

**CITY OF GEM LAKE, RAMSEY COUNTY, MINNESOTA  
ORDINANCE NO. 133**

AN ORDINANCE PROHIBITING UNLAWFUL CAMPING AND PROVIDING FOR ABATEMENT AND PENALTIES FOR VIOLATION THEREOF.

**City Attorney Summary**

This Ordinance prohibits the misappropriation of City property for personal use and promotes the public health, safety, and welfare by restricting camping, which negatively impacts City property and facilities. By restricting camping, this Ordinance ensures that City property remains in a clean and sanitary condition and accessible for its intended uses by all members of the public. This Ordinance also authorizes the City Council to allow for City resources to be utilized to clean-up camp facilities and camp paraphernalia on City property and for the recovery of the City's costs and expenses incurred in association therewith.

**WHEREAS**, through its legislative enactments, the City Council made clear its intent to prevent the misappropriation of City property for personal use and to promote the public health, safety, and welfare by ensuring that City property remains accessible and usable by all members of the public for the purposes for which such public property is intended and by ensuring that City property remains in a clean, sanitary, and accessible condition; and

**WHEREAS**, the public areas within the city, including streets, sidewalks, parks, public buildings, and public land, should be readily accessible, free from obstruction, and available to the public at large for use in a safe and healthy manner; and

**WHEREAS**, the use of these areas for camping purposes interferes with the ability of residents and the public at large to use the areas in the healthy and safe manner for the uses intended; and

**WHEREAS**, such camping activity can constitute a public health and safety hazard, which adversely impacts other members of the public, neighborhoods, industrial, agricultural, and commercial areas; and

**WHEREAS**, updates to the Gem Lake Municipal Code are necessary in order to address issues associated with camping within the City

**THE CITY COUNCIL OF THE CITY OF GEM LAKE ORDAINS:**

**SECTION 1. TITLE AND PURPOSE.** This Ordinance may be cited as the "GEM LAKE PROHIBITION AGAINST CAMPING CODE". The purpose of this Ordinance is to protect the public health, safety and general welfare of the people of the City. The public areas within the city, including streets, sidewalks, parks, public buildings and public land, should be readily accessible and available to residents and the public at large for use in a safe and healthy manner. The use of these areas for camping purposes interferes with the ability of residents and the public at large to use the areas in the healthy and safe manner for the uses intended. Such camping and its attendant negative effects can constitute a public health and safety hazard, which adversely impacts other members of the public and neighborhoods, as well as industrial, agricultural, and commercial areas. A purpose of this Ordinance is to maintain public lands, streets, sidewalks, alleys, ways, creeks, waterways, parks, playgrounds, recreation areas, plazas, open spaces, lots, parcels and other public areas within the City, in a clean, sanitary and accessible condition. Nothing in this article is intended to interfere with otherwise lawful and ordinary uses of public property.

**SECTION 2. DEFINITIONS.** The following definitions shall apply to the interpretation and enforcement of this Ordinance.

**2-1. Camp.** To place, pitch or occupy camp facilities; to live temporarily in a camp facility or outdoors; to use camp paraphernalia.

**2-2. Camp Facilities.** Include, but are not limited to, tents, huts, vehicles, vehicle camping outfits or temporary shelters.

**2-3. Camp Paraphernalia.** Include, but are not limited to, bedrolls, air mattresses, cots, beds, sleeping bags, hammocks and similar equipment.

**2-4. Establish.** To set up or move equipment, supplies or materials on to public property to camp or operate camp facilities.

**2-5. Maintain.** To keep or permit equipment, supplies or materials to remain on public property in order to camp or operate camp facilities.

**2-6. Operate.** To participate or assist in establishing or maintaining a camp or camp facility.

**2-7. Street.** Streets, avenues, highways, lanes, alleys, ways, crossings or intersections, co-routes and cul-de-sacs.

**2-8. Outstanding Citation.** A citation issued pursuant to section 3 of this Ordinance that is not paid or that is under appeal.

**2-9. Public Property.** Any real or personal property owned or controlled by the City and includes, but is not limited to, any publicly-owned park, building, street, sidewalk, way, path, alley, park, parking lot or other public property owned or controlled by the City.

**SECTION 3. UNLAWFUL CAMPING.** Except as may otherwise be specifically permitted in the Gem Lake Municipal Code, it is unlawful and a public nuisance for any person to camp, establish, maintain, operate or occupy camping facilities, or use camp paraphernalia in the following areas:

- (a) Any public property, improved or unimproved, including but not limited to public streets and sidewalks, open space, and other public property.
- (b) The prohibition set forth in this section does not apply to:
  - (1) Camping on private residential property with the consent of the property owner or a person in lawful possession of the property, provided the camping does not pose a threat to the public's health, safety, welfare, or otherwise create a public or private nuisance;
  - (2) Mobile home parks and special occupancy parks; and
  - (3) Day use for lawful activities on public property where authorized.
- (c) A violation of this section is a petty misdemeanor. In addition to receiving a citation, the City may institute civil actions to abate a public nuisance pursuant to Ordinance No. 86.
- (d) The City Council is authorized to allow for City resources to be utilized to clean-up and remove camp facilities and camp paraphernalia on City property and for the recovery of the City's costs and expenses associated therewith.

**SECTION 4. SEVERABILITY.** Should any section, subdivision, clause or other provision of this Ordinance be held to be invalid by any court of competent jurisdiction, such decision shall not affect the validity of the Ordinance as a whole, or of any part thereof, other than the part held to be invalid.

**SECTION 5. EFFECTIVE DATE.** This Ordinance shall take effect and be in force from and after its passage and publication.

Dated: June 15, 2021

*Gretchen Artig-Swomley*

Gretchen Artig-Swomley  
Mayor

*Melissa Lawrence*

Melissa Lawrence  
Administrative Assistant – Acting City Clerk