

ORDINANCE NO. 2025-13

AN ORDINANCE OF THE CITY OF WYLIE, TEXAS, AMENDING WYLIE'S CODE OF ORDINANCES, ORDINANCE NO. 2021-17, AS AMENDED, CHAPTER 74 (OFFENSES AND MISCELLANEOUS PROVISIONS) BY ADDING ARTICLE III (CAMPING IN PUBLIC PLACES NOT DESIGNATED AS CAMPSITES); AMENDING CHAPTER 110 (TRAFFIC AND VEHICLES) BY ADDING SECTION 110-208 (PEDESTRIANS ON MEDIANS); PROVIDING A PENALTY CLAUSE WITH A MAXIMUM FINE OF \$500, PROVIDING FOR THE REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE PUBLICATION OF THE CAPTION HEREOF; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Wylie, Texas ("City Council") has determined that the act of camping in public places is a public nuisance and pedestrian safety must be protected; and

WHEREAS, the City Council has determined that it is necessary to enact and enforce the provisions set out in this Ordinance to promote the public health, safety and welfare of citizens of the City of Wylie, Texas ("Wylie" or "City"); and

WHEREAS, the City Council therefore finds that it is in the best interest of the citizens of Wylie to amend the Code of Ordinances, Ordinance No. 2021-17, as amended ("Code of Ordinances"), to adopt the regulations set forth below; and

WHEREAS, this Ordinance is not intended to deny or to unduly restrict any person's temporary use of a public sidewalk or other traditional public forum for demonstrations, pickets, marches and other lawful expressive activity, provided that such person does not camp in violation of the Ordinance, obstruct passage to other persons or vehicles or otherwise violate applicable state law or City ordinance; and

WHEREAS, this Ordinance is not intended to deem the status of involuntary homelessness (whether temporary or permanent) as a violation of this or any other City ordinance, but to make the prohibited acts defined in this Ordinance subject to reasonable and prudent enforcement to protect the public, health, safety and welfare; and

WHEREAS, nothing in this Ordinance shall be deemed to authorize or allow a person or persons to camp, stand, sit or lie in or on a public place in such a way as to interfere with the use or operation of such public place for the intended purposes and to carry on public business, and for the benefit of the public desiring to peaceably use the public place for its intended purposes.

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

SECTION 1. Findings Incorporated. The findings set forth above are incorporated into the body of this Ordinance as if fully set forth herein.

SECTION 2. Amendment to Article III of Chapter 74 (Offenses and Miscellaneous Provisions) of the Wylie Code of Ordinances. Chapter 74 (Offenses and Miscellaneous Provisions) of the Code of

Ordinances is hereby amended to add Section 74-41 (Definitions) and Section 74-42 (Camping in Public Places Not Designated as Campsites), as follows:

“Chapter 74 - Offenses and Miscellaneous Provisions

...

Article III - Camping in Public Places Not Designated as Campsites

Section 74-41. – Definitions

The following terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates different meaning:

Camp means the use of a public place for living accommodation purposes including:

- (1) Storing of personal belongings;
- (2) Making a camp fire;
- (3) Using a tent, shelter, other structure or vehicle for a living accommodation;
- (4) Carrying on cooking activities; or
- (5) Digging or earth-breaking activities.

Public place means any of the following:

- (1) The property on which a City-owned, -leased or -controlled facility is located, including every structure, building or land owned by the City of Wylie for the purposes of conducting any business or operation of municipal government, and including all accessory areas such as but not limited to porches, steps, ramps, grounds, walks, trails, lawns, yards, plazas and parking lots. City Hall, libraries, police and fire stations, the fleet service center, water towers and parks are public places.
- (2) Parks, grounds, buildings, facilities or rights-of-way under the jurisdiction, management or control of the City, including flood and drainage easements;
- (3) Properties, grounds, buildings, facilities and/or rights-of-way owned, leased or controlled by the City, including:
 - a. The Municipal Complex and adjacent City facilities;
 - b. The Community Park Center;
 - c. City of Wylie Public Safety Building; and

- d. City of Wylie Public Services Complex and adjacent City facilities.
- (4) Vacant and unimproved lots or parcels owned, leased or controlled by the City; or
- (5) Outdoor areas accessible to the public, including a street, highway, parking lot, parking garage, alleyway, pedestrian way and cycling way.

Shelter means a “shelter” as defined by Section 48.05 of the Texas Penal Code.

