

**CITY OF SAN ANTONIO
POLICE DEPARTMENT
CITY COUNCIL AGENDA MEMORANDUM**

TO: Mayor and City Council
FROM: Albert A. Ortiz, Chief of Police
SUBJECT: Ordinance Prohibiting Camping in Public
DATE: February 03, 2005

SUMMARY AND RECOMMENDATIONS

This ordinance authorizes the City Manager to amend Chapter 21 of the San Antonio City Code to prohibit camping in public places without lawful permission or permit; and providing for a fine in an amount not to exceed \$500.00 for violation of this ordinance.

Staff recommends approval.

BACKGROUND INFORMATION

On February 12, 2004, City Councilman Roger O. Flores submitted a Council Consideration Request directing City staff to bring forward an ordinance to amend Chapter 21 of the City Code. This ordinance would address problematic behaviors affecting public health and sanitation in public areas, especially downtown, created by persons camping or sleeping overnight in public.

The proposed ordinance makes it an offense to camp or sleep overnight in public places without lawful permission or permit. Camping is defined as using a public area for living accommodation purposes such as, but not limited to the following: storing personal belongings; making a camp fire; using tents, furniture, refuse, packing material or vehicles for living accommodations; conducting cooking activities; and digging or earth breaking. This does not apply to permitted camping or cooking in a city park in compliance with park regulations. It includes an affirmative defense to prosecution for property owners and those who have secured permission for camping. This action provides for a fine not to exceed \$500.00 for violation of this ordinance and is intended to serve as a deterrent to camping in public areas without lawful permission for permit.

POLICY ANALYSIS

This action continues City Council policy of clarifying existing City Codes. In addition, this ordinance will enhance the City's efforts in addressing public health, sanitation and safety issues.

FISCAL IMPACT

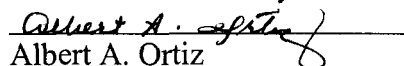
There are no new costs created by this proposed ordinance. Revenue generated by the \$500.00 fine under this ordinance will impact Municipal Court. However, due to a lack of historical perspective, the extent of the impact cannot be determined.

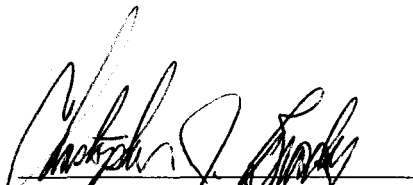
COORDINATION


This ordinance request has been coordinated with the Finance Department, Office of Management & Budget, Municipal Court, and the City Attorney's Office.

SUPPLEMENTARY COMMENTS

This item does not require an Ethics Ordinance Disclosure Statement or a Discretionary Contracts Disclosure Form.


Albert A. Ortiz
Chief of Police


Christopher J. Brady
Assistant City Manager


J. Rolando Bono
Interim City Manager