

ORDINANCE NO. 1213

AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF WICKENBURG, ARIZONA, DECLARING THE DOCUMENT ENTITLED, "URBAN CAMPING PROHIBITED, JANUARY 19, 2021" AS A PUBLIC RECORD; ADOPTING THAT CERTAIN DOCUMENT ENTITLED, "URBAN CAMPING PROHIBITED, JANUARY 19, 2021" BY REFERENCE AMENDING THE CODE OF WICKENBURG, ARIZONA, TITLE 10 OFFENSES, ARTICLE 10-1 UNLAWFUL ACTS BY ADDING A NEW SECTION 10-1-25 URBAN CAMPING PROHIBITED RELATED TO IMPOSING CIVIL SANCTIONS FOR URBAN CAMPING IN PUBLIC AREAS; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING PENALTIES.

WHEREAS, public places in the Town of Wickenburg provide common areas for residents of the community and non-residents to meet, relax, and take part in recreational, cultural, social, and other activities; and

WHEREAS, it is the responsibility of the Town and, in the best interests of residents of the community and nonresidents, to insure that public streets, sidewalks, parks, and other public places are clean, free of debris and readily accessible and available to residents and the public at large; and

WHEREAS, the use of these areas for camping purposes or storage of personal property interferes with the rights of others to use the areas for which they were intended. Such activity can constitute a public health and safety hazard which adversely impacts neighborhoods and commercial areas; and

WHEREAS, camping on private property without the consent of the owner, proper sanitary measures and for other than a minimal duration adversely affects private property rights as well as public health, safety, and welfare of the Town; and

WHEREAS, the Ninth Circuit Court of Appeals held in *Martin v. City of Boise* that the Eighth Amendment prohibits the imposition of criminal penalties for camping on outdoor public property for homeless individuals who cannot obtain shelter; and

WHEREAS, the Town Council of the Town of Wickenburg is committed to working with community partners to provide social support services and housing options for the homeless and believes that urban camping and trespass regulations should be enforced to protect health and safety; and

WHEREAS, the Town Council of the Town of Wickenburg desires to adopt this ordinance to allow for civil sanctions instead and for the transportation of consenting individuals to social support facilities providing services related to mental health, housing, and/or substance abuse treatment; and

WHEREAS, that certain document entitled "Urban Camping Prohibited, January 19, 2021," three copies of which are on file in the office of the Town Clerk, is hereby declared to be a public record and said copies are hereby ordered to remain on file with the Town Clerk.

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

Section I. In General.

The Code of Wickenburg, Arizona, is hereby amended by amending Title 10 Offenses as set forth in that certain document entitled "Urban Camping Prohibited, January 19, 2021," which document is hereby adopted and incorporated by reference.

Section II. Providing for Repeal of Conflicting Ordinances.

All ordinances and parts of ordinances in conflict with this Ordinance or any part of the Code adopted herein by reference, are hereby repealed.

Section III. Providing for Severability.

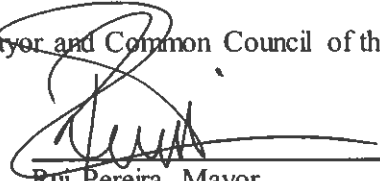
If any section, subsection, sentence, clause, phrase or portion of this Ordinance or any part of the Code adopted herein by reference is for any reason held to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of remaining portions.

Section IV. Providing for Penalties.

1. Any person who violates any provision of this section shall, upon their first conviction (whether by admission, payment of the fine, by default or by judgment after hearing), be considered guilty of a petty offense.
2. A person who commits a violation of this section after previously having been found responsible of a violation of this section within a six-month period, shall be deemed a habitual offender and be guilty of a class one (1) misdemeanor, all punishable as set forth in the Town Code and state law, and the court can order payment for the Town's actual costs of transporting and storing property of the violator.
 - a. For purposes of calculating the six-month period under this section, the dates of the commission of the offenses are the determining factor.
3. The remedies herein are cumulative, and the Town may proceed under one or more such remedies.
4. Each violation of this section shall be considered a separate offense.

5. Nothing contained in this section shall be construed as requiring any warning to any person before the enforcement of the provisions of this section.
6. A violation of this section is hereby declared to be a public nuisance. In the event of a continuing violation of this section, the Town attorney may institute civil actions to abate a public nuisance under this section and is hereby authorized to pursue a request for injunctive relief in a court of competent jurisdiction. In the event that an injunction is issued, the court may also award reasonable attorney fees in favor of the Town.
7. An individual charged with violation of this section, in lieu of being taken to jail, at the election of the citing police officer and with the consent of the individual, may be taken to a facility providing social services related to mental health, housing, and/or substance abuse treatment.

