



Shelton City Council  
Study Session Agenda  
November 22, 2022 – 6:00 p.m.  
Civic Center & Virtual Platform

**A. Call to Order**

**B. Roll Call**

**C. Study Agenda**

1. Homelessness Task Force Recommendations – Presented by City Manager Jeff Niten
2. No Sit/No Lie Discussion – Presented by City Manager Jeff Niten

**D. New Items for Discussion**

**E. Adjourn**

*The City of Shelton is committed to the non-discriminatory treatment of all persons in employment and the delivery of services and resources. If you require accommodation for your attendance at the City Council meeting, please call (360) 432-5103 at least 48 hours in advance of the meeting.*



# 2022/23 Looking Ahead

(Items and dates are subject to change)

<p>Tues. 12/6 6:00 p.m.</p>	<p>Regular Meeting</p>	<p>Consent Agenda</p> <ul style="list-style-type: none"> <li>• Vouchers/Payroll Warrants/Meeting Minutes Presentation</li> <li>• Pacific Coast Shellfish Growers Assn.</li> <li>• Great Bend Center for Music LTAC Report</li> </ul> <p>Business Agenda</p> <ul style="list-style-type: none"> <li>• Public Hearing Ordinance No. 1997-1122 Water Comp Plan Adoption</li> <li>• Resolution No. 1249-1122 DOC Grant Acceptance for Well 1 Rehab</li> <li>• Resolution No. 1250-1122 Well 1 Rehab Design Contract Amend. No. 3</li> <li>• Resolution No. 1251-1122 DOC Grant Acceptance for WWTP Reclaimed Tank</li> <li>• Resolution No. 1252-1122 WWTP Reclaimed Tank Design Contract Amend. No. 2</li> </ul> <p>Action Agenda</p> <ul style="list-style-type: none"> <li>• Community Calendar Policy</li> <li>• Ordinance No. 1995-1022 Updates to Shelton Municipal Code - Code Enforcement</li> <li>• Nisqually Jail Contract</li> <li>• Alternative Response Team Grant Acceptance</li> </ul> <p>Administration Report</p> <ul style="list-style-type: none"> <li>•</li> </ul>	<p>Packet Items Due: 11/23 @ 5:00 p.m.</p>
<p>Tues. 12/6 After regular meeting</p>	<p>Special Meeting</p>	<p>Executive Session</p> <ul style="list-style-type: none"> <li>• Performance of a Public Employee</li> </ul>	<p>N/A</p>
<p>Tues. 12/13 6:00 p.m.</p>	<p>Study Session</p>	<p>Study Agenda</p>	<p>Packet Items Due: 12/9 @ noon</p>
<p>Tues. 12/20 5:45 p.m.</p>	<p>SMPD Meeting</p>	<p>Consent Agenda</p> <ul style="list-style-type: none"> <li>• Vouchers/Meeting Minutes</li> </ul> <p>Business Agenda</p> <ul style="list-style-type: none"> <li>•</li> </ul> <p>Action Agenda</p> <ul style="list-style-type: none"> <li>•</li> </ul> <p>Administration Report</p> <ul style="list-style-type: none"> <li>•</li> </ul>	<p>Packet Items Due: 12/9 @ 5:00 p.m.</p>
<p>Tues. 12/20 6:00 p.m.</p>	<p>Regular Meeting</p>	<p>Consent Agenda</p> <ul style="list-style-type: none"> <li>• Vouchers/Payroll Warrants/Meeting Minutes</li> </ul> <p>Business Agenda</p> <ul style="list-style-type: none"> <li>•</li> </ul> <p>Action Agenda</p>	<p>Packet Items Due: 12/9 @ 5:00 p.m.</p>

		<ul style="list-style-type: none"> <li>Administration Report</li> </ul>	
Tues. 12/27 6:00 p.m.	Study Session	Study Agenda	Packet Items Due: 12/23 @ noon
Tues. 1/3/23 6:00 p.m.	Regular Meeting	<p>Consent Agenda</p> <ul style="list-style-type: none"> <li>Vouchers/Payroll Warrants/Meeting Minutes</li> <li>October Financial Status Report</li> </ul> <p>Business Agenda</p> <ul style="list-style-type: none"> <li>Resolution No. 1253-1122 Master Fee Schedule Update</li> <li>Ordinance No. 1996-1022 Council Protocol Manual Revisions</li> <li>Resolution No. xxxx-xxxx Local Road Safety Plan Project Approval and Authorization</li> <li>Resolution No. 1243-0822 Brockdale Road Resurfacing Improvements Project Award</li> <li>Resolution No. xxxx-xxxx Consultant Contract Amend No 1 for Brockdale Road Improvement Project</li> <li>Public Hearing Ordinance No. xxxx-xxxx Peacock Ridge Annexation Request</li> </ul> <p>Action Agenda</p> <ul style="list-style-type: none"> <li>Ordinance No. 1994-0922 Parks and Open Space Standards for Development of Land</li> <li>Ordinance No. 1997-1122 Water Comp Plan Adoption</li> <li>Resolution No. 1249-1122 DOC Grant Acceptance for Well 1 Rehab</li> <li>Resolution No. 1250-1122 Well 1 Rehab Design Contract Amend. No. 3</li> <li>Resolution No. 1251-1122 DOC Grant Acceptance for WWTP Reclaimed Tank</li> <li>Resolution No. 1252-1122 WWTP Reclaimed Tank Design Contract Amend. No. 2</li> </ul> <p>Administration Report</p> <ul style="list-style-type: none"> <li></li> </ul>	Packet Items Due: 12/23 @ 5:00 p.m.
Tues. 1/10 6:00 p.m.	Study Session	Study Agenda	Packet Items Due: 1/6 @ noon
Tues. 1/17 6:00 p.m.	Regular Meeting	<p>Consent Agenda</p> <ul style="list-style-type: none"> <li>Vouchers/Payroll Warrants/Meeting Minutes</li> <li>November Financial Status Report</li> </ul> <p>Business Agenda</p> <ul style="list-style-type: none"> <li></li> </ul> <p>Action Agenda</p> <ul style="list-style-type: none"> <li>Resolution No. 1253-1122 Master Fee Schedule Update</li> <li>Ordinance No. 1996-1022 Council Protocol Manual Revisions</li> <li>Resolution No. xxxx-xxxx Local Road Safety Plan Project Approval and Authorization</li> </ul>	Packet Items Due: 1/6 @ 5:00 p.m.

