

DRAFT Amendments to Chapter 12A

Sec. 12A-160. – Purpose.

The purpose of this article is to insure the health, safety and general welfare of the citizens of the City of Columbia by enhancing the water quality of water courses and water bodies to the maximum extent practicable as required by federal and state laws. This article establishes methods for controlling the introduction of pollutants into the municipal separate storm sewer system in order to comply with the requirements of the National Pollutant and Discharge Elimination System (NPDES) permit process.

The objectives of this article are:

(1) To regulate the contribution of pollutants by stormwater discharges to the municipal separate storm sewer system or to any water course;

(2) To regulate use of property located within riparian zones to prohibit use of property in a manner which could introduce pollutants into any water course;

~~(2)~~ (3) To prohibit illicit connections and discharges; and

~~(3)~~ (4) To establish legal authority for inspections, surveillance and monitoring procedures necessary to insure compliance with this article.

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Sec. 12A-xxx. Illegal camping and improper use of property located within riparian zones.

(a) Definitions. The following definitions apply for purposes of this section:

- (1) Camp shall mean the use of property for living accommodation purposes such as (i) erecting tents or other temporary structures or objects for providing shelter or for sleeping purposes, (ii) otherwise preparing to sleep (including laying down of bedding), or (iii) making any fire.
- (2) Store personal property shall mean leaving one's personal effects, such as, but not limited to, clothing, bedrolls, cookware, sleeping bags, luggage, knapsacks, or backpacks, unattended for more than one (1) hour. This term shall not include temporary parking a bicycle or other mode of transportation for less than twenty-four (24) hours or during the period of time a public park is open to the public, whichever is less.
- (3) Public park shall mean a park, reservation, playground, beach, recreation center, trail or any other area in the city, owned or used by the city, and devoted to active or passive recreation.

- (4) Public property shall mean any and all property owned by the city, including but not limited to public parks, public streets, public buildings, or vacant land.
- (5) Public street shall mean any and all public streets and highways, public sidewalks, public parking lots, and medians.
- (b) Public property within a riparian zone. It shall be unlawful to camp or store personal property on public property in or within the larger of the riparian zone of any stream, creek, lake, or waterway as defined in this chapter, or within fifty (50) feet of the near edge of, any stream, creek, lake, or waterway as defined in this chapter.
- (c) Private property within a riparian zone. It shall be unlawful for the owner of private property to allow camping or storage of personal property within the larger of the riparian zone of any stream, creek, lake or waterway as defined in this chapter, or within fifty (50) feet of the near edge of any stream, creek, lake, or waterway as defined in this chapter, unless such owner ensures secure receptacles for the disposal of trash, waste and debris are maintained and utilized to prevent pollutants from entering any such adjacent stream, creek, lake, or waterway.
- (d) Warning. No person may be arrested for violating this code section until he or she has received an oral or written warning to cease the unlawful conduct. Warnings are not particular to a location but to the unlawful conduct overall. If the violator fails to comply with the warning issued, such person is subject to arrest.
- (e) Notice. Signage that provides conspicuous notice to a person that their conduct is unlawful and in violation of the city code shall be deemed a written warning.
- (f) Exceptions. This code section shall not be construed to prohibit the following behavior:
 - (1) Camping as permitted by the city's director of parks and recreation, or director of public works.
 - (2) Storage of personal property on private property within a storage shed or other appurtenance that is permanently affixed to the land.
- (h) Standard. In determining whether an exception applies, law enforcement shall apply a reasonableness standard and consider the direct or circumstantial evidence of the intent of the person engaged in the conduct.