

ORDINANCE 2023-1844

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF PRESCOTT, YAVAPAI COUNTY, ARIZONA, AMENDING PRESCOTT CITY CODE TITLE V, CHAPTER 5-9, AMENDING THE OUTDOOR CAMPING ORDINANCE.

WHEREAS, Arizona Revised Statute §9-137 authorizes each city incorporated pursuant to Title 9, Article 1, with all the powers, duties, rights and privileges granted to cities under the laws and constitution of this state; and

WHEREAS, Arizona Revised Statute §9-499.01 vests charter cities with all the powers of incorporated towns as set forth in Title 9 as well as all powers vested in them pursuant to their respective charters; and

WHEREAS, Article VII, Section 5 of the Prescott City Charter grants Prescott City Council the authority to adopt a code or amend or repeal any ordinance; and

WHEREAS, Article XIII, Section 8 grants Prescott City Council the plenary powers to enact and make all proper and necessary ordinances, resolutions, and orders to carry out and give effect to the express, as well as the implied powers granted in the City Charter to thereby protect and safeguard the rights, interests, safety, morality, health and welfare of the city and its inhabitants; and

WHEREAS, the purpose and intent of this ordinance is to protect the health, safety, and welfare of the residents, business owners, and the public at large within the Prescott City limits, and to assure all public property is readily accessible, clean and sanitary; and

WHEREAS, the City of Prescott is home to more than 45,827 people and growing at a rate of 1.27% annually¹.

WHEREAS, in the United States of America, more than 500,000 people were reported to be experiencing homelessness on any given night over the past decade (2007-2019)².

WHEREAS, in January 2020, the number of homeless Arizonans was nearly 11,000 and as of December 2021, that number is estimated to have increased by nearly thirty percent³.

WHEREAS, people experiencing homelessness live in environments that are conducive to a disease epidemic⁴.

¹ Prescott Arizona Population 2023, [Prescott, Arizona Population 2023 \(worldpopulationreview.com\)](https://www.worldpopulationreview.com/cities-list/prestcott-arizona-population-2023) (last visited Feb. 6, 2023)

² THE COUNCIL OF ECONOMIC ADVISORS, *The State of Homelessness in America* (2019).

³ ARIZONA DEPARTMENT OF ECONOMIC SECURITY, *State of the Homeless: Homelessness in Arizona* (2021).

WHEREAS, many people experiencing homelessness have chronic mental and physical conditions, engage in high rates of substance abuse (including sharing of needles), and have often less access to health care⁵.

WHEREAS, camping in the City presents a danger to the health, safety, and welfare of residents, visitors, and the homeless population.

WHEREAS, in addition to shelter vacancies, Prescott offers and maintains multiple campground sites in a City park as well as the surrounding National Forest.

BE IT ORDAINED by the council of the City of Prescott:

Section 1. Findings. That the City Council adopts the recitals set forth above as findings of fact necessitating the adoption of this Ordinance.

Section 2. THAT Title V, Chapter 9, Section 1-6 is hereby deleted in its entirety and replaced with the following new Title V, Chapter 9, Sections 1-6.

“5-9-1

DEFINITIONS:

“Camping” or “Camp” shall mean to use any real property owned or controlled by the City for living accommodation purposes, whether temporary or permanent, including, but not limited to activities such as:

- (1) Using a tent, shelter, vehicle, trailer, camper, or other structure for sleeping;
- (2) Sleeping activities or making preparations to sleep including the laying down of bedding material for the purpose of sleeping;
- (3) Storing personal belongings; unless in a vehicle, trailer, or camper and neither used overnight or for sleeping;
- (4) Making any fire, other than in a fire or barbecue pit provided by the City for such use;
- (5) Cooking, other than in a fire or barbecue pit provided by the City for such use.

The above listed activities shall constitute camping when it reasonably appears, in light of the totality of circumstances, that the participants, in conducting such activities, are in fact using the area for living accommodation

⁴ Jack Tsai and Michal Wilson, *COVID-19: A potential health problem for homeless populations*, THE LANCET (March 11, 2020), [COVID-19: a potential public health problem for homeless populations - The Lancet Public Health](#)

⁵ Jack Tsai and Michal Wilson, *COVID-19: A potential health problem for homeless populations*, THE LANCET (March 11, 2020), [COVID-19: a potential public health problem for homeless populations - The Lancet Public Health](#)

purposes, either as recreational camping or as a primary living space, and regardless of the intent of the participants or the nature of any other activities in which they may also be engaging.

“Public Property” means any public school, park, playground, splash pad, restroom, street, sidewalk, right-of-way, highway, alleyway, bike path, transit stop or facility, mountain park, preserve, open space, or land whether improved or unimproved, or attraction, structure, facility, parking lot, or property open for public use within the City of Prescott.

5-9-2

CAMPING ON MUNICIPAL PROPERTY

Prohibited Acts:

The purposes of this Ordinance include but are not limited to: preserve the Parks and other Public Property for the enjoyment, safety, comfort and convenience of the public; enhance the orderly administration and management of the Parks in accordance with the Recreation Services operation and stewardship plans and policies; preserve, protect and prevent damages to cultural and natural resources and constructed physical improvements; and maintain a healthy natural ecosystem and support native wildlife. This Ordinance prohibits conduct that unreasonably interferes with the administration and lawful uses of the Parks and Public Property, by limiting or restricting uses on reasonable time, place, and manner as identified within this Ordinance. This Ordinance provides for the enforcement necessary to prevent nuisances and to protect the health, welfare, and safety of the public using the City’s Parks.

(A) Time regulations.

