

ORDINANCE NO. 1247

AN ORDINANCE OF THE COMMON COUNCIL OF THE TOWN OF WICKENBURG, ARIZONA, AMENDING THE CODE OF WICKENBURG, ARIZONA, CHAPTER 10 OFFENSES, ARTICLE 10-1 UNLAWFUL ACTS, BY AMENDING SECTION 10-1-12 OBSTRUCTION OF STREETS AND REPEALING AND REPLACING SECTION 10-1-25 URBAN CAMPING, ALL RELATED TO PROHIBITING OBSTRUCTION OF STREETS AND CAMPING WITHOUT A PERMIT IN PARKS, STREETS AND OTHER PUBLIC PLACES; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; PROVIDING PENALTIES; AND DECLARING AN EMERGENCY.

WHEREAS, that certain document entitled "Urban Camping Ordinance Amendments, 2025," three copies of which, or one paper and one electronic copy, are on file in the office of the Town Clerk in compliance with A.R.S. § 9-802, is hereby declared to be a public record and said copies are ordered to remain on file with the Town Clerk; and

WHEREAS, the Town Council has determined that the proposed amendments are necessary to protect public health, safety, and welfare of Town residents;

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 Chapter 10 Offenses, Article 10-1, Unlawful Acts, Section 10-1-12 Obstruction of Streets and repealing Section 10-1-25 Urban Camping and replacing it with a new Section 10-1-25 Urban Camping, to read as set forth in that certain document entitled "Urban Camping Ordinance Amendments, 2026," 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in conflict with the provisions of this Ordinance or any part of the Code adopted herein by reference are hereby repealed.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 the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions thereof.

Section IV. Providing for Penalties.

Any person found guilty of violating any provision of this Ordinance shall be guilty of a Class three (3) misdemeanor and subject to a fine not to exceed Five Hundred Dollars (\$500.00) or by imprisonment for a period not to exceed thirty (30) days, or both such fine and imprisonment. Each day that a violation continues shall be a separate offense punishable as herein described.

Section V. Declaring an Emergency.

The immediate operation of the provisions of this Ordinance is necessary for the preservation of the public peace, health, and safety of the Town of Wickenburg, and an emergency is hereby declared to exist. This Ordinance shall be in full force and effect from and after its passage, adoption, and approval by the Common Council of the Town of Wickenburg.

APPROVED, PASSED AND ADOPTED by the Mayor and Common Council of the Town of Wickenburg, Arizona, this 2nd day of March 2026.


BG Bratcher, Mayor

ATTEST:


Amy Brown, Town Clerk

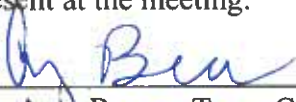
APPROVED AS TO FORM:


Trish Stuhan, Town Attorney
Pierce Coleman PLLC

Number of Councilmembers Present: 7
Number of Votes For: 7
Number of Votes Against: 0
Number of Abstentions: 0

CERTIFICATION

I HEREBY CERTIFY that the foregoing Ordinance Number 1247 was duly passed and adopted by the Mayor and Common Council of the Town of Wickenburg, Arizona, at a regular meeting held on the 2nd day of March 2026, and that a quorum was present at the meeting.


Amy Brown, Town Clerk

[Exhibit on File at the Town Clerk's Office, 155 N Tegner St, Wickenburg, AZ 85390]

URBAN CAMPING ORDINANCE AMENDMENTS, 2026

The Code of Wickenburg, Arizona, Chapter 10 Offenses, Article 10-1, Unlawful Acts, Section 10-1-12 Obstruction of Streets is hereby amended to read as follows (deletions in strikeout, additions in ALL CAPS):