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Tues. 1/24 6:00 p.m.	Study Session	Study Agenda	Packet Items Due: 1/20 @ noon
Tues. 2/7 6:00 p.m.	Regular Meeting	Consent Agenda <ul style="list-style-type: none"> <li>Vouchers/Payroll Warrants/Meeting Minutes</li> </ul> Business Agenda <ul style="list-style-type: none"> <li></li> </ul> Action Agenda <ul style="list-style-type: none"> <li>Repealing Resolution No. 1157-0320</li> </ul> Administration Report <ul style="list-style-type: none"> <li></li> </ul>	Packet Items Due: 1/27 @ 5:00 p.m.

Other – TBD

- UGA/Annexation Policy (Water/Sewer Extensions)
- Water and Sewer Fee Schedule Revisions (Ordinance removing rates from SMC)
- Public Hearing Ordinance No. 1990-0522 Amending SMC 17.12
- Resolution No. 1247-1022 Bostrom Lane Public Utility & Access Easement



November 22, 2022

Mayor, Deputy Mayor, and Councilmembers,

Earlier this year the Shelton City Council directed staff to convene a Task Force focused on making recommendations to the Council aimed at addressing homelessness in our community. The City of Shelton team convened that Task Force with a focus on incorporating a wide diversity of perspectives. The Shelton team would like to express our appreciation to Task Force members who dedicated time and effort to discuss homelessness and how the city ought to approach potential solutions.

Task Force members included: Mayor Eric Onisko, Councilmember Miguel Gutierrez, Mason County Commissioner Sharon Trask, Shelton Chief of Police Carole Beason, Shelton Police Department Sergeant Lawson, Business Owner Dean Jewett, Athena Ayers with Community Lifeline, Business Owner Holly Cahoon, Colleen Carmichael with Quixote Communities, Susan Kirchoff with Youth Connection, Business Owner Melanie Bakala, Mary Eagleson Shelton Resident, Tanya Frazier with Crossroads Housing, Amber Carlson with Mason Health, Dave Windom Mason County Public Health, Blair Schirman with Crossroads Housing and several others who participated in various Task Force meetings.

The Task Force met six times to discuss various aspects of the homelessness issue convening for the initial meeting on June 28, 2022 and issuing a final set of recommendations on October 11, 2022. The first meeting focused on a base of information including a presentation from our City Attorney regarding the Boise decision at the Federal level, and the Blake decision that affects us here in Washington State. The second meeting focused on what makes Shelton unique, the third on what has worked to address homelessness in other Washington communities. The Task Force's fourth meeting included a discussion about what financial opportunities and constraints face our community when considering recommendations to the Shelton City Council. The fifth meeting of the Task Force included a presentation by Jefferson County Commissioner Brotherton on the model that has worked for Jefferson County and Port Townsend as partners, then each Task Force member was given the opportunity to provide suggested recommendations for the Council. Each suggestion, nine total, was researched and background was provided at the final meeting of the Task Force on October 11. Task Force members voted on the recommendations ultimately suggesting seven steps. Each is outlined below.



## ***Homelessness Task Force***

### ***Recommendations***

- Mitigation Site. (Short term – 1 year)
- Support for grant applications for current shelter options. (Short term – immediate)
- Support for grant applications for community partners to provide rapid re-housing. (Short term – immediate)
- 1 – 2 Mason County focused Designated Crisis Responders (DCR) potentially embedded with Shelton Police. (Medium term - 1 to 3 years)
- Storage lockers co-located with a mitigation site. (Medium term – 1 to 3 years)
- Public Dashboards on city web site that detail what shelter beds are available. (Medium term – 1 to 3 years)
- Support for Affordable Housing. (Long term – 3 to 5 years)

“Chronic homelessness costs the public roughly \$30,000 to \$50,000 per unhoused individual each year, due in part to expenditures for emergency care, jails, prisons and psychiatric institutions”.<sup>1</sup>



## **Mitigation Site**

Mitigation sites, also known as emergency encampments, are in use throughout Washington State and the country. “Encampments are places where a group of individuals experiencing homelessness reside that is not intended for long-term, continuous occupancy”.<sup>2</sup> Sanctioning encampments is not an alternative to providing services and permanent housing, but can ameliorate the conditions of living on the streets. By providing individuals experiencing homelessness with connections to services, individuals living in encampments can experience improved access to support services and transitional or permanent housing options. Municipal support and involvement with encampments can also create the opportunity for the relationship and trust-building that is often key to ushering individuals living in encampments into other housing options.<sup>3</sup> Another variable to consider is Revised Code of Washington R.C.W. 35.21.915 restricts cities from prohibiting homelessness encampments on property owned or controlled by a religious organization.

There are several models for sanctioned encampments in Washington state, including designated areas for camping and “Safe Park” areas for vehicles. Many of the temporary camping facilities, what is sometimes referred to as “tent cities” are broadly similar in nature to Shelton Ordinance 1987 – 0422 adopted by the Shelton City Council in July, 2022 and codified in the Shelton Municipal Code as Chapter 20.47. If City Council desires a permanent mitigation site additional language will need to be considered for Chapter 20.47. Thurston County Code 23.45 contains many of the same provisions and requirements for temporary homeless encampments, as does Mount Vernon Municipal Code 17.210.

Safe parking programs allow individuals living in vehicles to park in off-street parking lots. Such programs are often provided by religious organizations as part of their efforts to minister to those in need. They are generally regulated similarly to encampments. Vancouver, Washington has adopted a Camping Ordinance, codified as Vancouver Municipal code chapter 8.22 and incorporates safe parking as a component.



### **Support for grant applications for community partners to provide rapid re-housing**

This item involved writing letters of support for non-profit community partners as they are pursuing grant opportunities intended to increase emergency shelter space and other homelessness services.

### **1 – 2 Mason County focused Designated Crisis Responders (DCR) potentially embedded with Shelton Police**

Currently the only DCR available in Mason County is provided by Olympic Health and Recovery Services located in Lacey, Washington. While there are other models within the co-responder framework, DCR's are the only model authorized to pursue involuntary commitment for people experiencing a mental health crisis.

