



TOWN OF PRESCOTT VALLEY STAFF REPORT

DATE: October 24, 2024

TO: Mayor & Town Council

THROUGH: Gilbert Davidson, Town Manager

FROM: Bob Ticer, Police Chief

DEPARTMENT: Police Department

AGENDA TYPE: New Business

SUBJECT: Town Code Urban Camping Restrictions, Public-Private Property - Consideration & Possible Action (1st Reading) [Chief Bob Ticer, Police Chief]

VISION 2024 FOCUS AREA: Enhancing the health of neighborhoods by promoting well-being for all through safety, infrastructure, housing, connectivity, recreational space, and community engagement.

SUMMARY/BACKGROUND:

General law municipalities are 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)] Public places in Prescott Valley are provided as common areas for residents and non-residents alike to meet, relax, and take part in recreational, cultural, social, and other activities. It is in the best interests of the community to ensure that public places (i.e., streets, rights-of-way, medians, sidewalks, parks, and similar) remain readily accessible to the public for these activities. Similarly, certain large-scale private commercial spaces to which the public is invited for commercial and entertainment purposes sometimes need government assistance through enforcement to ensure that the spaces remain reasonably accessible for the commercial and entertainment purposes for which they have been created and are maintained.

Over time, urban camping in public and large-scale commercial spaces has become an increasing issue. This was exacerbated by the worldwide pandemic. Municipalities large and small throughout the nation have grappled with the issue,

including municipalities in Arizona. A recent clarification by the US Supreme Court about constitutional law applicable to urban camping has helped municipalities understand they do have enforcement options to help keep such spaces free of urban camping while, at the same time, working with public and private service agencies to attempt to address some of the issues of homelessness that can lead to urban camping.

The Town has had various Code provisions it has relied upon in its enforcement of this issue from time to time. However, it has been felt the time has come for the Town to adopt direct urban camping restrictions similar to those that have been adopted by other similarly sized communities in the state. Staff has, therefore, looked at various examples (including provisions in the neighboring community of Prescott). One from Sedona has seemed to cover the bases in a balanced way, so staff has used it as a beginning template (then added some exemptions suggested by staff based on local experience).

The resulting draft Ordinance was discussed by the Town Council at its Study session held October 3, 2024. After additional consultation with advocacy groups, the draft has been finalized and is now attached for Council consideration and possible adoption

If the Council desires to adopt the proposed urban camping restrictions, it may vote to read Ordinance No. 2024-946 by title only on two separate occasions, then place the same on final passage. This will result in the Clerk conducting the first reading. The second reading and possible final adoption would then be scheduled for the regular Council meeting on November 14, 2024.

RECOMMENDED MOTION:

Motion to read Ordinance No. 2024-946 adopting urban camping restrictions by title only on two separate occasions, then place the same on final passage, **OR** Motion not to read Ordinance No. 2024-946. **VOTE.**

[if the motion is in favor of reading Ordinance No. 2024-946, the Mayor instructs the Town Clerk to read the Ordinance by title only for the first reading]

STAFF RECOMMENDATION:

Town staff recommends reading and adopting Ordinance No. 2024-946 adopting urban camping restrictions.

FISCAL ANALYSIS:

There is no anticipated direct fiscal impact due to the requested action.

Council Action at the Meeting: N/A

ATTACHMENTS: Yes