

**THE CITY OF OKLAHOMA CITY  
OFFICE OF  
THE MUNICIPAL COUNSELOR**

Council Agenda  
Item No. IV. C  
11/22/2022

TO: Mayor and City Council

FROM: Kenneth Jordan, Municipal Counselor

Ordinance to be introduced, set for public hearing December 6, 2022 and final hearing January 3, 2023, relating to Miscellaneous Provisions and Offenses, amending Chapter 30 of the Oklahoma City Municipal Code, 2020, by enacting a new Article XIX, Encampments; to include the following sections; Section 30-477, Definitions; Section 30-478, Encampment in a public place or on private property prohibited; Section 30-479, Defenses to unlawful encampment in a public place or on private property; Section 30-480, Penalty; and Section 30-481, Procedure for enforcement of this article.

Councilmembers Stonecipher, Carter and Stone

**Background:**

Please be advised that Ward 8, Councilmember Mark Stonecipher requested this office help him prepare the attached ordinance to regulate “Encampments” in outdoor public places and on private properties (the “Encampments Ordinance”) and to docket it for introduction by Council on November 22, 2022.

The proposed Encampments Ordinance is based on a similar ordinance enacted by the City of Houston. Its purpose is to give the City a way to better address and decommission the numerous encampments of homeless persons that now appear in public places and on private properties in The City of Oklahoma City.

Briefly, the Encampments Ordinance will provide:

- Definitions for “*encampment*,” “*encamp*,” “*durable medical equipment*,” “*heating device*,” and “*public place*.” [Ref. § 30-477.]
- Camping in a public place without the written or otherwise verifiable permission of an appropriate, authorized public officer, is prohibited, constitutes a trespass, and is unlawful. The appropriate public officer is an authorized officer for the public entity owner, managing, or controlling the public place (or the City Council for City property). [Ref. § 30-478(a).]
- An exception to the listed public place camping prohibition to provide that it “shall not apply to an encampment located in a public place if the encampment has been authorized by statute, ordinance, rule, regulation, permit, resolution, executive order, or any other official action.” [Ref. § 30-478(a).]
- Camping on private property without the written or otherwise verifiable permission of the record owner or other person in lawful possession of such property is prohibited, constitutes a trespass, and is unlawful. [Ref. § 30-478(b).]

- Affirmative defenses to a prosecution for unlawful encampment in a “public place” or on private property. [Ref. § 30-479.]
- A procedure for enforcement of the prohibition against encampments, with a prior written warning and notice of the illegal encampment required, along with a reasonable time for campers to comply with the warning and notice. [Ref. § 30-481(a).]
- The written warning required may be accompanied by written information regarding the availability of medical treatment, mental health treatment, drug or alcohol addiction services, or general social services (including temporary shelter, other housing services, and other services that might be available). [Ref. § 30-481(b).]
- Designation of a violation of the Encampments Ordinance as a Class “a” offense, which includes a fine not exceeding \$500. [Ref. § 30-480.]
- A section expressly protecting constitutional rights: “No provision of this article may be construed or enforced in a manner that violates the legal rights of any person under the Constitution or statutes of the United States or the Constitution or statutes of the State of Oklahoma.” [Ref. § 30-482.]

We will be prepared to assist Councilmember Stonecipher in addressing the questions you may have regarding the proposed Encampments Ordinance at its Introduction at the November 22, 2022, City Council meeting.

**Recommendation:** Ordinance to be introduced, set for public hearing and final hearing.