ORDINANCE NO.

- 2 AN ORDINANCE AMENDING ORDINANCE 20210209-004 ORDERING A
- 3 SPECIAL MUNICIPAL ELECTION REGARDING A CRIMINAL
- 4 OFFENSE AND A PENALTY FOR CAMPING IN PUBLIC AREAS
- 5 WITHOUT A PERMIT, CERTAIN TYPES OF SOLICITATION, AND
- 6 SITTING, LYING, OR SLEEPING OUTDOORS IN CERTAIN PUBLIC
- 7 AREAS; AND DECLARING AN EMERGENCY.

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BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

- 10 **PART 1.** Through its adoption of Ordinance No. 20210209-004 on February 9,
- 11 2021, the City Council adopted ballot language for Proposition B, regarding a
- criminal offense and a penalty for camping in public areas without a permit, certain
- types of solicitation, and sitting, lying, or sleeping outdoors in certain public areas.
- 14 **PART 2.** A suit was filed in the Third Court of Appeals on February 16, 2021
- challenging the ballot language for Proposition B.
- 16 **PART 3.** On February 24, 2021, the Third Court of Appeals denied the relators'
- application for a writ of mandamus, and the relators appealed to the Supreme Court
- of Texas. On March 2, 2021, the Supreme Court of Texas issued its opinion
- directing the City to modify the ballot language by deleting the word "anyone" where
- 20 it appeared in the ballot language.
- 21 PART 4. Pursuant to that order, Ordinance No. 20210209-004 is amended to alter
- 22 the ballot language of Proposition B to permit voting "Yes" or "No" on the
- 23 proposition:
- 24 Proposition B: Shall an ordinance be adopted that would create a criminal offense
- 25 and a penalty for sitting or lying down on a public sidewalk or sleeping outdoors in
- and near the Downtown area and the area around the University of Texas campus;
- 27 create a criminal offense and penalty for solicitation, defined as requesting money
- or another thing of value, at specific hours and locations or for solicitation in a public
- area that is deemed aggressive in manner; create a criminal offense and penalty for
- 30 camping in any public area not designated by the Parks and Recreation Department?
- 31 **PART 5.** Council finds that the need to adopt new ballot language constitutes an
- 32 emergency. Because of this emergency, this ordinance takes effect immediately on
- its passage for the immediate preservation of the public peace, health, and safety.

35	PASSED AND APPROVED	
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37		§
38		§
39_	, 2021	§
40		Steve Adler
41		Mayor
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44	APPROVED:	ATTEST:
45	Anne L. Morgan	Jannette S. Goodall
46	City Attorney	City Clerk