

CITY OF FOND DU LAC - Memorandum

City Attorney

Date: September 5, 2024

To: City Council

From: Deborah S. R. Hoffmann, City Attorney

Re: Public Safety Code Revisions

The proposed public safety changes to the City Code do the following:

1. Grant the authority to write ordinance citations to several additional positions and allow the Community Development Director to write parking citations.
2. Adopt by reference several additional state code charges so they can be handled thru municipal court if they are not prosecuted in circuit court. Adopt all of the state code on Trespass while deleting our current code section that copied part of the state code.
3. Added a broader charge of Disorderly Conduct by Use of Telecommunications Device to address the many ways people inappropriately use their cellphones and computers to harm others.
4. Adding an ordinance that prohibits camping on City property.

The City is now able to move forward with this no camping ordinance due to the recent Supreme Court decision in *City of Grants Pass v. Johnson*

[.https://scholar.google.com/scholar_case?case=7183992723798523169&q=city+of+grants+pass+v.+johnson&hl=en&as_sdt=6,48](https://scholar.google.com/scholar_case?case=7183992723798523169&q=city+of+grants+pass+v.+johnson&hl=en&as_sdt=6,48) (See copy attached.)

This case found that preventing the act of camping or sleeping on public property was not a violation of the Eighth amendment prohibition against cruel and unusual punishment. (For more information, See <https://mrsc.org/stay-informed/mrsc-insight/july-2024/grants-pass-v-johnson>) With this decision, the City can also begin safely enforcing our current loitering ordinance §500-2, Code of Fond du Lac. (See copy attached.)

Please contact the City Attorney if you have any questions. Thank you for your attention.

Staff recommends approval.