Street means the portion of the street that is paved, designated or used for vehicular traffic, and all areas dedicated to public use for public street purposes, including parkways, alleys and sidewalks.

Section 74-42 – Camping in public places not designated as campsites

- (a) A person commits an offense if the person camps in a public place that is not designated as a camping area by the City.
- (b) Among the circumstances that may be considered in determining whether a person is camping are if it reasonably appears, based on the totality of the circumstances, that the person conducting the activity is using a public place other than a designated camp site for living accommodation purposes, regardless of the person’s intent or engagement in other activities.
- (c) This section does not apply to permitted camping or cooking in a designated camp site in compliance with applicable City regulations.
- (d) It is an affirmative defense to prosecution for a violation of this section that a person owns the property or has secured the permission of the property owner to camp in an otherwise public place.
- (e) Camping in, on or at a public place in violation of this section may be abated by summary removal of tents, bedding and other personal belongings and equipment.
- (f) A violation of this section is declared a public nuisance. This section may be enforced 5,000 feet outside the City limits.”

SECTION 3. Amendment to Chapter 110 (Traffic and Vehicles) of the Wylie Code of Ordinances. Chapter 110 (Traffic and Vehicles) of the Code of Ordinances is hereby amended to add Section 110-208 (Pedestrians on Medians) as follows:

“Chapter 110 – Traffic and Vehicles

...

Article VII - Pedestrians

...

Section 110-208 – Pedestrians on Medians

- (a) *Offenses.* It shall be an offense for a person to:
- (1) Stand, sit, run or loiter on a roadway median that measures less than eight (8) feet wide; or
 - (2) Approach a motor vehicle being operated on a major thoroughfare, freeway or access road.
- (b) *Defenses.* It is an affirmative defense to prosecution for a violation of this section if the conduct prohibited by this section was by a person:
- (1) Lawfully and actively crossing a divided roadway in the most direct route possible;
 - (2) Receiving and/or rendering aid in an emergency situation;
 - (3) Immediately and reasonably necessary to prevent bodily injury or death of any person;
 - (4) Performing work in the right-of-way in accordance with a permit issued under Chapter 102 Street, Sidewalks and Other Public Places of this Code; or
 - (5) Performing work under City, state or federal authority to protect the health, safety or welfare of the community, including but not limited to activities by police and fire departments; maintenance of roadways, utilities and other public areas; and activities by City employees or City contractors performing work in the course and scope of their employment and pursuant to authorization from the City Manager or designee.”

SECTION 4. Penalty.

- (a) Any person, firm, corporation or entity violating this Ordinance shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined in an amount not exceeding Two Hundred Dollars (\$200.00). A violation of any provision of this Ordinance shall constitute a separate violation for each calendar day in which it occurs. A culpable mental state is not required, and need not be proved, for an offense under this Ordinance. The penal provisions imposed under this Ordinance shall not preclude Wylie from filing suit to enjoin the violation. Wylie retains all legal rights and remedies available to it pursuant to local, state and federal law.
- (b) *Repeat offenders.* If it is shown that an offense under this Ordinance has been repeatedly committed by the same person, the person shall be fined in an amount not exceeding: (A) Three Hundred Dollars (\$300.00) upon a second conviction for the offense; (B) Four Hundred Dollars (\$400.00) upon a third conviction for the offense; and (C) Five Hundred Dollars (\$500.00) upon a fourth conviction for the offense and each subsequent conviction for the offense.

SECTION 5. Savings/Repealing. Wylie’s City Ordinance, as amended, shall remain in full force and effect, save and except as amended by this or any other Ordinance. All provisions of any ordinance in conflict with this Ordinance are hereby repealed, but such repeal shall not abate any pending prosecution for violation of the repealed ordinance, nor shall the repeal prevent a prosecution from being commenced for any violation if occurring prior to the repeal of the ordinance. Any remaining portions of said ordinance shall remain in full force and effect.

SECTION 6. Severability. Should any section, subsection, sentence, clause or phrase of this Ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, it is expressly provided that any and all remaining portions of this Ordinance shall remain in full force and effect. Wylie hereby declares that it would have passed this Ordinance, and each section, subsection, clause or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional or invalid.

SECTION 7. Effective Date. This Ordinance shall become effective from and after its adoption and publication as required by law the City Charter and by law.

DULY PASSED AND APPROVED by the City Council of the City of Wylie, Texas, on this 25th day of March, 2025.

Matthew Porter, Mayor

Attest:

Stephanie Storm, City Secretary

Date of Publication: April 3, 2025, in *The Wylie News*