



**City of Leavenworth**  
**100 N. 5<sup>th</sup> Street**  
**Leavenworth, Kansas 66048**

**CITY COMMISSION STUDY SESSION**  
**COMMISSION CHAMBERS**  
**TUESDAY, JULY 6, 2021 7:00 P.M.**

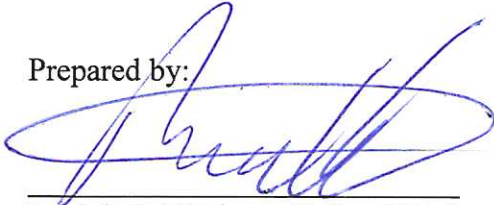
**Welcome to your City Commission Study Session – Please turn off or silence all cell phones during the meeting**  
*Meetings are televised everyday on Channel 2 at 7 p.m. and midnight and available for viewing on YouTube and Facebook Live*

**Study Session:**

1. Discuss 2021 Illegal Camping Ordinance (pg. 2)
2. Presentation of Proposed 2022 Operating Budget and the 2022-2026 Capital Improvements Program (pg. 7)

**Policy Report No. 7-2021  
2021 Illegal Camping Ordinance  
July 6, 2021**

Prepared by:



Patrick R. Kitchens, Police Chief

Approved by:



Paul Kramer, City Manager

**ISSUE:**

Review and discuss a proposed new City Ordinance.

**STAFF RECOMMENDATION:**

Staff recommends approval.

**BACKGROUND:**

Over the course of the last several months, the Police Department has seen an uptick of people establishing homeless encampments on public property and in the right of way. The most recent examples include an encampment under the bridge at Broadway and Cherokee, under the bridge just north of 4<sup>th</sup> and Sante Fe, and an encampment established at Daugherty Park at one of the Park Shelters.

Officers often find a mix of small personal property, tents, sleeping bags, coolers, cardboard boxes, and trash. Occasionally, we find more serious problems, such as drug-paraphernalia, needles, alcohol containers and stolen property.

Officers are equipped with a number of tools to deal with these situations such as Disorderly Conduct, Criminal Trespass, Littering, Established Park Hours, Consumption of Alcohol in the Park, and Drug Violations.

The Police Department believes there is a gap in the Ordinances that makes it more difficult to take action in these circumstances and believe this ordinance would help close that gap.

It is not illegal to be homeless and it is not illegal to be in public place. There is no solid legal guidance available if a person goes to the park or goes to the bridge and puts up a tent during the day. Section 32-37 Camping – prohibits overnight camping in the park. The proposed ordinance is designed to give Officers a better tool to help remedy this

particular problem. It is not going to change our overall strategy of education and enforcement.

**BUDGET IMPACT:**

There is some budget impact. The Police Department has used the Refuse Department to assist with cleanup. The Parks and Recreation staff does spend extra time and resources at the Parks to cleanup. There are expenses associated with cleanup of large encampments if we hire a contractor.

**COMMISSION ACTION:**

Review and discuss a proposed new ordinance on Illegal Camping. If consensus were reached to move forward, it would be to Amend Chapter 30, Offenses, Article 1 by adding 30-8, Illegal Camping and to Repeal Section 32-37.

**AN ORDINANCE AMENDING CHAPTER 30, OFFENSES, ARTICLE I, BY ADDING SECTION 30-8, ILLEGAL CAMPING, OF THE CODE OF THE CITY OF LEAVENWORTH, KANSAS. PROVIDING SUBSTITUTE PROVISIONS AND REPEALING SECTION 32-37.**

**BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF LEAVENWORTH KANSAS:**

**Section 1: That the Code of Ordinance of the City of Leavenworth, Kansas, Chapter 30, Offenses, Article I is hereby amended and added to read as follows:**

**Section 30-8. Illegal Camping**

(A) Definitions:

(1) "Camping" shall mean the use of land to conduct one or more "specified activities" (defined below) when, based upon such use, it reasonably appears, considering all the circumstances, that the participants, in conducting the specified activities, are using the area as a living accommodation regardless of the intent of the participants or the nature of any other activities in which they may be engaging. Camping shall not include residing in a permanent structure that may be lawfully occupied as a permanent or temporary residence.

(2) "Specified activities" shall include one or more of the following:

(a) sleeping or preparing to sleep, such as laying down bedding.

(b) storing personal belongings including, but not limited to, clothing, sleeping bags, bedrolls, blankets, sheets, luggage, backpacks, kitchen utensils, cookware, and similar materials.

(c) making any fire for the purpose of warmth, or cooking (excluding cooking on a designated city grill as part of a city approved shelter reservation).

(d) erecting a tent, lean-to, or other similar temporary structure.

(B) It shall be illegal to engage in camping on private property without the consent of the property owner.

(C) It shall be illegal to engage in camping within 10 feet of any doorway, loading dock, stairway, or fire escape.

(D) It shall be illegal to engage in camping on any public right-of-way or public property located within the City of Leavenworth.

(E) Exclusions

(1) Approved visitors to the City of Leavenworth Riverfront Park Campground, who follow the rules and regulations of the Riverfront Park Campground, shall be excluded from enforcement of this section.

(2) Camping on any public property for a special event that has been approved by the City Manager or his/her designee, shall be excluded from the enforcement of this section.

(F) Penalty.

Upon a conviction of a violation of this section, the violator shall be fined in an amount not to exceed \$500 or sentenced to a jail term not to exceed 30 days, or both.

**Section 2. REPEAL.** Chapter 32, Parks and Recreation, Article II, Section 32-37 Camping of the Code of Ordinances of the City of Leavenworth, Kansas, in existence as of and prior to the adoption of this ordinance, is hereby repealed.

**Section 3: Effective Date.** This ordinance shall take effect and be in force, from and after its passage, approval, and publication in the official city newspaper.

**PASSED AND APPROVED** by the Governing Body of the City of Leavenworth, Kansas on this \_\_\_\_ day of \_\_\_\_\_, 2021.

\_\_\_\_\_  
Nancy D. Bauder, Mayor

{Seal}

**ATTEST:**

\_\_\_\_\_  
Carla K. Williamson, CMC, City Clerk

Sec. 32-37. - Camping.

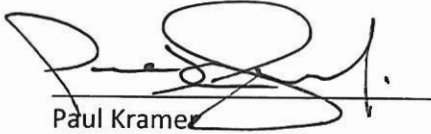
Overnight camping on park property is prohibited except as allowed at Riverfront Park Campground.

(Ord. No. 8105, § 1(74-34), 6-28-2019)

**Policy Report**

Presentation of Proposed 2022 Operating Budget and the  
2022-2026 Capital Improvements Program (CIP)  
July 6, 2021

Prepared by:

A handwritten signature in black ink, appearing to read 'Paul Kramer', is written over a horizontal line.

Paul Kramer  
City Manager

**Subject:**

I will present an overview of the proposed operating budget for fiscal year 2022 (January 1, 2022 to December 31, 2022) and the Capital Improvements Program (CIP) for 2022-2026. A copy of the presentation will be handed out at this meeting.

As a reminder, budget work sessions are scheduled for Friday, July 16 from 9 a.m. until complete at City Hall.