



SMALL TOWN, BIG BEACH

COUNCIL AGENDA SUMMARY

DATE: November 4, 2019

TO: Mayor, City Council

FROM: City Administrator Steve Griffin

ISSUE: Amend Code of Ordinances at Article I of Chapter 11, Criminal Code, Section 11-2. Lodging or camping in vehicles, out-of-doors or in nonresidential zones by rewriting the section in its entirety.

BACKGROUND: The ordinance prohibiting sleeping in vehicles was adopted in 1971 and there has apparently never been an issue as to enforceability. In 1987, the US Court of Appeals for the Eleventh Circuit agreed that a prohibition against sleeping in vehicles was void for vagueness, but that an ordinance prohibiting "lodging" in vehicles was not void for vagueness. In 1993 the Alabama Court of Criminal Appeals held that an ordinance that prohibited sleeping in motor vehicles was void for vagueness.

The attached amendment is intended to bring the language of the ordinance in line with court decisions that were rendered after the ordinance's adoption and better describe the activities regulated under this Section.

RECOMMENDATION: Approval is recommended.

BUDGET IMPLICATIONS: None

RELATED ISSUES: None

ATTACHMENTS: Draft Ordinance

DEPARTMENT: Executive Department

STAFF CONTACT: City Administrator