

ORDINANCE 2159

AN ORDINANCE ADDING CHAPTER 49, CAMPING, OF THE MUNICIPAL CODE OF THE CITY OF ANKENY, IOWA

BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF ANKENY, IOWA:

Section 1: That the Code of Ordinances of the City of Ankeny, Iowa, is hereby amended to adopt the following underlined language:

CHAPTER 49
CAMPING

49.01 UNLAWFUL CAMPING.

1. It shall be unlawful for any person to camp, occupy a campsite or use camp paraphernalia in the following areas unless otherwise specifically authorized in an Ankeny campground or by City regulations or rules or by temporary permit to allow camping on public property in connection with a special event or by declaration of the mayor in emergency circumstances, except as set forth in Subsection 2 below:

A. Any park;

B. Any publicly-owned property to which the public is not ordinarily allowed access, including but not limited to, buildings, water storage tank sites, well sites, storm water ponds and facilities, and other secured properties;

C. That portion of any street or sidewalk that is expressly reserved for vehicular or pedestrian travel;

D. Portions of any street right-of-way that is not expressly reserved for vehicular or pedestrian travel; and

E. Any other publicly-owned parking lot or publicly-owned property, improved or unimproved.

2. The prohibitions contained in subsections 1.A, 1.B, 1.C, and 1.E above shall be enforced at all times. Law enforcement officers shall not enforce the prohibitions in Subsection 1.D above when there is no Available Overnight Shelter for individuals or family units experiencing homelessness on the date that camping occurs. "Available Overnight Shelter" means a public or private shelter within Polk County and with an available overnight space, open to an

individual or family unit experiencing homelessness at no charge. If an individual or family unit cannot use available space because of the individual or family member's sex, familial or marital status, religious beliefs, disability, or a shelter's length-of-stay restrictions, the space is not considered to be available. The space is also not considered to be available if an individual has attempted to secure a bed at the shelter by lining up in advance of the shelter opening for the day and has been denied entry due to lack of available space. The space is considered available if the individual could not use the space due to voluntary actions such as intoxication, drug use or unruly behavior.

49.02 STORAGE OF PERSONAL PROPERTY IN PUBLIC PLACES.

1. It shall be unlawful for any person to store personal property, including a campsite and camp paraphernalia, unless otherwise specifically authorized in an Ankeny campground or by City regulations or rules or by temporary permit to allow camping on public property in connection with a special event or by declaration of the mayor in emergency circumstances, in the following areas, except as set forth in Subsection 2 below:

A. Any park;

B. Any publicly-owned property to which the public is not ordinarily allowed access, including but not limited to, public buildings, water storage tank sites, well sites, storm water ponds and facilities, and other secured properties;

C. That portion of any street or sidewalk that is expressly reserved for vehicular or pedestrian travel;

D. Portions of any street right-of-way that is not expressly reserved for vehicular or pedestrian travel; and

E. Any other publicly-owned parking lot or publicly-owned property, improved or unimproved.

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could not use the space due to voluntary actions such as intoxication, drug use or unruly behavior.

49.03 PENALTY FOR VIOLATIONS.

1. Violation of this Ordinance shall be deemed a trespass and subject the person to the penalties of a simple misdemeanor, but specifically excluding imprisonment.

2. Prior to imposing any fine for violation of this Chapter, the Court shall make an inquiry into a person's ability to pay. The Court is explicitly authorized to impose a requirement to perform community service in lieu of paying a fine.

49.04 ENFORCEMENT.

1. A violation of this Chapter shall be enforced as follows:

A. Prior to issuing any citation pursuant to this Chapter, the investigating officer shall inquire whether the unlawful camping and storage of personal property is due to homelessness. If the officer learns that such is the case, the officer shall determine, in accordance with the relevant department policy, if there is Available Overnight Shelter to accommodate the subject of the investigation. If the officer determines that there is no Available Overnight Shelter, the officer shall not issue a citation.

B. If the officer determines that there is Available Overnight Shelter, the officer may, within their discretion:

- (1) Provide directions to the shelter location.
- (2) Offer one-time transport to the shelter location.

C. Any individual who refuses to accept the shelter space offered is subject to penalty in accordance with Section 49.03 of this Chapter.

2. After notice reasonably attempted or given, Camp paraphernalia, left for 72 hours or more shall be deemed abandoned and may be removed and disposed of by the City. Provided, however, any Camp paraphernalia determined to be hazardous to the person or to others may be removed and disposed of immediately.

49.05 DEFINITIONS.

1. The following definitions are applicable to this chapter unless the context otherwise requires:

A. “Camp” means to set up or remain in or at a campsite for the purpose of establishing or maintaining a temporary place to live, or to use camp paraphenalia;

B. “Campsite” means a place where any bedding, sleeping bag, or other sleeping matter, or any stove or fire is placed, established, or maintained, whether or not such place incorporates the use of any tent, lean-to, shack, or any other structure, or any other vehicle or part thereof;

C. “Camp paraphenalia” includes, but is not limited to, tarpaulins, cots, beds, sleeping bags, hammocks or noncity-designated cooking facilities and similar equipment;

D. “Park” means those areas subject to the executive and administrative responsibility of the Park Board established by Code of Ordinances of the City of Ankeny Chapter 23, including but not limited to parks, trails, playgrounds, athletic fields, and public open space;

E. “Store” means to put aside or accumulate for use when needed, to put for safekeeping, to place or leave in a location;

F. “Street” means any highway, lane, road, street, right-of-way, boulevard, alley and every way or place in Ankeny that is open as a matter of right to public vehicular travel.

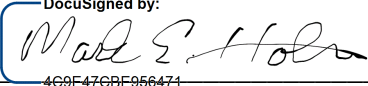
49.06 RULES.

1. The Chief of Police is hereby authorized to adopt rules, regulations, administrative policies, and procedures for implementing Sections 49.01 through 49.05.

Section 2: All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

Section 3: This ordinance shall be in full force and effect after its passage, approval and publication as provided by law.

PASSED at Ankeny, Iowa, this 6th day of November, 2023.

DocuSigned by:

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Mark E. Holm, Mayor

ATTEST:
DocuSigned by:

Michelle Yuska

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Michelle Yuska, City Clerk

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