

436

In City Council Dated August 26, 2024

ORDINANCE

AN ORDINANCE PROHIBITING CAMPING ON PUBLIC PROPERTY

Be it ordained by the City Council of the City of Brockton as follows:

SECTION 1. PURPOSE

The purpose of this Ordinance is to prevent harm to the health or safety of the public and to promote the public health, safety and general welfare by prohibiting camping and storage of personal property on public property, which interferes with the rights of others to use the area in the manner for which it is intended

SECTION 2. DEFINITIONS

- A. "To Camp" means to pitch, set up, erect, or occupy a Campsite or to use Camping Materials, or both, for the purpose of, or to facilitate, outdoor sheltering, temporarily or permanently.
- B. "Campsite" means any place where bedding, sleeping bag, or other material used for bedding purposes, or any stove, cooking facility or fire is placed, established, or maintained for the purpose of maintaining a temporary place to live, whether or not such place incorporates the use of any tent, lean-to, shack, or any other structure, or any vehicle or part thereof.
- C. "Camping Materials" means items used to establish or facilitate occupancy of a campsite, including tents, tarps or other temporary structures, as well as items used for furniture, stoves, and other cooking instruments.
- D. "Public Property" means any real property, including parks, buildings, structures, equipment, sign, shelter or public open space, including all areas such as parking lots, bridges, bridge nooks and ledges, or areas controlled or owned by the City or any other City agency.
- E. "Street" means any roadway, highway, lane, road, street, right-of-way, sidewalk, boulevard, alley, and every way and place in the City of Brockton open as a matter of right to public pedestrian and vehicular travel.
- F. "Posted Notice" means any signage, written notice or material posted or distributed to the City either to individuals or erected, pinned, or posted in a public space to convey directive or prohibited conduct.

SECTION 3. SLEEPING ON SIDEWALKS, STREETS, ALLEYS, OR WITHIN DOORWAYS PROHIBITED

- A. No person may sleep on Public Property at any time.
- B. No person may sleep in any pedestrian or vehicular entrance to public or private property abutting a public sidewalk.

SECTION 4. CAMPING PROHIBITED

No person may occupy a campsite in or upon any sidewalk, street, alley, lane, public right of way, park, bench, or any other publicly-owned property or under any bridge or viaduct.

SECTION 5. REMOVAL OF CAMPSITE ON PUBLIC PROPERTY

436

- i. Immediate Removal: The following shall be cause for immediate removal of a campsite:
  - A. Any campsite that infringes upon safe usage of public sidewalks, roadways, parking lots, and/or alleys is subject to immediate removal.
  - B. Any campsite residing on private property is subject to immediate removal.
  - C. Any campsite in which the individual inhabiting the site has committed a crime under any local, state, or federal law is subject to immediate removal and any other appropriate enforcement action mandated by law.
  - D. All personal property must be collected and removed from the campsite by the individual. Any property left behind will be disposed of by the City of Brockton. The City is not responsible for any property left after a campsite is vacated.
- ii. Removal with 24-Hour Notice: If immediate removal does not apply, and upon discovery of a campsite on public property, removal of the campsite by the City may occur under the following circumstances:

- A. Prior to removing the campsite, the City shall post a notice, 24-hours in advance. The notice shall be prominently posted in the immediate area of the tent or campsite and provide a specific date and time by which individuals must remove their property from the location. The notice shall include a statement that any property left at the site may be immediately disposed of. The notice shall include information, including contact numbers and location, for agencies that provide a range of shelter, housing services, and recovery support services.
- B. After the 24-hour notice period has passed, the City is authorized to remove the campsite and all personal property related thereto.
- C. Upon request, translated versions of the 24-Hour Notice and or this Ordinance must be made available to any individuals affected by the provisions of this Ordinance for notice or removal of any campsite inhabited by a limited English proficient individual.

**SECTION 6. REMOVAL PROCESS AND ENFORCEMENT**

The Director of Social Services, Brockton Police Department, Code Enforcement, Fire Department, Parks Commission, and the Department of Public Works or their designees may be present at the time of removal, enforcement, or to provide resources for individuals affected by the provisions of this Ordinance.

**SECTION 7. POSTED NOTICE**

The City shall erect Posted Notice signage stating that camping on public property is prohibited. Discretion shall be given to the City to determine appropriate locations throughout the City to post appropriate signage.

**SECTION 8. PENALTY FOR VIOLATIONS**

Any person who violates any of the provisions of this Ordinance shall be given a written warning for the first offense. The 24-Hour Notice provided for in Section 5(ii)(A) above shall constitute the written warning for the first offense.

Any person who violates any of the provisions of this Ordinance following the 24-Hour Notice shall be subject to immediate removal and may be fined two hundred

436

dollars (\$200.00) for the second and any subsequent offense. Each day the person is in violation of the ordinance shall constitute a separate offense.

The City may seek a criminal complaint for violation of this ordinance for any individual who is given more than three (3) violations under this Ordinance.

