

ORDINANCE NO. 616 N.S.

AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF TOLLESON, ARIZONA, PROHIBITING CAMPING IN DESIGNATED PUBLIC AREAS AND PROVIDING PENALTIES FOR VIOLATIONS; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; AND PROVIDING FOR SEVERABILITY.

WHEREAS, public places in the City of Tolleson (the “City”), 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 the responsibility of the City and, in the best interests of residents of the community and nonresidents, to ensure that public streets, sidewalks, parks, and other public places are made readily accessible to the public; and

WHEREAS, in furtherance of protecting these public areas, it is in the best interests of the City to prohibit the use of certain public areas for urban camping and the storage of personal property, other than those for which the property was designed; and

WHEREAS, the City has experienced an influx of individuals camping on public property and desires to impose reasonable regulations to regulate the time, place, and manner of camping in City limits to protect public health, safety, and sanitation and allow tools to prevent and address public nuisances.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF TOLLESON, ARIZONA, as follows:

Section 1. Title and Purpose.

This ordinance shall be known and referred to as the “Anti-Camping Ordinance.” Its purpose is to promote public health, safety, and welfare by regulating camping on public property to ensure safe and accessible public spaces for all.

Section 2. Definitions.

For the purposes of this ordinance, the following definitions apply:

- Camping: Using real property in the City for living accommodation purposes such as sleeping activities, making preparations to sleep (including laying down bedding), storing personal belongings, making a fire, using tents or shelters or other structures or vehicles for sleeping, doing any digging or earth breaking, or carrying on cooking activities. These activities constitute camping when it reasonably appears, in light of all the circumstances, that the participants are using the area for living accommodation purposes, regardless of intent or the nature of other activities.

- Camp Paraphernalia: Includes, but is not limited to, tarpaulins, cots, beds, sleeping bags, hammocks, or non-city designated cooking facilities and similar equipment.
- Child Care Facility: As defined in Section 36-881(3), Arizona Revised Statutes.
- Public Park: A park, parkway, trail, recreational area, playground, or open space area established, maintained, or administered by the city.
- Public Street: All public streets and highways, public sidewalks, public benches, public walls, public parking lots, and public parking structures.
- Public Place: Any and all public plazas, including city hall, city facilities, schools, attractions, monuments, and any improved or unimproved public area.
- Reasonable Notice: Includes actual or constructive notice that certain conduct is prohibited and may be accomplished by reasonable posting or verbal notice provided by a law enforcement officer.
- School: A place of general instruction, including public and parochial schools, charter schools, institutions of higher education, and private educational institutions offering a curriculum comparable to public schools.
- Shelter: A facility or outdoor space primarily intended to provide free or low-cost temporary or transitional living accommodations or camping to homeless persons.

Section 3. Prohibited Acts.

A. It shall be unlawful for any person to camp in or on any public street, alley, sidewalk, rights-of-way, park, preserve, or other public ground owned, possessed, or controlled by the City, except as permitted under subsection 5 herein.

B. It shall be unlawful for any person to camp on or within 500 feet of any parcel where a school, child care facility, shelter, or City park is located if reasonable notice of the camping prohibition is provided, except as permitted under subsection 5 herein.

Section 4. Abandoned Camp Paraphernalia.

A. Any camp paraphernalia left unattended within or adjacent to a public park, public street, or public place shall be confiscated and held by the police department.

B. The police department will make reasonable attempts to locate and notify the owner. If the owner fails to claim the confiscated camp paraphernalia within 30 days of

confiscation, the paraphernalia will be deemed abandoned and disposed of by the police department.

Section 5. Exceptions and Permits.

The Parks and Recreation Director, in accordance with established procedures, may issue special use permits or reservations authorizing youth organizations or other approved groups to camp or park vehicles overnight in a park or preserve. Nothing in this section shall prohibit camping or overnight parking sponsored by the City.

Section 6. Providing for Penalties.

A. Violations of any provision of this article are a class 1 misdemeanor subject to the penalties prescribed in § 1-1-8 of this code.

B. Consistent with Arizona Revised Statutes § 13-717, in addition to or in lieu of any sentence imposed, the court may require community restitution or order a term of education or treatment.

Section 7. Providing for Severability.

If any section, subsection, sentence, clause, phrase, or portion of this Ordinance or any part of the Code adopted herein by reference 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.

Section 8. Effective Date.

This ordinance shall become effective 30 days after its adoption by the City Council and publication as required by law.

[SIGNATURES ON FOLLOWING PAGE]

PASSED AND ADOPTED by the Mayor and Council of the City of Tolleson, Arizona this 25th day of March, 2025.

Juan F. Rodriguez, Mayor

ATTEST: _____
Crystal Zamora, City Clerk

APPROVED AS TO FORM: _____
Justin Pierce, City Attorney

I, CRYSTAL ZAMORA, CITY CLERK, DO HEREBY CERTIFY THAT A TRUE AND CORRECT COPY OF ORDINANCE NO. 616 N.S. ADOPTED BY THE COMMON COUNCIL OF THE CITY OF TOLLESON ON THE 25TH DAY OF MARCH, 2025, WAS POSTED IN CITY CIVIC CENTER AND ON THE CITY'S WEBSITE, ON THE 26TH DAY OF MARCH, 2025.

Crystal Zamora, City Clerk