Section 10-1-12 Obstruction of Streets

* * *

- C. It is unlawful for any person or entity to place or cause to be placed on any public street, alley, sidewalk, or public right-of-way, for any length of time, any objects or material, including but not limited to gravel, plants, soil, lumber, bricks, rocks, and pipes, TRASH, DEBRIS, OR GARBAGE, WHICH INCLUDES WASTE OR REFUSE SUCH AS FOOD, WRAPPERS, PACKAGING, USED PAPER AND PERSONAL HYGIENE PRODUCTS, CONSTRUCTION DEBRIS, AND ACCUMULATIONS OF FILTH OR NUISANCE CONDITIONS AS DEFINED BY LAW, OR HAZARDOUS MATERIAL INCLUDING HYPODERMIC NEEDLES, USED DRUG PARAPHERNALIA, ITEMS SOILED WITH BODILY FLUIDS OR WASTE SUCH AS BLOOD, FECES, OR URINE, or to cause damage to the pavement, curb, gutter or sidewalk of any right-of-way. This provision shall not apply to utility or Town Personnel performing lawful Town or utility work in the public street, alley, sidewalk or public right-of-way.

The Code of Wickenburg, Arizona, Chapter 10 Offenses, Article 10-1, Unlawful Acts, is further amended by repealing Section 10-1-25 Urban Camping, and replacing it with a new Section 10-1-25 Urban Camping 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. Any 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 and value.

“Private Property” means all private property including, but not limited to, streets, sidewalks, alleys and improved or unimproved land.

“Public park” means all town parks and playgrounds.

“Public place” means public plazas, transportation facilities, bus stops, schools, attractions, monuments, and improved and unimproved public area.

“Sidewalk” means the area between the street and the abutting property, including any pedestrian way and landscape strip.

“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 shall be unlawful for any person to camp in any public park, public place, or any public street, alley, lane, parkway, or other right-of-way, whether such right-of-way has been dedicated to the public, in fee or by easement, except in the case of a physical emergency, the administration of medical assistance, or where specifically authorized by the Town.

2. 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.
3. No person may sleep in any pedestrian or vehicular entrance to public or private property abutting a public sidewalk.
4. It is unlawful for any person to knowingly leave personal property unattended on a sidewalk. The prohibitions of this subsection do not apply to personal property left unattended on a public sidewalk for less than two hours that is actively being loaded or unloaded or to any person performing a town approved or permitted activity.
5. In addition to any other remedy provided by law, any person found in violation of this section may be immediately removed from the premises as a matter of individual and public safety.

D. Exceptions and Permits for Special Events.

1. This section shall not apply to any activity otherwise made lawful, including, but not limited to, lawful protesting activity and lawful picketing activity.
2. 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 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 this section, the same may be revoked at any time thereafter by the Town Manager if the Town Manager become satisfied that the maintenance or continuing operation of the camp or camp facilities is adverse to the public health, safety and welfare.

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 with the proposed temporary camp or camp facility is to be located.

It is a defense to a charge pursuant to this section that the person has a permit issued.

3. 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 this section.

E. Temporary Exclusion from Town Park Properties. A law enforcement officer may issue a written exclusion order barring an individual from a specific public park for up to thirty (30) days if the individual receives two (2) or more citations for violating park regulations within that same park during a one-year period. The exclusion order applies only to the park where the violations occurred.

F. Violations.

1. Violation of this section shall be punishable as a class three (3) misdemeanor and subject to a fine not to exceed five hundred dollars (\$500.00) or by imprisonment for a period not to exceed thirty (30) days, or both such fine and imprisonment, and the court can order payment for the town's actual costs of transporting and storing property of the violator. Each day that a violation continues shall be a separate offense punishable as herein described.
2. Nothing contained in this section shall be construed as requiring any warning to any person before the enforcement of the provisions of this section.
3. 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.
4. An individual charged with violation of this chapter, 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 in lieu of citation, subject to availability.
5. Upon conviction for a violation of this chapter, in addition to any other factors deemed appropriate by the court, the court shall consider in mitigation whether or not the person immediately removed all personal property and litter, including but not limited to bottles, cans, and garbage from the campsite after being informed they were in violation of the law.