

ORDINANCE NO. _____

AN ORDINANCE TO REGULATE, RESTRICT AND PROHIBIT CERTAIN USES AND ACTIVITIES ON PUBLIC PROPERTY LOCATED IN THE CITY OF HOMEWOOD, ALABAMA AND TO PROVIDE PENALTIES FOR THE VIOLATION THEREOF.

WHEREAS, the City of Homewood has an interest in maintaining the public safety and welfare of the citizens of the City of Homewood and its visitors; and

WHEREAS, under its police powers, the City of Homewood may enact ordinances to protect the public health, safety and general welfare of the public; and

WHEREAS, the City of Homewood has determined that it is in the public interest and serves a public purpose and, in furtherance of the public safety and welfare of the citizens and visitors of the City, to regulate, restrict and prohibit certain uses on Public Property.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HOMEWOOD, ALABAMA, AS FOLLOWS:

Section 1. Definitions. The following words, terms and phrases when used in this Ordinance shall have the meaning ascribed to them in this Section, except where the context clearly indicates a different meaning.

“Authorizing Authority” shall mean the City for property owned or controlled by the City, the Park Board for property owned or controlled by the Park Board, the Library Board for property owned or controlled by the Library Board, the School Board for property owned or controlled by the School Board, and the State for property owned or controlled by the State.

“Park Board” shall mean the Park and Recreation Board of the City of Homewood.

“Bridge” shall mean any structure, including approaches thereto, erected in order to afford passage over any obstruction or any public road, railroad or other right-of-way, or to afford passage under or over existing public roads, railroads or other public rights-of-way. As used in this Ordinance, the definition of “bridge” shall include control access highway overpasses as defined herein.

“Camp,” “Campsite” or “Camping” shall mean the use of any Public Property, street, sidewalk or other right-of-way and/or underneath a bridge within the City for living accommodation purposes such as sleeping activities or making preparations to sleep, including the laying down of bedding for purposes of sleeping, setting, congregating or storing personal property, or to make a fire or carry on cooking activities, or using a tent or other structure for habitation, housing accommodations or a temporary shelter out of doors. These activities constitute Camping if and in light of all circumstances it reasonably appears that in conducting one or more of these activities the participant is in fact using the area as a living

accommodation, regardless of the intent of the participant or the nature of any other activities in which the person may also be engaging.

“City” shall mean the City of Homewood, Alabama.

“Controlled access highway overpass” shall mean a crossing of two controlled access highways or of a controlled access highway and other public road, pedestrian path, railroad or public right-of-way at different levels where clearance to traffic on the lower level is obtained by elevating a level.

“Interference with ingress or egress” or “to interfere with ingress or egress” means standing, sitting, lying down, using personal property or performing any other activities on Public Property where such activities a) materially interfere with the ingress into and egress from buildings, driveways, streets, alleys or other real property, regardless of whether the property is owned by the City, a private owner or any other entity; or b) reasonably appear, in light of all of the circumstances, to have the purpose of blocking ingress or egress to the public; or c) occur without express written permission of the owner of the property at issue. Where written permission has been granted, an individual interfering with any ingress or egress must have possession of the permission at the time of the activity in question.

“Library Board” shall mean the Homewood Library Board.

“Personal Property” shall mean any item that can be reasonably identified as belonging to an individual that has an apparent value or utility. Personal Property includes, but is not limited to, Portable Storage, clothing, bedrolls, cookware, sleeping bags, luggage, knapsacks or backpacks or other personal effects.

“Portable Storage” shall mean any temporary structure, including enclosures that are covered with fabric or other types of membrane which are flexible or of a rigid construction and/or serve as a shelter or barricade, including canopies and air-inflated tension membrane structures or similar structures of rigid construction, temporary fencing and barricades, as well as sheds, shelters, trailers, lean-tos, shacks or tarps.

“Public Property” or “Public Place” shall mean all improved or unimproved real property owned, leased or controlled, including but not limited to bridges, easements and rights-of-way, by the City; controlled by the Library Board; controlled by the Park Board; controlled by the School Board; and/or controlled by the State, which is to include but not be limited to streets, alleys, sidewalks or public spaces.

“School Board” shall mean the Homewood Board of Education.

“State” shall mean the State of Alabama and/or the Alabama Department of Transportation (ALDOT).

“Storage of personal property” or “storing personal property” shall mean leaving one’s personal effects on Public Property.

