



**MECKLENBURG COUNTY BOARD OF COMMISSIONERS RESOLUTION ADOPTING
AN ORDINANCE PROHIBITING CAMPING AND UNAUTHORIZED USE OF
COUNTY PROPERTY AND FACILITIES**

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WHEREAS, Mecklenburg County has a significant governmental interest in protecting the health, safety and welfare of its employees, customers, and the general public and in preserving the public order; and

WHEREAS, Mecklenburg County has a significant governmental interest in maintaining the aesthetics, cleanliness and proper sanitation of County-owned property; and

WHEREAS, Mecklenburg County has a significant governmental interest in maintaining the safety of people who use County-owned property and in reducing the risk of liability arising from the use by anyone of County-owned property; and

WHEREAS, the County may, pursuant to G.S. 153A-121, adopt an ordinance to define, prohibit, regulate, or abate acts, omissions, or conditions, detrimental to the health, safety, or welfare of the public; and

WHEREAS, the County may, pursuant to G.S. 153A-169, “adopt by ordinance or resolution regulations concerning the use of county property”; and

WHEREAS, Mecklenburg County has in existence a Mecklenburg County Park and Recreation Facilities Ordinance, but not an ordinance addressing other County-owned property; now, therefore be it

RESOLVED by the Board of Commissioners of Mecklenburg County that the following Ordinance is hereby adopted to govern access to and use of County-owned property and facilities not otherwise governed by the Mecklenburg County Park and Recreation Facilities Ordinance.

**ORDINANCE PROHIBITING CAMPING AND UNAUTHORIZED USE OF COUNTY PROPERTY
AND FACILITIES**

A. DEFINITIONS

1. **“Camp” or “Camping”** means the use of County Property for living accommodation purposes such as sleeping, or making preparations to sleep (including the laying down of bedding for the purposes of sleeping), or storing personal belongings, or placing any tent or a temporary shelter on County Property for living accommodation purposes.
2. **“Temporary Shelter”** means any tent, any tarp, or any type of structure or cover that provides complete or partial shelter from the elements.
3. **“County Property”** means any parcel of real property owned by Mecklenburg County that is not included in the Mecklenburg County Park and Recreation Facilities Ordinance, including property located within public rights-of- way and sidewalks.

B. PROHIBITED ACTIVITY

Section 1. Unless otherwise expressly permitted in writing by the County Manager or his designee, it is unlawful for any person to camp on any County Property including property located within public rights-of-way and sidewalks.

Section 2. Tents, temporary shelters or other camping gear are prohibited on County Property regardless of whether the tents are occupied and/or contain bedding or camping gear, except in locations designated in writing for camping and permitted for such activity. It is unlawful for any person to place or leave any tent, any temporary shelter, or any bedding on County Property unless expressly permitted to do so in writing by the County Manager or his designee.

Section 3. It is unlawful for any person to light or use a campfire or bonfire on County Property, unless specifically authorized by written permit to do so.

Section 4. It is unlawful to hang, fasten, or attach any rope, wire, chain, sign, banner, or electrical device or power cord to any County Property, including buildings, bridges, overpasses, vehicles, construction equipment, memorials, utility poles or artwork unless express permission has been granted in writing by the County Manager or his designee.

C. ENFORCEMENT AND PENALTIES

Camping on County Property, including property located within public rights-of-way and sidewalks, is a public nuisance. Anyone camping, attempting to camp, or placing any tent or temporary shelter on County Property in making preparations to sleep, or store personal belongings without written permission to do so, shall be directed by any duly sworn law enforcement officer or County employee having authority to do so to cease such activity and to remove any camping gear or personal belongings from County Property. Any duly sworn law enforcement officer or County employee may summarily remove any tent, temporary shelter, bedding or personal belongings from County Property.

Lighting or using a campfire or bonfire on County Property poses a potential danger to the public and unless permitted to do so, any person lighting or using a bonfire on County Property shall be directed to stop, to extinguish any burning material, and to remove same once that can be safely done. Any duly sworn law enforcement office or County employee may summarily extinguish any burning material.

Upon violation of any provision of this Ordinance, violators are subject to one or more of the following enforcement actions.

1. Duly sworn law enforcement officers with jurisdiction within Mecklenburg County shall have the duty and responsibility to enforce this Ordinance by charging the violator with a misdemeanor and shall also be empowered to issue citations for civil penalties when in their judgment any provision of the Ordinance has been violated. County employees and others designated in writing by the County Manager shall have the authority to issue citations for civil penalties when in their judgment any provision of the Ordinance has been violated.
2. The violator may be charged with a misdemeanor punishable in accordance with the provisions of N.C.G.S. 14-4 with a fine of up to five hundred dollars (\$500.00) or any other sanctions allowed by law.
3. Each such person receiving a citation for a civil penalty is subject to a civil penalty of two hundred fifty dollars (\$250.00) per day which may be collected by civil action in the nature of debt if not paid within seventy-two hours after being issued.
4. This Ordinance may be enforced by an appropriate equitable remedy issuing from a court

of competent jurisdiction.

D. SEVERABILITY AND EFFECTIVE DATE

1. Severability. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unlawful, such decision shall not affect the validity of the remaining portions of this Ordinance.
2. Effective Date. This Ordinance shall be effective immediately upon its adoption.

Adopted the 21st day of February, 2012.

For more information contact Tyrone Wade
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