

Ordinance No. _____

Ordinance Prohibiting Camping on Public Property and Public Rights-of-Way in the Unincorporated Areas of Park County

1. Purpose.

To promote the health, safety, and general welfare of the citizens of Park County and to protect public property and rights-of-way from damages that may result from the unintended use of such property for camping.

2. Legislative Findings.

Camping on public property and within public rights-of-way where such activity is not expressly permitted by the County poses a risk to public health and safety and may create a public nuisance as these areas have not been designed or developed to accommodate camping.

3. Definitions.

In this ordinance, the following definitions apply:

- a. "Camp" or "camping" means to stay overnight in an open space, tent, vehicle, or other temporary, mobile, or portable shelter.
- b. "County property" means all real property owned, leased, or obtained from an easement or public dedication by Park County.
- c. "County right-of-way" means all roads, streets, alleys, bridges, trails, and other public ways in the unincorporated parts of Park County which are owned in fee or obtained through an easement or public dedication by Park County.
- d. "Vehicle" means an automobile, car, truck, van, recreational vehicle, camper, or bus, whether operational or not.

4. Authority.

The Park County Commission has jurisdiction and power to have the care of the county property and the management of the business and concerns of the county in all cases where no other provision is made by law. § 7-5-2101, MCA.

The Park County Commission has power to make orders for the use of its property that the interests of its inhabitants require. § 7-1-2103(4), MCA.

The Park County Commission has jurisdiction and power to lay out, maintain, control, and manage county roads and bridges within the county and may, in its discretion, do

whatever may be necessary for the best interest of the county roads and the road districts. §§ 7-14-2101 and 7- 14-2102, MCA.

The Park County Commission has the authority to regulate the standing or parking of motor vehicles on streets and highways under its jurisdiction. § 61-12-101(1)(a), MCA.

The Park County Commission may at any time order the road supervisor or county surveyor to immediately remove any encroachment into the public right-of-way. § 7-14-2134(3), MCA.

The enforcement of generally applicable laws regulating camping on public property does not constitute “cruel and unusual punishment” prohibited by the Eighth Amendment. *City of Grants Pass, Oregon v. Johnson*, 603 U.S. 520, 521, 144 S. Ct. 2202, 2204, 219 L. Ed. 2d 941 (2024).

5. Regulation.

It shall be unlawful for any person to camp on County property or a County right-of-way in the unincorporated areas of Park County where camping is not expressly permitted by Park County.

6. Penalty & Enforcement.

Violation of this ordinance is a misdemeanor and is punishable by a fine up to \$500, imprisonment of up to ten (10) days in the county jail, or both. Each day a violation occurs constitutes a separate offense.

7. Effective Date.

This ordinance shall take effect thirty (30) days after its 2nd reading and approval.

FIRST READING & APPROVAL on the
____ day of _____, 2025.

Park County Commission

Mike Story, Chair

Jennifer Vermillion, Commissioner

Bryan Wells, Commissioner

ATTEST:

Angeliene Gelderloos
Clerk and Recorder

APPROVED AS TO FORM:

Paul J. Spitler
Deputy Park County Attorney

SECOND READING & APPROVAL on the
____ day of _____, 2025.

Park County Commission

Mike Story, Chair

Jennifer Vermillion, Commissioner

Bryan Wells, Commissioner

ATTEST:

Angeliene Gelderloos
Clerk and Recorder