

ORDINANCE 153-2022
ENNIS TOWN ORDINANCE REGULATING CAMPING

Title 8: Public Ways and Property
Chapter 6 Camping Regulations

8-6-1 **Purpose.** The purpose of this Chapter is to prevent harm to the health or safety of the public and to promote the public health, safety and general welfare by prohibiting camping and storage of personal property on public property, which interferes with the rights of others to use the areas in the manner for which it is intended.

8-6-2 **Definitions.** The following definitions are applicable to this Chapter:

- A. "**Available Overnight Shelter**" means a public or private shelter, with an available overnight space, open to an individual experiencing homelessness at no charge. Available Overnight Shelter also includes a hotel or motel that is made available to an individual experiencing homelessness at no charge.
- B. "**Camp**" or "**Camping**" means to erect, pitch, use, park, place, install, or occupy camp facilities for the purposes of habitation, occupancy or dwelling either temporary or permanent as evidenced by the use of camping equipment or paraphernalia or vehicle.
- C. "**Camp**" or "**Camping Facilities**" include, but are not limited to, tents, huts, temporary shelters and vehicles. "Camp facilities" does not include tents, huts, or temporary shelters or vehicles when used temporarily in a park for recreation or play during daylight hours when the park is open to the public.
- D. "**Camp Paraphernalia**" includes, but is not limited to, tarpaulins, cots, beds, sleeping bags, blankets, mattresses, hammocks or cooking facilities or equipment. Any vehicle used for Camping shall be considered Camping Paraphernalia or Camping Facilities.
- E. "**Camping Permit**" a permit issued by the Town of Ennis pursuant to this Chapter that allows, permits or authorizes a person to Camp. No Camp or Camping shall be allowed without a valid Camping Permit.
- F. "**Public Park**" means any publicly owned area controlled or owned by the Town of Ennis or other governmental entity for park purposes, including all associated areas, including parking lots, buildings and grounds.
- G. "**Public Property**" means any real property, building, structure, equipment, sign, shelter, vegetation, trail, and public open space, including all associated areas such as parking

lots, controlled or owned by the Town of Ennis or any other governmental agency.

- H. **"Store"** means to put aside or accumulate for use when needed, to put for safekeeping, to place or leave in a location.
- I. **"Street"** means any highway, lane, road, street, right-of-way, sidewalk, boulevard, alley and every way or place open as a matter of right to public pedestrian and vehicular travel.

8-6-3 Unlawful Camping or Storage of Personal Property in Public Places. No Camp or Camping shall be allowed without a valid Camping Permit or outside of any designated Camp Grounds.

- A. **Camping Permit Required.** Without a valid Camping Permit provided by this Chapter it shall be a violation for any person to camp or to store personal property, including camp facilities or camp paraphernalia in any public park, street, or public property improved or unimproved.
- B. **Camping Permit.** The Town Commissioners are hereby authorized to adopt by Resolution such other and further administrative rules, regulations, process or procedures to administer this Chapter, including the authority to issue Camping Permits. Any such rules, regulations, process or procedures shall comply with the following minimum requirements: (1) that Camping Permits are issued free of charge; (2) that the Camping Permits must be displayed in a conspicuous manner; (3) that the Camping Permits shall require the applicant to provide a name and valid identification in the form of driver's license, state issued identification or other reliable proof of identification; (4) that the applicant be advised that any unlawful activity or conduct shall result in the revocation of any Camping Permit; (5) that the Camping Permit shall not be for any period of time exceeding any 48 hour period; (6) that Camping is not permitted during the hours of 8:00 AM – 10 PM Mountain Standard Time; and shall provide that the applicant receive a copy of this Chapter and the Penalty Section. The Camping Permit shall show or describe by map or other reasonable means the Camp Grounds where Camping is permitted.
- C. **Camp Grounds.** At the time of the adoption of this Chapter / Ordinance 153-2022, the Town Commissioners hereby designate the Northern area of vacant land on which Ennis Town Hall is located as the only allowable Camp Grounds in the Town of Ennis. The Town shall designate with appropriate signage or other means the boundaries of the Camp Grounds where Camping by permit shall be allowed. The Town Commissioners are hereby authorized by Resolution to designate as deemed reasonable and necessary any Town owned or controlled park or property as an area for permitted Camping, except

Lion's Park.

