

ORDINANCE NO. 1397.19

AN ORDINANCE OF THE COUNCIL OF THE CITY OF CASA GRANDE, ARIZONA, ADOPTING NEW CHAPTER 12.08 OF THE CASA GRANDE MUNICIPAL CODE REGARDING URBAN CAMPING AND STORAGE OF PERSONAL BELONGINGS; ESTABLISHING THE SEVERABILITY OF THE PROVISIONS OF THE ORDINANCE; ESTABLISHING A PENALTY FOR VIOLATIONS THEREOF; AND ESTABLISHING AN EFFECTIVE DATE

WHEREAS, the City of Casa Grande maintains its buildings, parks, rights-of-way, alleys, and other public property for the general use and enjoyment of all citizens; and

WHEREAS, the City has seen an increase in persons camping and establishing living accommodations on its rights-of-way, which impedes pedestrian travel and safety; within its parks and ramadas, which limits the availability and willingness of families to use the parks and their amenities as intended; and on and adjacent to its public buildings and property, resulting in citizen complaints as well as interfering with the safety of its employees, both due to personal belongings impeding access to areas, as well as with those camping approaching and accosting employees; and

WHEREAS, as a result of camping activities on public property, the City has received numerous complaints regarding, and City employees have seen and been forced to cleaned up human waste, debris, needles and other drug-related paraphernalia in the City's parks and rights-of-way, which creates a safety hazard for the City's employees and users of the City's facilities; and

WHEREAS, the City wishes to restrict urban camping in order to improve the public health, preserve the parks and other public property for the enjoyment, safety, comfort and convenience of the public, and to maintain a healthy and natural environment, as well as ensure the streets and public areas are readily safe, accessible, and available to the residents and public at large; and

WHEREAS, the Mayor and Council of the City of Casa Grande, in order to provide safe and sanitary public spaces, find that adoption of an urban camping ordinance, is in the best interest of the City and the citizens of Casa Grande.

NOW, THEREFORE, BE IT ORDAINED, by the Council of the City of Casa Grande, Arizona, as follows:

SECTION 1. Adoption of New Chapter 12.08

Title 12 of the Casa Grande Municipal Code is hereby amended by adding new Chapter 12.08, entitled "Camping and Use of Public Property" to read in its entirety as follows:

12.08.010 - Purpose.

The Mayor and Council of the City of Casa Grande, Arizona declare that the purpose of this section is to protect and improve the public health, preserve the parks and other public property for the enjoyment, safety, comfort and convenience of the public, and maintain a healthy and natural environment. The streets and public areas within the City should be readily accessible and available to residents and the public at large. The use of public areas for camping purposes or storage of personal property interferes with the rights of others to use public areas for which they were intended. Such activity can constitute a public health and safety hazard which adversely impacts neighborhoods and commercial areas. Nothing in this section is intended to interfere with otherwise lawful and ordinary uses of public or private property.

12.08.020 - Definitions.

For purposes of this chapter, the following terms, phrases, words and their derivations shall have the meaning given in this section:

"CAMP" or "CAMPING" means using real property in the City of Casa Grande for living accommodation purposes on a temporary or permanent basis, regardless of the intent of the participants or the nature of any other activities in which they may also be engaging, when under the circumstances it reasonably appears that the participants are using the area for living accommodation purposes. Living accommodation purposes includes, but is not limited to, activities such as:

- (a) Using a tent, shelter, trailer, camper, tarp, box, or other structure for sleeping or to establish an area with a sense of permanence or semi-permanence indicating a stay longer than temporary resting;
- (b) Making preparations to sleep, which includes the laying down of bedding for the purpose of sleeping;
- (c) Storing personal belongings;
- (d) Making any fire, other than a fire made in a fire pit or barbecue pit provided by the City for such use which uses traditional fire-starting methods and materials such, as and including wood and charcoal;
- (e) Carrying on cooking activities, other than in a fire pit or barbecue pit provided by the City for such use;
- (f) Doing any digging or earth breaking.

“CAMP FACILITIES” include, but are not limited to, tents, huts, lean to's, tarps, cardboard boxes or structures, vehicle camping outfits, or temporary shelter.

“CAMP PARAPHERNALIA” includes, but is not limited to, materials intended to be used as beds or bedding, blankets, bedrolls, tarpaulins, cots, beds, sleeping bags, hammocks or cooking facilities and similar equipment.

“CHILDCARE FACILITY” has the meaning provided in A.R.S. § [36-881\(3\)](#).

“ESTABLISH” means setting up or moving equipment, supplies or materials on to public or private property to camp or operate camp facilities.

“MAINTAIN” means keeping or permitting equipment, supplies or materials to remain on public or private property in order to camp or operate camp facilities.

