

## **AN ORDINANCE REGULATING CAMPING ON PUBLIC PROPERTY**

WHEREAS, the Court held a 1<sup>st</sup> reading on \_\_\_\_\_ 2023, and held a 2<sup>nd</sup> reading and adoption on \_\_\_\_\_ 2023, and after due consideration,

UPON MOTION OF \_\_\_\_\_, SECONDED BY \_\_\_\_\_, AND A VOTE BEING HAD AND THE COUNTY JUDGE ANNOUNCING THAT THE MOTION CARRIED.

### **ORDINANCE NO. 2023-011**

#### **AN ORDINANCE ADOPTING REGULATIONS DESIGNED TO REGULATE CAMPING ON COUNTY-OWNED PROPERTY IN NELSON COUNTY AND TO OTHERWISE PROMOTE THE PUBLIC HEALTH, SAFETY, AND GENERAL WELFARE OF THE CITIZENS OF THE COUNTY OF NELSON.**

**WHEREAS**, camping activities may constitute a public health and safety hazard when conducted without the proper security, sanitary facilities, and precautions; and

**WHEREAS**, the necessity to clean up, repair, or remediate public property that has been used for unlawful camping may result in substantial cost to the public; and

**WHEREAS**, it is the obligation of the County to keep public spaces in a clean and accessible condition; and

**WHEREAS**, it is the obligation of the County to prevent the accumulation of trash and debris and to reduce the risk of both structural and brush fires.

**NOW THEREFORE**, Be it ordained by the Nelson County Fiscal Court, County of Nelson, Commonwealth of Kentucky, this ordinance shall be heretofore known as the “Camping on Public Property” Ordinance and is as follows:

#### **Section 1: Definitions**

For the purpose of this ordinance, the following definitions shall apply unless the context clearly indicates or requires a different meaning:

“VACANT PROPERTY.” Property, including residential, commercial, and industrial that is not owned by or leased to the County and is unoccupied, or empty for at least one (1) year.

“ABANDONED PROPERTY.” Property, including residential, commercial, and industrial, that is not owned by or leased to the County and that has been vacant for at least one (1) year.

“CAMP or CAMPING.” Use of property for temporary living accommodation purposes by the occupation or habitation of an area through the use of a tent or other similar temporary shelter, recreational vehicle, camper shell, car, truck, SUV, or other vehicle.

“CAMPING PARAPHERNALIA.” Equipment or supplies that are used by a person or persons to facilitate camping including, but not limited to, grills, outdoor cookers, lanterns, sleeping bags, latrines, temporary shelters of whatever kind, or other similar type equipment or supplies.

“RECREATIONAL VEHICLE.” A motor vehicle, trailer or hybrid trailer that is equipped with amenities and features intended for the owner or others to use for the purposes of leisure activities, camping and/or sleeping, including, but not limited to, motor homes, travel trailers, camper vans, truck campers, pop-up campers, teardrop trailers, fifth wheels, toy haulers or motor homes.

“COUNTY.” The County of Nelson.

“PUBLIC PROPERTY.” Any real property owned by, or leased to the County including, but not limited to, green spaces, open spaces, rights-of-way, public sidewalks, crosswalks, streets, curbs, public alleyways, public owned parks or trails, public passageways, publicly owned commercial lot, publicly owned residential lots, publicly owned vacant lots, and/or publicly owned cleared lots.

## **Section 2: Administration**

### **A) Camping on Public Property Prohibited.**

- 1) It shall be unlawful for any person to camp or set out camping paraphernalia on public property within the County of Nelson for more than four (4) consecutive hours during the hours of 8:00 a.m. to 8:00 p.m.
- 2) It shall be unlawful for any person to camp or set out camping paraphernalia on public property within the County of Nelson during the hours of 8:00 p.m. to 8:00 a.m.

**B) Camping on Abandoned Property Prohibited.**

- 1) It shall be unlawful for any person to camp or set out camping paraphernalia on abandoned property within the County of Nelson for more than four (4) consecutive hours during the hours of 8:00 a.m. to 8:00 p.m.
- 2) It shall be unlawful for any person to camp or set out camping paraphernalia on abandoned property within the County of Nelson during the hours of 8:00 p.m. to 8:00 a.m.

**(C) Camping on Vacant Property Prohibited.**

- 1) It shall be unlawful for any person to camp or set out camping paraphernalia on vacant property within the County of Nelson for more than four (4) consecutive hours during the hours of 8:00 a.m. to 8:00 p.m.
- 2) It shall be unlawful for any person to camp or set out camping paraphernalia on vacant property within the County of Nelson during the hours of 8:00 p.m. to 8:00 a.m.

**Section 3: Severability**

If any provisions of this Ordinance or any provisions of their subsequent applications are held invalid, such invalidation does not affect the remainder of this Ordinance or its applications.

**Section 4: Conflicting Provisions**

The provisions of this ordinance shall be deemed as additional requirements to standards required by other ordinances of the County of Nelson. In cases whereby requirements are in conflict, the most restrictive requirement shall apply.

**Section 5: Repealer**

Any prior version or provision of this ordinance, or any other resolution or order previously adopted by the Nelson County Fiscal Court which is in conflict with this ordinance, adopted this \_\_\_\_\_ day of \_\_\_\_\_, 2023, is hereby repealed, remanded and held for naught.

**Section 6: Penalties**

Any person, firm or corporation who violates or fails to comply with any of the provisions of this ordinance shall be guilty of Criminal Trespass in the third degree and subject to the sentences and fines as set forth by KRS 511.080 § 1&2.

**Section 7: Effective Date**

This ordinance shall become effective upon passage, and will be advertised pursuant to KRS 424.

**NELSON FISCAL COURT**

\_\_\_\_\_  
Tim Hutchins  
County Judge-Executive

**ATTEST:**

\_\_\_\_\_  
Nelson County Clerk

**Approved as to form and legality:**

---

County Attorney