Section 2. That it shall be unlawful for any person to Camp on Public Property or at a Public Place without being in the possession of permit issue by the Authorizing Authority permitting such activities, which permit shall be conspicuously displayed at the Campsite. No person may be arrested for violating this Ordinance until that person has received an oral or written warning from the Homewood Police Department to cease the unauthorized Camping activity. Upon the discovery of a Campsite that does not have a permit authorizing Camping at that location, the Homewood Police Department shall post the Campsite with a pre-removal notice at the Campsite that states that all individuals and property located at the Campsite will be removed after 24 hours of posting of such pre-removal notice. After having received an oral or written warning from the Homewood Police Department, any individual that is found at the Campsite after the expiration of 24 hours from the time of the posting of the pre-removal notice or property remaining at the Campsite after the expiration of the posted 24-hour pre-removal notice shall be determined to be in violation of this Ordinance. Any property remaining at the Campsite subsequent to the expiration of the 24-hour pre-removal notice shall be considered abandoned and shall be removed and destroyed by the Homewood Police Department or its designee. The pre-removal notice shall be deemed sufficient written notice to provide to individuals who are storing or claim ownership to any personal property that such property shall be removed at the expiration of the pre-removal notice time period.

Section 3. That it shall be unlawful for any person to destroy any pre-removal signage posted by the Homewood Police Department at a Campsite in order to give notice to any persons that the Campsite is to be removed and the personal property remaining at the Campsite after the expiration of the pre-removal notice will be considered abandoned.

Section 4. That it shall be unlawful for any person to store personal property on Public Property or to Interfere with ingress or egress to public or private property. Where personal property is stored in violation of this Section, the Homewood Police Department may deem the personal property to be abandoned and may confiscate it. No warning is required prior to such confiscation.

Section 5. That it shall be unlawful for any person to park, permit to be parked, or to occupy a parked motor vehicle on Public Property at any time after one hour of the closure of the facilities located on Public Property or as posted by signage on such Public Property. This prohibition shall not apply if an individual has received a permit from the Authorizing Authority for the parking of such vehicle on the Public Property, which permit shall be displayed in the front window of the vehicle. Any City, State or federally owned vehicles are exempt from the prohibitions set out in this Section.

Section 6. That it shall be unlawful for any person to lie down or sleep on any Public Property. Further, no persons may sleep in any pedestrian or vehicle entrance to Public or Private Property abutting a public sidewalk. Additionally, no persons shall sleep in any vehicle parked on any Public Property at any time, unless otherwise authorized by the Authorizing Authority.

Section 7. That it shall be unlawful for any person to bathe on any Public Property, which is to include any storm water facilities within the City, unless authorized by the Authorizing Authority.

Section 8. Exemptions. This Ordinance shall not be construed to prohibit the following behaviors:

- a. Persons lying down because of a medical emergency;
- b. Persons lying down or napping while attending performances, festivals, concerts or other special events located in public parks;
- c. Organized Camping events that have obtained written permission for a special event from the Authorizing Authority;
- d. Persons lying down while engaged in a temporary/short-term picnic or outing in a public park, or persons lying down while engaged in a temporary/short-term visit to a public park or recreational facility to observe or participate in a special event taking place at the location; and
- e. The prohibitions set forth in this Ordinance shall not apply to any City, State or County officials acting in their official capacity performing activities as part of their official duties.

Section 9. The Authorizing Authority may approve permits as required by this Ordinance based on a permit application and information otherwise contained that:

- a. Adequate sanitary facilities are provided and accessible at or near the location;
- b. Adequate trash receptacles and trash collection will be provided;
- c. The requested activities will not unreasonably disturb or interfere with the peace, comfort and repose of the general public or adjacent or nearby private property owners;
- d. The requested activities are not reasonably likely to cause injury to persons or property, to provoke disorderly conduct or create a disturbance; and
- e. The activities requested are in the public interest.

Section 10. That the violation of any Section of this Ordinance shall constitute a nuisance and a misdemeanor and any person violating the provisions thereof, on conviction, shall be punished as provided by Section 1-8 of the Code Ordinances of the City of Homewood adopted and approved by the City Council and Mayor of the City, or as the same may hereinafter be amended.

Section 11. That if any part, provision, or section of this Ordinance is declared unconstitutional or invalid by any court of competent jurisdiction, all of the parts, provisions or sections of this Ordinance not thereby affected shall remain in full force and effect.

Section 12. That this Ordinance shall become effective immediately upon its adoption by the City Council, approval by the Mayor, or as otherwise becoming law.

ADOPTED this the _____ day of _____, 2025.

President of Council

APPROVED:

Mayor

ATTEST:

City Clerk

This notice posted: _____, 2025

At the following locations: Mayor's Office (City Hall), Homewood Public Library, Homewood Senior Center (Oak Grove Road) and Lee Community Center (Rosedale)

And at www.cityofhomewood.com

STATE OF ALABAMA)
JEFFERSON COUNTY)

I, the undersigned City Clerk of the City of Homewood, do hereby certify that the foregoing Ordinance No. _____ is a true and correct copy of an ordinance passed by the City Council of said City at a regular meeting held on _____, 2025, a quorum being present, and as same appears of record in Minute Book No. _____.

City Clerk, City of Homewood