

CITY OF EAST BERNARD, TEXAS

ORDINANCE NO. 2026-002

AN ORDINANCE PROHIBITING PUBLIC CAMPING AND UNAUTHORIZED ENCAMPMENTS ON PUBLIC PROPERTY; PROVIDING DEFINITIONS; ESTABLISHING ENFORCEMENT PROCEDURES; PROVIDING PENALTIES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of East Bernard, Texas finds that unauthorized camping on public property presents risks to public health, safety, sanitation, and welfare; and

WHEREAS, unregulated encampments may obstruct sidewalks, parks, rights-of-way, and public facilities, interfering with public access and emergency services; and

WHEREAS, the City desires to protect both the dignity of unhoused individuals and the community's interest in maintaining safe and accessible public spaces;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF EAST BERNARD, TEXAS:

SECTION 1. DEFINITIONS

For purposes of this ordinance:

1. **Camp** or **Camping** means to reside temporarily in a place, with shelter.
2. **Encampment** means any group of temporary shelters or belongings established on public property for overnight or extended occupancy.
3. **Public Property** means any property owned, leased, or controlled by the City of East Bernard, including parks, sidewalks, streets, alleys, rights-of-way, public buildings, and parking areas.
4. **Person** includes any individual.
5. **Shelter** includes a tent, tarpaulin, lean-to, sleeping bag, bedroll, blankets, or any form of temporary, semipermanent, or permanent shelter, other than clothing or any handheld device, designed to protect a person from weather conditions that threaten personal health and safety.

SECTION 2. PROHIBITION

A. It shall be unlawful for any person to camp or establish an encampment on public property within the City of East Bernard.

B. It shall be unlawful to place or maintain shelter on public property for the purpose of overnight occupancy.

C. This ordinance does not prohibit lawful recreational activities such as picnicking or temporary use of parks during posted operating hours that do not involve overnight occupancy or shelter construction.

D. A person's intent or knowledge may be established through evidence of activities associated with sustaining a living accommodation that are conducted in a public place, including:

- (1) cooking;
- (2) making a fire;
- (3) storing personal belongings for an extended period;
- (4) digging; or
- (5) sleeping.

SECTION 3. NOTICE AND COMPLIANCE

A. When practicable, City personnel or law enforcement officers shall provide verbal or written notice directing individuals to vacate public property and remove such shelter and/or personal belongings.

B. Individuals shall be provided a reasonable opportunity to comply prior to enforcement action, except when immediate action is necessary to protect public safety or respond to emergency conditions.

SECTION 4. PROPERTY STORAGE

A. Personal property removed during enforcement shall be inventoried and stored for a minimum of **30 days**, unless perishable or hazardous.

B. Stored property may be reclaimed by the owner upon reasonable proof of ownership.

C. The City shall not be responsible for items that pose a health or safety risk or that are abandoned.

SECTION 5. ENFORCEMENT AND PENALTIES

A. A violation of this ordinance is a misdemeanor punishable by a fine not to exceed **\$500**, as authorized by Texas law.

B. Law enforcement officers may issue citations or warnings at their discretion consistent with City policy.

C. Repeated violations may result in additional enforcement actions as permitted by law.

SECTION 6. EXCEPTIONS

This ordinance does not apply to:

1. Authorized special events approved by the City;
2. Emergency shelter operations authorized by the City, including operations during a disaster declared under Section 418.014, Government Code, or a local disaster declared under Section 418.108, Government Code;
3. City-approved temporary housing programs, including plans approved under Subchapter PP, Chapter 2306, Government Code if the camping occurs in a manner that complies with such plans.

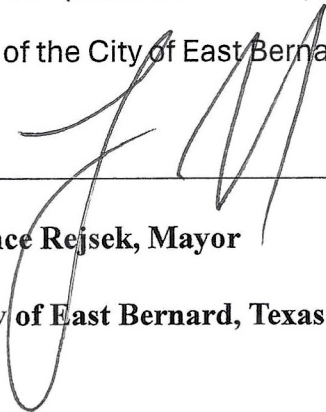
SECTION 7. SEVERABILITY

If any provision of this ordinance is held invalid, such invalidity shall not affect the remaining provisions, which shall remain in full force and effect.

SECTION 8. EFFECTIVE DATE

This ordinance shall take effect upon passage and publication as required by law.

PASSED AND APPROVED by the City Council of the City of East Bernard, Texas on this 16 day of March, 2026.



Lance Rejsek, Mayor
City of East Bernard, Texas

ATTEST:



Renee Norton, City Secretary

City of East Bernard, Texas