



# City of Pittsfield

In the Year Two Thousand

## AN ORDINANCE

### AMENDING THE CODE OF THE CITY OF PITTSFIELD CHAPTER 14, SECTION 14-23

*Be it ordained by the City Council of the City of Pittsfield, as follows:*

The Code of the City of Pittsfield, Chapter 14 be amended by adding thereto Section 14-23 –  
Camping on Public Property.

#### **SECTION I**

##### **Sec. 14-23 Camping on Public Property**

##### **(a) Purpose.**

The purpose of this section is to maintain streets, parks and other public and private areas within the City in a clean, sanitary and accessible condition and to adequately protect the health, safety and public welfare of the community. The use of streets and public areas within the City for camping purposes or for storage of personal property interferes with the rights of the public to use these areas for which they were intended. Such activity can constitute a public health and safety hazard that adversely impacts residential neighborhoods and commercial areas. Camping without the consent of the owner and proper sanitary measures adversely affects private property rights, public health, safety, and welfare of the City. Nothing in this section is intended to interfere with otherwise lawful and ordinary uses of public or private property.

##### **(b) Definitions.** As used in this section, the following terms shall have the following respective meanings:

##### **CAMP**

Establishing a temporary habitation that involves structures, extensive setup, or significant occupation of space.

##### **CAMP FACILITIES**

Tents, huts, vehicles, vehicle camping outfits or temporary shelter

##### **CAMP PARAPHERNALIA**

Bedrolls, tarpaulins, cots, beds, sleeping bags, hammocks or cooking facilities.

##### **PUBLIC PROPERTY**

All public property including, but not limited to, streets, sidewalks, alleys, improved or unimproved land and parks

##### **STORE**

Accumulate in a way that obstructs passage, creates health hazards, or poses a safety risk.

Approved as to Form and Legality,

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### **SIDEWALK**

A paved walkway along the side of a roadway.

#### **(c) Camping, locations prohibited; protection of waterways**

(1) No person shall camp or maintain an encampment in or upon any public property, including any street, sidewalk, park, open space, waterway, or banks of a waterway, or any private property not designated and equipped for such camping.

(2) It shall be unlawful for any person to do any of the following:

- i. Build or erect any structure of any type along the banks of any waterway, or drive a nail or other object into any tree or other natural area vegetation for the purpose of building an encampment or any other structure, or to affix an object to any tree or other natural vegetation;
- ii. Move boulders or large rocks, destroy vegetation, paved roads or paths created by the City, or otherwise reconfigure the natural landscape in the parks, waters of or along the banks of a waterway;
- iii. Drive, park, or bring any vehicles along the banks of a waterway, except in places specifically provided and designated for vehicular use;
- iv. Dig on the banks of a waterway; or
- v. Discharge or store waste, including garbage, refuse, or human or animal waste, along the banks or into the waters of a waterway.

(3) Exceptions to Camping Prohibition.

- i. Nothing in this section is intended to prohibit the activities of an owner of private property or other lawful user of private property that are normally associated with and incidental to the lawful and authorized use of private property; and nothing is intended to prohibit the activities of a lawful user if such activities are expressly authorized by the Mayor or by any law, regulation, permit, order or other directive from a regulatory authority.
- ii. This section is not intended to prohibit camping on a private residential property by friends or family of the property owner, so long as the owner consents.

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- iii. An individual may temporarily sleep in a vehicle on public property where parking is otherwise permitted, provided that (1) no camp facilities or camp paraphernalia are set up outside the vehicle; and (2) the vehicle is legally parked and does not obstruct public passage, City operations, or create a public health or safety hazard.
- iv. An individual's conduct that would otherwise violate the prohibitions on camping or maintaining an encampment under this Section may be excused if such conduct was necessary to avoid a clear and imminent danger to life or serious bodily injury, and there was no reasonable alternative available to avert the danger.

