AGENDA

COMMITTEE ON BILLS ON SECOND READING

March 02, 2021 **6:15 p.m.**
Aldermen Gamache, O'Neil, **Online Virtual Meeting**
Sapienza, Roy, Porter **Call +1 (571) 317-3122 and enter**
Access Code: 833-102-077
when prompted

1. Chairman Gamache calls the meeting to order.

2. Due to the COVID-19/Coronavirus crisis and in accordance with Governor Sununu's Emergency Order #12 pursuant to Executive Order 2020-04, this Committee is authorized to meet electronically.

3. The Clerk calls the roll.

4. Ordinance amendment:

   "Amending Chapter 130.13 Camping in Public Places by lowering the maximum fine for unlawful camping in public places."

   If the Committee so desires, a motion would be in order that the Ordinance Amendment ought to pass and be referred to the Committee on Accounts, Enrollment and Revenue Administration.

5. If there is no further business, a motion is order to adjourn.

City of Manchester
New Hampshire

In the year Two Thousand and Twenty-One

AN ORDINANCE

"Amending Chapter 130.13: Camping In Public Places by lowering the maximum fine for unlawful camping in public places."

Be it Ordained, by the Board of Mayor and Aldermen of the City of Manchester, as follows:

I. Amend the Code of Ordinances by deleting language stricken (-----) and inserting new language as bold **(bold)**. Sections of Chapter 130 not reflected remain unchanged.

§130.13 CAMPING IN PUBLIC PLACES.

(A) *Prohibitions.* It shall be unlawful for any person to use or cause to be used any of the streets, sidewalks, square or any other public place, excepting parks as governed by Chapter 96, as a camping place absent prior written permission from the Board of Mayor and Aldermen or its designee. As used in this provision, the term "camp" or "camping" shall mean the use of public property as a temporary or permanent place of dwelling, lodging or residence, or as a living accommodation at any time between sunset and sunrise as defined on the date of offense by the official government record, or as a sojourn that has not been authorized by the Board of Mayor and Aldermen or its designee. Indicia of camping may include, but are not limited to, any one or more of the following: storage of personal belongings; using tents, tarps or other temporary structures for sleeping or storage of personal belongings; hanging clothes line; carrying on cooking activities or making any fire in an unauthorized area; or any of such activities in combination with either sleeping or making preparations to sleep (including but not limited to the laying down of cots, cushions, sheets, blankets, sleeping bags or other bedding for the purpose of sleeping).

(B) *Enforcement.* The Manchester Police shall enforce this camping section only when the individual is on public property and there is an "available overnight shelter." The term "available overnight shelter" shall mean that the person can, at the time of citation, go to a local homeless shelter, that said shelter has an available overnight space for the individual at no charge to the person, that said available overnight space will be available to that person upon their arrival and that the person is not barred for any reason including but not limited to bail conditions, protective orders, trespass orders, rules of the shelter, policies of the shelter, intoxication or impairment from going to the local homeless shelter. No person shall be cited unless and until a police officer receives confirmation of "available overnight shelter" as defined above, and the person has been advised that overnight shelter is available, warned that they will be cited should they not go to the "available overnight shelter" and continue to camp, and they have been given a reasonable opportunity to comply with the request. Reasonableness shall be judged based upon the specific facts of each case. If during the course of reasonably attempting to comply with request of the police officer to desist camping in a public place, the shelter bed becomes unavailable for any reason, the person shall not be cited. A police officer shall be required to conduct this inquiry each and every time prior to issuing a citation under this section.

(C) *Exceptions.* This section does not affect any other provision of the City of Manchester Code of Ordinances.

(D) *Penalty.* Any person who violates this provision shall be ~~sentenced under the provisions of §10.99 (a fine up to $1,000)~~ **subject to a fine of up to $250.**