

CITY COUNCIL REPORT



Meeting Date: September 20, 2022
 General Plan Element: ***Public Services & Facilities***
 General Plan Goal: ***Provide a safe environment for all citizens, visitors and private interests***

ACTION

Ordinance No. 4565. Adopt Ordinance No. 4565 amending Section 19-21 of the Scottsdale Revised Code regarding camping in public places.

BACKGROUND

Proposed Ordinance No. 4565 amends Section 19-21 of the Scottsdale Revised Code for the purpose of bringing the City's camping in public places ordinance into compliance with the 9th Circuit holding in *Martin v. City of Boise*, 920 F.3d 584 (2019). In this decision, the 9th Circuit held that people should not be criminalized merely because they are homeless. In order to make the City's camping in public places ordinance enforceable, the City's ordinance must contain a provision that requires that a violator be given a reasonable opportunity to relocate and confirmation that there is available shelter space. The City's Human Services Department will be contracting in the near future with a local hotel to provide ten (10) hotel rooms for persons experiencing homelessness. These rooms will be open to any homeless person regardless of their criminal history or other status.

ANALYSIS & ASSESSMENT

The principal proposed provision amending the camping in public places ordinance is a provision that "[p]rior to issuing a citation or making an arrest for this section, a peace officer shall give a person violating this section a reasonable opportunity to relocate and shall also confirm that there is available shelter space."

If a violator refuses to move and there is space in a shelter to house him or her then the violator can be arrested or cited. Other changes are also being made to clarify definitions within the ordinance, make it clear that is applicable to the McDowell Sonoran Preserve and change the penalty for violations to a class three misdemeanor from a class one misdemeanor to make it consistent with the penalty for the City ordinance prohibiting camping in areas subject to flooding (S.R.C. Section 19-23). Whenever there is no space at the contracted hotel or any future shelters, the City will not be able to enforce the ordinance.

In the event the City Council passes the proposed ordinance, City Human Services staff work with Community Bridges staff to conduct outreach prior to any enforcement to homeless people impacted by this ordinance to help offer them resources and relocation assistance including possible placement in shelters and/or housing.

RESOURCE IMPACTS

None.

OPTIONS & STAFF RECOMMENDATION

Recommended Approach: Adopt Ordinance No. 4565 amending Section 19-21 of the Scottsdale Revised Code regarding camping in public places.

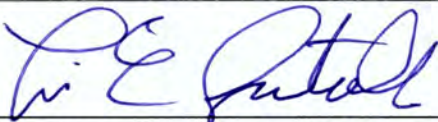
RESPONSIBLE DEPARTMENT(S)

City Attorney


STAFF CONTACTS (S)

Luis Santaella, Deputy City Attorney, lsantaella@scottsdaleaz.gov

APPROVED BY



Luis E. Santaella, Deputy City Attorney
(480) 312-2405, lsantaella@scottsdaleaz.gov



Date

ATTACHMENTS

1. Ordinance No. 4565

ORDINANCE NO. 4565

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SCOTTSDALE,
MARICOPA COUNTY, ARIZONA, AMENDING SECTION 19-21 OF THE
SCOTTSDALE REVISED CODE

BE IT ORDAINED by the Council of the City of Scottsdale, Maricopa County, Arizona, as follows:

Section 1. Scottsdale Revised Code Section 19-21 is hereby amended, as follows with new language shown in shaded format and deleted language in strikethrough format:

19-21. – Camping in public places.

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

Camp means to reside in or use a public park, ~~public street, the McDowell Sonoran Preserve~~ or other public place for living accommodation purposes; including, but not limited to, activities such as erecting tents or any other structure providing shelter, digging or breaking earth, laying down bedding for the purposes of sleeping, using camp paraphernalia, storing personal belongings, starting a fire, regularly cooking or preparing meals, or living in a parked vehicle.

Camp paraphernalia includes, but is not limited to, tarpaulins, cots, beds, sleeping bags, hammocks or non-city designated cooking facilities and similar equipment.

Public park means all city parks and playgrounds.

Public street means all public streets and highways, public sidewalks, public benches, public parking lots and public parking structures.

Public place means ~~publicly owned property plazas,~~ including, ~~but not limited to,~~ the Scottsdale Civic Center Mall, transportation facilities, schools, attractions, monuments and any improved or unimproved public area.

~~Shelter space includes, but is not limited to, a vacancy at a homeless shelter, hotel or motel contracted by the city to provide housing for homeless individuals, or other similar facility.~~

(b) No person shall camp in any public park, ~~the McDowell Sonoran Preserve,~~ ~~public~~ street or ~~public~~ place, except when specifically authorized by a permit issued by the city.

~~(c) — A violation of any of the provisions of this section shall be punishable as class 1 misdemeanors are punishable under state law. Each day that a violation of this section continues shall constitute a separate offense.~~

(c) A violation of this section is a class 3 misdemeanor.

(d) Prior to issuing a citation or making an arrest for this section, a peace officer shall give a person violating this section a reasonable opportunity to relocate and shall also confirm that there is available shelter space.

PASSED AND ADOPTED by the City Council of the City of Scottsdale, Maricopa County, Arizona this _____ day of _____ 2022.

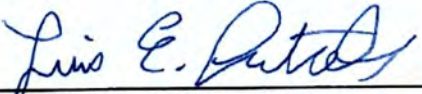
CITY OF SCOTTSDALE, an Arizona
municipal corporation

David D. Ortega, Mayor

ATTEST:

Ben Lane, City Clerk

APPROVED AS TO FORM:



Sherry R. Scott, City Attorney
By: Luis E. Santaella, Deputy City Attorney