APPROVED, PASSED AND ADOPTED by the Mayor and Common Council of the Town of Wickenburg, Arizona, this 19th day of January, 2021.


 Rui Pereira, Mayor

ATTEST:


 Amy Brown, Town Clerk

APPROVED AS TO FORM:


 Trish Stuhan, Town Attorney

Number of Councilmembers Present: 6
 Number of Votes For: 6
 Number of Votes Against: 0
 Number of Abstentions: 0

CERTIFICATION

I HEREBY CERTIFY that the foregoing Ordinance Number 1213 was duly passed and adopted by the Mayor and Common Council of the Town of Wickenburg, Arizona, at a regular meeting held on the 19th day of January, 2021, and that a quorum was present at the meeting.


 Amy Brown, CMC
 Town Clerk

TOWN OF WICKENBURG

URBAN CAMPING PROHIBITED, JANUARY 19, 2021

The following Chapter 10 Offenses, Article 10-1 Unlawful Acts is amended by adding a new section prohibiting Urban Camping in the Town of Wickenburg Town Code, to read as follows:

SECTION 10-1-25 URBAN CAMPING

- A. PURPOSE.** THE PURPOSE OF THIS SECTION IS TO MAINTAIN STREETS, SIDEWALKS, PARKS AND OTHER PUBLIC AND PRIVATE AREAS WITHIN THE TOWN IN A CLEAN, SANITARY AND ACCESSIBLE CONDITION AND TO ADEQUATELY PROTECT THE HEALTH, SAFETY AND PUBLIC WELFARE OF THE COMMUNITY, WHILE RECOGNIZING THAT, SUBJECT TO REASONABLE CONDITIONS, CAMPING AND CAMP FACILITIES ASSOCIATED WITH SPECIAL EVENTS CAN BE BENEFICIAL TO THE CULTURAL AND EDUCATIONAL CLIMATE IN THE TOWN. NOTHING IN THIS SECTION IS INTENDED TO INTERFERE WITH OTHERWISE LAWFUL AND ORDINARY USES OF PUBLIC OR PRIVATE PROPERTY.
- B. DEFINITIONS.** UNLESS THE PARTICULAR PROVISIONS OR THE CONTEXT OTHERWISE REQUIRES, THE DEFINITIONS CONTAINED IN THIS SECTION SHALL GOVERN THE CONSTRUCTION, MEANING, AND APPLICATION OF WORDS AND PHRASES USED IN THIS SECTION.

"CAMP" MEANS TO UTILIZE CAMP FACILITIES AND/OR CAMP PARAPHERNALIA FOR THE PURPOSE OF TEMPORARILY OR PERMANENTLY SLEEPING OR LIVING AT THAT LOCATION, INCLUDING BUT NOT LIMITED TO, ACTIVITIES SUCH AS LAYING DOWN OF BEDDING, ERECTING TENTS OR ANY OTHER STRUCTURE PROVIDING SHELTER, DIGGING OR BREAKING EARTH, USING CAMP PARAPHERNALIA, STORING PERSONAL BELONGINGS, STARTING A FIRE, REGULARLY COOKING OR PREPARING MEALS, OR LIVING IN A PARKED VEHICLE. AN ACTIVITY SHALL CONSTITUTE CAMPING WHEN IT REASONABLY APPEARS, IN LIGHT OF ALL THE CIRCUMSTANCES, THE PARTICIPANTS IN CONDUCTING THE ACTIVITY ARE IN FACT USING THE AREA FOR THE PURPOSE OF TEMPORARILY OR PERMANENTLY SLEEPING OR LIVING AT THE LOCATION REGARDLESS OF THE INTENT OF THE PARTICIPANTS OR THE NATURE OF ANY OTHER ACTIVITIES IN WHICH THEY MAY ALSO BE ENGAGING.

"CAMP FACILITIES" INCLUDE, BUT ARE NOT LIMITED TO, TENTS, HUTS, LEAN-TOS, TARPS, CARDBOARD BOXES OR STRUCTURES, VEHICLES, 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.

"ESTABLISH" MEANS SETTING UP OR MOVING EQUIPMENT, SUPPLIES OR MATERIALS ONTO 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.

