

ORDINANCE NO. 2024-1621

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF GOODYEAR, MARICOPA COUNTY, ARIZONA, AMENDING GOODYEAR CITY CODE CHAPTER 11 BY ADDING SECTION 11-1-40 RELATED TO CAMPING ON PUBLIC PROPERTY.

WHEREAS, in June 2024, the United States Supreme Court issued a decision in the Johnson v. Grants Pass case which expanded the restrictions that can be imposed related to sleeping or camping on public property; and

WHEREAS, the Mayor and Council of the City of Goodyear, Arizona wish to protect and improve public health, preserve the parks and other public property for the enjoyment, safety, comfort and convenience of the public, and maintain a healthy and natural environment;

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF GOODYEAR, MARICOPA COUNTY, ARIZONA, AS FOLLOWS:

SECTION 1. Chapter 11 of the Goodyear City Code is hereby amended by adding Section 11-1-40 as follows:

§ 11-1-40 Camping.

(A) Purpose. The Mayor and Council of the City of Goodyear, Maricopa County, Arizona declare that the purpose of this section is to protect and improve the public health, preserve the parks and other public property for the enjoyment, safety, comfort and convenience of the public, and maintain a healthy and natural environment. The streets and public areas within the city should be readily accessible and available to residents and the public at large. The use of public areas for camping purposes or storage of personal property interferes with the rights of others to use public areas for which they were intended. Such activity can constitute a public health and safety hazard which adversely impacts neighborhoods and commercial areas. Nothing in this section is intended to interfere with otherwise lawful and ordinary uses of public or private property.

(B) Definitions. For purposes of this section:

(1) CAMP or CAMPING means using real property in the City of Goodyear for living accommodation purposes on a temporary or permanent basis, regardless of the intent of the participants or the nature of any other activities in which they may also be engaging, when under the circumstances it reasonably appears that the participants are using the area for living accommodation purposes. Living accommodation purposes includes but is not limited to activities such as;

(a) Using a tent, shelter, vehicle, trailer, camper, or other structure for sleeping;

(b) Making preparations to sleep which may include the laying down of bedding for the purpose of sleeping;

(c) Storing personal belongings;

(d) Making any fire, other than a fire made in a fire pit or barbecue pit provided by the City for such use;

(e) Carrying on cooking activities, other than in a fire pit or barbecue pit provided by the City for such use,

(f) Doing any digging or earth breaking.

(2) CHILDCARE FACILITY has the meaning provided in Arizona Revised Statutes, section 36-881(3).

(3) PUBLIC PROPERTY means any property owned or controlled by the City of Goodyear which includes by way of example but is not limited to any: playground, splash pad, restroom, street, sidewalk, right-of-way, highway, alley way, bike path, transit stop or transit facility, preserve, open space, mountain park, wash, or land whether improved or unimproved, attraction, structure, facility, or parking lot.

(4) SCHOOL means any public, charter, or private school where children attend classes in kindergarten programs or grades one (1) through twelve (12).

(5) SHELTER means a facility or outdoor space, the primary purpose of which is to provide free or low-cost temporary or transitional living accommodations or camping to homeless persons.

(C) Offenses.

(1) No person shall camp in or on any public property within the City of Goodyear unless expressly designated as a permitted camp site or otherwise expressly permitted by the City.

(2) No person shall camp in or on any building, facility, parking lot or structure, that is owned, possessed or controlled by the City of Goodyear.

(3) No person shall camp within five hundred feet (500') of any property boundary of a school, childcare facility, shelter, or park.

(D) The Director of the Parks and Recreation Department may, in accordance with the established procedures of the City or the Parks and Recreation Department, issue permits or make reservations to authorize youth organizations, schools, or similar entities to camp or park vehicles overnight in a park or preserve. Nothing in this section shall be interpreted to prohibit camping or overnight parking that is permitted by the City of Goodyear.

(E) The following activities are excluded under this section:

(1) Any camping which occurs for twelve (12) or less consecutive hours in the parking lots of any stadium owned or operated by a public entity or agency on the day of any sporting event taking place at the stadium owned or operated by the public entity or agency.

(2) Any person issued a special event permit or that has otherwise secured permission of the City of Goodyear.

(F) Penalty.

(1) A violation of this section is a Class 1 misdemeanor.

(2) No person shall be issued a citation for a violation of this section unless the person has previously received a warning from the City of Goodyear within the previous twelve (12) calendar months or the property on which a violation occurs has been conspicuously posted with a warning of the provisions of this section.

(3) In addition to or in lieu of any sentence imposed for a violation of this section, the court may sentence a person to perform community restitution or order a term of education or treatment consistent with Arizona Revised Statutes §13-717.

SECTION 2. EFFECTIVE DATE. This Ordinance shall become effective thirty days after adoption in the manner prescribed by law.

PASSED AND ADOPTED by the Mayor and Council of the City of Goodyear, Maricopa County, Arizona, by a _____ vote, this _____ day of _____, 20____.

Joe Pizzillo, Mayor

Date: _____

ATTEST:

APPROVED AS TO FORM:

Darcie McCracken, City Clerk

Roric Massey, City Attorney