

ORDINANCE NO 25-____

AN ORDINANCE PERTAINING TO OFFENSES AND CRIMES CREATING DIVISION 16-3-2 IN ARTICLE 16-3, CHAPTER 16, LAWTON CITY CODE, 2015, CREATING SECTIONS 16-3-2-201, 16-3-2-202, 16-3-2-203, 16-3-2-204, 16-3-2-205, 16-3-2-206 AND 16-3-2-207 IN SAID DIVISION FOR THE PURPOSE OF PROTECTING PUBLIC HEALTH, SAFETY AND WELFARE BY PROHIBITING UNAUTHORIZED CAMPING, PROVIDING FOR THE REMOVAL OF UNATTENDED PERSONAL PROPERTY, DEFINING CERTAIN TERMS, PROVIDING FOR ENFORCEMENT AND PENALTIES, REGULATING THE STORAGE OF CERTAIN PERSONAL PROPERTY RECOVERED FROM PUBLIC PROPERTY WITHIN CITY LIMITS, PROVIDING FOR AN ADMINISTRATIVE APPEAL PROCESS FOR PROPERTY REMOVAL, PROVIDING FOR EXCEPTIONS; PROVIDING FOR COORDINATION WITH SOCIAL SERVICES; REPEALING AND RESERVING SECTION 16-3-1-326 OF DIVISION 16-3-1, ARTICLE 16-3, CHAPTER 16, LAWTON CITY CODE, 2015; PROVIDING FOR SEVERABILITY, CODIFICATION AND DECLARING AN EMERGENCY.

ORDINANCE

WHEREAS, the City of Lawton has a compelling interest in protecting public health, safety, and welfare of its citizens; and

WHEREAS, every child deserves to grow up in a safe neighborhood; and

WHEREAS, the City of Lawton has adopted the Kids First Homeless Action Plan and placed a priority on safe and clean neighborhoods where children thrive; and

WHEREAS, unauthorized camping on public and private property creates health hazards, interferes with the intended use of public spaces, and violates private property rights; and

WHEREAS, the United States Supreme Court in *City of Grants Pass v. Johnson* (2024) held that municipalities may enact and enforce ordinances prohibiting camping on public property; and

WHEREAS, Oklahoma law recognizes municipal authority to enact ordinances to protect public health, safety, morals, and general welfare, provided such ordinances do not conflict with state law or violate constitutional protections; and

WHEREAS, this ordinance is necessary to address ongoing issues with unauthorized camping that have created public health risks and safety concerns throughout the City;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF LAWTON, OKLAHOMA THAT:

SECTION 1. Division 16-3-2 is hereby created to read as follows:

Division 16-3-2 – Offenses Against Property II – Camping

SECTION 2. Section 16-3-2-201 is hereby created to read as follows:

Section 16-3-201 – Title and Purpose.

This Ordinance shall be known as the “Safe Neighborhood, Safe Community Camping Ordinance.” The purpose of this ordinance is to protect public health, safety, and welfare by prohibiting unauthorized camping and regulating the storage of personal property recovered from public property within the city limits.

SECTION 3. Section 16-3-2-202 is hereby created to read as follows:

Section 16-3-2-202 – Definitions.

For the purpose of the sections in this division, the following terms shall have the meanings set forth below:

1. "Camping" means any or a combination of the following activities:

A. Erecting Temporary Shelters: The act of setting up or maintaining any form of temporary shelter, such as tents, tarpaulins, or other structures, for the purpose of habitation.

B. Sleeping Activities: Engaging in sleeping or preparing to sleep, including the use of sleeping bags, blankets, or other bedding materials, in areas not designated for overnight accommodation.

However, “Camping” shall not include recreational overnight activities by persons under 18 years of age on residential property with the consent of a parent, guardian, or property owner.

2. "Personal Property" means any item of personal property including but not limited to clothing, bedding, sleeping bags, luggage, backpacks, shopping carts, tarpaulins, tents, non-motorized vehicles, and household items. This definition shall not include shall not include a motorized vehicle that is legally parked.

3. "Public Property" means any real property located within the Lawton city limits owned, leased or controlled by the City of Lawton, including but not limited to:

- A. Streets, alleys, sidewalks, and rights-of-way;
- B. Parks, playgrounds, and recreational facilities;
- C. Public buildings and grounds;
- D. Utility easements and corridors;
- E. Storm water retention areas;
- F. Parking lots and garages.

