

AN ORDINANCE OF THE CITY OF LINDALE PROHIBITING CAMPING IN PUBLIC PLACES; PROVIDING A PENALTY FOR VIOLATION; ESTABLISHING A PROCEDURE FOR DISPOSING OF PERSONAL PROPERTY ABANDONED IN PUBLIC PLACES; ADOPTING A SEVERABILITY CLAUSE AND ESTABLISHING AN EFFECTIVE DATE

Whereas, camping in public places presents an array of health and safety concerns including but not limited to unsanitary conditions, substance abuse, theft, vandalism, and other crimes, and conflicts with visitors to City parks and other public places; and

Whereas, camping in public places also poses safety concerns to individuals who camp in or near the public right of way, including streets and parking lots.

Now therefore, be it ordained by the City of Lindale that:

SECTION 1. Title IX, General Regulations, is amended by adding Section 94.01 to read as follows:

Sec. 94.01. PROHIBITED CAMPING.

(a) In this ordinance:

(1) *Camp* means to reside temporarily in a place, with shelter or to sleep in a motor vehicle or travel trailer.

(2) *Personal Property* means any item that is reasonably recognizable as belonging to a person and that has apparent utility.

(3) *Public Property* includes parks, public right of way, parking lots, sidewalks, public schools and any other property in which the City or other governmental entity has a property interest.

(4) *Shelter* includes a tent, tarpaulin, lean-to, sleeping bag, bedroll, blankets, or any form of shelter, other than clothing, designed to protect a person from weather conditions that threaten personal health and safety.

(b) A person commits an offense if the person intentionally or knowingly camps in a public place.

(c) The actor's intent or knowledge may be established through evidence of activities associated with sustaining a living accommodation that are conducted in a public place, including:

- (1) cooking;
- (2) making a fire;
- (3) storing personal belongings for an extended period;

- (4) digging; or
- (5) sleeping.

(d) An offense under this section is a Class C misdemeanor punishable by a fine not to exceed \$2,000.00. Each day or portion thereof in which a violation occurs shall constitute a separate offense.

SECTION 2. Title IX, General Regulations, is amended by adding Section 94.02 to read as follows:

Sec. 94.02 FORFEITURE AND DISPOSAL OF PERSONAL PROPERTY

(a) Except as provided in subsection (c), a person in violation of Section 94.01 shall be directed to immediately remove all personal property and other items from the public place. Personal property which is not immediately removed from the public place may be removed by the City. Personal property removed by the City shall be inventoried and placed in storage.

(b) Personal property removed by the City pursuant to this section may be claimed by the owner within fourteen days. Personal property not claimed within fourteen days shall be deemed abandoned by the owner and the City may dispose of it.

(c) Items that have no apparent utility which are not immediately removed from the public place may be immediately discarded by the City.

SECTION 3. Title IX, General Regulations, is amended by adding Section 94.03 to read as follows:

(a) If any part of this ordinance is declared unconstitutional, illegal or invalid, then shall not affect the validity of the rest of the ordinance.

(b) This ordinance does not affect the applicability of any other State or Federal law. In the event of a conflict with State or Federal law, the State or Federal law shall control, but only to the extent of the conflict.

(c) This Ordinance shall take effect upon the fulfillment of each of the requirements of Sections 52.003 and 52.013 of the Texas Local Government Code.

PASSED AND APPROVED this 1 day of June 2021.


JEFF D. DAUGHERTY, MAYOR
OF THE CITY OF LINDALE, TEXAS

ATTEST:


Michelle Wiese
CITY SECRETARY

APPROVED:


CITY ATTORNEY