"PERSONAL PROPERTY" MEANS TANGIBLE ITEMS GREATER THAN ONE CUBIC FOOT IN SIZE, OTHER THAN SIGNS, WHICH ARE REASONABLY RECOGNIZABLE AS BELONGING TO INDIVIDUAL PERSONS AND WHICH HAVE APPARENT UTILITY OR VALUE.

"PRIVATE PROPERTY" MEANS ALL PRIVATE PROPERTY INCLUDING, BUT NOT LIMITED TO, STREETS, SIDEWALKS, ALLEYS, AND IMPROVED OR UNIMPROVED LAND.

"PUBLIC PROPERTY" MEANS ALL PUBLIC PROPERTY INCLUDING, BUT NOT LIMITED TO, STREETS, SIDEWALKS, ALLEYS, PUBLIC RIGHTS-OF-WAY, IMPROVED OR UNIMPROVED LAND AND PARKS.

"SHELTER SPACE" MEANS ANY OVERNIGHT TEMPORARY HOUSING SHELTER THAT OFFERS OVERNIGHT INDOOR SLEEPING ACCOMMODATIONS AT NO CHARGE.

"SIDEWALK" MEANS THE AREA BETWEEN THE STREET AND THE ABUTTING PROPERTY, INCLUDING ANY PEDESTRIAN WAY AND LANDSCAPE STRIP.

"STORE" MEANS TO PUT ASIDE OR ACCUMULATE FOR USE WHEN NEEDED, TO PUT FOR SAFEKEEPING, TO PLACE OR LEAVE IN A LOCATION.

"STREET" MEANS ANY STREET, HIGHWAY, ALLEY, AVENUE OR OTHER PUBLIC WAY OR PUBLIC GROUNDS IN THE TOWN THAT IS OPEN TO THE PUBLIC, USED, OR INTENDED TO BE USED, BY VEHICULAR TRAFFIC.

"TOWN MANAGER" MEANS THE TOWN MANAGER OR DESIGNEE.

C. PROHIBITED ACTS.

1. IT IS UNLAWFUL AND A PUBLIC NUISANCE, SUBJECT TO ABATEMENT BY THE TOWN, FOR ANY PERSON TO CAMP, OCCUPY CAMP FACILITIES, ESTABLISH CAMP FACILITIES, MAINTAIN CAMP FACILITIES, OR USE OR STORE CAMP PARAPHERNALIA IN THE FOLLOWING AREAS:

- a. ANY PUBLIC PROPERTY; OR
- b. ANY PRIVATE PROPERTY.

2. LAW ENFORCEMENT OFFICERS SHALL NOT ENFORCE SUBSECTION (1) OF THIS SECTION WHEN THE INDIVIDUAL IS ON PUBLIC PROPERTY AND THERE IS NO AVAILABLE SHELTER SPACE WITH HOMELESS SUPPORTIVE SERVICES WITHIN 60 MILES OF THE TOWN LIMITS OF WICKENBURG.

a. A SHELTER SPACE SHALL STILL BE CONSIDERED AN "AVAILABLE SHELTER" IF THE INDIVIDUAL CANNOT UTILIZE THE SPACE DUE TO VOLUNTARY ACTIONS SUCH AS INTOXICATION, DRUG USE, UNRULY BEHAVIOR, OR VIOLATION OF SHELTER RULES.

b. A SHELTER SPACE SHALL NOT BE CONSIDERED AN "AVAILABLE SHELTER" IF:

- i. THE INDIVIDUAL IS PART OF A FAMILY UNIT AND THE FAMILY WOULD NEED TO STAY OVERNIGHT AT TWO OR MORE DIFFERENT SHELTERS; HOWEVER, A SHELTER SPACE IS CONSIDERED "AVAILABLE SHELTER" IF THE INDIVIDUAL IS PART OF A FAMILY UNIT BUT THE SHELTER REQUIRES THAT MALES AND FEMALES MUST SLEEP SEPARATE AND APART;

- ii. DUE TO ANY RESTRICTIONS OR PREREQUISITES PLACED ON THE USE OF THE SHELTER SPACE, THE INDIVIDUAL WOULD BE DISQUALIFIED FROM UTILIZING THE SHELTER SPACE AT NO FAULT OF THEIR OWN; OR
- iii. UTILIZATION OF THE SHELTER SPACE IS CONTINGENT ON MANDATORY PARTICIPATION IN PROGRAMS OR ACTIVITIES WHICH IMPLICATE THE PROTECTIONS OFFERED BY THE FIRST AMENDMENT OF THE UNITED STATES CONSTITUTION.

c. IT IS NOT INTENDED BY THIS SECTION TO PROHIBIT OR MAKE UNLAWFUL:

