



Ordinance

No. 388

OFFICE OF THE
MAYOR
CITY OF SAN LUIS

AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF SAN LUIS, ARIZONA, AMENDING THE SAN LUIS CITY CODE CHAPTER 94, PARKS AND RECREATION, BY ADDING SECTIONS 94.30 THROUGH 94.37 RELATING TO CAMPING ON PUBLIC PROPERTY; REPEALING ANY CONFLICTING PROVISIONS; PROVIDING FOR SEVERABILITY; AND PROVIDING PROVISIONS FOR PENALTY

BE IT ORDAINED by the Mayor and City Council of the City of San Luis, Arizona as follows:

Section 1: Chapter 94, Parks and Recreation, of the San Luis City Code, is hereby amended to add Sections 94.30 through 94.37, inclusive, to read as follows:

Camping On Public Property

- 94.30 Definitions
- 94.31 Public property; restrictions
- 94.32 Other restrictions
- 94.33 Trees and shrubs in public places
- 94.34 Birds and animals; protection
- 94.35 Buildings prohibited
- 94.36 Camping prohibited
- 94.37 Penalty

§ 94.30 DEFINITIONS

For the purpose of this subchapter, §§ 94.30 through 94.37 inclusive, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

CAMPSITE. Any place where any bedding, sleeping bag or other sleeping matter is placed, established or maintained, whether or not such place incorporates the use of any tent, lean-to, shack or other structure, or any vehicle or part thereof.

PUBLICLY OWNED PROPERTY. Any property owned by the city or owned by any county, municipal corporation, district, political subdivision

or agency of the State of Arizona, the State of Arizona, the United States or any subdivision or agency of the United States.

PUBLIC WORKS DIRECTOR. The Director of Public Works of the city or any employee authorized by the Director of Public Works to take action under this article.

TO CAMP. To set up or to remain in or at a campsite.

§ 94.31 PUBLIC PROPERTY; RESTRICTIONS.

It is unlawful for any person to do any of the following acts upon any public street, highway, alley, public place or any other publicly owned property regardless of the purpose for which the property was dedicated, acquired or purchased without consent of the Council:

- (A) take possession of any said property in any manner;
- (B) occupy and remain upon the property;
- (C) continue to live upon any of the aforementioned property after having been notified by any police officer or employee of the city to vacate the premises;
- (D) build any structure or habitat of any kind upon any of the property;
- (E) dump boxes, trash, litter, paper, refuse matter, tin cans or garbage on any of the property;
- (F) drive any vehicle of any kind upon or cross any of the property, except where the streets, highways, alleys, roadways or driveways have been properly laid out and open to the public; and
- (G) fence in or cultivate any of the property. This division shall not be interpreted to prohibit any person who owns or is lawfully maintaining any land fronting on a street from maintaining a lawn, garden, trees or other foliage on the part of the street right-of-way that is not paved if the land is customarily maintained by the owner of, or person maintaining, the lot fronting on the land.

§ 94.32 OTHER RESTRICTIONS.

No person shall maliciously or willfully deface, injure, destroy, besmear or bedaub any publicly owned building, sidewalk, street, pavement, curbing, water or sewer line or other publicly owned property.

§ 94.33 TREES AND SHRUBS IN PUBLIC PLACES.

(A) No person shall maliciously or willfully cut down, injure or destroy, in any manner, any tree, shrubbery, or flower, planted or growing in or on any street, park, alley or public grounds. This section shall not be interpreted to prohibit any person who owns or is lawfully maintaining any land fronting on a street from maintaining a lawn, garden, trees or other foliage on the part of the street right-of-way that is not paved if the land is customarily maintained by the owner of, or person maintaining, the lot fronting on the land.

(B) No person shall cut down any tree in any street right-of-way or parkway without permission of the Public Works Director.

§ 94.34 BIRDS AND ANIMALS; PROTECTION.

No person shall kill, wound, maim, injure or harm in any manner any bird or animal; or throw, fire or shoot any gun, pistol or other deadly weapon, or any stone, arrow or other missile at a bird or animal; or break, tear down or destroy any bird's nest or eggs or other contents of their nests on any publicly owned property except, the city may abate pests on city property.

§ 94.35 BUILDINGS PROHIBITED.

(A) It is unlawful for any person to maintain, build, erect or permit the erection of any building, hut, hotel, shanty, tent or other structure under his or her control on any street, sidewalk, alley, right-of-way or other publicly owned property.

(B) This section shall not prohibit the erection or installation of any tent or temporary structure where authorized by a permit issued by the city.

§ 94.36 CAMPING PROHIBITED.

It is unlawful for any person to camp in or upon any city sidewalk, street, alley, lane, park, public right-of-way or other place to which the general public has access, or under a bridge way or viaduct, unless otherwise specifically authorized by written permission, properly given, or by declaration by the mayor in emergency circumstances. This shall not be deemed to prohibit camping at designated campsites. No person shall be convicted of violating this section unless that person shall continue to camp after receiving a warning to leave and given a reasonable period of

time, not to exceed 24 hours, to leave. The warning may be given by a peace officer or by any city employee or officer, or by any other person charged with oversight or control of said public property.

§94.37 PENALTY

It shall be unlawful for any person, firm, or corporation to violate, or cause the violation, of any provision of this subchapter, §§ 94.30 through 94.36 inclusive. Any person, firm, or corporation violating any provision of this subchapter, §§ 94.30 through 94.37 inclusive, shall be guilty of a class one (1) misdemeanor, punishable pursuant to §10.99 of this Code. A separate offense shall be deemed committed upon each day during or on which a violation occurs or continues.

Section 2: In the event of a conflict between the provisions of this Ordinance and any other ordinance, resolution, regulation, or policy of the City of San Luis, the conflicting provisions are hereby repealed, superseded, and replaced, and the provisions of this ordinance shall govern.

Section 3. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions thereof.

PASSED AND ADOPTED by the Mayor and Council of the City of San Luis, Arizona, this _____ day of _____, 2019.

Gerardo Sanchez, Mayor

ATTEST:

APPROVED AS TO FORM:

Sonia Cornelio, City Clerk

Kay Macuil, City Attorney