

An Ordinance to amend Ch. 24 by adding a new section relative to Camping

Section 1. Chapter 24 is hereby amended by adding a new Section 24-31 Camping

“Section 24-31 Camping

(a) Definitions

For the purposes of Section 24-31, the following definitions shall apply:

“To camp” means to pitch, erect, or occupy a Campsite or to use Camp Materials, or both, for the purposes of, or to facilitate, outdoor sheltering, either temporarily or permanently.

“Campsite” means any place where a tent, tarp, or other temporary structure is established for the purpose of maintaining an outdoor shelter.

“Camp Materials” means items used to establish or facilitate occupancy of a Campsite, including tents, tarps, or other temporary structures, as well as large furniture, stoves, and other cooking instruments.

“City Storage Program Policy” refers to the City’s written policy for storage and tracking/record-keeping of Eligible Property.

“Eligible Property” means items including, but not limited to, personal identification and documents, valuables, clothing, hygiene products and toiletries, personal effects, and items of basic necessity. Any item damaged in such a manner that it is deemed, by the Board of Health or their Agent, to be unsafe to store or may pose a health risk or hazard, is not Eligible Property. The City Storage Program Policy shall further define property that is eligible for storage.

“Emergency Shelter Space” means a City-authorized location, within the City of Salem or in any other municipality of which the nearest border of said municipality is no more than 15 miles from the nearest border of Salem, providing temporary shelter or alternative sleeping space practically available to persons experiencing homelessness. Emergency Shelter Space shall be at a shelter, housing accommodation, or alternative sleeping space that maintains policies and procedures for accommodations under the Americans with Disabilities Act.

“Period When Shelter Is Unavailable” means a length of time in which there is no Emergency Shelter Space available to individuals experiencing homelessness in Salem.

(b) Purpose

(i) It is the purpose of this Ordinance to promote public health, public safety, general welfare, and the economic health and well-being of Salem, its workers, visitors, and residents, including individuals experiencing homelessness, by prohibiting unsanctioned camping and the dangerous and unsafe conditions surrounding such Campsites.

(ii) The Ordinance seeks to improve access to housing and recovery services by restoring access to public spaces, the public right-of-way, and curtailing the existence of Campsites that shield drug trafficking, human trafficking, weapons, fire hazards, violence, and other criminal activity, and that create conditions for large crowds to congregate. It is also the purpose of this

Ordinance to protect the rights of individuals related to their personal property and to treat such property with respect and consideration.

(iii) This Ordinance shall apply to all Campsites and camping on public property, including, but not limited to, streets, sidewalks, and public rights-of-way.

(c) Unlawful Camping on Public Property

It is unlawful for any person to camp or maintain a Campsite or Camp Materials in or on any public property or in the public right-of-way, including, but not limited to, any street, sidewalk, school or public park, unless specifically authorized by the City or during a Period When Shelter Is Unavailable, subject to the restrictions and regulations specified by this Section.

(d) Unlawful Camping on Private Property

Unless specifically authorized by the City or during a Period When Shelter Is Unavailable, it is unlawful for any person to camp or maintain a Campsite or Camp Materials upon private property in the City for more than 48 hours unless allowed by the City's Zoning Code as a permitted Commercial Recreation (Outdoor) or Nonprofit Outdoor Recreational Facilities use.

This section shall not apply to camping activities conducted by minors at or in the yard of their own or their guardian's residence for recreational purposes.

(e) Restrictions on Unlawful Camping During A Period When Shelter Is Unavailable

(i) The prohibitions against Campsites and camping in 24-31(c) and 24-31(d) shall not apply during a Period When Shelter Is Unavailable.

(ii) City officials shall maintain a list of identified Emergency Shelter Spaces with existing capacity, which is updated daily and is communicated upon updating to the Salem Police Department, Health Department, Council on Aging, Veterans Service Officer, and community nonprofits and other agencies, organizations, and entities who work directly with persons experiencing homelessness.

(iii) During a Period When Shelter Is Unavailable, or when a Campsite is specifically authorized by the City, a Campsite or use of Camp Materials must comply with existing state and local laws to ensure public health and safety of those in and around the Campsite.

(iv) During any Period When Shelter Is Unavailable, the City, through the Board of Health or its Agent, the Police Department, the Fire Department, and the Department of Inspectional Services, is hereby authorized to promulgate any additional regulations relative to the time, place, and manner for camping and for the density of Campsites on either public or private property, in order to protect public health, maintain access to the public right-of-way, protect private property, and support the effective operation of facilities such as schools, shelters, and health care institutions during such periods.

