



City Council Report

Date: November 18, 2024
To: City Council
Through: Candace Cannistraro, Deputy City Manager
From: Andrea Moore, Department Director
Parks, Recreation, and Community Facilities Department
Subject: Proposed Public Park Regulations Ordinance
Citywide

Purpose and Recommendation

The purpose of this report is to request City Council approval of the proposed ordinance to amend Mesa City Code Title 6, Chapter 10 (“Public Park Regulations”). The amendments are related to updating the definition of camping and modifying the severity of infractions of the park regulations from all Class 1 misdemeanors to civil violations, and misdemeanors at the Class 3, 2, and 1 levels.

Background

In 2018, the U.S. Ninth Circuit Court of Appeals ruled in the *Martin v. Boise* case that municipalities were limited or prevented from enforcing restrictions on camping in public spaces based on the availability of sheltering facilities. During the subsequent years, Mesa developed a multifaceted approach to addressing homelessness through the “Off the Streets” program. This program offers temporary housing to individuals experiencing homelessness paired with strong support services.

In June 2024, the U.S. Supreme Court ruled in the *Grants Pass v. Johnson* case that municipalities can prohibit actions such as occupying a campsite on public property for maintaining a temporary place to live. The finding also supported classification of a violation of a prohibition on camping as the equivalent of Arizona’s Class 3 Misdemeanor. Previously, all violations of Public Park Regulations in Mesa were classified as a more severe Class 1 Misdemeanors.

Discussion

With the updated ruling from the U.S. Supreme Court, staff proposes to revise the Public Park Regulations with updates to the definitions and restrictions related to camping and to revise the classifications of violations on the basis of their severity. The language related to camping is designed to mirror a proposed urban camping ordinance which is also being brought forward to Council that pertains to City property not covered by the Public Park

Regulations. The revisions now allow for civil violations, and misdemeanors as Class 3, 2, or 1. For example, violations related to refuse, boating, golfing, non-motorized vehicles, glass containers, ice blocking, water sliding, and dog waste are reduced to civil violations. Violations related to fishing would now be a Class 2 misdemeanor, while violations pertaining to donation distribution, bathing/swimming/wading, parked vehicles, horses, other animals, shopping carts, and camping are now Class 3 misdemeanors.

Alternatives

City Council can recommend additional or different changes to the Mesa City Code Title 6, Chapter 10 (Public Park Regulations).

City Council also has the option to not pass the proposed ordinance amendment, which shall have the effect of leaving the Public Park Regulations as they currently exist.

Fiscal Impact

These changes are not expected to have a significant fiscal impact.

Coordinated With

The report and proposed ordinance were completed in coordination with the City Attorney's Office and City Prosecutor's Office.