

Memorandum

REPORT TO: City Commission

FROM: Anna Saverud, Chief Civil Attorney

SUBJECT: Ordinance 2172, Final Adoption Repealing Chapter 34, Article 9 and Chapter 20, Articles 1 and 2 of the Bozeman Municipal Code, and Establishing Chapter 2, Article 8, Division 2 Prohibiting Camping on Public Property and the Public Right-of-Way and Authorizing the Establishment of a Permit System for Limited Camping on the City Right-Of-Way for Persons Experiencing Homelessness

MEETING DATE: October 22, 2024

AGENDA ITEM TYPE: Ordinance

RECOMMENDATION: **Consider the Motion:** *I move to adopt Ordinance 2172.*

STRATEGIC PLAN: 3.2 Health & Safety Action: Work with our partners to improve education, public awareness, and to coordinate programs concerning emergency services, criminal justice, and important social services.

BACKGROUND:

On August 6th the City Commission held a work session on urban camping. This work session followed the U.S. Supreme Court's June 28, 2024 decision in *Johnson v. Grants Pass*, which overruled the 9th circuit caselaw the City had been beholden to when regulating its right of way and public property. City staff discussed Ordinance 2147 which are the current regulations for urban camping and the provided the Commission with assessments of what has worked well under the ordinance and what problems and impacts persist on the right of way. City staff discussed options with the Commission related to camping on the right-of-way and received direction and considerations for a revised ordinance. A link to the presentation; discussion; and agenda packet including the legal background can be found [here](#).

City staff took the Commission feedback from the work session along with direction from the city manager and drafted Ordinance 2172. The intent of Ordinance 2172 is to establish a generally applicable law that prohibits camping on the right of way and on public property, while allowing a limited permit system for persons experiencing homelessness who comply with regulations to camp on the right of way. The ordinance proposes enhanced regulations beyond those currently in code for a permittee. The ordinance

also proposes establishing misdemeanor penalties for violations of the general camping prohibition and for violating a permit. Ordinance 2172 recommends the permits be limited to 30 days with renewals determined on a case-by-case basis. Further, the ordinance as proposed, contains a sunset provision that would have the permit program expire by October 1, 2025. The full text of Ordinance 2172 is attached.

UNRESOLVED ISSUES: Upstream community solutions to keep persons housed and increase the number of emergency and transitional housing units the region.

ALTERNATIVES: Amendments to the proposed ordinance at the discretion of the Commission.

Not adopt Ordinance 2172 and leave Ordinance 2147 in place.

FISCAL EFFECTS: Unknown, but staff anticipates the new ordinance would result in fewer towing costs and less frequent large scale clean ups involving. For reference, in FY24 towing costs for the city as it relates to urban camping were approximately \$59,000.

Attachments:

[Ordinance 2172 Final.docx](#)

Report compiled on: October 11, 2024