

ORDINANCE NO. 1010.2

AN ORDINANCE PROHIBITING CAMPING AND STORING PERSONAL PROPERTY ON CERTAIN PUBLIC PROPERTY

WHEREAS, Kenton County has a conditional permit to use the space under the I-75 bridge in Covington Kentucky bounded by Pike Street to the north, 12th Street to the South, Simon Kenton Way to the East and Bullock Avenue to the West. The permitted use of the space is vehicular parking for county employees and other occupants of the county administration building located directly across Simon Kenton Way to the East of the leased space. The conditional permit for this space is granted by the Commonwealth of Kentucky, Department of Transportation, and the permit is conditioned upon the county properly maintaining the space in good condition, both as to safety and appearance, and in a manner that does not interfere with any highway use. The permitted use is further condition upon the space not being used for the storage of any materials constituting a hazard to the public.

WHEREAS, Kenton County has observed individuals camping under the bridge, starting fires under the bridge, and storing potentially flammable materials in the leased space. Kenton County has also observed other personal property items being stored outside vehicles and adjacent to marked parking lanes in a manner that interferes with the safe use of the leased space.

WHEREAS, Kenton County has since received notice from Kentucky Transportation Cabinet's local representative that such activity is proscribed by the terms of the conditional permit.

WHEREAS, the Kenton County Fiscal Court finds that camping and storing personal property on certain public property interferes with the safe ingress and egress of human and vehicular traffic into these areas and buildings, thereby constituting a threat and hazard to public health and the welfare and safety of the citizenry. As such, to allow for the safe ingress and egress of human and vehicular traffic into and from certain public property and buildings, the Fiscal Court is enacting this ordinance to prohibit camping and storing personal property on public property in accordance with the provisions set forth below.

NOW, THEREFORE, BE IT ORDAINED BY THE FISCAL COURT OF THE COUNTY OF KENTON, COMMONWEALTH OF KENTUCKY, AS FOLLOWS:

(A) *Definition of terms.*

The following definitions shall apply unless the context clearly indicates or requires a different meaning.

CAMP or CAMPING. Means the use of public property for temporary living accommodation purposes by the occupation or habitation of an area, location, or property through the use of temporary shelters, recreational vehicles and/or camping paraphernalia. In no event may a camp be established in less than 48 hours.

CAMPING PARAPHERNALIA. Means equipment or supplies that are used by a person to facilitate camping, which includes but is not limited to grills, outdoor cookers, lanterns, latrines, tents, huts, cots, beds, sleeping bags, bedrolls, knapsacks, hammocks, tarpaulins, canvases, lean-to sheds and temporary shelters of whatever kind, or other similar type equipment or supplies.

ENFORCEMENT OFFICER means any sworn peace officer, any Kenton County Emergency Management and Homeland Security official, any code enforcement official employed by either Property Development Services in Kenton County, Kentucky, or a city located in Kenton County and any Kenton County Public Works official.

EMERGENCY. Means situations when a failure to act immediately could lead to serious harm to public health or safety.

HOMELESS. Means the definition of “Homeless” set forth at 24 C.F.R. § 91.5.

PERSONAL PROPERTY ITEMS. Means any item that is reasonably recognizable as belonging to a person and has apparent utility and does not include items that have no apparent utility or items that reasonably appear to be abandoned.

PUBLIC PROPERTY. Means any real property owned, maintained or leased by Kenton County which includes but is not limited to green spaces, open spaces, rights-of-ways, public sidewalks, cross-walks, streets, curbs, public alleyways, public passageways, publicly owned commercial lots, publicly owned residential lots, publicly owned vacant lots, publicly owned cleared lots, publicly owned parking structures or any space used and maintained by the county for governmental purposes and located within the boundaries of Kenton County.

RECREATIONAL VEHICLE. Means a motor vehicle, trailer or hybrid trailer that is equipped with amenities and features intended for the owner or others to use for the purposes of leisure activities, camping and/or sleeping, including but not limited to, motor homes, travel trailers, camper vans, truck campers, pop-up campers, teardrop trailers, fifth-wheels, toy haulers and motor homes.

STORE. Means to put aside or accumulate for use when needed, or to put, place, or leave in a location on public property for safekeeping or future use.

TEMPORARY SHELTER. Means a non-permanent accommodation that is intended to be used by a person or persons for protection from the various weather elements while camping which includes, but is not limited to, tents, huts, cots, beds, sleeping bags, bedrolls, knapsacks, hammocks, tarpaulins, canvases, lean-to and hammock sheds or other similar types of equipment, structures and paraphernalia.

(B) ***Prohibited camping and storing personal property on certain public property.***

(1) It shall be a violation of this Ordinance for any person to camp or store camping paraphernalia or other personal property items on any public property within the boundaries of Kenton County that:

(a) Kenton County, its officers, agencies, or departments use for offices, parking space, public transportation or any other governmental purpose; or

(b) Kenton County leases to, or has a management agreement with, another governmental or quasi-governmental agency, or any corporation, organization, or person.

(C) *Exceptions.*

(1) Section (B) shall not apply to anyone camping or utilizing camping paraphernalia, recreational vehicles, or temporary shelters in specified areas that have been designated by the appropriate governmental authority as camp sites, camping areas, camping facilities, campgrounds, sleep facilities, and other similar type areas so long as no land use law or regulation prohibits such use.

