

ORDINANCE NO. 2025-XX-____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AMENDING THE CODE OF ORDINANCES OF THE CITY OF MCKINNEY, TEXAS, BY AMENDING CHAPTER 74, "PARKS AND RECREATION," BY DELETING THE CAMPING REGULATIONS CONTAINED THEREIN; AMENDING CHAPTER 70, "OFFENSES AND MISCELLANEOUS PROVISIONS," BY ADDING A NEW ARTICLE XI, ENTITLED "CAMPING," TO PROHIBIT CAMPING IN PARKS OR PUBLIC AREAS OTHER THAN DESIGNATED CAMPSITES IN ERWIN PARK; PROVIDING A PENALTY; PROVIDING FOR THE REPEAL OF CONFLICTING ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, the City of McKinney, Texas (the "City") is a Home Rule City possessing the full power of local self-government pursuant to Article 11, Section 5 of the Texas Constitution, Section 51.072 of the Texas Local Government Code, and the City's Home Rule Charter; and

WHEREAS, on or about May 7, 2019, the City Council of the City of McKinney ("City Council") adopted regulations that generally prohibited camping in parks and other public areas within the City's corporate limits except for designated campsites located in Erwin Park; and

WHEREAS, the City Council seeks to clarify and strengthen the existing camping regulations contained in the City's Code of Ordinances, in accordance with the U.S. Supreme Court ruling in *City of Grants Pass v. Johnson*; 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 MCKINNEY, TEXAS, THAT:

Section 1. All of the above premises are found to be true and correct legislative determinations and are hereby incorporated into the body of this Ordinance as if copied in their entirety.

Section 2. From and after the effective date of this Ordinance, Chapter 74, "Parks and Recreation," of the Code of Ordinances of the City of McKinney, Texas, is hereby amended by repealing Section 74-80, "Camping in Parks or Public Areas Other Than Designated Campsites in Erwin Park Prohibited" in its entirety.

Section 3. From and after the effective date of this Ordinance, Chapter 70, "Offenses and Miscellaneous Provisions," of the Code of Ordinances of the City of

McKinney, Texas, is hereby amended by adding a new Article XI, entitled "Camping" to hereafter read as follows:

"ARTICLE XI. – CAMPING

Sec. 70-240. - Definitions.

- (a) *Camp* means the use of a park or public area for living accommodation purposes including:
 - i. Storing personal belongings;
 - ii. Making a camp fire;
 - iii. Using a tent or shelter or other structure or vehicle for a living accommodation;
 - iv. Carrying on cooking activities;
 - v. Digging or earth breaking activities; or
 - vi. Parking overnight on a public right-of-way or city-owned parking lot.
- (b) *Department* means the City of McKinney Parks & Recreation Department.
- (c) *Owner* means any person or entity shown as the property owner on the latest property tax assessment rolls or any person having or claiming to have any legal or equitable interest in the property, including any agent who is responsible for managing, leasing or operating the property.
- (d) *Park* or *parks* means any city-controlled parkland and recreation centers as well as any other parkland owned and controlled by the city for park uses or purposes.
- (e) *Parking overnight* means the stopping, standing, or parking of an attended motor vehicle, camper, or recreational vehicle between the hours of 7:00 p.m. and 7:00 a.m.
- (f) *Person* means any individual, firm, partnership, association, business, corporation or other entity.
- (g) *Public area* means an 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 court yards of an elementary school, secondary school, college, hospital, apartment building, office building, transport facility, business, or city-owned building or facility.

- (h) *Residential district* means any district classified by the city's zoning regulations contained in Article 2 of the City's Unified Development Code, as amended, as containing residential homes, apartments or condominiums.

Sec. 70-241. - Camping Prohibited.

- (a) Unless explicitly permitted under Section 70-242, a person commits an offense if the person camps in a park or public area.
- (b) A person is camping if the person engages in any of the activities listed in Sec. 70-240(a) if it reasonably appears, based on the totality of the circumstances, that the person conducting the activity is using a public area or park for living accommodation purposes, regardless of the person's intent or engagement in other activities.

Sec. 70-242. - Exception.

- (a) A person may camp in an area designated by the Department as a camping area in Erwin Park, subject to the park regulations then in effect.
- (b) A person may camp in an outdoor area located in a residential district otherwise defined as a public area if that person is the property owner of said outdoor area.

Sec. 70-243. - Obligations of Owner.

- (a) It shall be an offense for an Owner to intentionally or knowingly allow one or more persons to camp on said Owner's property in violation of this Article.
- (b) For purposes of this Section, an owner shall be deemed to have the requisite intent or knowledge upon written notice by the City to Owner of said unlawful camping and Owner's failure to abate said violation within twenty-four (24) hours.
- (c) Nothing herein shall relieve Owner from its obligations to comply with all other regulations related to camping contained elsewhere in the City's Code of Ordinances, as amended."

Section 4. Any person, firm or corporation violating or failing to comply with any of the provisions of this Ordinance shall be subject to the penalty provisions set

forth in Section 1-18 of the City's Code of Ordinances; and each and every day such violation or failure to comply shall continue shall be deemed to constitute a separate offense.

Section 5. This Ordinance shall be cumulative of all other ordinances of the City and shall not repeal any of the provisions of said ordinances except in those instances where provisions of those ordinances are in direct conflict with the provisions of this Ordinance and such ordinances shall remain intact and are hereby ratified, verified and affirmed.

Section 6. If any section, article, paragraph, sentence, clause, phrase or word in this Ordinance, or application thereof to any person or circumstance, is held invalid or unconstitutional by a court of competent jurisdiction, such holding shall not affect the validity of the remaining portions of the Ordinance, and the City Council hereby declares it would have passed such remaining of the Ordinance despite such invalidity, which remaining portions shall remain in full force and effect.

Section 7. The Caption of this ordinance shall be published one (1) time in a newspaper having general circulation in the City of McKinney, Texas and shall be effective immediately upon its passage and publication.

PASSED, APPROVED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, ON THIS ____ DAY OF _____, 2025.

CITY OF MCKINNEY, TEXAS

BILL COX, Mayor

ATTEST:

EMPRESS DRANE, City Secretary
TENITRUS PARCHMAN, Deputy City Secretary

APPROVED AS TO FORM:

MARK S. HOUSER, City Attorney

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