

ORDINANCE NO. 2026-

AN ORDINANCE OF THE CITY OF LEAGUE CITY, TEXAS, ESTABLISHING CHAPTER 56, ENTITLED "HEALTHY SPACES," OF THE CODE OF ORDINANCES, THAT ADOPTS REGULATIONS RELATED TO CAMPING ON PUBLIC AND PRIVATE 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 United States Supreme Court has recognized that governmental entities may adopt and enforce generally applicable regulations governing camping and the use of public property in order to protect public health, safety, welfare, sanitation, accessibility, and the intended use of public spaces, provided such regulations govern conduct rather than status; and

WHEREAS, the Texas Legislature adopted Section 48.05 of the Texas Penal Code, which prohibits camping in a public place without the effective consent of the governmental entity having authority over the property, subject only to limited exceptions authorized by state law; and

WHEREAS, the Texas Legislature has further authorized and empowered local governments, including the City, to adopt additional regulations governing camping, habitation, sheltering, lodging, and the use of public and private property, so long as such regulations are not inconsistent with state law; and

WHEREAS, the City Council has received numerous complaints from members of the community regarding increases in camping, habitation, and sheltering activities and is concerned about the effects such activities may have on public health, safety, sanitation, accessibility, property rights, and the security of residents and businesses within the City; and

WHEREAS, the City Council finds that unauthorized use of public and private property for habitation, lodging, sheltering, overnight occupancy, or camping purposes may create conditions that threaten public health and safety, interfere with the lawful use and enjoyment of property, obstruct access to public and private spaces, contribute to sanitation concerns or fire hazards, and otherwise negatively affect surrounding properties and public spaces; and

WHEREAS, the City Council finds that regulations adopted herein are necessary to address conduct and conditions affecting public health, safety, sanitation, accessibility, security, and the lawful use and enjoyment of property, and are not intended to prohibit ordinary recreational, pedestrian, expressive, commercial, social, or transient use of property otherwise permitted by law; and

WHEREAS, the City Council finds that the regulations adopted herein include objective

standards and evidentiary factors intended to guide enforcement, reduce arbitrary or inconsistent application, and distinguish ordinary transient presence from conduct reasonably associated with habitation, lodging, sheltering, or other unauthorized occupation of property; and

WHEREAS, the City Council recognizes and respects constitutionally protected rights, including rights relating to speech, expression, assembly, religion, travel, association, and privacy, and finds that this ordinance is intended to be content-neutral, narrowly tailored to advance significant governmental interests, and applied in a manner consistent with federal and state constitutional protections.

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 established as set forth in Exhibit A, attached hereto and incorporated herein for all purposes.

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.

Section 7. Penalty. A person who violates any provision of Chapter 56 of the Code of Ordinances, as adopted herein, commits a misdemeanor offense punishable in accordance with Section 1-5 of the Code of Ordinances of the City of League City, Texas. Each day a

violation continues shall constitute a separate offense.

Section 8. 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 take effect upon publication.

Section 9. Open Meetings. It is officially found and determined that the meeting at which this Ordinance was adopted was open to the public and that public notice of the time, place, and subject matter of the meeting was given as required by the Texas Open Meetings Act, Chapter 551, Texas Government Code.

PASSED first reading the ____ day of _____, 2026.

PASSED AND ADOPTED the ____ day of _____, 2025.

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.

- (a) The purpose of this chapter is to protect public health, safety, sanitation, accessibility, and the lawful use and enjoyment of public and private property.
- (b) The city council finds that certain conduct occurring in public and private spaces may create conditions that threaten public health or safety, interfere with the use of property, obstruct access, contribute to sanitation concerns or fire hazards, or otherwise negatively affect surrounding properties and public spaces.
- (c) The city council further finds that regulations adopted under this chapter are intended to address conduct and conditions affecting public health, safety, sanitation, accessibility, and the lawful use of property, and are not intended to prohibit ordinary recreational, pedestrian, expressive, or transient use of property otherwise permitted by law.

Sec. 56-2. Definitions.

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

- (a) 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.
- (b) Governmental entity means any governmental agency, department, political subdivision, public authority, or other governmental body having legal authority over public property.
- (c) Private property means property that is not public property.
- (d) 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.
- (e) 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.

Secs. 56-3—56-12. Reserved.