4. "Other Real Property" means any real property within the Lawton city limits not owned, leased or controlled by the City of Lawton, including but not limited to residential, commercial, industrial, or undeveloped property. This definition shall exclude: (1) areas within the municipal city limits where the City does not have enforcement jurisdiction and (2) any land owned by the Lawton Unhoused Trust Authority.

5. "Written Permission for Camping" means explicit written authorization from the property owner or lawful occupant, which must include:

- A. The property owner or lawful occupant's name and signature;
- B. The specific property address or legal description;
- C. The dates during which camping is authorized;
- D. The signature date within 30 days of the current date.

SECTION 4. Section 16-3-2-203 is hereby created to read as follows:

Section 16-3-2-203 – Prohibited Activities.

- A. Camping on Public Property Prohibited. No person shall camp on any public property within the City of Lawton. This prohibition applies 24 hours per day, seven days per week.
- B. Camping on Other Real Property Without Permission Prohibited. No person shall camp on any other real property within the City of Lawton without written permission from the property owner or lawful occupant. Any person found camping on any other real property must produce written permission upon request by any law enforcement officer or code enforcement officer.
- C. Storage of Personal Property Regulated.

- a. Public Property: No person shall store personal property on public property.
- b. Unattended Property: Personal property left unattended on public property for more than 24 hours may be subject to removal and disposal as set forth in this article.
- c. Health and Safety Violations: Personal property on public property that creates a health hazard, blocks pedestrian or vehicle traffic, or interferes with the intended use of public property may be removed immediately.

SECTION 5. Section 16-3-2-204 is hereby created to read as follows:

Section 16-3-2-204 – Exceptions.

The sections in this division shall not apply to the following activities:

- A. Camping at designated campgrounds or recreational vehicle parks;
- B. Organized special events with proper City permits;
- C. Emergency shelter operations authorized by the City;
- D. Camping on private property with valid written permission as defined herein;
- E. Temporary camping during declared emergencies as authorized by the City Manager.

SECTION 6. Section 16-3-2-205 is hereby created to read as follows:

Section 16-3-2-205 – Enforcement and Penalties.

- A. This division and the sections therein may be enforced by:
 - a. Lawton Police Department officers;
 - b. Authorized code enforcement officers.
- B. Progressive Penalty Structure for Criminal Violations.
 - a. First violation: A fine not to exceeding \$100.00 or up to 16 hours of community service.
 - b. Section violation within 12 months: A fine not to exceeding \$250.00 or imprisonment not exceeding 10 days, or both said fine and imprisonment.

- c. Third violation within 12 months: A fine not to exceeding \$500.00 or imprisonment not exceeding 60 days, or both said fine and imprisonment.
- d. Fourth and subsequent violations within 12 months: A fine not exceeding \$750.00 or imprisonment not exceeding 90 days, or both said fine and imprisonment.
- C. Each day a separate offense. Each day that a violation continues shall constitute a separate offense punishable as provided herein.
- D. Alternative Enforcement. In addition to criminal penalties, the City may pursue civil remedies including but not limited to: (1) injunctive relief, (2) abatement of nuisances, and recovery of costs for cleanup and property removal.

SECTION 7. Section 16-3-2-206 is hereby created to read as follows:

Section 16-3-2-206 – Notice, Property Removal and Appeal Process.

- A. Notice Requirement. Before removing unattended personal property on public property, the City shall:
 - 1. Post written notice at the location where the unattended personal property is located prior to its removal;
 - 2. Allow 24 hours for the owner to claim the personal property prior to removal;
 - 3. Document the property with photographs before removal.
- B. Immediate Removal. Personal property may be removed from public property immediately without notice if:
 - 1. It poses an immediate threat to public health or safety;
 - 2. It blocks emergency vehicle access;
 - 3. It interferes with permitted activities or City operations.
- C. Storage and Disposal.
 - 1. Removed personal property shall be stored at a City facility for a minimum of thirty days.
 - 2. The owner may reclaim property upon payment of a storage fee. Said storage fee shall be set by resolution and appear in Appendix A “Fees and Charges” of city code.
 - 3. Unclaimed property may be donated to charity or otherwise disposed of after thirty days.
 - 4. Perishable items, hazardous materials, and items with no apparent value may be disposed of immediately.

