

ORDINANCE NO. 1444

AN ORDINANCE OF THE CITY OF LLANO, TEXAS, AMENDING THE CODE OF ORDINANCES, CHAPTER 70, OFFENSES AND MISCELLANEOUS PROVISIONS, ARTICLE I, MISCELLANEOUS, SECTION 70-12, SLEEPING IN PUBLIC; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR A SEVERABILITY CLAUSE; ESTABLISHING AN EFFECTIVE DATE; PROVIDING FOR PROPER NOTICE AND MEETING.

WHEREAS, pursuant to Texas Local Government Code § 51.001, the City Council of the City of Llano, Texas ("City Council") has the authority to adopt, publish, amend or repeal an ordinance that is for the good government, peace or order of the City of Llano ("City"); and

WHEREAS, the City Council has authority over public property within the City; and

WHEREAS, the City Council desires to amend its current regulations concerning sleeping in public; and

WHEREAS, the City Council is of the opinion and finds that the adoption of this amendment to the City's ordinances will promote the public health, safety, or general welfare;

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

I.

Chapter 70, Offenses and Miscellaneous Provisions, Article I, Miscellaneous, Section 70-12 of the Code of Ordinances of the City of Llano, Texas is hereby amended in its entirety to read as follows:

Sec. 70-12. Camping in Public Area

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

Public area means an outdoor area accessible to the public including a street, highway, Badu Park, parking lot, alleyway, pedestrian way, and the common areas of a school, hospital, apartment building, office building, transport facility or business.

Camping means the use of public area for living accommodation purposes including:

- (1) Storing personal belongings for an extended period of time;

- (2) Making a campfire;
- (3) Using a tent or shelter or other structure for a living accommodation;
- (4) Carrying on cooking activities; or
- (5) Digging or earth breaking activities.

(b) Except as provided in subsection (d), a person commits an offense if the person camps in a public area that is not designated as a camping area by the City of Llano.

(c) A person is camping if it reasonably appears, based on the totality of the circumstances, that the person is using a public area for living accommodation purposes as described in subsection (a), regardless of the person's intent or engagement in other activities.

(d) Subsection (b) does not apply to a person who is sitting or lying if the person is:

- a. camping or cooking in a park in compliance with park regulations;
- b. in the right-of-way because of a medical emergency;
- b. participating in or viewing a parade, festival, performance, rally, demonstration, or similar event;
- c. sitting on a chair or bench that is supplied by a public agency or by the abutting private property owner;
- d. waiting in a line for goods, services, or a public event.

(e) Any person violating any provisions of this section shall be deemed guilty of a misdemeanor and upon conviction thereof shall be subject to a fine not to exceed \$500.00 for each offense.

II.

The provisions of this Ordinance shall be cumulative of all other ordinances or parts of ordinances governing or regulating the same subject matter as that covered herein; provided, however, that all prior ordinances or parts of ordinances inconsistent or in conflict with any of the provisions of this Ordinance are hereby expressly repealed to the extent that such inconsistency is apparent.

III.

If any section, subsection, sentence, clause, or phrase of this Ordinance is, for any reason, held to be unconstitutional or invalid, such holding shall not affect the validity of the remaining portions of the Ordinance. The City Council of the City of Llano hereby declares that it would have passed this Ordinance and each section, subsection, sentence, clause, or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared unconstitutional or invalid.


IV.

This Ordinance shall take effect immediately from and after its passage and publication as may be required by governing law.

V.


It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551 of the Texas Government Code.

PASSED AND APPROVED on this the 6th day of July, 2021.



Hon. Gail Lang, Mayor
City of Llano, Texas

ATTEST:



Erica Berry, City Secretary
City of Llano, Texas

