

ORDINANCE NO. 2026-

AN ORDINANCE OF THE CITY OF LEAGUE CITY, TEXAS, AMENDING CHAPTER 56, ENTITLED "HEALTHY SPACES," OF THE CODE OF ORDINANCES, BY AMENDING ARTICLE I – GENERAL PROVISIONS; ADDING ARTICLE III – PEDESTRIAN SAFETY AND PUBLIC PASSAGEWAYS; ADDING ARTICLE IV – PUBLIC PROPERTY MAINTENANCE AND ABANDONED PROPERTY; PROVIDING FOR SEVERABILITY, REPEALER, CODIFICATION, A PENALTY, AND AN EFFECTIVE DATE

WHEREAS, the City of League City ("City") is a home-rule municipality authorized under Article XI, Section 5 of the Texas Constitution and state law to adopt ordinances necessary to protect the public health, safety, and welfare; and

WHEREAS, the City previously adopted Chapter 56, entitled "Healthy Spaces," relating to regulations governing camping and the use of public and private property; and

WHEREAS, the City Council finds that additional regulations relating to pedestrian safety, public passageways, public accessibility, and abandoned or hazardous property are necessary to further protect public health, safety, sanitation, accessibility, traffic safety, and the lawful use of public spaces and facilities; and

WHEREAS, the City Council has received complaints and observed conditions involving obstruction of pedestrian passageways, unsafe pedestrian interactions with vehicular traffic, occupancy of roadways and traffic-control areas, accumulation of unattended personal property, and abandoned property on public property within the City; and

WHEREAS, the City Council finds that such conditions may interfere with pedestrian and vehicular safety, obstruct access to public spaces and facilities, impair accessibility, interfere with governmental operations, contribute to sanitation concerns and fire hazards, and negatively affect the intended use and enjoyment of public property; and

WHEREAS, the City Council further finds that public streets, sidewalks, rights-of-way, parks, libraries, civic campuses, public buildings, and other public facilities are intended for lawful public use and accessibility and are not intended to function as locations for unsafe roadway occupancy, obstruction of pedestrian passageways, storage of unattended personal property, or abandoned property; and

WHEREAS, the City Council finds that the regulations adopted herein are content-neutral, directed toward conduct rather than status, viewpoint, or protected expression, and intended to regulate the safe, orderly, and lawful use of public property while preserving constitutionally protected speech, expression, assembly, travel, and other protected activity; and

WHEREAS, the City Council further finds that the regulations adopted herein include objective standards, reasonable enforcement procedures, and property-handling procedures intended to guide enforcement, reduce arbitrary or inconsistent application, preserve constitutional protections, and promote public safety and accessibility; and

WHEREAS, the City Council recognizes and respects constitutional protections relating to speech, expression, assembly, due process, equal protection, property rights, and unreasonable searches or seizures, and intends that this ordinance be construed and enforced in a manner consistent with federal and state law.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LEAGUE CITY, TEXAS, as follows:

Section 1. The foregoing recitals are hereby found to be true and correct, adopted as findings of fact, and incorporated into this Ordinance as if fully set forth herein.

Section 2. Chapter 56, entitled “Healthy Spaces,” of the Code of Ordinances of the City of League City, Texas, is hereby amended as follows:

(a) Article I – General Provisions is hereby amended as set forth in Exhibit “A,” attached hereto and incorporated herein for all purposes, including the addition of subsections to Sec. 56-1 Purpose and Intent, the addition of definitions and the reorganization of Sec. 56-2 Definitions, and the addition of a new chapter-wide penalty provision in Sec. 56-3;

(b) Sec. 56-21 of Article II – Camping in Private and Public Spaces is hereby repealed and reserved, and Secs. 56-22—56-31 shall remain reserved;

(c) Article III – Pedestrian Safety and Public Passageways is added as set forth in Exhibit “A”; and

(d) Article IV – Public Property Maintenance and Abandoned Property is added as set forth in Exhibit “A.”

