

ORDINANCE NO. G-10-05-13-10B1

AN ORDINANCE AMENDING CHAPTER 6, CODE OF ORDINANCES (1995 EDITION), CITY OF ROUND ROCK, TEXAS, BY ADDING SECTION 6.900 REGARDING CAMPING IN PUBLIC AREAS; AND PROVIDING FOR A SAVINGS CLAUSE AND REPEALING CONFLICTING ORDINANCES AND RESOLUTIONS.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ROUND ROCK, TEXAS:

I.

That Chapter 6, Code of Ordinances (1995 Edition), City of Round Rock, Texas, is hereby amended by adding section 6.900 which shall read as follows:

SECTION 6.900 **CAMPING IN PUBLIC AREAS**

6.901 DEFINITIONS

- (1) "Public area" means an outdoor area to which the public has access and includes, but is not limited to, streets, highways, parks, parking lots, alleyways, pedestrian ways, and the common areas of schools, hospitals, apartment houses, office buildings, transport facilities, and retail shopping establishments.
- (2) "Camp" means to use an area for sleeping and/or living accommodation purposes including, but not limited to, the following:
 - (a) 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;
 - (b) parking of a motor vehicle, motor home, or trailer for the apparent purpose of overnight occupancy;
 - (c) storing or accumulating clothing, food, beverages or other personal belongings;
 - (d) doing any digging or earth breaking; or
 - (e) using any tent or temporary shelter.

6.902 PROHIBITIONS

- (1) It shall be unlawful for any person to camp in a public area within the city limits of the City of Round Rock, Texas.
- (2) The activities listed in Section 6.901(2) shall constitute camping when it reasonably appears, in light of all the 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 area.

6.903 AFFIRMATIVE DEFENSES

- (1) It is an affirmative defense to a violation of this Section if the person was camping in an approved area designated by the City or on property for which the person has received prior permission by the owner or agent in charge of the property.
- (2) It is an affirmative defense to a violation of this Section if the person:
 - (a) is traveling through the City in a motor vehicle;
 - (b) is on a trip which has a point of origin and a point of destination outside of Williamson County, Texas and contiguous counties;
 - (c) parks the motor vehicle at a location not greater than one-half mile off the most direct route of the trip;
 - (d) 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;
 - (e) sleeps or rests in the motor vehicle or in a trailer directly attached to the motor vehicle for a period not longer than four hours; and
 - (f) is not intoxicated.

6.904 PENALTY

The violation of any provision of this Section shall be unlawful and a misdemeanor offense punishable by a fine not exceeding the amount set forth in Section 1.601.

II.

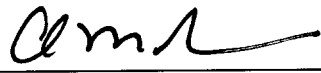
A. All ordinances, parts of ordinances, or resolutions in conflict herewith are expressly repealed.

B. The invalidity of any section or provision of this ordinance shall not invalidate other sections or provisions thereof.

C. The City Council hereby finds and declares that written notice of the date, hour, place and subject of the meeting at which this Ordinance was adopted was posted and that such meeting was open to the public as required by law at all times during which this Ordinance and the subject matter hereof were discussed, considered and formally acted upon, all as required by the Open Meetings Act, Chapter 551, Texas Government Code, as amended.

READ and APPROVED on first reading this the 22nd day of April, 2010.

READ, APPROVED and ADOPTED on second reading this the 13th day of May, 2010.



ALAN MCGRAW, Mayor
City of Round Rock, Texas

ATTEST:



SARA L. WHITE, City Secretary



City Council Agenda Summary Sheet

Agenda Item No.	*10B1.
Agenda Caption:	Consider an ordinance amending Chapter 6, Code of Ordinances, by adding Section 6.900, prohibiting camping in public areas. (Second Reading)
Meeting Date:	May 13, 2010
Department:	Police
Staff Person making presentation:	

Item Summary:

First reading of this ordinance was done at the April 22, 2010 City Council meeting and passed unanimously.

Strategic Plan Relevance:

Cost: N/A

Source of Funds: N/A

Date of Public Hearing (if required):

Recommended Action: Staff recommends approval of the second reading