“Designated crisis responders are a unique key in Washington state’s crisis mental health system. The Involuntary Treatment Act designed in the 1970s appoints them as the gatekeepers who can detain people in mental health emergencies — if they’re a danger to themselves, others or property, or are gravely disabled and can’t care for themselves — but it also means that without them, people who could benefit from therapy and medication may forgo it until their condition gets severe enough to qualify for involuntary treatment.”<sup>4</sup>

A Designated Crisis Responder salary in Washington is \$85,583.40 - \$103,974.48 annually plus benefit package.

While DCR's are the only individuals permitted to make involuntary commitment decisions, there are other models, such as Navigators and Social Workers either embedded with Police or not. While navigators and/or Social Workers cannot involuntarily commit individuals they can connect individuals experiencing homelessness with a wide range of services including, but not limited to:

- Coordinated Entry, which is a process designed to quickly identify, assess, refer and connect people in crisis to housing and assistance and services; and
- Substance abuse recovery services; and





- Health supports such as medical and mental health; and
- Transportation assistance; and
- Identification and benefits assistance.

The City has applied for an Alternative Response Team grant through the AWC and the Washington State Health Care Authority for funding for a Designated Crisis Responder to work with our Police to address homelessness and individuals experiencing mental crisis in our community.

### **Storage lockers co-located with a mitigation site**

Free locker space to store personal belongings of people experiencing homelessness is an option that has been successful in other municipalities.

“In February 2016, the City launched this program to provide day storage and other services for individuals experiencing homelessness. Lack of secure storage is a huge barrier for homeless residents in seeking services, treatment, job interviews, or other routine daily events.”<sup>5</sup>

In 2016 Portland spent \$50,000 to create storage lockers for the homeless population. During the 2018-2019 fiscal year, the city spent \$120,000 to keep it open from 7 a.m. to 6 p.m. five days per week. The funding includes the salaries for two employees.<sup>6</sup>

The storage lockers are meant to keep the possessions of people experiencing homelessness safe and protected removing the need to keep personal possessions with the individual at all times. The task force determined storage lockers is a potential solution to the use of shopping carts and other containers. The task force recommended consideration of storage locker facilities co-located with the mitigation site. Other locations for a storage facility potentially include an existing building within the city, or the purchase of a Conex storage box and placing the unit in a location to be determined.



### **Public Dashboards to track metrics related to homelessness services**

There are several dashboards that measure homelessness metrics developed and maintained by the State of Washington. The Department of Social and Health Services (DSHS) maintains a dashboard on a variety of public health and housing metrics. The Department of Commerce also maintains various dashboards focused on Homeless System Performance. Examples of city and county dashboards include Snohomish County and the cities of Seattle and Spokane. Typical metrics include Households served in Rapid Rehousing and Chronic Homelessness Households Performance.

The Rapid Rehousing dashboard measures how many days differing groups make use of emergency shelter space, and transitional housing, days to permanent housing and income progression. The dashboard utilizes benchmarking and goal setting to measure the performance of existing programs. The Chronic Homelessness Households dashboards measures the same items mentioned above and adds a return to homelessness element.

Metrics for this recommendation could include monthly updates on the number of people in the community experiencing homelessness supplementing the annual Point in Time Count. The number of available shelter beds on a daily basis is also a possibility, as is available transitional housing space and permanent affordable housing.

The cost for this program is relatively minimal initially, approximately \$5,000 per year for dashboard software and incorporation into the existing City website. On-going costs for website updates, and gathering the data necessary to make the dashboards effective is estimated to be 0.5 FTE, approximately \$45,000 per year inclusive of benefits.



## **Affordable Housing**

The United States Department of Housing and Urban Development (HUD) defines affordable housing as housing with monthly costs, including utilities other than telephone, that do not exceed 30% of a household's monthly income. Households that spend more than 30% of their income on housing costs are cost burdened, while those that spend more than 50% of their income are severely cost burdened. "In 2019, 46% of Washington renters were cost burdened, with nearly half of those considered severely cost burdened."<sup>7</sup>

There are several potential causes of the affordability problem, and not every cause applies to every city or region. In some cases, rapid population growth and/or gentrification can cause an unsustainable rise in housing costs. In our community other reasons are more likely.

Rising construction costs. There is a high demand for construction labor and materials throughout Washington. This directly increases the costs to develop new housing. New housing construction that does not address local needs. Many developers try to build housing that maximizes their profits given local zoning codes and regulations. Building luxury homes may be more cost effective for home builders in an area but it will not solve the affordable housing crisis. Lack of living-wage jobs: When the average income of residents is far below what it costs to afford housing in the area, then an important part of the solution for affordable housing may require an economic development component.

Creation of affordable housing units may be accomplished in two ways. Either through a regulatory framework requiring the production of affordable housing units with incentivized density bonuses, or through public private partnerships where the local government sells land at a reduced price, or even donates land, for the express purpose of affordable housing construction.

The Washington State Department of Commerce has identified several steps local governments can take to address housing affordability in a Housing Memorandum produced in June, 2019.<sup>8</sup> These suggestions are detailed below.



**Update the housing element in your Comprehensive Plan:** Per WAC 365-196-410, each city and county in the state should develop a housing element, or a plan to identify and meet the housing needs of residents living within the jurisdiction. These housing elements should be regularly evaluated and updated to meet the current needs of the community. Local governments should be setting ambitious goals to increase housing, promote healthy communities, and end housing discrimination.

**Perform a housing needs assessment:** A housing needs assessment helps jurisdictions understand their current and future housing needs to serve all economic segments of the community. This should include a racial impact study to identify how housing and land-use policies impact members of the community differently.

**Create an affordable housing action plan:** An affordable housing action plan is a supplement to a local housing strategy. It provides practical responses, including local initiatives, as well as further prospects for housing reform.

**Fund equitable housing development:** Cities can reevaluate their budgets to determine how much they should be spending on affordable housing and community development. They can then determine how much intergovernmental or philanthropic funds they require for long-term equitable housing solutions.

**Develop eviction diversion programs:** Developing, supporting, and funding comprehensive eviction diversion and prevention programs that assist both renters and landlords can be crucial to long-term stability when financial emergencies arise.

**Collaborate with housing authorities and local nonprofit housing developers:** Strong partnerships with local housing authorities and developers dedicated to creating affordable housing can empower cities to prioritize low-income and affordable housing in their communities. These collaborations provide local governments with increased resources to tackle the issues.



