

Ordinance No. 2024-__

AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PRESCOTT VALLEY, A MUNICIPAL CORPORATION OF ARIZONA, ENACTING TOWN CODE SECTION 10-01-180 "URBAN CAMPING" IN ARTICLE 10-01 "OFFENSES" OF CHAPTER 10 "OFFENSES"; PROVIDING THAT ALL OTHER CHAPTERS, ARTICLES, AND SECTIONS OF THE TOWN CODE, NOT HEREIN AMENDED, SHALL REMAIN IN FULL FORCE AND EFFECT; PROVIDING THAT, IF ANY PROVISION IN THIS ORDINANCE IS HELD INVALID BY A COURT OF COMPETENT JURISDICTION, THE REMAINING PROVISIONS SHALL NOT BE AFFECTED BUT SHALL CONTINUE IN FULL FORCE AND EFFECT; AND PROVIDING THAT THIS ORDINANCE SHALL BE EFFECTIVE THIRTY (30) DAYS AFTER ITS PASSAGE AND APPROVAL ACCORDING TO LAW.

WHEREAS, general law towns like Prescott Valley are specifically authorized to "have control of the ...property of the corporation" and "to prohibit and punish any...practice tending to...obstruct persons passing upon...sidewalks..." and "to restrain and punish the...practices tending to cause the collection of persons upon the streets or sidewalks and the obstruction thereof." [ARS §9-240(A) & (B)(15)];

WHEREAS, public places in the Town, including public parks, provide common areas for residents of the community and non-residents to meet, relax and take part in recreational, cultural, social and other activities; and

WHEREAS, it is in the best interests of residents of the community and nonresidents, to ensure that public streets, rights of way, medians, sidewalks, parks and other public places as well as commercial private properties are made readily accessible to the public; and

WHEREAS, to protect these public areas and commercial private properties, the Town Council finds it is in the best interests of the Town to prohibit the use of certain public and private property areas for urban camping;

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PRESCOTT VALLEY, ARIZONA, AS FOLLOWS:

SECTION ONE. That Section 10-01-180 "Urban Camping" in Article 10-01 "OFFENSES" in Chapter 10 "OFFENSES" of the Town Code of the Town of Prescott Valley, Arizona, be hereby enacted to read as follows:

10-01-180 Urban Camping.

- A. It shall be unlawful for any person to set up, use or maintain any temporary structure, tent, bag, vehicle, camper or any other thing for the purpose of camping, lodging, sleeping, cooking, or starting or maintaining a fire for any purpose, or establishing a temporary place of rest, on any public property within the Town limits subject to the exemptions set forth below.
- B. It shall be unlawful for any person to set up, use or maintain any temporary structure, tent, bag, vehicle, camper or any other thing for the purpose of camping, lodging, sleeping, cooking, or starting or maintaining a fire for any purpose, or establishing a temporary place of rest, on any private property within the Town limits subject to the exemptions set forth below.

- C. It shall be unlawful for any person to sleep in or upon any public building, alley, sidewalk, public way, designated trail head, or any other public place or facility within the corporate limits of the Town.
- D. It shall be unlawful for any property owner of any private property, or any manager, renter, lessee or agent thereof, to knowingly permit any person to violate this section.
- E. No person shall be arrested for a violation of any provision of this section unless such person continues to engage in such conduct after warning by any police officer, Town code compliance officer, or the property owner, manager, renter, lessee or agent thereof, or unless such property is conspicuously posted, warning of the provisions of subsection (A), (B) or (C) of this section, and designating such violation thereof as a misdemeanor.
- F. This section shall not apply to the ordinary and permitted uses of improved residential lots subject to and in conformity with Chapter 13 “Zoning” of this Code, nor shall this section be interpreted to limit the use of such lots by the owners thereof for any lawful purpose.
- G. This section shall not be construed to limit the normal activities or designated uses of Town parks.
- H. This section shall not apply to camping events sponsored and conducted by and under the direction and control of the Town Community Services Department.
- I. This section shall not apply to the parking of any vehicle, camper, or recreational vehicle for a period of less than 24 hours with the express consent of the respective Town, property owner, manager, renter, lessee or agent thereof, unless the property upon which any such vehicle, camper or recreational vehicle is parked is conspicuously posted as provided in subsection (E) above or unless an authorized agent of the Town or the property owner, manager, renter, lessee or agent thereof specifically requests such vehicle, camper, or recreational vehicle be removed within the 24-hour period.
- J. Unless otherwise specifically permitted by this section, the parking of any vehicle, camper, recreational vehicle or other similar device in any location for more than 24 hours when not upon one’s own real property shall be prima facie evidence of intent to violation this section.
- K. Any violation of this section shall constitute a class 1 misdemeanor, punishable by a fine of not more than \$2,500 or by six months in jail, or both.

(Ord. No. _____, Enacted, _____)

SECTION TWO. That all other Chapters, Articles, and Sections of the Town Code not herein amended, shall remain in full force and effect.

SECTION THREE. That, if any provision in this Ordinance is held invalid by a Court of competent jurisdiction, the remaining provisions shall not be affected but shall continue in full force and effect.

SECTION FOUR. That this Ordinance shall be effective thirty (30) days after its passage and approval according to law.

PASSED AND APPROVED by the Mayor and Common Council of the Town of Prescott Valley, Arizona, this ____ day of _____, 2024.

Kell Palguta, Mayor

ATTEST:

Fatima Fernandez, Town Clerk

APPROVED AS TO FORM:

Ivan Legler, Town Attorney