

SUMMARY OF PROPOSED ORDINANCE (Item #29, October 17 Council Agenda)

PART 2 - Proposed Camping Ordinance Clarifications 9-4-11(3)

Area	Restriction
On or inside a culvert or storm drain	Prohibited [B.(1)]
In the bed or on the bank of a creek or river and within 5 feet of the top of the bank of a creek or river	Prohibited [B.(2)]
On any part of an accessibility ramp for persons with disabilities	Prohibited [B.(3)]
On land that the city has designated as having a high fire risk	Prohibited [B.(4)]
On a sidewalk	Prohibited [B.(5)]
On the following high pedestrian and vehicular traffic roadways, including any sidewalks as referenced in (5) above or right-of-way: a. Guadalupe Street between Martin Luther King Jr. Blvd. and 26th Street; b. 24th Street between N Lamar Blvd and Guadalupe Street c. Congress Avenue between Oltorf Street and 11th Street; d. 2nd Street between Trinity Street and West Avenue; e. 5th Street between IH-35 and Lamar Blvd; f. 6th Street between IH-35 and Lamar Blvd;	Prohibited. [B.(6)] <i>Part 4 instructs City Mgr to propose amendments at such time the Austin Transportation Department identifies additional high pedestrian and vehicular traffic roadways where camping creates a public safety risk</i>
Within the area of the Austin Resource Center for Homeless (ARCH) bordered by East 4th Street (South), Brushy Street (East), East 11th Street (North), and Brazos Street (West), excluding any area under IH-35	Prohibited [B.(7).a.]
At the time that the South Austin Housing Center homeless shelter becomes operational, within the area bordered by the western boundary of Manchaca Road, the eastern boundary of South 1st Street, the northern boundary of Lightsey Road, and the southern boundaries of Redd Street and West St. Elmo	Prohibited [B.(7).b]
On a traffic island, median strip, median island, intersection island or other similar area that separates opposing traffic flows with either a painted area or a raised curb	Prohibited [B.(8)]
On the sloped area under a highway and at the top of a retaining wall or alongside a highway overpass;	Prohibited [B.(9)]
Camping in a manner that: (1) damages, alters, or modifies public infrastructure, including benches, retaining walls, or planters; (2) obstructs access to or egress from the entrance or exit of any building by camping within six feet of the entrance or exit, as measured from the door jamb; or (3) obstructs normal use of and access to public infrastructure, including benches or parking pay stations.	Prohibited [C. (1) to (3)]
Areas prohibited under other law or rule, including: (1) in a park; (2) on land designated by the city for conservation, preservation, or water protection including nature preserves, the Balcones Canyonland Preserves, and Austin Water Wildlands; (3) on flood buy-out lands that the city has acquired as high flood risk areas; (4) in the right-of-way of a railroad or light rail track or crossing; (5) in a city library or on the grounds of a city library; (6) on private property without the permission of the owner or a person with apparent authority to act for the owner;	Prohibited [D. (1) to (8)]

Area	Restriction
(7) in or on transit stops, shelters, platforms, or stations; or (8) in a designated and marked special use zone, including construction zones, commercial service zones, passenger loading zones, customer service zones, and valet zones.	

PART 3 - Proposed Sitting/Lying Down Ordinance Clarifications 9-4-14(3)

Area	Provision
Obstructing a sidewalk, trail, or shared-use path	Prohibited [A.(2)] <i>Applies in area currently in ordinance</i>
Obstructing access to or egress from the entrance or exit of any building by sitting or lying down within six feet of the entrance or exit, as measured from the door jamb	Prohibited [A.(3)] <i>Applies in area currently in ordinance</i>
Sits or lies down in the following areas: (1) in the right-of-way of a railroad or light rail track or crossing; (2) in a designated and marked special use zone, including, construction zones, commercial service zones, passenger loading zones, customer service zones, and valet zones; (3) on any part of an accessibility ramp, located in a public place, for persons with disabilities, or in any manner that would restrict the movement of persons with disabilities in a public place	Prohibited [B.(1) to (3)] <i>Applies citywide</i>
Within the area of the Austin Resource Center for Homeless (ARCH) bordered by East 4th Street (South), Brushy Street (East), East 11th Street (North), and Brazos Street (West), excluding any area under IH-35	Prohibited [C.(1)]
At the time that the South Austin Housing Center homeless shelter becomes operational, within the area bordered by the western boundary of Manchaca Road, the eastern boundary of South 1st Street, the northern boundary of Lightsey Road, and the southern boundaries of Redd Street and West St. Elmo	Prohibited [C.(2)]

Enforcement and Engagement Process [9-4-11(4) and 9-4-14(4)]

Provision
<p>Unless a law enforcement officer determines that there is an imminent health or safety threat, a law enforcement officer may only issue a citation for a violation of this section if, prior to issuing the citation, the law enforcement officer:</p> <p>(A) notifies the person that the conduct violates this section;</p> <p>(B) provides the person with a reasonable opportunity to comply with the prohibition, but the person does not comply; and</p> <p>(C) contacts, whenever reasonable, a member of a Homeless Outreach Street Team (HOST), case worker, community health paramedic, or other city designee who shall have the opportunity to offer to transport a person who continues to obstruct, sit, or lie in violation of City Code Section 9-4-14(3) (<i>Obstruction in the Downtown Austin Community Court Area and Sitting or Lying in Other Specified Areas Prohibited</i>) to a location at which such obstructing, sitting, or lying is not prohibited and, as reasonably possible, at which case management and housing services can be received; or</p> <p>(D) determines, in instances where it is not reasonable for a law enforcement officer to contact a member of a Homeless Outreach Street Team (HOST), case worker, community health paramedic, or other city designee as required by this section, that the person has previously been notified by a law enforcement officer that the person's conduct at that same address or location violates this section.</p>