## Notes:

1. The U.S. Interagency Council on Homelessness. (n.d.). Ending Chronic Homelessness in 2017 (p. 1-2). [https://www.usich.gov/resources/uploads/asset\\_library/Ending\\_Chronic\\_Homelessness\\_in\\_2017.pdf](https://www.usich.gov/resources/uploads/asset_library/Ending_Chronic_Homelessness_in_2017.pdf)
2. Cohen, R., Yetvin, W., & Khadduri, J. (2018). Understanding Encampments of People Experiencing Homelessness and Community Responses: Emerging Evidence as of Late 2018. U.S. Department of Housing and Urban Development, Office of Policy Development and Research. <https://www.huduser.gov/portal/sites/default/files/pdf/Understanding-Encampments.pdf>
3. National League of Cities (2022) Ending Housing Instability and Homelessness. <https://www.nlc.org/wp-content/uploads/2022/01/Overview-of-Homeless-Encampments-Brief.pdf>
4. Seattle Times, Washington's designated crisis responders, a 'last resort' in mental health care, face overwhelming demand Updated Aug. 11, 2022 at 11:50 am
5. City of Portland, Oregon <https://www.portlandoregon.gov/toolkit/article/562212>
6. <https://www.kgw.com/article/news/years-later-citys-experiment-to-help-homeless-store-stuff-proves-a-success/283-93db27ac-e6f5-4243-8066-f467fa3fb540>
7. University of Washington (2020) Evictions Study <https://evictions.study>
8. <https://deptofcommerce.app.box.com/s/npwem3s3rvcsya15nylbroj18e794yk7>

# Chapter 17.210

## TEMPORARY HOMELESS ENCAMPMENTS

Sections:

[17.210.010 Purpose.](#)

[17.210.015 Definitions.](#)

[17.210.020 Application for temporary homeless encampment permit.](#)

[17.210.030 Requirements for approval and operation.](#)

[17.210.040 Hardship exception.](#)

[17.210.050 Decision criteria.](#)

[17.210.060 Revocation of permit.](#)

[17.210.070 Limited homeless encampment \(safe parking\) accommodations.](#)

### **17.210.010 Purpose.**

The purpose of this chapter is to regulate homeless encampments within the city of Mount Vernon in compliance with the requirements of RCW [35.21.915](#). The standards and requirements in this chapter are the minimum necessary to protect the public health and safety and do not substantially burden the decisions or actions of religious organizations regarding the location of housing or shelter for homeless persons on property owned by such religious organizations. (Ord. 3743 § 4, 2018).

### **17.210.015 Definitions.**

The following words used in this chapter are defined as follows:

- A. “Director” means the director of the city of Mount Vernon’s development services department or designee.
- B. “Encampment host” or “safe parking host” means a religious organization (including but not limited to an owner, tenant, or lessee) that has the legal right to occupy the site of a temporary homeless encampment and/or safe parking accommodations. An “encampment host” and/or a “safe parking host” may be the same individual, group, organization, or entity as the encampment sponsor or the encampment manager of a temporary homeless encampment.
- C. “Encampment manager” or “safe parking manager” means an individual, group, organization, or entity that organizes, manages or operates a temporary homeless encampment and/or safe parking accommodations. An “encampment manager” and/or “safe parking manager” may be the same individual, group, organization, or entity as the encampment host or the encampment sponsor of a temporary homeless encampment.

D. "Encampment sponsor" or "safe parking sponsor" means an individual, group, organization, or entity which, in conjunction or by agreement with the encampment host or encampment manager, provides services or support on an ongoing basis for the residents of a temporary homeless encampment and/or safe parking accommodations. An "encampment sponsor" and/or "safe parking sponsor" may be the same individual, group, organization, or entity as the encampment host or the encampment manager of a temporary homeless encampment.

E. "Limited homeless encampment (safe parking) accommodations" means areas on a site or property owned or controlled by a religious organization that accommodates vehicles in parking lots that individuals park and sleep within as means of shelter.

F. "Temporary homeless encampment" means a temporary encampment for homeless persons on property owned or controlled by a religious organization, whether within buildings located on the property or elsewhere on the property outside of buildings. This definition does not include limited homeless encampment (safe parking) accommodations. (Ord. 3821 § 3, 2020).

**17.210.020 Application for temporary homeless encampment permit.**

A. A temporary homeless encampment is an allowed use only on property owned or controlled by a religious organization that is acting as either the encampment host or the encampment sponsor, or both, for the temporary homeless encampment.

B. Temporary homeless encampments shall not be permitted within the city except as an accommodation of religious exercise by an encampment host or encampment sponsor. Each encampment host, encampment manager and encampment sponsor of a temporary homeless encampment shall jointly apply for a permit under this chapter, and shall jointly certify compliance with all applicable use requirements and conditions of this part in the application.

C. An application for a temporary homeless encampment permit shall be submitted to the director or designee on a form approved by the director. The application shall contain an encampment management responsibility plan. An application that does not contain an encampment management responsibility plan shall not be considered complete. The encampment management responsibility plan shall contain, at a minimum, all of the following information:

1. The name, address, and telephone number of the encampment host, and the telephone number and email address for a designated representative of the encampment host; and
2. The name, address, and telephone number of the encampment sponsor and encampment manager, and the telephone number and email address for a designated representative of the encampment sponsor and encampment manager; and
3. The proposed location of the temporary homeless encampment and information as to whether the temporary homeless encampment will be located inside a building or outside a building on property owned or controlled by the encampment host; and
4. The date on which the temporary homeless encampment is proposed to move onto the proposed location and the date on which the temporary homeless encampment is proposed to vacate the proposed location; and
5. The maximum number of residents proposed; and
6. A site plan showing the proposed location of the facilities required by MVMC [17.210.030](#); and
7. A statement demonstrating how the temporary homeless encampment will meet the requirements of MVMC [17.210.030](#); and
8. A description of the security measures that the encampment host, encampment sponsor and encampment manager intend to employ at the proposed location, including criteria for rejection as a resident, a code of conduct, neighborhood security patrols, if any, whether and how they will implement outstanding warrant or registered sex offender background checks, and whether and how any temporary homeless encampment residents or prospective residents may be ejected from the temporary homeless encampment based on the results of such checks; and
9. A transportation plan demonstrating compliance with MVMC [17.210.030](#).

D. The application for a temporary homeless encampment permit must be accompanied by an application fee set forth in Chapter [14.15](#) MVMC.