ARTICLE II – CAMPING IN PRIVATE AND PUBLIC SPACES

Sec. 56-13. Camping on private property.

- (a) A person commits an offense if the person intentionally or knowingly engages in camping on private property without authorization.

(b) A person who is camping on private property shall, upon request by a peace officer, produce written authorization.

Sec. 56-14. Authorization requirements.

Authorization for camping must:

- (1) be in writing;
- (2) identify the property to which it applies;
- (3) identify:
 - a. the property owner, lawful occupant, or authorized agent for private property; or
 - b. the governmental entity or authorized official granting permission for public property;
- (4) include contact information sufficient to allow reasonable verification by a peace officer; and
- (5) identify the duration or dates for which permission has been granted.

Sec. 56-15. Camping on public property.

(a) A person commits an offense if the person intentionally or knowingly camps in a public place except as expressly authorized under Sec. 56-16.

Sec. 56-16. Authorization limitations for camping on public property.

- (a) Authorization for camping on public property is valid only if:
 - (1) the authorization complies with Sec. 56-14;
 - (2) the authorization is issued in writing by a governmental entity through an official or designee authorized to approve such use; and
 - (3) the authorization permits camping for:
 - a. recreational camping occurring within a campground, recreational vehicle park, or other area expressly designated or permitted for camping or overnight recreational use;
 - b. purposes authorized by applicable law, governmental program, permit, or governmental plan;or
 - c. emergency shelter during a declared local, state, or federal disaster.
- (b) Authorization, consent, acquiescence, or permission granted for any other purpose is ineffective under this article.

Sec. 56-17. Evidence of camping.

- (a) Whether conduct constitutes camping under this article shall be determined based on the totality of the circumstances and objective indicators reasonably associated with habitation, lodging, or the use of property for sleeping or sheltering purposes. No single factor is required to establish evidence of camping.
- (b) Evidence of camping may include, but is not limited to:
 - (1) sleeping or engaging in conduct reasonably indicating an intent to remain for sleeping or habitation purposes;

- (2) repeated overnight use of property for sleeping or sheltering purposes may be considered evidence reasonably associated with habitation.
- (3) using bedding, blankets, cardboard, sleeping bags, bedrolls, tarps, or similar materials associated with sleeping or sheltering;
- (4) storing personal belongings in a manner reasonably associated with habitation or overnight occupancy;
- (5) making a fire or cooking;
- (6) digging or preparing an area for sleeping or sheltering; or
- (7) using a structure, vehicle, outdoor area, covered area, patio, alcove, breezeway, or similar space as a place for sleeping, sheltering, lodging, habitation, or temporary stay reasonably associated with living accommodation.

Sec. 56-18. False authorization.

A person commits an offense if the person knowingly presents or uses a false, forged, or materially misleading authorization for the purpose of complying with this article.

Sec. 56-19. Exceptions to Private Camping Restrictions.

This article does not apply to:

- (1) camping authorized by the property owner or lawful occupant of the property, including temporary recreational camping occurring on residential property;
- (2) camping occurring within a campground, recreational vehicle park, or other area expressly designated or permitted for camping or overnight recreational use;
- (3) temporary shelter established or used in response to a declared local, state, or federal disaster, including emergency evacuation, displacement, or recovery efforts; or
- (4) any activity otherwise expressly authorized by federal, state, or local law.

Sec. 56-20. Enforcement procedures.

- (a) Before issuance of a citation under this article, a peace officer shall:
 - (1) provide an opportunity to vacate the property;
 - (2) advise the person of an alternative place where the person may lawfully camp, if known and reasonably practicable; and
 - (3) provide information regarding available services or shelter resources, when reasonable and appropriate.
- (b) Subsection (a) does not apply if the peace officer determines there is an imminent threat to the health or safety of any person such that compliance with subsection (a) is impracticable.
- (c) A peace officer enforcing this article shall make reasonable efforts to allow a person to remove personal property that is not contraband before the property is removed.
- (d) If a person is arrested or detained solely for an offense involving camping on public property under this article, and personal property is removed or impounded by the city, a fee may not be charged for the storage or release of the property.

Sec. 56-21. Penalty.

A person who violates any provision article commits a misdemeanor offense punishable in accordance with Section 1-5 of the Code of Ordinances of the City of League City, Texas. Each day a violation continues shall constitute a separate offense.

Secs. 56-22—56-31. Reserved.