**SECTION 9. SEVERABILITY**

The provisions of this Ordinance are severable. If any part or provision of this Ordinance is held invalid by a court of competent jurisdiction, the remainder of this Ordinance shall not be affected by such holding and shall continue to have full force and effect.

Jeffrey Thompson, Ward 5 Councilor

**IN CITY COUNCIL**

**AUG 26 2024**

**READ AND REFERRED TO STANDING  
COMMITTEE ON Ordinance**

**CLERK**

In City Council October 28, 2024

Councilor Farwell motion to refer back to Ordinance Committee and was properly seconded. The motion Failed by a hand vote. Passed to a third reading by a hand vote. Councilors Derenoncourt, Minichiello, Tavares, and Thompson absent.

City Clerk

In City Council November 12, 2024

Ordained by a roll call vote taken by "yeas" and "nays"; eleven members present and seven in the affirmative. Councilors Derenoncourt, Farwell, Nicastro, and Tavares in the negative. Councilor Thompson motioned to file for reconsideration with the wish that it not prevail and was properly seconded. Reconsideration failed by a hand vote.

City Clerk

**SENT TO MAYOR FOR APPROVAL**

November 13 2024  
**APPROVED**

\_\_\_\_\_  
**MAYOR**

On November 25, 2024, Mayor Robert Sullivan submitted his veto.  
(See Attached)

City Clerk

In City Council December 9<sup>th</sup>, 2024

Councilor Thompson motioned to postpone to the next City Council Meeting and was properly seconded. The motion was carried by a hand vote. Councilors Tavares and Teixeira absent.



---

City Clerk

In City Council December 23, 2024

Councilor Tavares motioned to postpone to the next City Council Meeting and was properly seconded. The motion carried by a hand vote.




---

City Clerk

In City Council January 13, 2025

Councilor Thompson requests that the council overrides the Mayor's Veto. The question comes before the council "Shall the Ordinance stand the Mayor's veto to the contrary notwithstanding"? The Mayor's veto failed by a roll call vote taken by "yeas" and "nays"; eleven members present and eight voting in the affirmative. Councilors Derenoncourt, Farwell, and Nicastro in the negative. Councilor Lally motioned to file for reconsideration with the wish that it not prevail and was properly seconded. Reconsideration failed by a hand vote.



---

City Clerk

437

In City Council Dated August 26, 2024

ORDINANCE

AN ORDINANCE PROHIBITING LOITERING IN PUBLIC PLACES

Be it ordained by the City Council of the City of Brockton as follows:

**§ 1 Definitions.**

The following words, as used in this section, shall, unless the context otherwise requires, have the following meanings:

*Loiter:* Remaining idle in essentially one location, and shall include the concepts of spending time idly, loafing or walking about aimlessly.

*Public Place:* Any area within the City of Brockton that is City, state or federally owned or controlled and accessible to the general public, including, but not limited to, buildings, streets, sidewalks, bridges, alleys, plazas, parks, driveways and parking lots.

**§ 2 Prohibited conduct.**

- A. No person shall congregate, stand, loaf or loiter upon any street, sidewalk, bridge or crossing so as to obstruct the same or to hinder or prevent persons passing or attempting or desiring to pass thereon.
- B. No person shall congregate, stand, loaf or loiter in or in front of any hall, lobby, doorway, passage or entrance of any public building, theater, hotel, eating house, lodging house, office building, store, shop, office or factory or other like building so as to obstruct the same, hinder or prevent persons walking along or into or out of the same or attempting or desiring to do the same.
- C. No person shall congregate, stand, loaf, loiter or remain in any parking garage, whether publicly or privately owned, so as to interfere with the property of others or with any person's ability to use the services afforded by the garage, unless present there with the intent to park or use any other services afforded by the garage.
- D. No person shall stand, loaf, loiter or remain in, or in the immediate vicinity of, or frequent a public transportation terminal, whether publicly or privately owned, unless present there with the intent to use or to accompany or meet a person or persons using the public transportation there offered or to use one or some of the accessory convenience facilities operated at such terminal for the use of travelers.
- E. No person shall congregate, stand, loaf or loiter in or in front of any school, community college, or community center with the purpose of annoying or interfering with the students or employees thereof or so as to hinder, obstruct, prevent or disrupt the normal functions carried on therein or thereat, or so as to obstruct, hinder or prevent persons passing by or into or out of the same or attempting or desiring to do so. It shall be unlawful for any person to loiter or remain in or about the area of a school not having any reason or relationship, involving custody of or responsibility for a pupil or student, or any other specific, legitimate reason for being there, and not having written permission from anyone authorized to grant the same.
- F. No person shall loiter or remain in a vacant unoccupied building or on any portion of vacant land upon which such vacant building is located, unless with the permission of an authorized agent of said property.

**§ 3 Violations and penalties.**

437

- A. No person shall be arrested for a violation of this chapter unless the arresting officer, or by direct demand, first affords such person an opportunity to cease or explain such conduct.
- B. No person shall be convicted of a violation of this chapter if it appears at trial that the explanation tendered was true and disclosed a lawful purpose.
- C. Any person who violates the provisions of this chapter shall be punished by a fine of \$50. Each day on which the violation exists shall be deemed to be a separate offense.

