

**Ordinance No. 2023-003**  
**AN ORDINANCE**  
**ADOPTING CERTAIN AMENDMENTS TO CHAPTER 130 OF THE CODE OF**  
**ORDINANCES FOR THE TOWN OF FRANKLIN.**

**WHEREAS**, The Town Council of the Town of Franklin has heretofore adopted an ordinance defining certain offenses against Town regulations, the same having been codified in Chapter 130 of the Town of Franklin Code of Ordinances; and

**WHEREAS**, the Acts of the State Legislature of the State of North Carolina empower and authorize the Legislative Body of this Town to adopt ordinances, and to revise, amend, augment, recodify and restate ordinances adopted pursuant to that authority, including but not limited to that authorization contained in N.C.G.S. §160A-174 *et seq.*, and to regulate uses of property within the Town’s corporate limits and extraterritorial jurisdiction so as to promote the health, safety, morals, or general welfare of the community, pursuant to N.C.G.S. §160D-701;

**WHEREAS**, unregulated camping creates a public nuisance and a health hazard on public property that interferes with its use by all citizens, has deleterious effects on those engaging in such camping activities, and places a burden on public resources;

**WHEREAS**, it is the goal of the Town Council to reduce inadequate housing, homelessness, and vagrancy activity in the Town of Franklin; and

**WHEREAS**, as the Legislative Body of the Town of Franklin, the Town Council now deems it necessary and expedient to adopt certain amendments to the said Chapter 130 of the Town of Franklin Code of Ordinances.

**NOW, THEREFORE, BE IT ORDAINED** by the Town Council that Chapter 130 of the Town of Franklin Code of Ordinances is amended as follows:

**Section 1.** A new section 130.07 of the Code of Ordinances for the Town of Franklin is hereby amended to read as follows:

“§130.07 CAMPING ON PUBLIC PROPERTY PROHIBITED.

(A) *Definitions.*

*Camp* or *camping*. The use of public owned property for living accommodation purposes such as sleeping, making preparations to sleep, storing personal belongings, or placing any tent or a temporary shelter on the property for living accommodation purposes. The creation of a campfire or bonfire is also included as part of this definition, unless there is a designated location or permit policy.

*Public property.* Property owned or controlled by a federal, state, or local governmental entity.

*Temporary shelter.* Any tent, tarp, structure, or cover that provides shelter from the elements.

(B) *Jurisdiction.*

Pursuant to N.C.G.S. §§ 160A-274 and 160D-202, this section shall apply within the Town's corporate limits and throughout its extraterritorial planning jurisdiction (ETJ).

(C) *Camping prohibited.*

Camping on public property is hereby declared to be a public nuisance. It shall be unlawful for any person to sleep, camp, or otherwise engaging in any activity prohibited by this section on any public property located within the city limits of the Town of Franklin or the ETJ. The Town may remove any temporary shelter, bedding, or personal belongings that are stored on the property.

**Section 2.** This ordinance shall be deemed published as of the day of its adoption and approval by the Town Council and the Clerk of the Town of Franklin is hereby authorized and ordered to file a copy of said ordinance in the Office of the Town Clerk.

**Section 3.** This ordinance shall be in full force and effect immediately on the date of its publication and filing thereof in the Office of the Clerk, and said ordinance shall be presumptive evidence in all courts and places of the ordinances and all provisions, sections, penalties and regulations therein contained and of the date of passage, and that the same is properly signed, attested recorded and approved and that any public hearings and notices thereof as required by law have been given.

**ADOPTED:** This \_\_ day of \_\_\_\_\_, 2023, upon motion by Council Member \_\_\_\_\_, seconded by Council Member \_\_\_\_\_, and having been approved by a vote of \_\_ in favor and \_\_ against.

**TOWN OF FRANKLIN**

By: \_\_\_\_\_  
C. Jack Horton, Mayor

**ATTEST:**

\_\_\_\_\_  
Nicole Bradley, Clerk