

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ALLEN, COLLIN COUNTY, TEXAS, AMENDING THE CODE OF ORDINANCES BY AMENDING CHAPTER 10, "OFFENSES—MISCELLANEOUS" BY ADDING A NEW ARTICLE IX, "PUBLIC SLEEPING AND CAMPING"; PROVIDING A REPEALING CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF FIVE HUNDRED DOLLARS (\$500); AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Council finds that the obstruction or unauthorized use of public spaces for sleeping or camping can create health and safety hazards, interfere with public access, and negatively impact the general welfare of the community; and,

WHEREAS, the City Council finds that the adoption of this ordinance is in the best interest of the health, safety and welfare of the citizens of the City.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ALLEN, COLLIN COUNTY, TEXAS, THAT:

SECTION 1. The Code of Ordinances of the City of Allen, Collin County, Texas, be and the same is hereby amended by amending Chapter 10, "Offenses—Miscellaneous" by adding a new Article IX, "Public Camping and Sleeping" to read as follows:

"ARTICLE IX. – PUBLIC CAMPING AND SLEEPING

Sec. 10-77. - Definitions.

For purposes of this section the following words, terms and phrases shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning.

Public place means any outdoor area accessible to the public including a street, highway, parking lot, parking garage, alleyway, pedestrian way, cycling way, equestrian way, and the common areas, walkways, outdoor areas and courtyards of an elementary school, secondary school, college, hospital, apartment building, office building, transport facility, business, or city-owned building or facility.

Camp means to use a public place for sleeping and/or living accommodation purposes, including but not limited to the following:

- (a) Making preparations to construct a temporary shelter, such as the setting up of a tent, laying down of bedding, lying in or on a cot, sleeping bag, bedroll or other similar sleeping equipment, or the construction of a temporary shelter with other materials such as cardboard or newspapers;
- (b) Parking of a motor vehicle, motor home, or trailer for the apparent purpose of overnight occupancy;
- (c) Storing or accumulating clothing, food, beverages or other personal belongings;
- (d) Digging or earth breaking; or,
- (e) Using any tent or temporary shelter.

Sec. 10-78. – Offenses.

- (a) It shall be unlawful and an offense for a person to sleep upon a public place.
- (b) It shall be unlawful and an offense for a person to camp in a public place without the effective consent of the officer or agency having the legal duty or authority to manage the public place.

Sec. 10-79. – Defenses.

- (a) Prior to taking any action to enforce the provisions of this article, any law enforcement officer observing a violation of this article shall first notify the person engaged in the prohibited conduct that he or she is in violation of this article. It is an affirmative defense to a prosecution under this article that any person so notified promptly ceased, within a time reasonable under the circumstances, to engage in the prohibited conduct following such notification. This warning will be applicable to the entire City of Allen and be valid for 48 hours.
- (b) It is an affirmative defense to any prosecution under subsection 10-78 that the person is:
 - (1) in the right-of-way because of a medical emergency;
 - (2) operating or patronizing a commercial establishment that conducts business on the sidewalk;
 - (3) participating in or viewing a parade, festival, performance, rally, demonstration, or similar event;
 - (4) sitting on a chair or bench that is supplied by a public agency or by the abutting private property owner;
 - (5) sitting within a bus stop zone while waiting for public or private transportation; or
 - (6) waiting in a line for goods, services, or a public event.
- (c) It is an affirmative defense to prosecution under subsection 10-78 if a person sits or lies down as the result of a disability as defined by the Americans with Disabilities Act.
- (d) It is an affirmative defense to prosecution under subsection 10-78 that a person owns the property or has secured the permission of the property owner to camp in a public place.
- (e) It is a defense to prosecution under subsection 10-78 of this section that the person camping in public place was expressly authorized by:
 - (1) an ordinance or resolution of the city council
 - (2) a contract with the city; or,
 - (3) if the public place is under the jurisdiction, management, or control of the city's park and recreation board, a permit or other written authorization granted by the director of the park and recreation department.

Sec. 10-80. – Culpable mental state not required.

Neither the allegation of nor evidence of a culpable mental state is required for the proof of an offense defined by this article.

Sec. 10-81. – Penalty.

An offense under the article is deemed to be a misdemeanor and upon conviction be punishable by a fine not to exceed five hundred dollars (\$500.00) for each offense. A person who violates a provision of this section is guilty of a separate offense for each day or part of a day during which the violation is committed, continued, or permitted.”

SECTION 2. All provisions of the ordinances of the City of Allen in conflict with the provisions of this ordinance be, and the same are hereby, repealed, and all other provisions of the ordinances of the City of Allen not in conflict with the provisions of this ordinance shall remain in full force and effect.

SECTION 3. Should any word, sentence, paragraph, subdivision, clause, phrase, or section of this ordinance, as amended hereby, be adjudged, or held to be void or unconstitutional, the same shall not affect the validity of the remaining portions of said ordinance, which shall remain in full force and effect.

SECTION 4. Any person, firm or corporation violating any of the provisions or terms of this Ordinance shall be deemed guilty of a misdemeanor and upon conviction shall be punished by a fine not to exceed the sum of Five Hundred and No/100 Dollars (\$500.00) for each offense.

SECTION 5. This ordinance shall take effect immediately from and after its passage, as the law and charter in such cases provide.

DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ALLEN, COLLIN COUNTY, TEXAS, ON THIS THE 9TH DAY OF DECEMBER 2025.

APPROVED:

Baine L. Brooks, MAYOR

APPROVED AS TO FORM:

ATTEST:

Peter G. Smith, CITY ATTORNEY

Shelley B. George, TRMC, CITY SECRETARY