

ORDINANCE NO.2023-4

AN ORDINANCE AMENDING THE CITY OF LAFOLLETTE CODE WITH RESPECT TO TITLE 11 MUNICIPAL OFFENSES

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF MAYOR AND ALDERMAN OF THE CITY OF LAFOLLETTE, TENNESSEE, as follows:

That Title 11 “Municipal Offenses”, Chapter 4 “Trespassing and Interference with Traffic”, shall be amended by adding the following section as follows:

11-403. **City Owned or Maintained Property.**

(a) As used in this section, “camping” means:

(1) Any of the following at any time between ten o'clock p.m. (10:00 p.m.) and seven o'clock a.m. (7:00 a.m.):

(A) Erecting, placing, maintaining, leaving, allowing to remain, or using a piece of furniture, tent, raised tarp, or other temporary shelter, structure, or furniture;

(B) Placing or storing personal belongings for future use, including storing food for consumption; or

(C) Carrying on cooking activities, whether by fire or use of artificial means, such as a propane stove or other heat-producing portable cooking equipment;

(2) Sleeping or making preparations to sleep, including laying down a sleeping bag, blanket, or other material used for bedding;

(3) Making a fire or preparing to make a fire; or

(4) Doing any digging or earth breaking.

(b) An area of public property may be designated as a camping area by the City of LaFollette for the operation, protection or maintenance of the property in question. The area's designation as a camping area may be accomplished by means of signage, advertisement or other notice designed to make known its availability for the activity of camping.

(c)

(1) It is an offense for a person to engage in camping on city owned or maintained property on which the camping occurs is not specifically designated for use as a camping area by the department or agency responsible for the land.

(2) A person is not guilty of a violation of subdivision (d)(1) if the person was given permission or authorization by the department, agency, or official responsible for the operation, protection, or maintenance of the property to engage in camping on the property.

(3) Any items used to commit a violation of this section, including items abandoned at the location of the offense, are subject to confiscation, seizure, and claiming in accordance with subsection (d).

(d). Any property subject to confiscation or seizure under subsection (c), unclaimed in connection with a violation of subsection (c), or left unattended after arrest or issuance of a citation for camping in violation of subsection (c), and taken into custody shall be held by the City in a secure location for a period of ninety (90) days. Notice containing the contact information of the agency or agent holding the property must be posted at the nearest reasonable location to the place from which the property was removed. If the property is not claimed within ninety (90) days of being taken into custody, the property is deemed abandoned and the agency or agent may dispose of the property, unless the property is needed for evidence in a criminal proceeding. If a person claiming any such property within ninety (90) days of the property being taken into custody produces identification and signs a release form providing the person's name and contact information and swearing under oath that the property belongs to the person, the agency or agent shall return the property to the person, unless the property is needed for evidence in a criminal proceeding, in which case the property shall be returned following the conclusion of that proceeding. The agency or agent may charge such persons a reasonable storage fee for storing the property. The state, or local government, and its employees, agents, and contractors are immune from liability for property confiscated in compliance with this subsection (d).

A. **Conflict with Other Ordinances.** In case of conflict between this ordinance or any part thereof, and the whole or part of any existing or future ordinance of the City of LaFollette, the most restrictive shall in all cases apply.

B. **Validity.** If any section, clause, provision, or portion of this Ordinance shall be held to be in doubt or unconstitutional by any court of competent jurisdiction, such holding shall not affect any other section, clause, provision, or portion of this Ordinance which is not of itself invalid or unconstitutional.

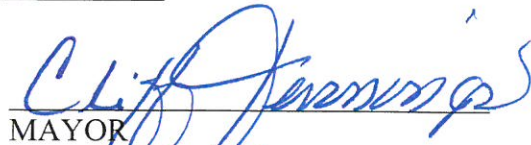
C. **Remaining Sections.** This amendment only applies to Section 8-215 of said code section and all remaining terms and sections not specifically amended herein shall remain in full force and effect.

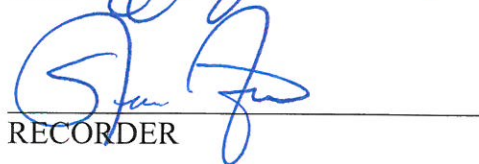
D. **Effective Date.** This ordinance shall become effective upon passage and publication, the public welfare requiring it.

Passed 1st reading, March 14, _____, 2023.

Passed 2nd reading, March 14, _____, 2023.

Passed 3rd reading, April 4, _____, 2023.


MAYOR


RECORDER

Councilperson, Mrs. Solomon, moved the adoption of the foregoing Ordinance on first reading, second by Councilperson Mr. Farmer, upon roll call the vote on said motion was as follows:

AYE:

Mr. Farmer
Mr. Kitts
Mr. Queener
Mrs. Solomon

NAY: