

CITY OF VINELAND

ORDINANCE NO. 2022-74

ORDINANCE AMENDING ORDINANCE 51, AS AMENDED, CHAPTER 630, ARTICLE I OF THE CODE OF THE CITY OF VINELAND ENTITLED STREETS AND SIDEWALKS.

WHEREAS, on December 16, 1952, City Council adopted Ordinance No. 5, which has been amended, Chapter 630 Article I of the Code of the City of Vineland setting forth general rules and regulations for City streets and sidewalks and other rights of way so as to provide a safe passage route for vehicle and pedestrian traffic while accommodating the public in their expression of their First Amendment rights and to allow the City to properly maintain the public Rights of Way in a safe, clean and appealing condition; and

WHEREAS, City Council recognizes that the expression of First Amendment Rights symbolized by conduct is subject to reasonable time, place or manner and restrictions need to be narrowly tailored to serve a significant governmental interest; and

WHEREAS, the City of Vineland has a substantial interest in maintaining City streets, sidewalks and rights of way to keep them in a safe condition for vehicle and pedestrian traffic and to have them readily accessible for maintenance including sweeping, mowing, paving and other types of necessary maintenance; and

WHEREAS, City Council finds that sleeping and/or camping in the public right of way is not necessarily an expression of one's First Amendment Rights and severely limits the use of the streets and sidewalks to vehicle and pedestrian traffic and further is an unsafe use of the public rights of way adjacent to streets and sidewalks as it prohibits proper street sweeping and lawn care and maintenance; and

WHEREAS, City Council also understands the plight of the homeless population and the need for areas to sleep in the evening hours and further recognizes the fact that Vineland and Cumberland County has provided ample sleeping space to accommodate the homeless population subject to their obligations to abide by the rules and regulations of the homeless shelters and therefore there is no need for the homeless population to sleep in the public rights of way.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Vineland that Chapter 660 of the Code of the City of Vineland be amended as follows:

Section 630-1 Definitions shall be amended by the addition of the following definitions:

CAMPING

For purposes of this Section, Camping shall mean the act of occupying a location outdoors for temporary habitation as evidenced by one or more of the following actions: the erection or use of tents, tarps or other shelters; the laying down of sleeping bags, blankets, pillows or other items used for bedding; the placing or storing of personal belongings; the act of cooking or making a fire.

STREETSCAPE IMPROVEMENT

That portion of City owned or controlled property within, adjacent to or along the street that contains one or more of the following: crosswalks, curbs, sidewalks, landscaping, drainage enhancements, benches, street furnishings, planters, lighting and traffic calming measures.

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Section 630-3 shall be deleted in its entirety and replaced as follows:

Section 630-3. Camping, Storing Personal Belongings or Obstruction Prohibited; Exception

- A. No person, firm or corporation shall place store or continue to be placed or continued any article of traffic, merchandise, or any wares or any case or box containing the same or any packing boxes, barrels, personalty or personal belongings or other obstructions of any kind whatsoever upon any Sidewalk, Street, Highway or Streetscape Improvement of the City of Vineland or any part thereof, except for purposes of transit or delivery and for such time and in such manner as may be reasonably necessary for such purposes, nor place or continue to be placed or continued any sign or other like structure upon any Sidewalk, Street, Highway or Streetscape Improvement in the City of Vineland. This provision shall not apply to sidewalk sales, City functions, special events for which a permit has been issued pursuant to Chapter 676, Article II of the Code of the City of Vineland or such locations within City Parks in accordance with Chapter 507 of the Code of the City of Vineland.
- B. No person shall be permitted to Camp or sleep on any Street, Highway, Sidewalk or Streetscape Improvement or portions thereof at any time. Any person violating this Section shall first be offered to be delivered to a shelter assisting the homeless population before being issued any violation of this Ordinance.
- C. Any person firm or corporation shall, upon conviction of Subsection A of Section 630-3 shall be punished by the payment of a fine not less than \$100.00 and not exceeding the sum of \$2,000.00 or imprisonment in the Cumberland County Jail for a period not exceeding 90 days or a period of community service not exceeding 90 days, or any combination thereof as determined by the Municipal Court Judge. Each day on which a violation of this Ordinance exists shall be considered a separate and distinct violation and shall be subject to imposition of a separate penalty for each day of the violation as the Municipal Court judge may determine.
- D. Any person Camping or Sleeping on any Street, Highway, Sidewalk or Streetscape Improvement shall be directed to discontinue sleeping or Camping in violation of this Subsection and be offered transportation to the nearest shelter assisting the homeless if such person advises that he/she is homeless and has no means of transportation to such facility. If that person refuses to discontinue Camping or sleeping in violation of this Ordinance they shall be punished by the payment of a fine not less than \$100.00 and not exceeding the sum of \$2,000.00 or imprisonment in the Cumberland County Jail for a period not exceeding 90 days or a period of community service not exceeding 90 days, or any combination thereof as determined by the Municipal Court Judge. Each day on which a violation of this Ordinance exists shall be considered a separate and distinct violation and shall be subject to imposition of a separate penalty for each day of the violation as the Municipal Court judge may determine.

BE IT FURTHER ORDAINED that the balance of Ordinance 2022-74 not amended hereby shall remain in full force and effect.

BE IT FURTHER ORDAINED that should any portion of this Ordinance be deemed unenforceable by a court of competent jurisdiction, that portion so determined to be unenforceable, shall be void and the balance hereof shall remain in full force and effect.

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BE IT FURTHER ORDAINED that should any Ordinance or portion thereof be inconsistent herewith, such Ordinance or portion thereof shall be void to the extent of such inconsistencies.

This Ordinance shall take effect upon adoption and publication according to law.

Passed first reading:

Passed final reading:

President of Council

Approved by the Mayor:

Mayor

ATTEST:

City Clerk