

ORDINANCE 21-L

AN ORDINANCE OF THE CITY OF ALVIN, TEXAS, AMENDING CHAPTER 15, OFFENSES AND MISCELLANEOUS PROVISIONS, OF THE CODE OF ORDINANCES, CITY OF ALVIN, TEXAS, FOR THE PURPOSE OF ADDING A NEW ARTICLE X, ENTITLED CAMPING AND STORAGE OF PERSONAL ITEMS ON PUBLIC PROPERTY, TO THE CITY OF ALVIN CODE OF ORDINANCES; REGULATING CAMPING OR STORAGE OF PERSONAL ITEMS ON PUBLIC PROPERTY; PROVIDING FOR A PENALTY AND PUBLICATION; AND SETTING FORTH OTHER PROVISIONS RELATED THERETO.

WHEREAS, the City of Alvin, Texas, (herein the “City”), being a home-rule municipality, has authority to utilize police power regulation for the health, safety, and general welfare of the citizens of the City; and

WHEREAS, the City of Alvin manages and protects public land and facilities such as parks, sidewalks, the Senior Center, 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 items 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 items 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 items 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 items 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; and

WHEREAS, the City Council finds that the regulations set forth herein are reasonable and necessary for the public health, safety, and welfare, and for the promotion of economic development and aesthetics in the City of Alvin;

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

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. **Amend Chapter 15.** A new Article X, entitled, “Camping or Storage of Personal Items on Public Property” is hereby added to the City of Alvin Code of Ordinances, City of Alvin, Texas, that shall read as follows:

“Article X. Camping or Storage of Personal Items on Public Property

Sec. 15-118. Camping on Public Property

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

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

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

- (1) the laying down of bedding, such as a blanket, sleeping bag, bed roll, newspapers, cardboard, or similar material; OR
- (2) 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:

- (1) items of personal belongings in and around the items in subsection c(1) or c(2); OR
 - (2) evidence of existing or past cooking activities; OR
 - (3) evidence of existing or past fires; OR
 - (4) the accumulation of trash or other evidence of camping.
- (d) 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. 15-119. Storage of Personal Items on Public Property.

It shall be unlawful for any person to store personal items on public property.

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

(b) 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.

(c) 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.

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

(e) 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.

Sec. 15-120. Warning.

No person may be arrested or given a citation for violating this ordinance until that person has received an oral or written warning to cease the prohibited conduct. No more than one warning per individual shall be required.

Sec. 15-121. Exceptions.

The following activities are considered exceptions to this ordinance:

1. City permitted activities such as parades, festivals, assemblies, or concerts;
2. city sponsored events; or
3. city officials or employees or city agents acting in their official capacities.

Sec. 15-122. - Penalty.

Any person who violates a provision of this chapter shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine as prescribed by section 1-5.”

Section 3. Severability. Should any section or part of this Ordinance be held unconstitutional, illegal, invalid, or the application to any person or circumstance for any reasons thereof ineffective or inapplicable, such unconstitutionality, illegality, invalidity, or ineffectiveness of such section or part shall in no way affect, impair or invalidate the remaining portion or portions thereof; but as to such remaining portion or portions, the same shall be and remain in full force and effect and to this end the provisions of this ordinance are declared to be severable.

Section 4. Code of Ordinances. It is the intention of the Council that this Ordinance shall become a part of the Code of Ordinances of the City of Alvin, Texas, and may be renumbered and codified therein accordingly.

Section 5. Publication. The City Secretary of the City of Alvin is hereby directed to publish this Ordinance, or its caption and penalty clause, in one issue of the official City newspaper as required by Chapter 52 of the *Texas Local Government Code* and the *City of Alvin Charter*.

Section 6. Effective Date. This ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of Chapter 52, Texas Local Government Code and the City of Alvin Charter.

Section 7. Open Meetings Act. It is hereby officially found and determined that the meeting at which this ordinance was 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, Chapter 551 of the Texas Government Code.

PASSED AND APPROVED on this ____ day of _____, 2021.

THE CITY OF ALVIN, TEXAS

ATTEST

By: _____
Paul A. Horn, Mayor

By: _____
Dixie Roberts, City Secretary