

ORDINANCE NO. 784

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HEDWIG VILLAGE, TEXAS, AMENDING CHAPTER 30, ENVIRONMENT, BY ADDING ARTICLE VI, UNSANITARY CAMPING, TO THE CODE OF ORDINANCES OF THE CITY OF HEDWIG VILLAGE, TEXAS, FOR THE PURPOSE OF DECLARING CERTAIN CONDUCT TO BE UNLAWFUL; CONTAINING FINDINGS AND OTHER PROVISIONS RELATING TO THE FOREGOING SUBJECT; PROVIDING FOR SEVERABILITY.

WHEREAS, the City of Hedwig Village, Texas ("City") is a general-law municipality pursuant to Section 4, Article XI of the Texas Constitution; and

WHEREAS, Section 282.001 of the Texas Local Government Code provides that a general-law municipality has exclusive control over its public property; and

WHEREAS, a core function of local government is to help ensure its public property is used in a manner that is consistent with the property's purpose and minimizes hazards to public health and safety; and

WHEREAS, Section 311.002 of the Texas Transportation Code provides that a general-law municipality has exclusive control "over the highways, streets, and alleys of the municipality"; and

WHEREAS, notwithstanding the efforts of the City, from time to time persons erect tents or other temporary structures in the City's public places for use as living quarters, which structures are inconsistent with the property's purpose; and

WHEREAS, on occasion such structures have been used to shield criminal acts from public view, threatening the safety of the general public and, especially, of persons in or near the structures; and

WHEREAS, on occasion persons have used heating or cooking devices in public places, which devices present a fire hazard threatening the safety of the general public and, especially, of persons near the devices; and

WHEREAS, some persons have maintained in public places substantial amounts of personal property that the City, at significant public expense, must move to another location to clean the public place and reduce health hazards for the general public and, especially, for persons using the places; and

WHEREAS, the City is obligated to preserve, protect, and maintain public property for its intended purposes and to help ensure its public places are not used in a manner creating health or safety hazards for persons using the property or for the general public;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HEDWIG VILLAGE, TEXAS THAT:

Section 1. The recitals set forth above are found to be true and correct and are adopted as the findings of fact of the City.

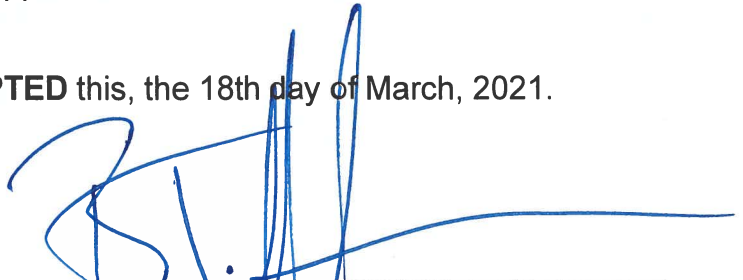
Section 2. Chapter 30, Environment, Article VI, Unsanitary Camping, of the Ordinances of the City of Hedwig Village, Texas is added to read as set out in Exhibit A, attached hereto. All other portions of Chapter 30 of the Code of Ordinances not specifically amended hereby remain in full force and effect.

Section 3. All ordinances and parts of ordinances in conflict with this Ordinance are repealed to the extent of the conflict only.

Section 4. If any word, phrase, clause, sentence, paragraph, section or other part of this Ordinance or the application thereof to any person or circumstance, shall ever be held to be invalid or unconstitutional by any court of competent jurisdiction, neither the remainder of this Ordinance, nor the application of such word, phrase, clause, sentence, paragraph, section or other part of this Ordinance to any other persons or circumstances, shall be affected thereby.


Section 5. The City Council officially finds, determines and declares that a sufficient written notice of the date, hour, place and subject of each meeting at which this Ordinance was discussed, considered or acted upon was given in the manner required by the Texas Open Meetings Act, as amended, and that each such meeting has been open to the public as required by law at all times during such discussion, consideration and action. The City Council ratifies, approves and confirms such notices and the contents and posting thereof.

PASSED, APPROVED and ADOPTED this, the 18th day of March, 2021.



Brian T. Muecke, Mayor
City of Hedwig Village, Texas

ATTEST:



Kelly Johnson, City Secretary
City of Hedwig Village, Texas

Exhibit A

Chapter 30, Environment

ARTICLE VI. – UNSANITARY CAMPING

Sec. 30-200. – Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Camping equipment means any items that are designed or used to equip a location for temporary habitation or that are placed on public property in connection with temporary habitation. The term includes, tents, tarps, sleeping bags or rolls, cots or beds, chairs, blankets or quilts, camp stoves, grills, cooking vessels and utensils, storage containers, buckets, clothes lines, clothing bags, backpacks, food, and similar items.

Code enforcement officer means the City Administrator or his or her designee.

Public property means property owned or controlled by the State of Texas, Harris County, the City of Hedwig Village, or any other governmental entity, and includes street and highway rights-of-way located with the City of Hedwig Village.

Unsanitary camping means the occupation, for the purpose of temporary or permanent habitation, of any lot or tract of real property within the city that does not have restrooms, toilets, or other approved facilities for the disposal of human wastes.

Use does not include carrying camping equipment or transporting it in a vehicle.

Sec. 30-201. - Unsanitary camping prohibited.

It is unlawful and an offense under this Code to engage in unsanitary camping in the city.

Sec. 30-202. - Storage or use of camping equipment on public property prohibited.

It is unlawful and an offense under this Code to store or use camping equipment on any public property within the city that has not been officially designated as a public campground by the owning or controlling governmental entity.

Sec. 30-203. - Removal and storage of unattended camping equipment.

Any camping equipment that is left unattended on public property, that has not been officially designated as a public campground by the owning or controlling governmental entity, is deemed to be a public nuisance and shall be removed by the code enforcement

officer. The code enforcement officer shall, when removing unattended camping equipment from public property, post one or more notices at the locations from which camping equipment is removed informing the owners of the equipment that it has been removed, that is being stored by the city, and that it may be retrieved by providing satisfactory proof of ownership. The code enforcement officer shall return unattended camping equipment to its rightful owner upon satisfactory proof of ownership. Camping equipment that is not retrieved, within 30 days of its removal, shall be treated as abandoned property in accordance with the applicable statutory requirements.