



ORDINANCE #O-__-__

AN ORDINANCE TO ADD SECTION 17-30 OF CHAPTER 17 OF THE CHARLOTTESVILLE CITY CODE “OFFENSES – MISCELLANEOUS,” AS AMENDED, TO PROHIBIT “UNPERMITTED CAMPING ON CITY PROPERTY”

WHEREAS, the purpose of this ordinance is to implement regulations on the use of public property pursuant to authority granted by Va. Code § 15.2-2018; 15.2-1800; and 15.2-2107; and

WHEREAS, the U.S. Supreme Court in *City of Grants Pass, Oregon v. Johnson*, 603 U.S. 520, 537, 144 S. Ct. 2202, 2213 (2024) upheld the constitutionality of ordinance language substantially similar to the language presented here;

WHEREAS, the City of Charlottesville, Virginia, wishes to regulate the use of public property to preserve the public’s health, safety, and welfare by addressing impediments to public access to public property created by camping and unlawful storage of personal property, which adds to municipal responsibilities and expenses while detracting from other governmental priorities.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Charlottesville, Virginia, THAT Chapter 17 of the Charlottesville City Code is hereby amended and reordained to incorporate a new Section 17-30 (Camping and Storage on City Property Prohibited), to read as follows:

Sec. 17-30 – Camping and Storage on City Property Prohibited

(a) A person is guilty of a class 4 misdemeanor if they:

- (1) camp on any street, bridge, underpass, sidewalk, alley, public right-of-way, park, trail, building or part thereof, or other public property of the City or any public easement of any description without a permit from the City Manager, unless such area is designated for sleeping or camping. Camping in violation of this section is hereby declared to be a public nuisance.
- (2) For purposes of this section, *camp* means the use of any property described in Subsection (a)(1) for living accommodation purposes, including but not limited to, sleeping or lying down; making preparations to sleep such as laying down bedding, sleeping bags, or other sleeping matter; storing personal belongings; making any unpermitted fire; or using any tent or similar camping shelter. These activities shall constitute camping when, in light of all the circumstances, it reasonably appears that the person is using the public property as a residence or dwelling, regardless of the person’s intent or other concurrent activities.
- (3) For purposes of this section, public right of way means any land or property dedicated, reserved, or otherwise designated for public use for the purpose of vehicular, bicycle, or pedestrian travel. This includes, but is not limited to, streets,



sidewalks, alleys, pathways, and public easements maintained by or under the jurisdiction of the City.

(b) A person is guilty of a class 4 misdemeanor if they:

(1) store or leave any personal property unattended on any property described in Subsection (a)(1) without having received written permission from the City Manager. Any such property shall be considered abandoned, and shall be subject to collection and disposition pursuant City Code Chapter 20, Article III. This prohibition does not apply to bicycles, carts, strollers, or other means of personal transportation, secured in such a way as to not obstruct a street or sidewalk, or to interfere with the use of city property, for less than 72 hours.

(c) Nothing herein shall be construed to limit the discretion of City personnel to engage in outreach or other non-enforcement actions in lieu of citation or arrest.

(d) The City Manager is hereby authorized to adopt administrative policies and procedures for implementing this Chapter. The City Manager shall be guided by City of Charlottesville's interpretation of applicable federal and state law, the safety and dignity of those impacted, and the need to protect public and private property in the City of Charlottesville.

This ordinance will take effect _____. (if different from current date)

Date Introduced:

Date Adopted:

Certified:

Clerk of Council