- D. **Sanitation.** All persons Camping, storing goods or maintaining a Camp shall be required to keep the Camp site in a reasonably clean and sanitary condition, free of unsightly, noxious or odorous refuse, garbage, waste or debris.
- E. **Open Display of Alcohol or Drugs.** Open display, consumption or use of alcohol, beer, drugs, marijuana, cannabis products, or any controlled substances shall not be allowed.
- F. **Lion's Park.** Lion's Park shall not be used for Camping by permit or otherwise. The Town Commissioners shall have no authority to designate Lion's Park as Camp Grounds by Resolution. Use of Lion's Park as a Camp Ground shall only be allowed by amendment to this Chapter.

8-6-4 **Penalty for Violations.**

- A. **Civil Fine.** Violation of any of the provisions of this Chapter shall be considered a civil code violation punishable by fine as follows: (1) First violation a civil fine of no more than one hundred (\$100) dollars; (2) Second violation a civil fine of no less than one hundred (\$100) dollars and no more than two-hundred fifty (\$250) dollars; (3) Third and subsequent violation a civil fine of no less than five hundred dollars per violation.
- B. **Payment Means.** Prior to imposing any fine for violation of this Chapter, the Court shall make an inquiry into a person's ability to pay. In lieu of any civil fine the Court may order the person to perform community service.

8-6-5 **Enforcement.** The Ennis Police Department and any other law enforcement agency in the State of Montana is authorized to

- A. **Camp Grounds or Permit Area.** Any person who establishes a Camp or is Camping outside of any designated Camp Grounds or Permit Area shall be a violation of this Chapter subject to all penalty provisions and civil fines. A valid Camping Permit shall be no defense to any violation if the person's Camp site or Camping is outside of the designated Camping Area.
- B. **Homelessness Defense.** Any person who is homeless and for whom no homeless shelter or space is available may defend a violation of this Chapter on credible evidence showing that the person is homeless and that no homeless shelter is available at the time of the alleged violation. As a condition precedent to the availability of the defense provided herein, the person must show that the person was in possession of a valid Camping Permit. Any person who does not have a valid Camping Permit shall not be entitled to assert the homelessness defense.

8-6-6 **Severability.** If any section, sentence, clause or phrase of this ordinance should be held to be invalid by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this Ordinance.

8-6-7 **Adoption.** This Ordinance shall be in full force and effect thirty (30) days after second reading, passage and publication as required by law.

LEGISLATIVE NOTES PUBLICATION AND VOTING

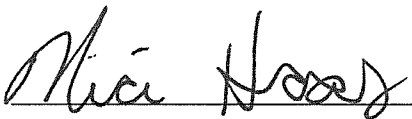
Date of 1st Public Hearing: November 10, 2022

Date of 2nd Public Hearing: December 8, 2022

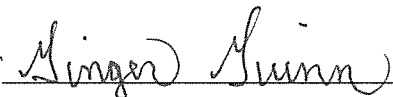
Record of vote of First and Second Public Hearing/Reading at scheduled duly noticed public meeting held at Ennis Town Hall, 328 W. Main Street, Ennis, Montana, the following Commissioners being present voted as follows:

Commissioner	Vote 11/10/2022	Vote 12/08/2022
Allison	YES	YES
Hankins	YES	YES
Hardy	YES	YES
Palmerton	YES	YES
Ranson	YES	YES

PASSED AND ADOPTED AND FINALLY APPROVED by the Town Commission of the Town of Ennis, Montana, at a regular session thereof held on the 8th day of December, 2022.



Nici Haas, Mayor

ATTEST 

Ginger Guinn, Clerk/Treasurer