(f) Offer of Shelter

(i) In the event of a violation of this Ordinance, the City shall provide, or cause to be provided, an offer of available Emergency Shelter Space to an individual experiencing homelessness and

must inform that individual that transportation to available Emergency Shelter Space is available. The City shall furnish or cause to be furnished said transportation.

(ii) Each Emergency Shelter Space offered to an individual pursuant to 24-31(f)(i) shall be at a shelter, housing accommodation, or alternative sleeping space that maintains policies and procedures for accommodations under the Americans with Disabilities Act.

(g) Storage of Property

(i) The Salem Police Chief shall establish, and from time to time amend, a City Storage Program Policy not inconsistent with this ordinance.

(ii) In the event of a violation of this Ordinance, the City shall offer and provide storage for personal belongings consistent with the City Storage Program Policy. The City Storage Program Policy shall provide for the storage of Eligible Property, define at its sole discretion property that is eligible for storage, and provide clear instructions on how individuals with property in storage may regularly access and recover their belongings.

(iii) The City Storage Program Policy will also provide that for property at a Campsite in violation of this Ordinance and that is not claimed by any person within 24 hours of it being deemed by the City as being unclaimed, City staff will assess whether the property is abandoned property or an individual's temporarily unattended property through reasonable and documented attempts to identify the property owner. Property determined by City staff to pose an immediate health or safety risk is subject to immediate disposal.

(iv) The City shall store Eligible Property determined, pursuant to 24-31(g)(i), to be temporarily unattended Eligible Property under the City Storage Program Policy. For temporarily unattended property that is not Eligible Property under the City Storage Program Policy, the Inspectional Services Department shall either, at the director or their designee's sole discretion, post notice for 24 hours prior to the removal of the unattended property not eligible for City storage or temporarily store, for at least 24 hours, the unattended property and post notice as to how to recover it.

(v) City officials shall provide a written copy of the City Storage Program Policy when providing an offer of storage, which shall be made available in any language required pursuant to the City's Language Access Policy.

(vi) In the event of a violation of this Ordinance, should an individual leave the area of a Campsite without their belongings, City staff shall store eligible property in accordance with the City's Storage Program Policy and this section.

(vii) In the event of lost property subject to the City's Storage Program Policy, individuals who wish to bring a claim for such lost property shall utilize the City's existing process for submitting claims. No fees may be charged for the processing of claims submitted pursuant to this subsection of the Ordinance.

(h) Removal

Once the City has engaged an individual pursuant to Section 24-31(f) and Section 24-31(g), the City may, in its sole discretion, remove any Campsite and/or Camp Materials not removed by said individual.

(i) Notice to Individuals

(i) Whenever the City may identify Campsites reasonably presumed by the City to be occupied by individuals experiencing homelessness, and it is not a Period When Shelter Is Unavailable, the City shall distribute weather-resistant notices to said individuals and post weather-resistant signage proximate to said Campsite(s).

a. Such signage shall state in any language required pursuant to the City's Language Access Policy: "WARNING: CITY ORDINANCE RESTRICTS CAMPING. VIOLATION MAY BE SUBJECT TO REMOVAL AND/OR ENFORCEMENT ACTION."

b. Such notice shall state the same, in any language required pursuant to the City's Language Access Policy, along with the full text of this Ordinance, the City Storage Program Policy, and any additional information or resources that the City may determine will be helpful to the individual.

(ii) Upon the effective date of this Ordinance, once the City has engaged an individual pursuant to Section 24-31(f) and Section 24-31(g) no further notice is required to enforce this Ordinance.

(iii) During a Period When Shelter Is Unavailable, when the City notifies an individual located in any Campsite that a Period When Shelter Is Unavailable has ended, said individual shall have forty-eight (48) hours to remove their Camping Materials.

(j) Penalty for Violations

Individuals in violation of this Ordinance may be subject to penalties. This Ordinance shall be enforced by the Salem Police Department, the Salem Board of Health or its Agent or their designees, the Salem Department of Inspectional Services, and the Salem Fire Department, as well as any sworn law enforcement agency empowered to make an arrest within the jurisdictional boundaries of the City of Salem. Any of the following penalties may apply:

a. All enforcement methods authorized by law, including, issuance of a warning, G. L. c. 40, s. 21, or enforcement authorized by G. L. c. 272, s.59 (ordinances or Regulations Relating to Streets, Reservations or Parkways; Alcoholic beverages; Profanity; Arrest Without a Warrant) if the Salem Police or other duly authorized officer on scene determines a violation of G. L. c. 272, s. 59 has occurred in their presence.

(k) Severability

The provisions in this Ordinance are severable. If any part or provision of this Ordinance is held invalid by a court of competent jurisdiction, the remainder of this Ordinance shall not be affected by such holding and shall continue to have full force and effect."