D. Administrative Appeal Process for Property Removal.

1. Any person aggrieved by the administrative enforcement actions of this section concerning property removal may appeal in writing to the city clerk within ten days of an abatement action resulting in the property removal. The city manager or city manager's designee shall hear the appeal. Appeals shall be heard within thirty days of filing.
2. Criminal citations for violations of Section 16-3-203 shall be prosecuted in City of Lawton municipal court, with any appeal therefrom as set forth under Oklahoma law.

SECTION 8. Section 16-3-2-207 is hereby created to read as follows:

Section 16-3-2-207 – Coordination with Social Services.

The City shall maintain information regarding available social services, housing assistance, and treatment programs. Officers should provide such information when enforcing the provisions within this division, when practical and appropriate.

SECTION 9. Section 16-3-1-326 of Division 16-3-1, Article 16-3 of Chapter 16 is hereby repealed and reserved as follows:

16-3-1-326 —~~Unauthorized camping.~~ Reserved.

~~A. As used in this section:~~

- ~~1. "Camping" means to reside or dwell temporarily in a place, with shelter. The term "shelter" includes without limitation, any tent, tarpaulin, lean-to, sleeping bag, shanty, bedroll, blankets, or any form of cover or protection from the elements other than clothing.~~
- ~~2. "Public property" means any street, alley, sidewalk, pedestrian or transit mall, bike path, or any other structure or area encompassed within the public right-of-way; any park, parkway, or other recreation facility; or any other grounds, buildings, or other facilities owned or leased by the city or by any other public owner, regardless of whether such public property is vacant or occupied and actively used for any public purpose.~~

~~B. No person may utilize public property for the purpose of establishing an un-authorized camp.~~

- ~~C. Any person who violates this section shall, upon conviction, be guilty of a misdemeanor punishable by a fine not to exceed fifty dollars (\$50.00) or by imprisonment in the city jail not to exceed fifteen (15) days, or by both such fine and imprisonment. However, a person who commits a first violation of this section shall be issued a warning, and a citation may not be issued unless the person refuses any assistance offered to them by the arresting officer. Such assistance may include, but is not limited to, information about or transportation to a shelter, food pantry, or other place where resources are made available to assist the indigent and unhoused.~~
- ~~D. This ordinance [section] shall not apply to public property where authorized camping has been expressly allowed by city ordinance, state statute, or by express written authorization of the city.~~

SECTION 10. Severability Clause. If any section, sentence, clause, phrase, or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, said portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portion of this ordinance.

SECTION 11. Codification. Division 16-3-2 shall be codified in Article 16-3, Chapter 16, Lawton City Code, 2015.

SECTION 12. Emergency. Whereas, it being immediately necessary for the preservation of the peace, health and safety of the City of Lawton and the inhabitants thereof that the provisions of this ordinance be put into full force and effect, an emergency is hereby declared to exist by reason whereof this ordinance shall take effect and be in full force from and after its passage, as provided by law.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Lawton, Oklahoma, that: SAID ORDINANCE IS ADOPTED

ADOPTED and APPROVED by the Council of the City of Lawton, Oklahoma this ____ day of September 2025.

STANLEY BOOKER, MAYOR

ATTEST:

DONALYNN BLAZEK-SCHERLER, CITY CLERK

APPROVED as to form and legality this _____ day of September 2025.

TIMOTHY WILSON, INTERIM CITY ATTORNEY

ORDINANCE NO 25-_____

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Brief Gist

An ordinance creating Division 16-3-2 in Article 16-3, Chapter 16, Lawton City Code, 2015, and Sections 16-3-2-201 through 16-3-2-207 therein, prohibiting unauthorized camping, providing for the removal of unattended personal property, defining certain terms, providing for enforcement and penalties, regulating the storage of certain personal property recovered from public property within city limits, providing for an administrative appeal process for property removal, providing for exceptions, providing for coordination with social services; repealing and reserving Section 16-3-1-326 of Division 16-3-1, Article 16-3, Chapter 16, Lawton City Code, 2015; providing for severability, codification and declaring an emergency.

ADOPTED and APPROVED by the Council of the City of Lawton, this ____ day of September 2025.

STANLEY BOOKER, MAYOR

ATTEST:

DONALYNN BLAZEK-SCHERLER, CITY CLERK

(Published in The Lawton Constitution this ____ day of _____, 2025)