

Ordinance No. 2020-4
CAMPING IN PUBLIC AREAS

SECTION 1 - DEFINITIONS

Camp. 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, motor home, or trailer for the apparent purpose of overnight occupancy;
- (3) Storing or accumulating clothing, food, beverages or other personal belongings;
- (4) Digging or earth breaking; or
- (5) Using any tent or temporary shelter.

Public area. Any outdoor area to which the public has access and includes but is not limited to streets, rights-of-way, parks, recreation areas, cave preserves, parking lots, alleyways, pedestrian ways, and the common areas of schools, hospitals, apartment houses, office buildings, transport facilities, and retail shopping establishments.

SECTION 2 - PROHIBITIONS

- (a) It shall be unlawful for any person to camp in a public area within the city limits.
- (b) The activities listed in Section 1 under the definition of "camp" shall constitute camping when it reasonably appears, in light of all circumstances, that the person, in conducting these activities, is in fact using the area for living accommodation purposes regardless of the intent of the person or the nature of any other activities in which they may also be engaging. Camping does not include the act of merely falling asleep in a public place.

SECTION 3 - 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, 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 Cherokee or Angelina 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 himself 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.

SECTION 4 - PENALTY

The violation of any provision of this article shall be unlawful and a Class C misdemeanor offense. Each day or part of a day during which the violation is committed, continued, or permitted shall constitute a separate offense, and each offense, upon conviction, is punishable by a fine in the amount *not to exceed \$2000.00.*

SECTION 5 - EFFECTIVE DATE

The effective date of this ordinance, Prohibiting Camping in Public Areas, shall be immediately upon approval by the majority within the City of Wells, Texas City Council.

PASSED, ADOPTED, SIGNED and APPROVED on this the 10 day of
February, 2020.

C. W. Williams
Mayor of the City of Wells

Melanie Pounds
City Secretary of the City of Wells