Except as specifically amended herein, all remaining provisions of Chapter 56 shall remain unchanged and in full force and effect.

Section 3. Savings. All rights and remedies which have accrued in favor of the City under this Ordinance and amendments thereto shall be and are preserved for the benefit of the City.

Section 4. Severability. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid, unconstitutional or otherwise unenforceable by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and

independent provision and such holding shall not affect the validity of the remaining portions thereof.

Section 5. Repealer. All ordinances and parts of ordinances in conflict herewith are hereby repealed but only to the extent of such conflict.

Section 6. Codification. It is the intent of the City Council of the City of League City, Texas, that the provisions of this Ordinance shall be codified in the City's official Code of Ordinances as provided hereinabove.

Section 7. Publication and Effective Date. The City Secretary shall cause this Ordinance, or its caption, to be published in the official newspaper of the City of League City as required by the Charter of the City and applicable law. This Ordinance shall become effective upon publication.

PASSED first reading the ____ day of _____, 2026.

PASSED AND ADOPTED the ____ day of _____, 2026.

NICK LONG
Mayor

ATTEST:

DIANA M. STAPP
City Secretary

APPROVED AS TO FORM:

MICHELLE L. VILLARREAL
City Attorney (mv)

EXHIBIT A

ARTICLE I – GENERAL PROVISIONS

Sec. 56-1. Purpose and intent.

(d) The regulations adopted under this chapter are not intended to regulate constitutionally protected speech, expression, assembly, status, or other protected activity, nor are they intended to prohibit ordinary recreational, pedestrian, social, commercial, expressive, or transient use of property otherwise permitted by law.

(e) This chapter shall be construed and enforced in a manner consistent with applicable federal and state constitutional protections, including protections relating to speech, expression, due process, property rights, equal protection, and unreasonable searches or seizures.

Sec. 56-2. Definitions.

For purposes of this chapter, the following words and phrases shall have the meanings assigned to them below:

(a) Authorization means written permission granted by a property owner, lawful occupant, governmental entity, or authorized agent permitting camping on property for a specified duration or purpose.

(b) Camp or camping means using property for sleeping, sheltering, or temporary stay in a manner reasonably associated with habitation or the establishment of a living accommodation, including sleeping in, on, or under any structure, vehicle, outdoor area, covered area, patio, alcove, breezeway, or similar space.

(c) Discarded refuse means trash, garbage, spoiled food, contaminated materials, or similar waste reasonably appearing to have been discarded or abandoned and having no apparent utility or recoverable condition.

(d) Governmental entity means any governmental agency, department, political subdivision, public authority, or other governmental body having legal authority over public property.

(e) Hazardous material means any substance, material, item, or condition that presents an immediate or substantial risk to public health or safety, including flammable materials, biohazardous waste, contaminated sharps, hazardous chemicals, or other dangerous substances regulated by applicable law.

(f) Intersection means the area embraced within the prolongation or connection of the lateral curb lines or roadway boundary lines of two or more roadways that join one another.

(g) Median means a raised, paved, marked, or designated area separating opposing directions of vehicular travel.

(h) Pedestrian passageway means a sidewalk, walkway, entrance, exit, access route, or other area intended for pedestrian travel or public access.

(i) Private property means property that is not public property.

(j) Public passageway means any public street, sidewalk, alley, right-of-way, crosswalk, walkway, pedestrian passageway, or other area open to public travel or access.

(k) Public place or public property means any public street, sidewalk, right-of-way, park, public building, publicly owned property, or other property owned, leased, maintained, or controlled by a governmental entity and open to or used by the public.

(l) Roadway means that portion of a street or highway improved, designed, or ordinarily used for vehicular travel, exclusive of the berm or shoulder.

(m) Traffic-control area means an intersection, marked crosswalk, median, traffic island, traffic-separation area, or other area used to regulate or channel vehicular or pedestrian traffic.

(n) Traffic-separation area means a paved, marked, striped, landscaped, or designated area separating opposing directions of vehicular travel where no raised or designated median exists.