- i. OVERNIGHT CAMPING ON PRIVATE RESIDENTIAL PROPERTY BY THE PROPERTY OWNER OR FRIENDS OR FAMILY OF THE PROPERTY OWNER, SO LONG AS ALL OF THE FOLLOWING CONDITIONS ARE MET:
 - (1) THE OWNER CONSENTS AND THE OVERNIGHT CAMPING IS LIMITED TO NOT MORE THAN FIVE CONSECUTIVE NIGHTS;
 - (2) THE ACTIVITY IS NOT A NUISANCE BECAUSE OF NOISE, INADEQUATE SANITATION, OR OTHER MATTERS OFFENSIVE TO PERSONS OF ORDINARY SENSIBILITY;
 - (3) NO FEE, CHARGE OR OTHER MONETARY CONSIDERATION IS COLLECTED FOR THE PRIVILEGE OF CAMPING OR FOR ANY SERVICES OR THE USE OF ANY FACILITIES RELATED THERETO;
 - (4) THE CAMPING OCCURS EITHER IN THE REAR YARD OR AN AREA OF A FRONT OR SIDE YARD SEPARATED FROM VIEW FROM THE STREET BY A FENCE, HEDGE OR OTHER OBSTRUCTION.

- ii. ACTIVITIES OF AN OWNER OF PRIVATE PROPERTY OR OTHER LAWFUL USER OF PRIVATE PROPERTY THAT ARE NORMALLY ASSOCIATED WITH AND INCIDENTAL TO THE LAWFUL AND AUTHORIZED USE OF PRIVATE PROPERTY FOR RESIDENTIAL OR OTHER PURPOSES;
 - iii. THE MERE POSSESSION OF, OR TRANSPORTATION OF, CAMP FACILITIES OR CAMP PARAPHERNALIA ON PUBLIC OR PRIVATE PROPERTY, EXCEPT AS PROVIDED IN THIS SECTION;
 - iv. ACTIVITIES OF A PROPERTY OWNER OR OTHER LAWFUL USER IF SUCH ACTIVITIES ARE EXPRESSLY AUTHORIZED BY THIS CODE OR OTHER LAWS AND REGULATIONS.
- d. THE TOWN MANAGER MAY ISSUE A TEMPORARY PERMIT TO ALLOW CAMPING ON PUBLIC OR PRIVATE PROPERTY IN CONNECTION WITH A SPECIAL EVENT. IT IS A DEFENSE TO A CHARGE PURSUANT TO THIS SECTION THAT THE PERSON HAS A PERMIT ISSUED.
 - e. IT IS UNLAWFUL AND A PUBLIC NUISANCE FOR ANY PERSON TO WASH ONE'S BODY OR BELONGINGS IN A FOUNTAIN, A SPRINKLER OR WATERING SYSTEM OR A SPLASH PAD.
 - f. NO PERSON SHALL BLOCK OR INTERFERE WITH, OR ATTEMPT TO BLOCK OR INTERFERE WITH, ANY OTHER PERSON ALONG A SIDEWALK BY ANY MEANS, INCLUDING, BUT NOT LIMITED TO, STANDING ON THAT PART OF THE SIDEWALK USED FOR PEDESTRIAN TRAVEL OR PLACING ANY OBJECT OR VEHICLE IN SUCH AREA, WITH THE INTENT TO INTERFERE WITH FREE PASSAGE.
 - g. NO PERSON SHALL BLOCK OR INTERFERE WITH, OR ATTEMPT TO BLOCK OR INTERFERE WITH, PEDESTRIAN OR VEHICULAR ENTRANCES TO PUBLIC OR PRIVATE PROPERTY ABUTTING A SIDEWALK WITH THE INTENT TO INTERFERE WITH THE FREE INGRESS TO OR EGRESS FROM SUCH PROPERTY.

