

ORDINANCE NO. 2025-952

AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF CHINO VALLEY, ARIZONA, AMENDING THE CHINO VALLEY TOWN CODE CHAPTER 130 (GENERAL OFFENSES) BY CREATING A NEW SECTION 130.06 (URBAN CAMPING) RELATING TO NUISANCE ACTIVITY; AND PROVIDING FOR SEVERABILITY.

WHEREAS, in June of 2024, the United States Supreme Court issued a decision in *Johnson v. Grants Pass*, which reaffirmed the authority of municipal governments to regulate urban camping and nuisance conditions attendant thereto; and

WHEREAS, the Mayor and Common Council of the Town of Chino Valley, Arizona (the “Town Council”), desires to protect public health and to preserve public property for the enjoyment, safety, comfort, and convenience of the public; and

WHEREAS, to further these goals, the Town Council has determined that establishing provisions relating to urban camping is in the best interests of the residents of Chino Valley; and

WHEREAS, in so doing, the Town joins municipal governments across the state and country that are working to develop a robust and nuanced response to this widespread public challenge.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Common Council of the Town of Chino Valley, Arizona, as follows:

SECTION 1. The foregoing recitals are hereby referred to, adopted, and made a part hereof as if fully set forth herein.

SECTION 2. The Town Code, Chapter 130 (General Offenses), is hereby amended by adding a new Section 130.06 (Urban Camping), to read as follows:

§ 130.06 Urban Camping

(A) Purpose. The purpose of this section is to protect public health and safety, preserve public property for the enjoyment, comfort, and convenience of the public, and maintain a healthy and natural environment. The streets and public areas within the Town should be readily accessible and available to residents and the public at large. The use of public areas for camping or for storage of personal property interferes with the rights of others to use public areas for the purposes for which they were intended. Such activity can also constitute a public health and safety hazard that adversely impacts neighborhoods, pedestrians, and motorists. Nothing in this section is intended to interfere with otherwise lawful and ordinary uses of public or private property.

(B) Definitions. For purposes of this section:

(1) “Camp” or “Camping” means temporarily or permanently living in an outdoor space, on public property, or on any other property the participant does not own, regardless of the intent of the participant or the nature of any other activities in which the participant may also be engaging. Actions that constitute camping may include, but are not limited to:

- (a) Erecting a tent, shelter, kitchen, living area, sleeping area, or temporary structure.
 - (b) Living in a parked motor vehicle, recreational vehicle, trailer, camper, or makeshift or otherwise non-permanent structure.
 - (c) Remaining on public property for prolonged or repetitious periods of time in a manner not associated with ordinary use of that public property.
 - (d) Making preparations to sleep, which may include laying down bedding for the purpose of sleeping or using camping paraphernalia.
 - (e) Storing personal belongings.
 - (f) Making a fire or carrying on cooking activities.
- (2) "Camping Paraphernalia" means any accessory, equipment, or item commonly used for camping, including tarps, cots, beds, bedding, sleeping bags, hammocks, tents, blankets, and cooking equipment.
- (3) "Campsite" means an area in which a person has set up, stockpiled, or arranged camping paraphernalia, supplies, or materials for the purpose of camping.
- (4) "Childcare Facility" has the meaning provided in A.R.S. § 36-881(3), as amended.
- (5) "Public Property" means any property owned or controlled by the Town of Chino Valley, a public school, a utility provider, or any other governmental entity, which includes by way of example, but is not limited to, any restroom, street, sidewalk, right-of-way, highway, alleyway, bike path, transit stop or transit facility, preserve, open space, park, wash, improved or unimproved land, attraction, structure, facility, or parking lot.
- (6) "School" means any public, charter, or private school where children attend classes in kindergarten programs or grades one through twelve.
- (7) "Store" means to put aside or accumulate for use when needed, to put for safekeeping, or to place or leave in a location.

(C) Prohibited Acts.

- (1) It is unlawful and a public nuisance for any person to:
- (a) Establish or maintain a campsite, or use or store camping paraphernalia, in or on any public property unless expressly permitted by the Town.
 - (b) Camp in or on any building, facility, parking lot, or structure that is owned, possessed, or controlled by the Town.
 - (c) Camp within 500' of any property boundary of a school or childcare facility.

(2) If any camping paraphernalia or item used for camping is left unattended on public property, it shall be collected and appropriately disposed of in compliance with A.R.S. §§ 12-940 *et seq.*, as amended.

(D) Exceptions. This section does not prohibit:

- (1) Activities carried out pursuant to a special event permit issued by the Town.
- (2) Temporary structures or camps set up by a government agency for relief workers during a response to a disaster or emergency.
- (3) Camping on private residential property, so long as all of the following conditions are met:
 - (a) The property owner consents to the camping, and the camping is limited to three or fewer consecutive nights.
 - (b) The activity does not violate any Town Code provision or regulation.
 - (c) No fee or charge, or other consideration is paid for the privilege of camping on the property.
 - (d) The camping occurs in a location that is completely obscured from view from any public or private street.

(E) Penalties and Enforcement.

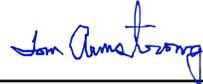
- (1) A violation of this section is a Class 3 misdemeanor, subject to the penalties as set forth in A.R.S. §§ 13-707 and 13-802, as amended.
- (2) In lieu of issuing a citation, an officer investigating a suspected violation of this section may elect, at the officer's discretion and with the consent of the individual, to transport the individual to a facility providing social services related to mental health, housing, and/or substance abuse treatment.
- (3) 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, as amended.

SECTION 3. If any section, subsection, sentence, clause, phrase, or portion of this ordinance, or of the amendments hereby adopted, is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions thereof.

SECTION 4. The Mayor, the Town Manager, the Town Clerk, and the Town Attorney are hereby authorized and directed to take all steps necessary to carry out the purpose and intent of this ordinance.

(SIGNATURES FOLLOW)

PASSED AND ADOPTED by the Mayor and Common Council of the Town of Chino Valley on this 13th day of May 2025.



Tom Armstrong, Mayor

ATTEST:



Erin N. Deskins

Erin N. Deskins, Town Clerk

APPROVED AS TO FORM:



Andrew McGuire, Town Attorney
Gust Rosenfeld P.L.C.

I hereby certify that the above foregoing Ordinance No. 2025-952 was duly passed by the Council of the Town of Chino Valley, Arizona, at a regular meeting held on May 13, 2025, and that quorum was present thereat and that the vote thereon was 7 ayes, 0 nays, and 0 abstentions. 0 Council members were absent or excused.

Erin N. Deskins

Erin N. Deskins, Town Clerk