(2) Nothing in Section (B) is intended to prohibit persons from parking operable motor vehicles on public property so long as the public property owner(s) or manager(s) consent and no zoning and/or land use law or regulation prohibits such use.

(D) *Enforcement.*

(1) Any violation of this Ordinance shall be classified as a civil offense.

(2) Any person that violates any provision of this Ordinance shall be provided written notice of the violation that does not impose any civil fine or criminal liability. The written notice shall include the name(s) of the violator(s) and following information:

- a. The nature and purpose of the abatement or clean-up
- b. The legal authority for the abatement or clean-up, citing this Ordinance
- c. The specific location(s) where the abatement or clean-up will occur
- d. The date / time notice provided and date / time of clean-up
- e. Notice that personal property items remaining at clean-up will be impounded
- f. The phone number to use when owners want to claim their personal property items and date when it will be deemed abandoned and destroyed
- g. The address of where impounded vehicles can be located
- h. A brief description of how to reclaim personal property items (e.g., person will be required to present the notice of violation and property inventory list)
- i. A list of local shelters where individuals, if homeless, can seek shelter
- j. A phone number where individuals can call for more information

(3) Personal property items including camping paraphernalia that are the subject of a notice of violation and that are either deemed to create an emergency or that remain on public property three (3) days after the date of the notice can be removed by any enforcement officer. An inventory list of the personal property items collected should be prepared to include the name(s) of owner, date / time of collection, the location of the collection, the phone number to call for claiming personal property and hours of operation, instructions on how to reclaim the property (e.g., present notice of violation and/or the inventory list) and the date on which the property will be deemed abandoned and destroyed. A copy of the inventory document should be given to the owner of the personal property whenever possible. Notwithstanding the foregoing, if some personal property is reasonably deemed a threat to public safety (such as bodily excrement receptacles, drug paraphernalia, narcotics, alcohol, weapons or heavily soiled mattresses), those items are required to be included in the inventory but need not be maintained and can be destroyed or, if evidence of criminal activity, seized by peace officers in accordance with the law.

- (4) Unless stated otherwise in this Ordinance, Kenton County must maintain personal property items collected at the camp in a safe and secure place for a minimum of thirty (30) days. Animals found abandoned with other personal property will be transported to the Kenton County Animal Shelter in compliance with Kenton County's animal control laws and ordinances, except the Director shall include a waiver of fees when the owner claims the animal in person at the shelter within seven (7) days of impoundment. Abandoned vehicles shall be disposed of and the proceeds distributed in accordance with Kenton County's Code of Ordinances and state law.
- (5) At the time of issuing notice of a violation, in addition to the written notice requirements set forth above in section (D)(2), notice shall be posted at the site of the camp, providing a telephone number to call for additional information. The notice shall be posted in a conspicuous place in the general vicinity, but not more than 30 feet from the location where the personal property is being stored. The notice must be laminated or otherwise made to be weather resistant. Notice shall provide the earliest date on which personal property items may be removed and a phone number to call to reclaim personal property items. The posted notice shall include a visual symbol or symbols as well as text. After 30 days, absent circumstances necessitating a longer period, Kenton County may dispose of any unclaimed personal property items and remove the notice regarding personal property.
- (6) No enforcement officer or employee of Kenton County may remove personal property items from a camp until Kenton County, through any designated department, has provided information about local shelters where individuals, if homeless, can seek shelter.
- (7) Kenton County shall maintain records of notices issued pursuant to this Ordinance for a minimum period of five (5) years and in a manner consistent with its records retention policies.

(E) ***Severability.***

If any provision of this Ordinance as now or later amended or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions that can be given effect without the invalid provision or application.

(F) ***Effective date.***

This Ordinance shall be in full force and effect from and after its passage, attestation and publication of a summary hereof.

INTRODUCED, SECONDED AND GIVEN FIRST-READING APPROVAL AT A DULY CONVENED MEETING OF THE FISCAL COURT OF THE COUNTY OF KENTON, KENTUCKY, HELD ON SEPTEMBER _____ 2021.

GIVEN SECOND READING AND ADOPTED AT A DULY CONVENED MEETING OF THE FISCAL COURT OF THE COUNTY OF KENTON, KENTUCKY, HELD ON SEPTEMBER _____, 2021, on the same occasion signed by the Judge/Executive as evidence of his approval, attested by the Fiscal Court Clerk, ordered and published and filed as required by law, and declared to be in full force and effect from and after its adoption and approval according to law.

Approved:

By: _____
Judge/Executive

ATTEST:

Fiscal Court Clerk

CERTIFICATE

I, the undersigned, Fiscal Court Clerk of the County of Kenton, Kentucky, do hereby certify that the above is a true copy of an ordinance, as adopted by the Fiscal Court of the County of Kenton, Kentucky at a meeting held on _____2021, whereat a quorum was present and voting, all as shown by the records of said County, signed by the Judge/Executive as evidence of his approval, and now in full force and effect, all as appears from the official records of the County in my possession and under my control.

Dated: __, 2021.

SIGNED:

By: _____
Fiscal Court Clerk