“OPERATE” means participating or assisting in establishing or maintaining a camp or camp facility.

“PUBLIC PROPERTY” means any property owned or controlled by the City of Casa Grande which includes by way of example but is not limited to any: park, playground, splash pad, restroom, street, sidewalk, right-of-way, highway, alley way, bike path, preserve, open space, mountain park, wash, or land whether improved or unimproved, attraction, structure, facility, or parking lot.

“SCHOOL” means any public, charter, or private school where children attend classes in kindergarten programs or grades one through 12.

“SHELTER” means a facility or outdoor space, the primary purpose of which is to provide free or low-cost temporary or transitional living accommodations or camping to homeless persons.

“STORE” means to put aside or accumulate for use when needed, to put for safekeeping, to place or leave in a location.

12.08.030 - Camping and Use of Public Property – Prohibitions

(A) No person shall camp, occupy camp facilities, establish camp facilities, maintain camp facilities, operate camp facilities, or use or store camp paraphernalia in or on any public property within the City of Casa Grande unless expressly designated as a permitted camp site or otherwise expressly permitted by the City.

(B) No person shall camp in any area posted no-trespassing.

(C) No person shall camp within 500 feet of any property boundary of a school, childcare facility, shelter, or park.

(D) In addition to prohibitions outlined in paragraphs (A) – (C) above, camping is prohibited on private property:

1. Where it is conducted in such a manner as to constitute a nuisance because of noise, inadequate sanitation, or other matters offensive to a reasonable person.
2. Where the camping is of such frequency, intensity, or duration as to constitute a use of land prohibited by any provision of the City's Zoning Ordinance or this code.
3. Where prohibited under any provision of this code concerning the use of a mobile home, a recreational vehicle, a bus, a hauler, a camping trailer, or any other conveyances.
4. Where, unless authorized by the City, any fee, charge, or other monetary consideration is collected for the privilege of camping.
5. In the parking lot of any religious, educational, healthcare, park, lodging, retail, industrial, office, business, commercial, or other similar establishment, regardless of the permission of the owner, lessee, occupant, or person having legal control of such property, unless such property has been specifically zoned to permit camping and has approved water and wastewater disposal facilities and other utilities for camping purposes.

(E) In addition to prohibitions outlined in paragraphs (A)-(D) above, camping is prohibited on public property owned by the United States Government or the State of Arizona, where the United States or the State have not provided facilities for camping or have elected not to permit camping.

(F) It is unlawful and a public nuisance for any person to wash one's body or belongings in a fountain, splash pad, public lake, or similar facility.

12.08.040 - Camping Otherwise Permitted by Permit

(A) The Director of the Community Services Department may, in accordance with the established procedures of the City or the Department, issue permits or make reservations to authorize youth organizations, schools, or similar entities to camp or park vehicles overnight in a park or other City open space. Nothing in this section shall be interpreted to prohibit camping or overnight parking that is permitted by the City of Casa Grande.

(B) The City Manager, or designee, may, in his or her discretion, issue a permit to establish, maintain and operate a camp or a camp facility in connection with a special event or on a temporary basis when the same is in the best interest of the City, as determined by the City Manager. A special event is intended to include, but not be limited to, programs operated by the departments of the city, youth or school events, marathons or other sporting events and scouting activities. The city manager may consult with various city departments and the public prior to issuing any temporary permit. Each department or person consulted may provide comments regarding any health, safety or public welfare concerns and provide recommendations pertaining to the issuance, denial or conditioning of the permit. The city may establish a reasonable fee, to be paid in advance by the applicant. The fee shall be returned if the application is denied. In exercising his or her discretion to issue a temporary permit, the city manager may consider any facts or evidence bearing on the sanitary, health, safety and welfare conditions on or surrounding the area or tract of land upon which the proposed temporary camp or camp facility is to be located.

(C) The City Manager is further empowered to ascertain that the operation or maintenance of any camp or camp facilities to which a temporary permit shall apply will in no way jeopardize the public health, safety or welfare and for this purpose may make additional rules and regulations pertaining to their establishment, operation or conduct. The City Manager may also impose conditions on the establishment, maintenance and operation of the camp or camp facility, including, but not limited to, security, sanitation facilities, the number of occupants, posting of bonds or deposits, insurance, quiet hours, duration of the permit, and permitted activities on the premises. When the City Manager shall issue, or cause to be issued, any permit under the terms of Paragraph (B) of this section, the same may be revoked at any time thereafter by the City Manager if the City Manager becomes satisfied that the maintenance or continuing operation of the camp or camp facilities is adverse to the public health, safety and welfare.