Jeffrey Thompson, Ward 5 Councilor

**IN CITY COUNCIL**

**AUG 26 2024**

**READ AND REFERRED TO STANDING  
COMMITTEE ON Ordinance**

**CLERK**

In City Council October 28, 2024

Passed to a third reading as amended by a hand vote. Councilors Derenoncourt, Minichiello, Tavares, and Thompson absent. ( See attached As Amended)

City Clerk

In City Council November 12, 2024

Ordained As Amended by a roll call vote taken by "yeas" and "nays"; eleven members present and nine in the affirmative. Councilors Derenoncourt and Tavares in the negative. Councilor Griffin motioned to file for reconsideration with the wish that it not prevail and was properly seconded. Reconsideration failed by a hand vote. (See attached As Amended)

City Clerk

**SENT TO MAYOR FOR APPROVAL**

On November 25, 2024, Mayor Robert Sullivan submitted his veto. (See Attached)

November 13, 2024  
**APPROVED**

  
City Clerk

**MAYOR**

437

In City Council December 9<sup>th</sup>, 2024

Councilor Thompson motioned to postpone to the next City Council Meeting and was properly seconded. The motion was carried by a hand vote. Councilors Tavares and Teixeira absent.

  
\_\_\_\_\_  
City Clerk


In City Council December 23, 2024

Councilor Thompson motioned to postpone to the next City Council Meeting and was properly seconded. the motion carried by a hand vote.

  
\_\_\_\_\_  
City Clerk

In City Council January 13, 2025

Councilor Thompson requests that the council overrides the Mayor's Veto. The question comes before the council "Shall the Ordinance stand the Mayor's veto to the contrary notwithstanding"? The Mayor's veto failed by a roll call vote taken by "yeas" and "nays"; eleven members present and ten voting in the affirmative. Councilor Deroncourt, in the negative. Councilor Lally motioned to file for reconsideration with the wish that it not prevail and was properly seconded. Reconsideration failed by a hand vote.

  
\_\_\_\_\_  
City Clerk

437

AS AMENDED

In City Council Dated August 26, 2024

ORDINANCE

AN ORDINANCE PROHIBITING LOITERING IN PUBLIC PLACES

Be it ordained by the City Council of the City of Brockton as follows:

**§ 1 Definitions.**

The following words, as used in this section, shall, unless the context otherwise requires, have the following meanings:

*Loiter:* Remaining idle in essentially one location, and shall include the concepts of spending time idly, loafing or walking about aimlessly.

*Public Place:* Any area within the City of Brockton that is City, state or federally owned or controlled and accessible to the general public, including, but not limited to, buildings, streets, sidewalks, bridges, alleys, driveways and parking lots.

**§ 2 Prohibited conduct.**

- A. No person shall congregate, stand, loaf or loiter upon any street, sidewalk, bridge or crossing so as to obstruct the same or to hinder or prevent persons passing or attempting or desiring to pass thereon.
- B. No person shall congregate, stand, loaf or loiter in or in front of any hall, lobby, doorway, passage or entrance of any public building, theater, hotel, eating house, lodging house, office building, store, shop, office or factory or other like building so as to obstruct the same, hinder or prevent persons walking along or into or out of the same or attempting or desiring to do the same.
- C. No person shall congregate, stand, loaf, loiter or remain in any parking garage, whether publicly or privately owned, so as to interfere with the property of others or with any person's ability to use the services afforded by the garage, unless present there with the intent to park or use any other services afforded by the garage.
- D. No person shall stand, loaf, loiter or remain in, or in the immediate vicinity of, or frequent a public transportation terminal, whether publicly or privately owned, unless present there with the intent to use or to accompany or meet a person or persons using the public transportation there offered or to use one or some of the accessory convenience facilities operated at such terminal for the use of travelers.
- E. No person shall congregate, stand, loaf or loiter in or in front of any school, community college, or community center with the purpose of annoying or interfering with the students or employees thereof or so as to hinder, obstruct, prevent or disrupt the normal functions carried on therein or thereat, or so as to obstruct, hinder or prevent persons passing by or into or out of the same or attempting or desiring to do so. It shall be unlawful for any person to loiter or remain in or about the area of a school not having any reason or relationship, involving custody of or responsibility for a pupil or student, or any other specific, legitimate reason for being there, and not having written permission from anyone authorized to grant the same.
- F. No person shall loiter or remain in a vacant unoccupied building or on any portion of vacant land upon which such vacant building is located, unless with the permission of an authorized agent of said property.

**§ 3 Violations and penalties.**



437

- A. No person shall be arrested for a violation of this chapter unless the arresting officer, or by direct demand, first affords such person an opportunity to cease or explain such conduct.
- B. No person shall be convicted of a violation of this chapter if it appears at trial that the explanation tendered was true and disclosed a lawful purpose.
- C. Any person who violates the provisions of this chapter shall be punished by a fine of \$50. Each day on which the violation exists shall be deemed to be a separate offense.



---

Jeffrey Thompson, Ward 5 Councilor