



OFFICE OF THE COUNTY ATTORNEY

**MEMORANDUM FOR BOARD OF COMMISSIONERS AGENDA OF NOVEMBER 21,
2022**

TO: BOARD OF COUNTY COMMISSIONERS

FROM: COUNTY ATTORNEY

DATE: 11/17/2022

**SUBJECT: CONSIDERATION OF ORDINANCES TO PROHIBIT CAMPING ON
COUNTY PROPERTY**

BACKGROUND

The City of Fayetteville adopted an ordinance August 8, 2022, making camping unlawful on city-owned property. The enforcement of that ordinance will likely shift the homeless persons camping in the city parking lot across the street from the downtown library to the library property. As the city continues to enforce its ordinance, it is likely more camp sites will be shifted to county property. The library is already experiencing human waste being dumped in the dumpsters and persons urinating and defecating in the storm drain grate and urinating on the public walkways on the property. The ordinance prohibiting camping and parking unlicensed vehicles on county property is intended to avoid the public nuisance created by persons staying on the property overnight.

The proposed amendment to the ordinance regulating parking on county property and the ordinance prohibiting camping on county property are attached.

RECOMMENDATION / PROPOSED ACTION

The county attorney recommends the amendment to the ordinance regulating parking on county property and the ordinance prohibiting camping on county property be adopted.

ATTACHMENTS:

Description	Type
Parking on County Property	Backup Material
Ordinance Prohibiting Camping on County Property	Backup Material

**CUMBERLAND COUNTY BOARD OF COMMISSIONERS
ORDINANCE AMENDING CHAPTER 9, ARTICLE II, PARKING ON COUNTY-
OWNED PROPERTY, OF THE CUMBERLAND COUNTY CODE**

Whereas, the Cumberland County Board of Commissioners adopted an Ordinance Regulating Parking on County-owned Property, September 5, 1978, and has amended it from time to time; and

Whereas, the Cumberland County Ordinance Regulating Parking on County-owned Property has been codified as Chapter 9, Article II, *Parking on County-owned Property*, of the Cumberland County Code; and

Whereas, the Board of Commissioners wishes to amend the Ordinance Regulating Parking on County-owned Property.

NOW, THEREFORE, BE IT ORDAINED by the Cumberland County Board of Commissioners that:

Chapter 9, Article II, *Parking on County-owned Property*, of the Cumberland County Code is hereby amended by inserting a new subsection c to Section 9-26 set out fully in Section 1 as follows:

Section 1.

Sec. 9-26. Unlawful parking.

(c) It shall be unlawful to willfully park any vehicle in any county-owned parking lot which does not display a current license plate.

Section 2. It is the intention of the Cumberland County Board of Commissioners that this ordinance shall be effective immediately upon its adoption.

**CUMBERLAND COUNTY BOARD OF COMMISSIONERS
ORDINANCE PROHIBITING CAMPING ON COUNTY PROPERTY**

Whereas, the Cumberland County Board of Commissioners finds that camping on county-owned property that is not intended for use as camping interferes with the rights of others to use the property for its intended use; and

Whereas, the Cumberland County Board of Commissioners finds that the accumulation of trash, garbage, or waste, and the lack of sanitary disposal facilities at camping sites create conditions upon county property which constitute a public nuisance; and

Whereas, the City of Fayetteville adopted an ordinance August 8, 2022, which makes camping on city-owned property unlawful; and

Whereas, the Cumberland County Board of Commissioners finds that the impact of the city's ordinance will be the concentration of persons camping on county-owned property in the City of Fayetteville; and

Whereas, the Cumberland County Board of Commissioners further finds the prohibition of camping on county-owned property to be in the public interest and to promote the public health, safety and welfare.

NOW, THEREFORE, BE IT ORDAINED by the Cumberland County Board of Commissioners that a new Article XII, *Camping Prohibited on County Property*, shall be inserted into Chapter 9.5 of the Cumberland County Code as set out in Section 1 below:

Section 1.

ARTICLE XII. CAMPING PROHIBITED ON COUNTY PROPERTY

Sec. 9.5-160. Statutory authority.

This article is enacted pursuant to G.S. 153A-169.

Sec. 9.5-161. Territorial jurisdiction.

This article is applicable to any county-owned property within the geographical area of Cumberland County, including all county-owned property located in any municipality within Cumberland County.

Sec. 9.5-162. Definition.

As used in this article, camp or camping means sleeping, preparing to sleep (including lying down or the laying down of bedding for the purpose of sleeping); storing personal belongings; the placement of tents, huts, or tarps; or parking a motor vehicle, motor home, trailer, or any other type of structure for living accommodation purposes.

Sec. 9.5-163. Camping on county property declared a public nuisance.

The use of county property for camping interferes with the rights of others to use the property for its intended use and the accumulation of trash, garbage, or waste, and the lack of sanitary disposal facilities at camping sites create conditions upon county property which constitute a public nuisance. Nothing in this article shall be deemed or interpreted to abrogate or limit the authority of the county public health director to abate public health nuisances.

Sec. 9.5-164. Camping on county property prohibited.

To avoid a public health nuisance being created by the accumulation of trash, garbage, or waste, and the lack of sanitary disposal facilities, camping or establishing a camp on county property is prohibited.

Sec. 9.5-165. Camping on county property deemed a trespass.

Any person camping or establishing a camp on county property shall be deemed trespassing on county property.

Sec. 9.5-166. Enforcement.

(a) The Cumberland County Sheriff shall have the authority to enforce this ordinance by giving notice of trespass to the person or persons camping or establishing a camp on county property, directing such person or persons to remove, within a time appropriate to the circumstances, all the personal property in the control of such person or persons located at the camp site, and requesting the county manager to dispatch appropriate county staff to remove any personal property not removed from the site within the time directed.

(b) The Cumberland County Sheriff shall keep a sworn law enforcement officer on site while any county staff are present to remove personal property.

(c) Any personal property removed from the site shall be disposed of in accordance with county policy.

(d) Any person or persons who are noticed of trespass for camping or establishing a camp on county property shall be subject to being charged with trespass if they come onto the same county property again.

Section 2. It is the intention of the Cumberland County Board of Commissioners that this ordinance shall be effective immediately upon its adoption.