E. An application for a temporary homeless encampment permit must be filed at least 30 days before the date on which the temporary homeless encampment is proposed to move onto the proposed location; provided, that the director may agree to a shorter period in the case of an emergency beyond the control of the encampment host and encampment sponsor.

F. An application for a temporary homeless encampment permit shall be processed as a Type II temporary homeless encampment permit under Chapter [14.05](#) MVMC subject to administrative appeal and final administrative decision by the city hearing examiner.

G. In addition to the requirements for a Type II permit under Chapter [14.05](#) MVMC, the following additional and amended procedures apply:

1. **Public Meeting Required.** The encampment host, manager and sponsor shall hold an informational public meeting that will be attended by the director. The public meeting shall be held as early in the review process as possible for the application. Notice of the public meeting shall be mailed to those property owners identified within subsection (G)(2) of this section. The public meeting notice will be combined with the notice of application whenever possible. Prior to the public meeting, the encampment host shall meet and confer with the Mount Vernon police department regarding the proposed security measures. At the public meeting, a representative of the encampment host shall present in writing and describe the proposed encampment management responsibility plan, and any input or comment received on the plan, including any comment or input from the Mount Vernon police department, or comment or input from schools and/or child care services under subsection (G)(2) of this section. The public meeting shall be attended by all applicants of the proposed temporary homeless encampment permit.

2. **Additional Mailed Notice.** The requirements for mailed notice of the application set forth for Type II permits under Chapter [14.05](#) MVMC shall be expanded to include owners of real property within 600 feet of the project site. Prior to the decision of the director on a temporary homeless encampment permit, the encampment host, encampment sponsor, or encampment manager shall meet and confer with the administration of any public or private elementary, middle, junior high or high school within 600 feet of the boundaries of the proposed temporary homeless encampment site, and shall meet and confer with the operators of any

known child care service within 600 feet of the boundaries of the proposed temporary homeless encampment site. The encampment host and the school administration and/or child care service operator shall make a good faith effort to agree upon any additional conditions that may be appropriate or necessary to address school and/or child care concerns regarding the location of a temporary homeless encampment within 600 feet of such a facility. Any such conditions agreed upon between the parties shall be submitted to the director for consideration for inclusion within the temporary homeless encampment permit. In the event the parties fail to agree on any conditions, either party may provide the director with a written summary of the parties' discussions, which the director may consider in evaluating whether the criteria for the temporary homeless encampment permit are met, or the need for additional conditions upon the temporary homeless encampment permit based on the applicable decision criteria.

3. The applicant shall provide notice of the application by posting two land use change signs on the site or in a location immediately adjacent to the site that provides visibility to motorists using adjacent streets. The director shall establish standards for timing of installation and removal of the signs and the public meeting notice.

H. The director shall coordinate review of the temporary homeless encampment permit with appropriate city staff and with other appropriate public agencies, including, but not limited to, Skagit County public health department and the Mount Vernon fire department. The director may issue the temporary homeless encampment permit if the application demonstrates that:

1. All of the requirements of MVMC [17.210.030](#) are met; and
2. The temporary homeless encampment will not be materially injurious to the public health, safety, and welfare or materially injurious to the property or improvements in the immediate vicinity.

I. Decisions of the director granting, granting with conditions, or denying a temporary homeless encampment permit shall be subject to one open record administrative appeal to the hearing examiner who shall render a final administrative determination. The hearing examiner's decision shall be subject to appeal to the Skagit County superior court as provided in Chapter [36.70](#) RCW. In the event of any conflict with any other provisions of

the Mount Vernon Municipal Code, this provision shall control notwithstanding MVMC [14.05.020](#). (Ord. 3743 § 4, 2018).

**17.210.030 Requirements for approval and operation.**

A. A temporary homeless encampment must meet all of the following requirements in addition to any other requirements imposed by this chapter:

1. The property or building must be of sufficient size to accommodate the proposed number of tents and residents and the on-site facilities required by this section.

2. Adequate provision must be made for the provision of drinking water, disposal of human waste, disposal of garbage and other solid waste, and the provision of other services, including, but not limited to, the following facilities:

a. Sanitary portable toilets or other restroom facilities in the number required to meet health regulations for the residents and staff of the temporary homeless encampment; and

b. Hand washing stations by the toilets or restrooms and by food service areas; and

c. Refuse receptacles meeting the requirements of the city's solid waste division; and

d. A food service tent or other food service building or facility meeting health department requirements; and

e. A management tent or other management office or facility providing administrative and security services and readily identifiable to residents and visitors. Through the permit process a ratio of encampment staff to residents shall be established by the city. This ratio shall ensure the health and safety of the staff, residents, and surrounding neighbors.

3. Outdoor temporary homeless encampments shall meet all setbacks for the zoning district in which the property is located; provided, that where the temporary homeless encampment abuts property containing residential uses, the temporary homeless encampment shall be set back 20 feet from the property line or the minimum setback provided in the Mount Vernon Municipal Code, whichever is greater.

4. Outdoor temporary homeless encampments shall have a six-foot-tall sight obscuring fence provided around the perimeter of the temporary homeless encampment unless the director determines that there is sufficient vegetation, topographic variation, or other site conditions to provide equivalent screening of the use from adjacent properties.
5. Any and all exterior lighting for outdoor temporary homeless encampments shall be directed downward and away from adjacent properties to minimize light impacts.
6. The maximum number of residents within a temporary homeless encampment shall not exceed 100.
7. Parking for at a minimum five vehicles shall be provided and otherwise comply with Chapter [17.84](#) MVMC.
8. No children under the age of 18 shall be allowed in the temporary homeless encampment. If a child under the age of 18 attempts to reside at the temporary homeless encampment, the encampment sponsor, the encampment host, or the encampment manager shall immediately contact child protective services.
9. No animals shall be permitted in the temporary homeless encampment, except for service animals.
10. The encampment sponsor and/or the encampment host shall submit a code of conduct for the temporary homeless encampment and a statement describing how the code of conduct will be enforced. The code of conduct shall, at a minimum, contain the following:
  - a. A prohibition on the possession or use of illegal drugs or alcohol.
  - b. A prohibition on the possession of guns, knives with blades in excess of three inches, and weapons of all kinds.
  - c. A prohibition on violence.
  - d. A prohibition on open flames.
  - e. A prohibition on trespassing into private property in the surrounding neighborhood.

f. Hours during which quiet is to be observed.