(o) Vehicle means every device by which a person or property may be transported or drawn upon a roadway, excluding devices moved exclusively by human power and devices used exclusively on stationary rails or tracks.

Sec. 56-3. Penalty.

(a) A person who violates any provision of this chapter commits a misdemeanor offense punishable in accordance with Section 1-5 of this Code.

(b) Each day a violation continues shall constitute a separate offense.

(c) Nothing in this section limits the city's authority to pursue any remedy authorized by this Code or applicable law.

Secs. 56-4—56-12. Reserved.

ARTICLE III – PEDESTRIAN SAFETY AND PUBLIC PASSAGEWAYS

Sec. 56-32. Pedestrian interference with traffic and unsafe roadway occupancy.

(a) A person commits an offense if the person intentionally or knowingly:

- (1) physically interacts with the occupant of a vehicle from within a roadway, traffic lane, median, intersection, or traffic-control area in a manner that interferes with the reasonably safe or orderly movement of pedestrians or vehicles;
- (2) causes a vehicle operator to stop, delay, impede, or alter the normal movement of traffic outside ordinary traffic conditions;
- (3) enters or remains within a roadway, traffic lane, median, intersection, or traffic-control area, other than for lawful crossing, in a manner that creates a condition interfering with the reasonably safe or orderly movement of pedestrians or vehicles;
- (4) approaches or engages with the occupant of a vehicle in a manner requiring or reasonably likely to require evasive action by a pedestrian or vehicle operator to avoid unsafe conditions;
- (5) sits, stands, remains, or lingers on a median that measures six feet or less in width, such areas being deemed insufficient for safe pedestrian refuge adjacent to moving traffic; or

- (6) sits, stands, walks, remains, or lingers within traffic-separation area.
- (b) This section does not apply if the person:
 - (1) is lawfully crossing a roadway using a reasonably direct and lawful route;
 - (2) is the victim of or rendering aid in an emergency situation or acting in compliance with the directions of a peace officer;
 - (3) is performing authorized construction, maintenance, utility, emergency, governmental, or right-of-way work in accordance with a permit or authorization issued under applicable law;
 - (4) is participating in a lawful parade, demonstration, or event conducted pursuant to a permit or other lawful authorization; or
 - (5) is otherwise authorized by law.

Sec. 56-33. Unsafe or Obstructive Conduct in Sensitive Pedestrian Areas.

- (a) A person commits an offense if the person intentionally or knowingly:
 - (1) obstructs, impedes, interferes with, or creates a condition that interferes with the reasonably safe or orderly movement of pedestrians within the following locations or within 20 feet thereof:
 - (i) an automated teller machine;
 - (ii) the entrance or exit of a bank, financial institution, or check-cashing business;
 - (iii) the entrance or exit of a restaurant or the service area of an outdoor eating establishment;
 - (iv) a bus, bus stop, passenger loading zone, transit station, transportation facility, or school bus stop;
 - (v) the entrance or exit of a commercial building or governmental building;
 - (vi) an area designated for a permitted public event or authorized activity;
 - (vii) a public restroom facility; or
 - (viii) an area where pedestrian queuing, ingress, or egress would be materially impaired;
 - (2) engages in physically threatening, intimidating, coercive, or obstructive conduct toward another person in a public place, including:
 - (i) intentionally touching another person without consent;
 - (ii) physically blocking or interfering with the free passage of a pedestrian;
 - (iii) following a person in a manner reasonably likely to cause fear for personal safety;
 - (iv) using threatening gestures creating a reasonable fear of imminent bodily harm; or
 - (v) physically crowding, cornering, or surrounding another person so as to impede free movement;
 - (3) obstructs or interferes with student or pedestrian ingress or egress within 50 feet of property used for public educational purposes during operational hours or school-related activities, or within 50 feet of a public library during operational hours.
- (b) For purposes of this section, measurement shall be made in a straight line, without regard to intervening structures or objects, from the nearest point at which the conduct occurs to the nearest portion of the protected area listed in subsection (a).
- (c) This section does not prohibit peaceful and non-obstructive presence, lawful pedestrian travel, or constitutionally protected expressive activity conducted in a manner that does not interfere with the reasonably safe or orderly movement of pedestrians in areas designated for that expression.