**(d) Storage of personal property on public and private property**

- (1) It shall be unlawful and a public nuisance for any person to store personal property, including camp paraphernalia, on any public property or any private property without the written consent of the owner, except as otherwise authorized in writing by the City.
- (2) Moving personal property to another location upon public property or returning personal property to the same block of public property on a daily basis shall be considered storing and shall not be considered to be removing the personal property from the public property. This definition shall not include any personal property that, pursuant to statute, ordinance, permit, regulation or other authorization by the City or Commonwealth, is stored with permission of the City or Commonwealth on real property that is owned or controlled by the City.
- (3) No person shall store any personal property upon public property in such a manner so as to obstruct City operations, including street or sidewalk maintenance or cleaning, or park or landscaping maintenance, repair or irrigation. Without prior notice, the City may temporarily move personal property, whether attended or unattended, which is obstructing City operations upon public property during the time necessary to conduct the City operations.
- (4) No person shall store any personal property upon public property in such a manner that it does not allow for passage as required by the Americans with Disabilities Act of 1990 as amended from time to time (ADA). Without prior notice, the City may move and may immediately impound any personal property, whether attended or unattended, stored upon public property in such a manner that it does not allow for passage as required by ADA.
- (5) No person shall store any personal property within ten feet of any operational and useable entrance, exit, driveway, or loading dock. Without prior notice, the City may move and may immediately impound any personal property, whether attended or unattended, stored upon

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public property within ten (10) feet of any such area.

- (6) No person shall store any personal property upon public property that has clearly posted closure time, after the posted closure time. Without prior notice, the City may move and may immediately impound any personal property, whether attended or unattended, stored upon public property within ten feet of any such area.

- (e) Power of the Health Department to make rules and regulations.

The Health Department may adopt procedures for the removal and recovery of personal property left upon lands where camping is prohibited. Any such regulations shall provide for a notice left at the site of the seizure or, if possible, provided directly to the owner containing the following information: (1) a detailed description of the property seized; (2) the specific reason for the seizure; (3) the exact location of impoundment; (4) reasonable hours and methods for retrieval; (5) contact information for inquiries; and (6) information on how to challenge the seizure or associated costs. Absent such procedures, personal property left upon lands where camping is prohibited for more than twenty-four hours may be removed by the City and may be recovered by the owner for up to ninety (90) days.

- (f) Enforcement

- (1) Any person violation of this chapter may be abated by the Health Department or the Pittsfield Police Department by temporarily seizing personal property that is in violation of this ordinance.

- (2) Notwithstanding subsection (1) of this section

- i. Any violations of this ordinance shall be enforced by a fine as follows:

First Offense – Written Warning

Second Offense – Twenty Five and 00/100 dollars (\$25.00)

Third Offense – One Hundred and 00/100 dollars (\$100.00)

Fourth and Subsequent Offenses – Three Hundred and 00/100 dollars (\$300.00)

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- (3) Nothing provided in this Section shall create any duty on the City to enforce any specific law or ordinance or abate any specific condition or circumstance which may exist. The City shall exercise its discretion to enforce this Section as resources permit.
- (4) The timing, methods, and priority of specific abatement actions shall be at the sole discretion of the Health Department.
- (5) As an alternative to the payment of monetary fines, an individual cited for a violation of this Section may elect to perform voluntary community service. This option is intended to provide a constructive pathway for compliance, particularly for individuals experiencing financial hardships.
  - i. Any individual who receives a citation for violation of this Section shall be eligible to participate in a voluntary community service program. The Health Department shall establish clear criteria and an application process for this program.
  - ii. Fines shall be converted to community service hours at a rate equivalent to the prevailing Massachusetts minimum wage, or a higher rate as determined by the Health Department, to be reviewed annually. For purposes of this Section, the initial conversion rate shall be twenty five and 00/100 dollars (\$25.00) per hour of community service.
  - iii. The Health Department, in consultation with other relevant City departments and local non-profit organizations, shall establish a list of approved community service activities and organizations. These activities shall be meaningful, benefit the community, and may include, but are not limited to, park cleanup, litter removal, general public space maintenance, assistance at local food banks or shelters, or other municipal support tasks.
  - iv. The Health Department, or a designated City department or program coordinator, shall be responsible for the administration of the community service program. This includes, but is not limited to, intake of eligible individuals, placement with approved organizations, tracking of hours, verification of completion.
  - v. The program shall strive to offer a variety of work types and flexible scheduling options to accommodate individuals with differing physical abilities, work schedules, or other life circumstances, to maximize participation and successful completion.

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- vi. In the event an individual fails to complete the assigned community service hours within a specified timeframe, the original monetary fine shall be reinstated. The Health Department shall establish clear procedures for notification and an opportunity for the individual to explain any extenuating circumstances before the fine is reinstated.

### SECTION II

This ordinance shall take effect upon enactment.

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*City Solicitor*