1. No person shall Camp on any Public Property between the hours of 8:00 A.M. and 8:00 P.M., unless expressly designated as a permitted camp site or otherwise expressly permitted by the City. After 8:00 A.M., any campsite must be dismantled, and all personal property and trash items removed from the location until 8:00 P.M.

(B) Place regulations.

1. No person may Camp in the following places at any time:
 - (a) In the Prescott Entertainment District.
 - (b) On sidewalks, trails, rights of way, streets, alleys, thoroughfares, or any other area of pedestrian or vehicular traffic.
 - (c) Within 500 feet of a preschool, kindergarten, elementary or secondary school, or a childcare center.

(d) Areas posted no-trespassing by the City.

(e) No person shall Camp within five hundred (500) feet of another person who is Camping unless the persons are members of the same immediate family or in a designated camping area.

(C) Manner regulations.

1. A person Camping on public property may not:

(a) Obstruct access to private property or businesses adjacent to the public right of way.

(b) Start or maintain any fire for the purposes of burning any combustible material in or around the Campsite.

(c) Use a gas heater in or around a Campsite.

(d) Erect, install, place, leave, or set up any type of permanent or semi-permanent fixture or structure of any material(s) in or upon public property or public right-of-way.

(e) Dig, excavate, terrace soil, alter the ground or infrastructure, cause environmental damage, or damage vegetations or trees in or around a Campsite.

(f) Place or store personal belongings, or other objects, in a total area encompassing more than ten square feet outside the tent or readily portable shelter.

(g) Accumulate, discard, or leave behind garbage, debris, unsanitary or hazardous materials, sewage, drug paraphernalia, or syringes in the public rights-of-way, on Public Property, or on any adjacent public or private property.

Nothing in this article shall be construed to criminalize homelessness, target the homeless community, or otherwise criminalize an individual's status rather than an individual's conduct.

5-9-3

CAMPING ON PRIVATE PROPERTY

No person shall Camp on private property unless that person has permission from the property owner or lawful tenant of that property.

(A) Camping on private property shall not be permissible for any length of time exceeding fourteen (14) consecutive days, and subject to the following conditions:

1. Frequency may not exceed five (5) times per calendar year, with a minimum of thirty (30) day intervals between each fourteen (14) day period.
2. No property owner or lawful tenant may charge rental or other fees of a person Camping on their property.
3. Camping on private property within the Prescott Entertainment District is prohibited, unless such Camping is located behind a residential structure and not visible from an adjacent road or public right-of-way.
4. Camping on private property must meet the same setbacks applicable to a primary residence.
5. It is a violation of this Ordinance if any person Camping on private property shall accumulate, discard, or leave behind garbage, debris, unsanitary or hazardous materials, sewage, drug paraphernalia, or syringes on such private property.
6. Camping in a Recreational Vehicle shall be governed in accordance with the Prescott Land Development Code.

5-9-4

PENALTY

An initial violation of this ordinance shall result in a citation to appear before the City Magistrate. No person shall be incarcerated for a violation of this ordinance unless the person continues to engage in prohibited conduct after issuance of a written warning or citation by any police officer, refuses to sign the citation, or unless such property has been conspicuously posted with a warning of the provisions of this ordinance.

Any person who violates any provision of this Chapter shall be guilty of a misdemeanor, and upon conviction thereof shall be punished as provided in Section 1-3-1 of this Code. Each day that a violation of this section continues shall constitute a separate offense.

5-9-5

DISPOSAL OF ABANDONED PROPERTY

Any Camping equipment, gear, personal belongings, vehicles, or structures used by a person in violation of this Code shall be removed from the public property within 24 hours of the issuance of a citation or warning. Any property remaining after 24 hours from the issuance of the citation shall be deemed abandoned. After 24 hours, if the property has not been removed, the City shall seize and destroy any hazardous and bulky items, debris, and other trash. Any remaining property shall be stored by the City for a total of 14 days. Written notice shall be left at the site where the property was seized, or given


directly to the owner of the property, explaining where the seized property is located, how to retrieve such property, and how to contest the destruction of the property. If a person fails to retrieve the abandoned property or fails to request a hearing concerning said destruction within 14 days of its collection, such property shall be destroyed at the expense of the violator.

5-9-6


SEVERANCE CLAUSE:

The provisions of this Chapter are hereby declared to be severable, and if any section, sentence, clause or phrase of this Chapter shall, for any reason, be held to be invalid or unconstitutional, such decisions shall not affect the validity of the remaining sections, sentences, clauses and phrases of this Chapter, but they shall remain in effect, it being the legislative intent that this Chapter shall stand notwithstanding the validity of any part thereof.”

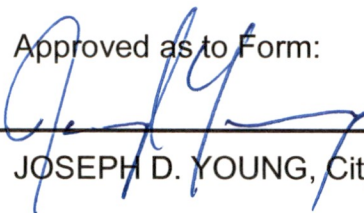
APPROVED AND ADOPTED this 24th day of October, 2023.



PHILIP R. GOODE, Mayor

Attest:


SARAH M. SIEP, City Clerk

Approved as to Form:


JOSEPH D. YOUNG, City Attorney

CERTIFICATION OF RECORDING OFFICER

STATE OF ARIZONA)
County of Yavapai) ss.

I, the undersigned Sarah M. Siep, being the duly appointed, qualified City Clerk of the City of Prescott, Yavapai County, Arizona, certify that the foregoing Ordinance No. 2023- is a true, correct and accurate copy of Ordinance No. 2023-1844, passed and adopted at a Voting Meeting of the Council of the City of Prescott, Yavapai County, Arizona, held on the 20 day of October 2023, at which a quorum was present and, by a 6-1 vote, Six voted in favor of said ordinance.

Given under my hand and sealed this 31 day of October, 2023.



Sarah M. Siep
City Clerk