camping within 10 feet of any doorway, loading dock, stairway, or fire escape.

(d) It shall be illegal to engage in camping on any public right-of-way or public property located within the city.

(e) *Exclusions*

(1) Approved visitors to the city riverfront park campground, who follow the rules and regulations of the riverfront park campground, shall be excluded from enforcement of this section.

(2) Camping on any public property for a special event that has been approved by the city manager or his/her designee, shall be excluded from the enforcement of this section.

(f) *Affirmative defense.* It shall be an affirmative defense to this charge if all the local homeless shelters defendant would qualify to attend were full on the date of the offense.

(g) *Penalty.* Upon a conviction of a violation of this section, the violator shall be fined in an amount not to exceed \$500 or sentenced to a jail term not to exceed 30 days, or both.

**Section 2.** Chapter 32, Parks and Recreation, Article II, Section 32-37 Camping of the Code of Ordinances of the City of Leavenworth, Kansas, in existence as of and prior to the adoption of this ordinance, are hereby repealed.

**Section 3.** This ordinance shall take effect and be in force, from and after its passage, approval, and publication in the official city newspaper.

**PASSED AND APPROVED** by the Governing Body on the 10<sup>th</sup> day of August, 2021.

/s/ Nancy D. Bauder  
Nancy D. Bauder, Mayor

{Seal}

**ATTEST:**

/s/ Carla K. Williamson  
Carla K. Williamson, CMC, City Clerk