

ORDINANCE NO. 22-487

AN ORDINANCE BY THE COUNCIL OF THE CITY OF RICHWOOD, TEXAS, AMENDING CHAPTER 13 AND MISCELLANEOUS PROVISIONS TO PROHIBIT CAMPING AND THE STORAGE OF PERSONAL PROPERTY ON PUBLIC PROPERTY; PROVIDING FOR A PENALTY; PROVIDING A SAVINGS CLAUSE; PROVIDING THAT THIS ORDINANCE SHALL TAKE EFFECT AND BE IN FORCE IMMEDIATELY UPON ITS PASSAGE.

Whereas, the City of Richwood, Texas manages and protects public land and facilities such as parks, sidewalks, and parking lots to ensure all residents and visitors have the opportunity to use the public land and facilities for their intended purposes; and

Whereas, unpermitted camping and the storage of personal property on public property and outside of public facilities interferes with the work of city employees and contractors; and

Whereas, unpermitted camping and the storage of personal property on public property and outside of public facilities interferes with public access to public land and facilities; and

Whereas, unpermitted camping and the storage of personal property on public property and outside of public facilities interferes with the ability of the public to use the public land and facilities for their intended purposes; and

Whereas, unpermitted camping and the storage of personal property on sidewalks, parking lots and walkways interferes with pedestrian and vehicle traffic; and

Whereas, unpermitted camping sometimes leads to public disturbances, public urination and defecation and litter.

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

Section 1: That Ch. 13 of the Code of Ordinances of the CITY OF RICHWOOD, Texas is hereby amended to add the following:

Article V: Sec. 13-103. Camping prohibited.

(a) Persons are prohibited from camping on public property; outside of public buildings; and on streets, sidewalks, and public parking lots.

(1) Public property includes, but is not limited to, public rights-of-way, parks lands, government buildings and government facilities.

(2) Camping means lodging out of doors, which is demonstrated by:

- a. the laying down of bedding, such as a blanket, sleeping bag, bed roll, newspapers, cardboard, or similar material; **OR**
- b. the erection, use, or occupation of any tent, hut, lean-to, shack, temporary shelter, hammock, or similar device;

AND ANY ONE OR MORE OF THE FOLLOWING:

- c. numerous items of personal belongings in and around the items in subsection (a) or (b); **OR**
- d. evidence of existing or past cooking activities; **OR**
- e. evidence of existing or past fires.

(3) Persons who are camping will receive an oral or written warning and will be given an opportunity to remove the camping items. If the person refuses to remove the items or the person returns to camping, then that person will be in violation of this ordinance. Only one warning per person is required.

Sec. 13-104. Storage of personal property prohibited.

(a) It shall be unlawful for any person to store personal property on public property.

(1) Store means to put aside, place, or leave for future use.

(2) Unattended Stored Items. The City shall remove unattended stored items and post a notice listing the place the items are stored, a phone number that can be called to inquire about the items, the date by which the items must be retrieved, and a warning that the items will be destroyed if not retrieved by that date. If the items are not claimed within 30 days, the City may destroy the items.

(3) Attended Stored Items. The City shall request that attended stored items be removed. If the owner does not remove the items or if the owner removes the items but then stores them later, the City shall remove the items and give the owner 30 days to claim the items. If the items are not claimed within 30 days, the City may destroy the items. Only one request per person is necessary, regardless of the location of the subsequent storage.

(4) A sign stating that personal items are prohibited from being stored in the area negates the need for a removal request.

(5) The City may immediately destroy any items that are a threat to the health, safety or welfare of the public, such as fire hazards; explosive hazards; noxious odor emanations; infectious or pathogenic hazards; or infestations of vermin, including rodents, lice, roaches or fleas.

(b) Exceptions. The following people are not subject to this section:

1. People taking part in a permitted activity such as a parade, festival, assembly, or concert.

2. People taking part in city sponsored events.

3. City officials, employees, or agents acting in their official capacities.

Sec. 13-105. Warning required.

No person may be arrested or given a citation for violating sections 13-103 or 13-104 until that person has received an oral or written warning to cease the prohibited conduct. No more than one warning per individual is required.

Section 2: All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of the conflict only.

Section 3: A violation of this ordinance shall be a Class C misdemeanor and the penalty for violating this ordinance shall be as provided for in Sec. 1-6 of the Code of Ordinances of the City of City of Richwood.

Section 4: If any part or portion of this ordinance shall be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect or impair any remaining portions or provisions of this ordinance.

Section 5: The City Secretary shall publish the caption of this ordinance within ten days of final passage in the official newspaper of the City.

Section 6. That the rule requiring ordinances to be read on two separate meetings is hereby suspended and that this ordinance shall be passed and become effective from and after the date of its adoption on its first reading.

PASSED, APPROVED, AND ADOPTED this 14th day of March, 2022.

Steve Boykin, Mayor

ATTEST:

Kirsten Garcia, City Secretary

APPROVED AS TO FORM:

R.P. Matthew Allen, City Attorney