

Ordinance 2020-29
Monroe County BOARD OF COMMISSIONERS Executive Order
To Enforce Monroe County Codes 257 and 262

Come now the Monroe County Board of Commissioners (“Commissioners”) who, through Ordinance 2018-12, a copy of which is attached hereto and incorporated herein as Exhibit A, banned camping, littering, and storage of Personal Property on Monroe County Government Property; and state the following:

WHEREAS, on May 16, 2018, the Monroe County Commissioners passed Ordinance 2018-12, creating Chapter 257 of the Monroe County Code (“Chapter 257”), a local law intended to safeguard Monroe County Property and to maintain it in a safe, healthy, and clean state for use by all members of the public; and

WHEREAS, on September 4, 2019, the Commissioners updated Chapter 257, by passing Ordinance 2019-29, a copy of which is attached hereto and incorporated herein as Exhibit B; and

WHEREAS, also on September 4, 2018, the Commissioners amended Chapter 262, which provides for Courthouse Grounds Hours, Sanitation, and Use Restrictions, a copy of which is attached hereto as Exhibit C; and

WHEREAS, on or about Thursday, June 4, 2020, it was discovered that individuals were camping in tents on the Monroe County Courthouse lawn, in violation of Chapter 257 and 262; and

WHEREAS, camping in tents has not been a problem in the past, but it recently became a practice as part of local protests related to the death of George Floyd and in reaction to police brutality; and

WHEREAS, the Commissioners fully support protests on the Courthouse grounds and individuals’ exercise of the First Amendment, but camping on the Courthouse grounds prevents the Courthouse grounds from being properly maintained in a clean, safe, and healthy manner and from being available to use by all citizens; and

WHEREAS, the Commissioners wish to enforce Chapter 257 and 262 of the Monroe County Code and wish to issue this Executive Order to ensure that all those who are camping on the Courthouse lawn are informed and educated about the local law and its details and possible consequences before any enforcement action is taken; and

WHEREAS, the Commissioners goals include gaining compliance with Chapter 257 and 262 rather than punishing individuals, and ensuring the Courthouse grounds are maintained in a clean, safe and healthy manner for use by all individuals for the exercise of their First Amendment Rights, recreation, or enjoyment; and

WHEREAS, when the Courthouse lawn is being occupied in violation of Chapter 257 and 262, the property is not fully available for use by all and may not be regularly maintained by County staff; and

WHEREAS, Indiana Code 36-2-2-20 gives the Commissioners the authority to make orders concerning county property, and Indiana Code 36-2-2-15 (d) states that the County Sheriff shall execute orders of the Monroe County Board of Commissioners, upon request; and

WHEREAS, the Commissioners request, direct, and order the enforcement of this Executive Order and Chapters 257 and 262 by the Monroe County Sheriff.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF MONROE COUNTY, INDIANA, AS FOLLOWS:

Section 1. Chapter 257 of the Monroe County Code

Through the authority granted to the Monroe County Commissioners (“Commissioners”) and the Monroe County Sheriff (“Sheriff”) by various provisions of state and local law, including but not limited to Indiana Codes 36-2-2 et seq. and 36-2-13 et seq., and Monroe County Code Chapter 257, the Commissioners request, direct, and order the Monroe County Sheriff to execute this Order by clearing the Courthouse Grounds of all “camp facilities” and “camp paraphernalia” beginning at 10:00 a.m. on June 12, 2020 (at least 72 hours after Notice of removal was posted, as required by Chapter 257-3). The Sheriff is also requested to regularly monitor County property in a proactive and preventive manner to prevent “camp facilities” and “camp paraphernalia” from being brought onto County property, and to prevent harm to persons, unsafe and unhealthy conditions, and damage to Monroe County property.

Section 2. Chapter 262 of the Monroe County Code

Through the authority granted to the Monroe County Commissioners and the Monroe County Sheriff (“Sheriff”) by various provisions of state and local law, including but not limited to Indiana Codes 36-2-2 et seq. and 36-2-13 et seq., and Monroe County Code Chapter 262, the Commissioners request, direct, and order the Sheriff to continue to consistently enforce Chapter 262 of the Monroe County Code as written, by removing persons from the Courthouse grounds between the hours of 10:00 p.m. and 6:00 a.m. and by enforcing all other provisions of Chapter 262.

Section 3. Commissioners’ Intent

It is the Commissioners intent to keep Monroe County property in a clean, safe and healthy manner for use by all individuals for the exercise of their First Amendment Rights, recreation, or enjoyment. The Monroe County Commissioners are issuing this Executive Order to give advance notice to those are camping on the Courthouse grounds in violation of Chapter 257, so that they may voluntarily come into compliance with the law and so that they are not faced with expulsion from the Courthouse Grounds, per Section 257-5 or cited for trespassing.

Section 4. Effective Date and Severability

This Ordinance takes effect upon passage by Monroe County Board of Commissioners. Any subsequent legal or administrative action which may be necessary for the furtherance of this Ordinance is hereby authorized. Should any provision of this Ordinance be found unenforceable or invalid, the remaining portions remain in effect.

Ordinance 2020-29 is hereby approved this 10th day of June 2020, by the Board of Commissioners of Monroe County, Indiana.

"AYES"

Julie Thomas, President

Lee Jones, Vice President

Penny Githens, Member

ATTEST: _____, Catherine Smith, Auditor

"NAYS"

Julie Thomas, President

Lee Jones, Vice President

Penny Githens, Member