- h. THIS SECTION SHALL NOT APPLY TO ANY ACTIVITY OTHERWISE MADE LAWFUL, INCLUDING, BUT NOT LIMITED TO, LAWFUL PROTESTING ACTIVITY AND LAWFUL PICKETING ACTIVITY.
- i. IT IS UNLAWFUL FOR ANY PERSON TO KNOWINGLY LEAVE PERSONAL PROPERTY UNATTENDED ON A SIDEWALK DURING THE HOURS OF BETWEEN 7:00 A.M. AND 9:00 P.M. THE PROHIBITIONS OF THIS SUBSECTION (i) DO NOT APPLY TO:
 - i. PERSONAL PROPERTY LEFT UNATTENDED ON A PUBLIC SIDEWALK FOR LESS THAN TWO HOURS THAT IS ACTIVELY BEING LOADED OR UNLOADED; OR
 - ii. ANY PERSON PERFORMING A TOWN APPROVED OR PERMITTED ACTIVITY.
- j. PERSONAL PROPERTY LEFT UNATTENDED ON A PUBLIC SIDEWALK IN VIOLATION OF THIS SECTION MAY BE REMOVED BY THE TOWN IF:
 - i. THE PROPERTY POSES AN IMMEDIATE THREAT TO PUBLIC HEALTH, SAFETY OR WELFARE; OR
 - ii. THE PROPERTY HAS BEEN POSTED WITH A NOTICE WRITTEN IN ENGLISH AND SPANISH AT LEAST 24 HOURS IN ADVANCE. THE NOTICE SHALL CONTAIN THE FOLLOWING INFORMATION:
 - (1) THAT IT IS UNLAWFUL TO LEAVE PERSONAL PROPERTY UNATTENDED ON A PUBLIC SIDEWALK WITHIN THE TOWN OF WICKENBURG DURING THE HOURS OF BETWEEN 7:00 A.M. AND 9:00 P.M.;
 - (2) THE DATE AND TIME THE NOTICE WAS POSTED AND THE DATE AND TIME AT WHICH THE PROPERTY IS SUBJECT TO BEING REMOVED BY THE TOWN;
 - (3) THAT THE PROPERTY SUBJECT TO THE NOTICE IS SUBJECT TO IMMEDIATE REMOVAL IF, WITHIN THE FOLLOWING 30 DAYS, THE PROPERTY IS AGAIN LEFT UNATTENDED ON A PUBLIC SIDEWALK IN VIOLATION OF THIS SECTION;

- (4) THE CONTACT INFORMATION FOR HOW TO RECLAIM ANY PERSONAL PROPERTY WHICH HAS BEEN REMOVED BY THE TOWN PURSUANT TO THIS SECTION; AND
- (5) THAT ANY PROPERTY REMOVED BY THE TOWN PURSUANT TO THIS SECTION WILL BE DISPOSED OF PURSUANT TO APPLICABLE LAW IF NOT CLAIMED WITHIN 30 DAYS AFTER REMOVAL.

- k. PERSONAL PROPERTY REMOVED BY THE TOWN PURSUANT TO THIS SECTION SHALL BE STORED FOR A MINIMUM OF 30 DAYS DURING WHICH TIME IT MUST BE MADE REASONABLY AVAILABLE TO THE OWNER. THE 30-DAY RETENTION PERIOD OF THIS SUBSECTION DOES NOT APPLY TO PERSONAL PROPERTY THAT IS IN AN UNSAFE OR UNSANITARY CONDITION OR PERISHABLE.
- l. THE TOWN MANAGER MAY DEVELOP ADMINISTRATIVE POLICIES FOR THE REMOVAL OF UNATTENDED PERSONAL PROPERTY FROM SIDEWALKS, THE STORAGE OF THE PROPERTY, AND PROCEDURES BY WHICH THE PROPERTY MAY BE RECLAIMED.
- m. NOTHING IN THIS SECTION SHALL BE CONSTRUED AS LIMITING THE TOWN'S ABILITY TO SEIZE, REMOVE, ABATE, OR DISPOSE OF PROPERTY IN ACCORDANCE WITH ANY OTHER PROVISION OF THE TOWN CODE OR IN ACCORDANCE WITH ANY OTHER PROVISION OF LAW.
- n. IT IS UNLAWFUL AND A PUBLIC NUISANCE TO URINATE OR DEFECATE IN PUBLIC.

D. PERMIT FOR SPECIAL EVENTS REQUIRED. THE TOWN MANAGER, IN HIS OR HER DISCRETION, MAY ISSUE A PERMIT TO ESTABLISH, MAINTAIN AND OPERATE A CAMP OR A CAMP FACILITY IN CONNECTION WITH A SPECIAL EVENT. A SPECIAL EVENT IS INTENDED TO INCLUDE, BUT NOT BE LIMITED TO, PROGRAMS OPERATED BY THE DEPARTMENTS OF THE TOWN, YOUTH OR SCHOOL EVENTS, MARATHONS OR OTHER SPORTING EVENTS AND SCOUTING ACTIVITIES. THE TOWN MANAGER MAY CONSULT WITH VARIOUS TOWN DEPARTMENTS, THE DEPARTMENT OF HEALTH 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 TOWN 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 TOWN 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.