11. A transportation plan must be submitted providing for access to transit. All temporary homeless encampments must be located within one-half mile of transit service. This measurement shall be taken in a straight line from the closest property line where the temporary homeless encampment is proposed to the existing transit service provided by Skagit Transit. During hours when public transportation is not available, the encampment sponsor, encampment host, or encampment manager shall also make transportation available to anyone who is rejected from or ordered to leave the temporary homeless encampment.

12. The temporary homeless encampment must comply with all regulations of Washington State, the city of Mount Vernon, and the Skagit County public health department. The temporary homeless encampment shall comply with the requirements of the International Fire Code and Washington Cities Electrical Code as adopted by the city of Mount Vernon. The encampment sponsor and encampment host shall permit inspections at all reasonable times by appropriate public officials from the agencies enforcing these codes for code compliance.

13. The encampment sponsor shall take all reasonable and legal steps to obtain verifiable identification from prospective residents of the temporary homeless encampments and use the identification to obtain sex offender and warrant checks from the appropriate agency. If the warrant and sex offender check reveals that a prospective resident or existing resident is a sex offender who is required to register with police or that the prospective resident has an outstanding warrant, the encampment sponsor shall reject the prospective resident or evict the existing resident.

14. Adequate access for fire and emergency medical apparatus shall be provided.

15. Adequate separation between tents and other structures shall be to limit fire exposure and provide for emergency exiting by residents.

16. Temporary homeless encampment permits may be approved only once over a one-year period for no more than 120 consecutive days. These time limits shall apply to property where a temporary homeless encampment is permitted regardless of whether or not an encampment manager or sponsor is different. For example, if a temporary homeless

encampment permit was issued on December 1st of a given year for a 120-day period the site upon which the permit was issued could not host another temporary homeless encampment until December 1st of the following year. (Ord. 3743 § 4, 2018).

**17.210.040 Hardship exception.**

An encampment host, encampment sponsor, or encampment manager may petition the director for an exception from any of the specific use requirements of MVMC [17.210.030](#) or other condition imposed by the director upon grounds of hardship. In considering whether a hardship exception should be granted, the director may consider whether the provision or provisions at issue substantially burden the siting or hosting of a temporary homeless encampment at a particular location or by a particular encampment host, encampment sponsor, or encampment manager, the effects on health and safety of residents and the community should the exception be granted, and whether a less restrictive, alternative means to achieve the health and safety objectives is proposed and/or is reasonably available. (Ord. 3743 § 4, 2018).

**17.210.050 Decision criteria.**

The director may approve or approve with modifications an application for a temporary encampment permit if:

A. The temporary homeless encampment complies with the use requirements set out in MVMC [17.210.030](#) and other applicable requirements of this chapter; and

B. The temporary homeless encampment will not be materially detrimental to the public health, safety or welfare of the temporary homeless encampment residents or the surrounding community; and

C. The imposition of a condition under which the city reserves the right to impose additional conditions or to reconsider the temporary homeless encampment permit within a certain time frame from approval date, based on substantiated complaints filed with the city. (Ord. 3743 § 4, 2018).

**17.210.060 Revocation of permit.**

The director may revoke a temporary homeless encampment permit for violation of any of the requirements of this chapter. A decision of the director to revoke a temporary homeless encampment permit is a Type II decision processed in the same manner as a Type II temporary homeless encampment permit decision that may be appealed to the hearing examiner for final

determination provided in Chapter [14.05](#) MVMC. The decision of the director to revoke a temporary homeless encampment permit shall be stayed during any appeal to the hearing examiner, but the stay will be lifted if the hearing examiner upholds the revocation. Decisions of the hearing examiner on a temporary homeless encampment permit revocation may be appealed to the Skagit County superior court as provided in Chapter [36.70](#) RCW. (Ord. 3743 § 4, 2018).

**17.210.070 Limited homeless encampment (safe parking) accommodations.**

A. Purpose. The purpose of this section is to provide homeless individuals with vehicles a place to temporarily park overnight to assist in transition to permanent housing.

B. There is no permit, or permit fees, for safe parking accommodations. Safe parking accommodations are an allowed outright use, but are required to comply with the following:

1. The safe parking host, manager or sponsor must provide notice of the safe parking accommodations as required in subsection C of this section.
2. Vehicles that individuals park and sleep within as means of shelter are limited to one vehicle per every 10 on-site parking spaces in a parking lot located on property owned or controlled by a religious organization.
  - a. Parking must continue to abide by existing on-site parking minimum requirements so that the provision of safe parking spaces does not reduce the total number of available parking spaces below the minimum number of spaces required by the city. However, the city may enter into a memorandum of understanding with a safe parking host that reduces the minimum number of on-site parking spaces required.
3. Restroom access must be provided either within the buildings on the property or through use of portable facilities.
4. Access to a hand washing station and trash facilities shall be provided on the site during hours vehicles are allowed to remain.
5. The safe parking host shall provide immediate cleanup of any litter, wastewater, sewage, or waste material discharge onto or deposited upon

the surface of the ground or parking area, whether as a result of leaks from plumbing fixtures, wastewater, sewage, or waste.

6. The safe parking host shall comply and enforce compliance of applicable state statutes and regulations and local ordinances concerning, but not limited to, drinking water connections, solid waste disposal, human waste, outdoor fire or burning, and electrical systems.

7. Safe parking accommodations can be located on a site for no more than a total of six months during any calendar year.

a. City council can grant extensions of time to allow safe parking accommodations to be located on a site for more than a total of six months during any calendar year upon finding that the public health and safety of those utilizing the safe parking accommodations and the residents of the city are not being negatively impacted with the existence of the safe parking accommodations.

C. Prior to the opening of safe parking accommodations the safe parking host shall put on a meeting open to the public for the purpose of providing a forum for discussion of related neighborhood concerns, unless the use is in response to a declared emergency. If a meeting open to the public is not advisable due to public health concerns, such as the COVID-19 pandemic, the safe parking host can provide alternative means of providing public notice that provide a forum for discussion of neighborhood concerns related to proposed safe parking accommodations.

1. If a meeting open to the public is held the safe parking host must provide written notice of the meeting to the mayor's office at least one week (if possible) but no later than 96 hours prior to the meeting. The notice must specify the time, place, and purpose of the meeting.

