

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF MANOR, TEXAS AMENDING THE CODE OF ORDINANCES BY ADDING ARTICLE 8.09 TO CHAPTER 8 OFFENSES AND NUISANCES, PROHIBITING CERTAIN ACTIONS OF CAMPING IN A PUBLIC AREA; PROVIDING DEFINITIONS; PROVIDING AFFIRMATIVE DEFENSES; PROVIDING A PENALTY FOR VIOLATIONS OF THIS ORDINANCE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING SAVINGS, EFFECTIVE DATE AND OPEN MEETINGS CLAUSES; AND PROVIDING FOR RELATED MATTERS.

WHEREAS, the City of Manor, Texas (“City”) is a home-rule municipality with the authority to adopt ordinances for the good government, peace, and order of the City;

WHEREAS, the City Council of Manor, Texas (“City Council”) continually works to further enhance the provision of a safe and healthy environment for residents, businesses, and visitors to support the City’s Manor’s economic development, public safety, and service delivery goals and policies;

WHEREAS, the unauthorized use of public areas for living and sleeping accommodation purposes often results in the accumulation of human waste, trash, and hazardous materials, which poses a significant threat to the sanitary conditions of the City and the water quality of local watersheds;

WHEREAS, the City Council intends for this Ordinance to be compatible with, and where appropriate, provide more specific local regulations than Texas Penal Code Section 48.05; and

WHEREAS, the following regulations are necessary to preserve and protect the health, safety and welfare of the City and its residents, visitors, and businesses;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MANOR, TEXAS, THAT:

Section 1. Findings of Fact. The above and foregoing recitals are hereby found to be true and correct and are incorporated herein as findings of fact. The City Council hereby further finds and determines that the rules, regulations, terms, conditions, provisions and requirements of this ordinance are reasonable and necessary to protect the public health, safety and quality of life.

Section 2. Adoption of Camping in Public Areas Ordinance. Chapter 8 of the City of Manor Code of Ordinances is hereby amended by adding Section 8.09 entitled “Camping in Public Areas” to read as set forth in Exhibit A attached hereto and incorporated herein for all purposes.

Section 3. Amendment of Ordinances. Chapter 8 of the City of Manor Code of Ordinances is hereby amended as provided herein and all ordinances or parts thereof conflicting or inconsistent with the provisions of this ordinance as adopted and amended herein, are hereby amended to the extent of

such conflict. In the event of a conflict or inconsistency between this ordinance and any other code or ordinance of the City, the terms and provisions of this ordinance shall govern.

Section 4. Effective Date. This Ordinance shall take effect immediately upon its adoption by the City Council and publication as required by the Local Government Code.

Section 5. Severability. It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses and phrases of this Ordinance are severable and, if any phrase, sentence, paragraph or section of this Ordinance should be declared invalid by the final judgment or decree of any court of competent jurisdiction, such invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this Ordinance, since the same would have been enacted by the City Council without the incorporation of this ordinance of any such invalid phrase, clause, sentence, paragraph or section. If any provision of this Ordinance shall be adjudged by a court of competent jurisdiction to be invalid, the invalidity shall not affect other provisions or applications of this Ordinance which can be given effect without the invalid provision, and to this end the provisions of this Ordinance are declared to be severable.

Section 6. Open Meetings. It is hereby officially found and determined that the meeting at which this ordinance is passed was open to the public as required and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act.

PASSED AND APPROVED on the _____ day of _____, 2026.

CITY OF MANOR, TEXAS

ATTEST:

Dr. Christopher Harvey, Mayor

Lluvia T. Almaraz, City Secretary

Exhibit A

ARTICLE 8.09. CAMPING IN PUBLIC AREAS

Sec. 8.09.001. Purpose.

This article is and shall be deemed an exercise of the police powers of the state and of the city for the public safety, comfort, convenience, and protection of the city and the citizens thereof, and all of the provisions of this chapter shall be constructed for the accomplishment of that purpose.

Sec. 8.09.002. Definitions.

The following words, terms, and phrases, when used in this article, shall have the meanings ascribed to them in this section:

Camp means to use an area for sleeping and/or living accommodation purposes including but not limited to the following:

- (1) Making preparations to construct a temporary shelter, such as the setting up of a tent, laying down of bedding, lying in or on a cot, sleeping bag, bedroll or other similar sleeping equipment, or the construction of a temporary shelter with other materials such as cardboard or newspapers;
- (2) Parking of a motor vehicle, motorhome, or trailer for the apparent purpose of overnight occupancy;
- (3) Storing or accumulating clothing, food, beverages or other personal belongings;
- (4) Doing any digging or earth breaking; or
- (5) Using any tent or temporary shelter.

Public area means an outdoor area to which the public has access and includes, but is not limited to streets, highways, parks, open space, parking lots, alleyways, sidewalks, pedestrian ways, and the common areas of schools, hospitals, apartment houses, office buildings, transport facilities and retail shopping establishments.

Sec. 8.09.003. Prohibitions.

- (a) It shall be unlawful for any person, family or other group of persons to intentionally or knowingly camp in a public area within the corporate limits of the City of Manor without effective consent.

Sec. 8.09.004. Affirmative Defenses.

- (a) It shall be an affirmative defense to an alleged violation of this article if the person was camping in an approved area designated by the City of Manor, on property owned by the person

or on property for which the person has received prior permission from the owner or agent in charge of the property.

(b) It shall be an affirmative defense to an alleged violation of this article if the person:

- (1) Is traveling through the city in a motor vehicle;
- (2) Is on a trip which has a point of origin and a point of destination outside of Travis County, Texas, and the contiguous counties;
- (3) Parks the motor vehicle at a location not greater than one-half mile off the most direct route of the trip;
- (4) Parks the motor vehicle for the purpose of resting or sleeping in the vehicle because further operation would endanger the person or others due to the need for sleep;
- (5) Sleeps or rests in the motor vehicle or in a trailer directly attached to the motor vehicle for a period not longer than four (4) hours; and
- (6) Is not intoxicated.

Sec. 8.09.005. Enforcement; Penalty.

- (a) The enforcement of this article shall be the responsibility of the police department, the code enforcement officer, or such department, officer or city employee as designated by the city; provided that the chief of police, the code enforcement officer, or such other salaried full-time employee of the city as designated by the city manager is authorized to administer and supervise the procedures, sections and provisions of this article.
- (b) Any person who violates any provision of this article shall be guilty of a class C misdemeanor and, upon conviction, shall be punished by a fine not to exceed \$500.00 for each offense. Each day or part of a day during which a violation is committed or continued shall constitute a separate offense.

Sec. 8.09.006. Compliance with Texas Penal Code 48.05.

- (a) Enforcement of this ordinance shall comply with the requirements of Texas Penal Code § 48.05, including but not limited to:
 - (1) Advising persons of alternative camping locations and available services prior to citation or arrest;
 - (2) Preserving personal property by permitting removal or taking custody for later retrieval; and
 - (3) Not charging fees for storage or release of personal property.

- (b) Nothing in this section prohibits or limits the removal, towing, impoundment, storage, or release of a motor vehicle, or the assessment of any related towing, storage, or release fee, as authorized by state law, including but not limited to Section 545.305 of the Texas Transportation Code.

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