

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE REVISING CHAPTER 23 “OFFENSES AND MISCELLANEOUS PROVISIONS,” OF THE CODE OF THE CITY OF FORT WORTH, TEXAS (2015), AS AMENDED, BY PROVIDING REGULATIONS TO AND CONCERNING CAMPING BY ADDING SECTION 23.21; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL PRIOR ORDINANCES AND REPEAL CONFLICTING ORDINANCES; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A SAVINGS CLAUSE; PROVIDING A PENALTY CLAUSE; PROVIDING FOR PUBLICATION IN THE OFFICIAL NEWSPAPER OF THE CITY; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the City of Fort Worth (“City”) seeks to provide for the health, safety and welfare of its citizens; and

**WHEREAS**, unauthorized camping is frequently the cause of public health nuisances, including the improper disposal of human excreta, wastewater and garbage, as defined by section 341.011 of the Texas Health and Safety Code; and

**WHEREAS**, unauthorized camping may provide harborage to rodents and other disease-carrying pests which may be innately harmful to people and property; and

**WHEREAS**, unauthorized camping creates a fire hazard to structures and nearby properties; and

**WHEREAS**, unauthorized camping may diminish property values and the appearance of a neighborhood, diminishing any incentive for others in the neighborhood to maintain their own property, thus creating a self-perpetuating cycle; and

**WHEREAS**, unauthorized camping most frequently occurs on unattended or vacant properties; and

**WHEREAS**, it is in the legitimate interest of the City of Fort Worth to protect the health, safety, and welfare of its citizens by setting reasonable standards for the maintenance of private properties and by abating the nuisances related to unauthorized camping on private properties; and

**WHEREAS**, staff proposes adding a prohibition on unauthorized camping to Chapter 23, “Offenses and Miscellaneous Provisions,” of the Code of the City of Fort Worth (2015), as amended to reduce the incidents of unauthorized camping; and

**WHEREAS**, the Fort Worth City Council finds it advisable to adopt staff’s recommendations.

**NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FORT WORTH, TEXAS THAT:**

**SECTION 1.**

Chapter 23, "Offenses and Miscellaneous Provisions," of the Code of the City of Fort Worth (2015), as amended, is hereby revised to add a new section to read as follows:

**§ 23-21 UNAUTHORIZED CAMPING PROHIBITED.**

(a) Terms defined. In this section:

**AUTHORIZATION.** Express written permission given by the property owner or the owner's agent.

**CAMP.** To reside or dwell temporarily in a place, using Transitory Shelter.

**GOVERNMENTAL ENTITY.** A political subdivision of the state, including, but not limited to, a municipality, county, unit of state government, public school district, junior college district or special purpose district.

**NON-RESIDENTIAL.** Any property or area within the territorial limits of the City that is not included in a Residential District as defined in the Zoning Ordinance or that is used as a commercial or industrial use.

**PRIVATE PROPERTY.** Property or an area that is owned by a non-governmental entity or individual.

**RESIDENTIAL.** Any property or area within the territorial limits of the City that located in a Residential District as defined in the Zoning Ordinance including vacant residentially-zoned lots.

**RESIDE OR DWELL.** Without limitation, eating, sleeping, or the storage of personal possessions.

**TRANSITORY SHELTER.** Without limitation, any tent, tarpaulin, lean-to, sleeping bag, bedroll, blankets, or any form of cover or protection from the elements other than clothing.

(b) Prohibition. It shall be unlawful for any person to camp upon any:

(1) non-residential private property without possessing authorization of the property owner or the owner's agent; or

(2) residential private property that has no permanent dwelling, or that is lacking a potable water source and toilet facilities, without possessing authorization of the property owner or the owner's agent.

(c) *Defenses.* It is an affirmative defense to prosecution that a person charged with violation of this section owns the property.

(d) *Penalty.* Any person violating the provisions of this section shall be guilty of a misdemeanor and shall be punished by a fine not to exceed \$500.

(e) Any property on which camping occurs shall be subject to all other ordinances of the City of Fort Worth, including those related to zoning and health and safety.

## **SECTION 2.**

That these ordinances shall be cumulative of all other ordinances of the City of Fort Worth, Texas, and shall not repeal any of the provisions of such ordinances, except in those instances where provisions of such ordinances are in direct conflict with the provisions of this ordinance.

## **SECTION 3.**

That all rights or remedies of the City of Fort Worth, Texas, are expressly saved as to any and all violations of the City Code, or any amendments thereto that have accrued at the time of the effective date of this ordinance; and as to such accrued violations, and all pending litigation, both civil and criminal, same shall not be affected by this ordinance but may be prosecuted until final disposition by the courts.

## **SECTION 4.**

That it is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses and phrases of these ordinances are severable, and if any phrase, clause, sentence, paragraph or section of these ordinances shall be declared void, ineffective or unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such voidness, ineffectiveness or unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of these ordinances, since the same would have been enacted by the City Council without the incorporation herein of any such void, ineffective or unconstitutional phrase, clause, sentence, paragraph or section.

## **SECTION 5.**

That any person, firm or corporation who violates, disobeys, omits, neglects or refuses to comply with or who resists the enforcement of any of the provisions of these ordinances shall be fined not more than Five Hundred Dollars (\$500.00) for each offense. Each day that a violation exists shall constitute a separate offense.

**SECTION 6.**

That the City Secretary of the City of Fort Worth, Texas, is hereby directed to publish these ordinances for two (2) days in the official newspaper of the City of Fort Worth, Texas, as authorized by the V.T.C.A. Local Government Code Subsection 52.013.

**SECTION 7.**

These ordinances shall take effect after adoption and publication as required by law.

**APPROVED AS TO FORM AND LEGALITY:**

**ATTEST:**

\_\_\_\_\_  
Matthew A. Murray  
Assistant City Attorney

\_\_\_\_\_  
Mary J. Kayser, City Secretary

Date: \_\_\_\_\_

ADOPTED: \_\_\_\_\_

EFFECTIVE: \_\_\_\_\_