2. If a meeting open to the public is held the city shall provide public notice of the meeting described in subsection (C)(1) of this section by taking at least two of the following actions any time prior to the time of the meeting:

a. Delivering to each local newspaper of general circulation and local radio or television station that has on file with the governing body a written request to be notified of special meetings.

b. Posting notice of the meeting on the city's website.



c. Prominently displaying, on signage at least two feet in height and two feet in width, one or more meeting notices that can be placed on or adjacent to the main arterials in proximity to the location of the meeting.

d. Prominently displaying the notice at the meeting site.

3. Prior to the opening of the safe parking accommodations the safe parking host shall complete a form provided by the city and shall provide the following information to the city. This information is required as it will allow the city to provide accurate information to the public regarding the safe parking accommodations.

a. The name, telephone number, and email address (if applicable) of at least two individuals responsible for receiving, responding, and resolving all complaints/concerns about the safe parking accommodations.

b. Dates that the limited safe parking accommodations will be located on a property.

c. The items listed in MVMC [17.210.020\(C\)\(8\)](#) and [17.210.030\(A\)\(10\)](#). (Ord. 3821 § 4, 2020).

## Chapter 23.45 HOMELESS ENCAMPMENTS

### 23.45.020 Purpose.

The purpose of this chapter is to provide standards to assure that homeless encampments can be accommodated while maintaining conformance with minimum health and safety standards.

(Ord. No. 14402, § 5, 9-7-2010)

### 23.45.040 Approval authority.

Emergency homeless encampments are permitted as a temporary use for which the approval authority shall be the director, subject to the requirements of this chapter when sponsored by a church or other organization.

(Ord. No. 14402, § 5, 9-7-2010)

### 23.45.060 Homeless encampment—Initiation—Procedure—Notice.

- A. The host and/or sponsoring agency shall send a notice of application to the county to establish the proposed homeless encampment a minimum of thirty days prior to the proposed date of establishment for the homeless encampment.
- B. The public informational meeting as described TCC 20.35.070 shall be held within ten days of filing the notice of application.
- C. The notice of application and public informational meeting shall contain the following information:
  - 1. Host and sponsoring agency contact and location information;
  - 2. The maximum number of residents;
  - 3. The proposed opening date of the homeless encampment; and
  - 4. The proposed location of the public informational meeting.
- D. If the sponsoring agency is not the host agency of the site, the sponsoring agency shall submit a written agreement from the host agency allowing the homeless encampment.
- E. All Public Schools Notified. Upon receipt of an application, the department shall send a copy of the application to the administrative office of the school district in which the homeless encampment will be located for its review and consideration.
- F. The host and/or sponsoring agency shall provide notice of the application by posting two signs or placards on the site, or in a location immediately adjacent to the site, that provide visibility to motorists using adjacent streets. Timing for placing signs shall coincide with other notification requirements described above. The director shall establish standards for size, color, layout, design, placement, and timing of installation and removal of the signs or placards.

(Ord. No. 14402, § 5, 9-7-2010)

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### **23.45.070 Public informational meeting.**

- A. The sponsoring agency shall conduct at least one neighborhood meeting at the location of the proposed homeless encampment, or at a location close to the proposed homeless encampment site.
- B. The time and location of the meeting shall be agreed upon between the department, host agency, and sponsoring agency.
- C. The host and/or sponsoring agency shall provide notice of the neighborhood meeting by publishing in a newspaper of general circulation within the affected neighborhood not less than fourteen days prior to the date of the neighborhood meeting. The publication shall specify the time and place of the neighborhood meeting, and the information required for the notice of application under Section 20.35.060(C) to establish a homeless encampment.
- D. At minimum, all property owners within one thousand feet of the proposed homeless encampment location shall be notified a minimum of fourteen days in advance of the meeting by the host and/or sponsoring agency.

(Ord. No. 14402, § 5, 9-7-2010)

### **23.45.080 Requirements for approval.**

- A. Each homeless encampment shall be a minimum of one thousand square feet in size, and each camping unit separated by a minimum of ten feet from any property line and have necessary onsite facilities, including, but not limited to the following:
  - 1. Sanitary portable toilets in the number and pumping interval required to meet capacity guidelines;
  - 2. Hand washing stations by the toilets and by the food areas;
  - 3. Refuse receptacles with capacity to handle pickup intervals without overflowing and vector proof;
  - 4. Food tent and security tent. Food needs to be stored in vector proof containers.
- B. The host and sponsoring agencies shall provide adequate potable water source with backflow prevention to the homeless encampment, as approved by the local water district and the county.
- C. No homeless encampment shall be located within a critical area or its buffer.
- D. No permanent structures shall be constructed for the homeless encampment.
- E. No more than forty residents shall be allowed. The county may further limit the number of residents as site conditions dictate.
- F. Adequate onsite parking shall be provided for the homeless encampment. No offsite parking will be allowed. The number of vehicles used by homeless encampment residents shall be provided. If the homeless encampment is located on a site with another use, it shall be shown that the homeless encampment parking will not create a shortage of onsite parking for the other use/s on the property as estimated by the host.
- G. The homeless encampment shall be within a quarter mile of a bus stop with seven days per week service, whenever possible. If not located within a quarter mile of a bus stop, the sponsoring agency must demonstrate the ability for residents to obtain access to the nearest public transportation stop (such as carpools or shuttle buses).
- H. The homeless encampment shall be adequately screened from any adjacent right of way and residence. Screening shall be a minimum height of six feet and may include, but is not limited to, a combination of sight

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obscuring fencing, landscaping, or the placement of the homeless encampment behind buildings. The type of screening shall be approved by the department.

- I. All sanitary portable toilets shall be screened from adjacent properties and rights-of-way. The type of screening shall be approved by the county and may include, but is not limited to, a combination of fencing and/or landscaping.
- J. All temporary structures within the homeless encampment shall conform to all building codes.
- K. At minimum, the homeless encampment shall conform to the following fire requirements:
  - 1. Material used as roof covering and walls shall be of flame retardant material;
  - 2. There shall be no open fires;
  - 3. No heating appliances, except electric heaters, within the individual camping units or temporary structures are allowed;
  - 4. No cooking appliances other than microwave appliances are allowed within the individual camping units or temporary structures;
  - 5. An adequate number and appropriate rating of fire extinguishers shall be provided as approved by the fire department;
  - 6. Adequate access for fire and emergency medical apparatus shall be provided. This shall be determined by the fire department;
  - 7. Adequate separation between camping units and other structures shall be maintained as determined by the fire department, but in no case, less than ten feet; and
  - 8. Electrical service shall be in accordance with recognized and accepted practice; Electrical cords are not to be strung together and any cords used must be approved for exterior use.
- L. No homeless encampment shall be permitted on public rights-of-way.
- M. Because a homeless encampment is a non-traditional living arrangement and therefore provides less privacy and more complex living arrangements than traditional homes, a distance requirement that provides visual separation and buffering from other sensitive land use activities is considered appropriate. To satisfy this concern, no shelter shall be permitted within three hundred feet of a licensed child daycare facility or any public or private pre-school or elementary, middle, or high school. However, in the event that a daycare or school is located within the property of a potential host agency, this requirement may be waived by the director if the owner of the daycare or principal of the school agrees to the waiving of the distance requirement.