- E. **POSTING COPY OF PERMIT.** IT IS UNLAWFUL FOR ANY PERSON TO ESTABLISH, MAINTAIN, CONDUCT OR CARRY ON ANY CAMP OR CAMP FACILITY UNLESS THERE SHALL BE AT ALL TIMES POSTED IN A CONSPICUOUS PLACE UPON THE AREA OR TRACT OF LAND UPON WHICH THE CAMP OR CAMP FACILITY IS LOCATED A PERMIT OBTAINED FROM THE TOWN MANAGER IN ACCORDANCE WITH THE PROVISIONS OF PARAGRAPH D OF THIS SECTION.

- F. **POWER OF THE TOWN MANAGER TO MAKE RULES AND REGULATIONS.** THE TOWN 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 TOWN 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 TOWN MANAGER SHALL ISSUE ANY PERMIT UNDER THE TERMS OF PARAGRAPH D OF THIS SECTION, THE SAME MAY BE REVOKED AT ANY TIME THEREAFTER BY THE TOWN MANAGER IF THE TOWN MANAGER BECOMES SATISFIED THAT THE MAINTENANCE OR CONTINUING OPERATION OF THE CAMP OR CAMP FACILITIES IS ADVERSE TO THE PUBLIC HEALTH, SAFETY AND WELFARE.

G. VIOLATIONS.

1. ANY PERSON WHO VIOLATES ANY PROVISION OF THIS SECTION SHALL, UPON THEIR FIRST CONVICTION (WHETHER BY ADMISSION, PAYMENT OF THE FINE, BY DEFAULT OR BY JUDGMENT AFTER HEARING), BE CONSIDERED GUILTY OF A PETTY OFFENSE.
2. A PERSON WHO COMMITS A VIOLATION OF THIS SECTION AFTER PREVIOUSLY HAVING BEEN FOUND RESPONSIBLE OF A VIOLATION OF THIS SECTION WITHIN A SIX-MONTH PERIOD, SHALL BE DEEMED A HABITUAL OFFENDER AND BE GUILTY OF A CLASS ONE (1) MISDEMEANOR, ALL PUNISHABLE AS SET FORTH IN THE TOWN CODE AND STATE LAW, AND THE COURT CAN ORDER PAYMENT FOR THE TOWN'S ACTUAL COSTS OF TRANSPORTING AND STORING PROPERTY OF THE VIOLATOR.
 - a. FOR PURPOSES OF CALCULATING THE SIX-MONTH PERIOD UNDER THIS SECTION, THE DATES OF THE COMMISSION OF THE OFFENSES ARE THE DETERMINING FACTOR.
3. THE REMEDIES HEREIN ARE CUMULATIVE, AND THE TOWN MAY PROCEED UNDER ONE OR MORE SUCH REMEDIES.
4. EACH VIOLATION OF THIS SECTION SHALL BE CONSIDERED A SEPARATE OFFENSE.
5. NOTHING CONTAINED IN THIS SECTION SHALL BE CONSTRUED AS REQUIRING ANY WARNING TO ANY PERSON BEFORE THE ENFORCEMENT OF THE PROVISIONS OF THIS SECTION.
6. A VIOLATION OF THIS SECTION IS HEREBY DECLARED TO BE A PUBLIC NUISANCE. IN THE EVENT OF A CONTINUING VIOLATION OF THIS SECTION, THE TOWN ATTORNEY MAY INSTITUTE CIVIL ACTIONS TO ABATE A PUBLIC NUISANCE UNDER THIS SECTION AND IS HEREBY AUTHORIZED TO PURSUE A REQUEST FOR INJUNCTIVE RELIEF IN A COURT OF COMPETENT JURISDICTION. IN THE EVENT THAT AN INJUNCTION IS ISSUED PURSUANT TO THIS SUBSECTION, THE COURT MAY ALSO AWARD REASONABLE ATTORNEY FEES IN FAVOR OF THE TOWN.

7. AN INDIVIDUAL CHARGED WITH VIOLATION OF THIS SECTION, IN LIEU OF BEING TAKEN TO JAIL, AT THE ELECTION OF THE CITING POLICE OFFICER AND WITH THE CONSENT OF THE INDIVIDUAL, MAY BE TAKEN TO A FACILITY PROVIDING SOCIAL SERVICES RELATED TO MENTAL HEALTH, HOUSING, AND/OR SUBSTANCE ABUSE TREATMENT.