

Ordinance No. 2024-06
Village of Salado
County of Bell
June 20, 2024

ORDINANCE NO. 2024-06

AN ORDINANCE OF THE VILLAGE OF SALADO, TEXAS, PROVIDING FOR REGULATIONS TO AND CONCERNING CAMPING, AND PROVIDING FINDINGS OF FACT; EFFECTIVE DATE; REPEALER; SEVERABILITY CLAUSE; AND PROPER NOTICE AND MEETING.

WHEREAS, pursuant to Texas Local Government Code § 51.032, the Board of Aldermen (the “Board”) of the Village of Salado, Texas (the “Village”) is authorized by law to adopt an ordinance, not inconsistent with state law, that it considers proper for the government of the Village and is necessary or proper for carrying out a power granted by law to the Village; and

WHEREAS, the Village seeks to provide for the health, safety, and welfare of its citizens; and

WHEREAS, unauthorized camping is frequently the cause of public health nuisances, including the improper disposal of human excreta, wastewater, and garbage, as defined by Section 34.011 of the Texas Health and Safety Code; and

WHEREAS, unauthorized camping may provide harborage to rodents and other disease-carrying pests which may be innately harmful to people and property; and

WHEREAS, unauthorized camping creates a fire hazard to structures, parks, and nearby properties; and

WHEREAS, unauthorized camping may diminish property values and the appearance of a neighborhood, diminishing any incentive for others in the neighborhood to maintain their own property, thus creating a self-perpetuating cycle; and

WHEREAS, unauthorized camping is prohibited under state law as described in Texas Penal Code section 48.05; and

WHEREAS, the Board of Aldermen (the “Board”) of the Village has determined that it is in the best interest of the citizens of the Village to have the ability to regulate unauthorized camping within the Village; and

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE VILLAGE OF SALADO, TEXAS:

SECTION I. ENACTMENT PROVISIONS

- A. Findings of Fact:** All of the above premises are hereby found to be true and correct legislative and factual findings of the Village of Salado and are hereby approved and incorporated into the body of this ordinance as if copied in their entirety.
- B. Popular Name:** This Ordinance shall be commonly referred to as “The Unauthorized Camping Ordinance.”
- C. Scope:** This Ordinance, and the rules and regulations adopted herein, shall apply generally within the Village limits.
- D. Effective Date:** This Ordinance shall take effect immediately upon passage and publication.

SECTION II. ADOPTION

Ordinance No. 2024-06 is hereby adopted as follows:

1. Terms defined. In this section these terms have the following definitions:

AUTHORIZATION. Express written permission given by the property owner or the owner’s agent, or in the case of property owned by the Village, written permission given by the Village Administrator..

CAMP. To reside or dwell temporarily in a place, using Transitory Shelter.

GOVERNMENTAL ENTITY. A political subdivision of the state, including, but not limited to, a municipality, county, unit of state government, public school district, junior college district or special purpose district.

NON-RESIDENTIAL. Any property or area within the territorial limits of the Village that is not included in a Residential District as defined in the Zoning Ordinance or that is used as a commercial, municipal, park, or industrial use.

PRIVATE PROPERTY. Property or an area that is owned by a non-governmental entity or individual.

RESIDENTIAL. Any property or area within the territorial limits of the Village that is located in a Residential District as defined in the Zoning Ordinance, including vacant residentially-zoned lots.

RESIDE OR DWELL. Without limitation, eating, sleeping, or the storage of personal possessions.

TRANSITORY SHELTER. Without limitation, any tent, tarpaulin, lean-to, sleeping bag, bedroll, blankets, or any form of cover or protection from the elements other than clothing.

2. Prohibition. It shall be unlawful for any person to camp upon any:
 - (1) residential or non-residential private property without possessing authorization of the property owner or the owner's agent; or
 - (2) property owned by the Village of Salado, including Village parks, without possessing authorization of the Village Administrator.
3. Defenses. It is an affirmative defense to prosecution that a person charged with violation of this section owns the property or has permission to camp upon it.
4. Penalty. Any person violating the provisions of this section shall be guilty of a misdemeanor and shall be punished by a fine not to exceed \$500.
5. Any property on which camping occurs shall be subject to all other ordinances of the Village of Salado, including those related to zoning and health and safety.

SECTION III. SAVINGS CLAUSE

The repeal of any ordinance or part of ordinances effectuated by the enactment of this ordinance shall not be construed as abandoning any action now pending under or by virtue of such ordinance or as discontinuing, abating, modifying, or altering any penalty accruing or to accrue, or as affecting any rights of the Village under any section or provisions of any ordinances at the time of passage of this ordinance.

SECTION IV. SEVERABILITY CLAUSE

If any provision, section, sentence, clause or phrase of this Ordinance, or the application of the same to any person or set of circumstances is for any reason held to be unconstitutional, void, invalid, or unenforceable, the validity of the remaining portions of this Ordinance or its application to other persons or sets of circumstances shall not be affected thereby, it being the intent of the Board of Aldermen of the Village of Salado in adopting, and of the Mayor in approving this Ordinance, that no portion thereof or provision or regulation contained herein shall be come inoperative or fail by reason of any unconstitutionality or invalidity of any portion, provision or regulation.

SECTION V. REPEALER CLAUSE

The provisions of this ordinance shall be cumulative of all other ordinances or parts of ordinances governing or regulating the same subject matter as that covered herein, provided, however, that all prior ordinances or parts of ordinances inconsistent or in conflict with any of the provisions of this ordinance are hereby expressly repealed to the extent that such inconsistency is

apparent. This Ordinance shall not be construed to require or allow any act which is prohibited by any other Ordinance.

SECTION VI. EFFECTIVE DATE

This Ordinance shall take effect immediately from and after its passage and publication as may be required by governing law.

SECTION VII. NOTICE AND MEETING CLAUSE

It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public and that public notice of the time, place, and purpose of said meeting was given as required by the Texas Open Meetings Act, Chapter 551 of the Texas Government Code.

SECTION VIII. PUBLICATION

This Ordinance shall become effective immediately upon the date of its publication as required by Section 52.011 of the Texas Local Government Code. The Village Secretary is hereby directed to cause the caption of this Ordinance to be published in the manner required by law.

PASSED AND APPROVED on SECOND READING this, the 20 day of June 2024, by a vote of 3 (ayes) to 0 (nays) and 0 abstentions vote of the Board of Aldermen of the Village of Salado, Texas.


Bert Henry, Mayor

ATTEST:


Debra Bean, Village Secretary

Approved to Form:

Josh Katz, Village Attorney