

AN ORDINANCE 100379

**AMENDING CHAPTER 21 OF THE SAN ANTONIO CITY CODE
TO PROHIBIT CAMPING IN PUBLIC PLACES WITHOUT
LAWFUL PERMISSION OR PERMIT; AND PROVIDING FOR A
CRIMINAL FINE IN AN AMOUNT NOT TO EXCEED \$500.00
FOR VIOLATION OF THIS ORDINANCE.**

WHEREAS, the City Council finds that camping in public places is disturbing and disruptive to residents, visitors, and businesses and contributes to the general public's loss of access to and enjoyment of public places; and

WHEREAS, camping in public places without lawful permission or permit is potentially harmful to public health and sanitation; and

WHEREAS, the City Council finds it is in the best interest of the health, safety and enjoyment of public places by the citizens and visitors to San Antonio to criminalize such behavior; **NOW THEREFORE:**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAN ANTONIO:

SECTION 1. Chapter 21 of the San Antonio City Code is hereby amended by the addition of Section 28 providing the following:

SECTION 28 Camping in Public:

- (A) Except in designated areas, it shall be unlawful for any person to camp in any public place.
- (B) In this section, the term public place 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 shops.
- (C) In this section, the term "camp" means to use a public place for living accommodation purposes such as, but not limited to any of the following:
 - (1) Storing personal belongings;
 - (2) Making a camp fire;

- (3) Using any tents shelter or other structure, furniture, refuse or vehicle for living accommodation;
 - (4) Carrying on cooking activities; or
 - (5) Doing any digging or earth breaking.
- (D) The activities listed in subsection (C) of this section shall constitute camping when it reasonably appears, in light of all the circumstances, that the participants, in conducting these activities, are in fact using the area for living accommodation purposes regardless of the intent of the participants or the nature of any other activities in which they may also be engaging.
- (E) It shall be an affirmative defense to prosecution that a person is the person who owns the property or has secured the permission of the property owner to camp in a public area.
- (F) This section does not apply to camping or cooking in a city park in compliance with park regulations.

SECTION 2. Any person who engages in any activity specified in Subsections 28 (A)-(D) above, may be subject to prosecution for a Class C misdemeanor and a fine not to exceed \$500.00.

SECTION 3. The City Clerk is directed to promptly publish public notice of this ordinance in accordance with Section 17 of the City Charter.

SECTION 4. This ordinance shall be effective on the 5th day after publication or on approximately February 18, 2005.

PASSED AND APPROVED on this the 3rd day of February, 2005.

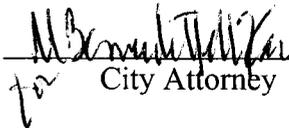
ATTEST:


City Clerk


M A Y O R

EDWARD D. GARZA

APPROVED AS TO FORM:


City Attorney

Agenda Voting Results

Name: 21B.

Date: 02/03/05

Time: 03:24:35 PM

Vote Type: Multiple selection

Description: An Ordinance amending Chapter 21 of the San Antonio City Code to prohibit camping in public places without lawful permission or permit; and providing for a criminal fine in an amount not to exceed \$500.00 for violation of this ordinance.

Voter	Group	Status	Yes	No	Abstain
ROGER O. FLORES	DISTRICT 1		x		
JOEL WILLIAMS	DISTRICT 2	Not present			
RON H. SEGOVIA	DISTRICT 3		x		
RICHARD PEREZ	DISTRICT 4	Not present			
PATTI RADLE	DISTRICT 5			x	
ENRIQUE M. BARRERA	DISTRICT 6		x		
JULIAN CASTRO	DISTRICT 7	Not present			
ART A. HALL	DISTRICT 8		x		
CARROLL SCHUBERT	DISTRICT 9		x		
CHIP HAASS	DISTRICT_10		x		
MAYOR ED GARZA	MAYOR		x		