12.08.050 – Exclusions

Notwithstanding Section 12.08.030, it shall not be a violation under the following circumstances:

- (1) The person has been issued a permit or has otherwise secured written permission of the City of Casa Grande.
- (2) Temporary structures or camps set up by a government agency or relief workers during a disaster or emergency situation.

12.08.060 - Removal of Property from Public Areas

(A) Any camping equipment, camp paraphernalia, gear, personal belongings, vehicles, or structures used by a person in violation of this Chapter shall be removed from the public or private property within twenty-four (24) hours of the issuance of a citation or warning. Any property remaining after twenty-four (24) hours from the issuance of the citation or warning shall be deemed abandoned. After twenty-four (24) hours, if the property has not been removed, the City may seize and destroy any hazardous and bulky items, debris, and other trash. Any remaining property shall be stored by the City for a total of ten (10) calendar days. Written notice shall be left at the site where the property was seized, or may be given directly to the owner of the property if known, explaining where the seized property is located, how to retrieve such property – including the cost of storage thereof, and how to contest the destruction or other disposal of the property. If a person fails to retrieve the abandoned property or fails to request a hearing concerning said destruction within ten (10) days of its collection, such property shall be destroyed at the expense of the violator or may, in the discretion of the City Manager, be otherwise disposed of by sale or donation. Any hearing so requested shall be conducted by the City Manager, or his designee, and shall be conducted without formal rules of evidence or procedure.

(B) Any camping equipment, camp paraphernalia, gear, personal belongings, vehicles, or structures located on public property during any hours the property, including but not limited to, a park, playground, building, facility, or parking lot, is closed, shall be seized by the City, and any bulky items, debris, and other trash shall be destroyed or disposed of. Any remaining property shall be stored and disposed of pursuant to the timing, notice, and hearing provisions of Paragraph (A) above.

(C) Notwithstanding Paragraph (A) above, the City may, in its discretion, provide a longer notice period than twenty-four (24) hours in which case property shall not be deemed abandoned until the notice period provided has expired. After the expiration of the notice period the City shall seize the property and dispose of it pursuant to the provisions otherwise set forth in Paragraph (A).

12.08.070 – Providing Identification Upon Request

It is unlawful for a person, after being advised that the person's refusal to answer is unlawful, to fail or refuse to provide either identification or evidence of identity on request of a peace officer who has lawfully detained the person based on reasonable suspicion to believe that the person has committed a violation of this Chapter or any law of the state of Arizona or the United States.

- (a) Identification means any legally government issued document that contains a photograph, date of birth and physical description, including but not limited to height, weight, eye color, sex and hair color of the person presenting the identification.
- (b) Evidence of identity means that the person has provided the peace officer with their true full name and date of birth upon request.

12.08.080 – Violation – Penalty.

- (A) A violation of this Chapter is a Class 3 misdemeanor.
- (B) Each day that a violation of this Chapter continues shall constitute a separate offense.
- (C) In addition to or in lieu of any sentence imposed for a violation of this section, the court may sentence a person to perform community restitution or order a term of education or treatment consistent with A.R.S. § [13-717](#).
- (D) An individual for whom probable cause exists to be charged with violation of this article, in lieu of being issued a criminal citation may, at the discretion and election of the citing police officer and with the consent of the individual, be taken to a facility providing social services related to mental health, housing, and/or substance abuse treatment.
- (E) Nothing in this Chapter shall be read or deemed to limit the judgement and discretion of police officers in determining, based on their training, procedures, and the context and circumstances of a violation, whether to cite, arrest, warn, or otherwise address alleged violations.

12.08.090 - Severance Clause

The provisions of this chapter are hereby declared to be severable, and if any section, sentence, clause or phrase of this chapter shall, for any reason, be held to be invalid or unconstitutional, such decisions shall not affect the validity of the remaining sections, sentences, clauses and phrases of this chapter, but they shall remain in effect, it being the legislative intent that this chapter shall stand notwithstanding the validity of any part thereof.

SECTION 2. Recitals. The Recitals above are fully incorporated herein by reference.

SECTION 3. Severability. The provisions of this Ordinance are hereby declared to be severable, and if any section, sentence, clause or phrase of this chapter shall, for any reason, be held to be invalid or unconstitutional, such decisions shall not affect the validity of the remaining sections, sentences, clauses and phrases of this chapter, but they shall remain in effect, it being the legislative intent that this chapter shall stand notwithstanding the validity of any part thereof.

SECTION 4. Effective Date. This Ordinance shall be effective as of the 1st day of October, 2025.

PASSED AND ADOPTED, by the Mayor and Council of the City of Casa Grande, Arizona, this _____ day of _____, 2025

Lisa N. Fitzgibbons, Mayor

ATTEST:

APPROVED AS TO FORM:

Adriana Carpio-Solis, MMC

Brett D. Wallace, City Attorney