Secs. 56-34—56-43. Reserved.

ARTICLE IV – PUBLIC PROPERTY MAINTENANCE AND ABANDONED PROPERTY

Sec. 56-44. Abandoned property and storage of personal property on public property.

(a) A person may not place, maintain, stage, abandon, store, or leave unattended personal property on public property in a manner that interferes with or is reasonably likely to interfere with public access, pedestrian movement, governmental operations, maintenance activities, safety, sanitation, or the lawful use and enjoyment of public property, or that reasonably appears intended for non-incident storage or extended occupancy.

(b) Factors that may be considered in determining whether property is being placed, maintained, stored, abandoned, or left unattended in violation of this section include:

- (1) the quantity or accumulation of property;
- (2) the duration, frequency, or recurring nature of the property remaining unattended or maintained in the same location;
- (3) whether the property is placed in carts, containers, bundles, pallets, encampment-style configurations, or similar groupings;
- (4) whether the property interferes with access to or use of public facilities or surrounding areas;
- (5) whether the property materially detracts from the ordinary use, accessibility, or enjoyment of the surrounding public facility or area; or
- (6) whether the property reasonably appears to be maintained for extended occupancy, habitation, or long-term storage rather than temporary or incidental use associated with ordinary public activity.

(c) This section does not prohibit:

- (1) temporary or incidental possession of personal property associated with lawful use of public property, including but not limited to backpacks, purses, briefcases, strollers, bicycles (if parked in designated location), recreational equipment or picnic supplies;
- (2) property authorized by permit, city policy, or written authorization from the city; or
- (3) lawful governmental, recreational, civic, commercial, expressive, or permitted activity.

(d) Property that is abandoned, unlawfully present, maintained in violation of this section, or constituting a public nuisance on public property may be removed and impounded by a peace officer if the property:

- (1) obstructs or interferes with pedestrian or vehicular access or the lawful use of public property;
- (2) creates a sanitation concern, fire hazard, or condition affecting public health or safety;
- (3) interferes with maintenance activities, emergency access, governmental operations, or public accessibility; or
- (4) reasonably appears to have been discarded, abandoned, unlawfully stored, or left without lawful authorization.

(e) When reasonably practicable under the circumstances, a peace officer shall provide an opportunity for the owner or person in apparent control of the property to remove the property before impoundment.

(f) Property removed under this section may be taken to a city impound facility or other designated storage location and shall be retained, redeemed, released, or disposed of in accordance with Chapter 58, Division 3 of this Code and other applicable law.

(g) Reasonable efforts shall be made to preserve and allow retrieval of personal property that is not contraband, evidence, hazardous material, contaminated material, perishable waste, or clearly discarded refuse.

(h) This section does not require storage or preservation of property reasonably determined to consist solely of

discarded refuse, contaminated materials, perishable waste, hazardous materials, spoiled food, or other items having no apparent utility, identification, or recoverable condition.

(i) Nothing in this section prohibits the immediate removal of property that:

- (1) creates an imminent threat to public health or safety;
- (2) materially obstructs emergency access, pedestrian access, vehicular traffic, or the lawful use of public property; or
- (3) constitutes hazardous material, contaminated material, perishable waste, or clearly discarded refuse.

(j) For purposes of this section:

- (1) unattended property does not constitute abandoned property solely because the owner is temporarily absent; and
- (2) no single factor is determinative of whether property is being placed, maintained, stored, abandoned, or left unattended in violation of this section, and all relevant circumstances may be considered.

(k) This section shall be enforced in a manner consistent with applicable federal and state constitutional protections, including protections relating to property rights, due process, and unreasonable searches or seizures.

Secs. 56-45—56-54. Reserved.