(Ord. No. 14402, § 5, 9-7-2010)

### **23.45.090 Operations and security plan required.**

- A. The host and/or sponsoring agency shall submit an operations and security plan to the department as part of the permit application for the homeless encampment.
- B. The host agency shall provide to all residents of the homeless encampment a "Code of Conduct" for living at the encampment. A copy of the "Code of Conduct" shall be submitted as part of the operations and security plan.
- C. All homeless encampment residents must sign an agreement to abide by the code of conduct. Failure to abide by the code of conduct and the operations and security plan shall result in the noncompliant resident's immediate and permanent expulsion from the property.

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- D. The sponsoring agency shall keep a log of all people who stay overnight in the encampment, including names, birth dates, and dates of stay. Logs shall be kept for a minimum of six months and made available to the county and the sheriff's office upon request.
  - E. The sponsoring agency shall take all reasonable and legal steps to obtain verifiable ID. The sponsoring agency may require presentation of identification such as a driver's license, government issued identification card, military identification or passport, fingerprinting technologies, or other reasonable forms of identification from prospective and existing encampment residents.
  - F. The host agency shall ensure there is a security tent that is labeled with a visible sign indicating it is the security tent. The security tent shall have an operational telephone or cell phone that is manned twenty-four hours a day seven days a week and must provide the phone number to CAPCOM (county dispatch center). The security tent shall be located near the entrance of the encampment and be staffed by a volunteer, encampment resident, designated representative of the host agency, or other responsible person.
  - G. The sponsoring agency may use verifiable identification listed in this section (23.45.090 TCC), to obtain sex offender and warrant checks for prospective and existing homeless encampment residents.
    - 1. If said warrant and sex offender checks reveal either (1) an existing or outstanding warrant from any jurisdiction in the United States for the arrest of the individual who is the subject of the check; or (2) the subject of the check is a sex offender, required to register with the county sheriff or their county of residence pursuant to RCW 9A.44.130, then sponsoring agency may reject the subject to the check for residency to homeless encampment or eject the subject of the check if that person is already a homeless encampment resident.
    - 2. The sponsoring agency shall immediately contact the Thurston County Sheriff's office if the reason for rejection or ejection of an individual from the homeless encampment is an active warrant or if, in the opinion of the on duty designated representative of the host agency or the on duty security staff, the rejected/ejected person is a potential threat to the community.
  - H. The sponsoring agency shall self-police and self-manage its residents and shall prohibit alcohol, illegal drugs, fighting, and abuse of any kind, littering or disturbing neighbors while located on the property.
  - I. The sponsoring agency will appoint a designated representative of the host agency to serve on duty at all times to serve as a point of contact for the Thurston County Sheriff's Office and will orient the deputies as to how the security tent operates. The names of the on duty designated representative of the host agency will be posted daily in the security tent. The county shall provide contact numbers of non-emergency personnel which shall be posted at the security tent.
  - J. Visitors: Visitors to the encampment must meet the following procedures and requirements:
    - 1. Visitors to the encampment must be invited and accompanied by a resident and must be able to show picture ID.
    - 2. Visitors may be at the encampment only between the hours of 9:00 a.m. and 10:00 p.m.
    - 3. Visitors may not stay overnight unless they get permission from the host and complete the same background check requirements as required for residents.
  - K. The homeless encampment shall have a numbering system to easily identify each of the tents. A map of the homeless encampment indicating the general location and the numbering of the tents shall be posted at the security tent.
  - L. The host agency shall provide proof of general liability insurance with minimum limits of one million dollars per occurrence.

(Ord. No. 14402, § 5, 9-7-2010; Ord. No. 15792, § 4.A, 6-25-2019; Ord. No. 15902, § 4.A, 6-9-2020; Ord. No. 15948, § 4.A, 12-1-2020; Ord. No. 16026, § 4.A, 5-25-2021; Ord. No. 16161, § 4.A, 5-24-2022)

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Ord. No. 16161 , adopted May 24, 2022 and effective June 9, 2022, extended interim regulations previously adopted by Ord. Nos. 15792 , 15948 , and Ord. No. 16026 , amending certain provisions, above, pertaining to emergency homeless encampments. As established in Section of said ordinance, "this ordinance shall expire six months after the effective date of this ordinance, or earlier by board action."

### **23.45.100 Timing.**

- A. No more than one homeless encampment may be located in each of the sheriff districts in Thurston County at any time but never more than two homeless encampments may be located within unincorporated Thurston Count at any one time.
- B. Duration of the homeless encampment shall not exceed one hundred eighty days.
- C. No host agency shall host a homeless encampment on the same or nearby lot, as defined at TCC 20.03.040 (83) (d), more than one time in any twelve-month period, beginning on the date the homeless encampment locates on a parcel of property.

(Ord. No. 14402, § 5, 9-7-2010; Ord. No. 14517, § 4, 5-10-2011)

### **23.45.110 Inspections.**

The sponsoring and host agencies shall permit inspections by Thurston County, the applicable fire district, public health, environmental health, and the sheriff's office at reasonable times without prior notice for compliance with the conditions of the permit for the homeless encampment.

(Ord. No. 14402, § 5, 9-7-2010)

### **23.45.120 Termination.**

If the sponsoring agency fails to take action against a resident who violates the terms and conditions of this permit, it may result in immediate termination of the permit. If the county learns of acts of violence by residents of the encampment and the sponsoring agency has not adequately addressed the situation, the permit may be immediately terminated.

(Ord. No. 14402, § 5, 9-7-2010)

### **23.45.130 Emergency waiver.**

Upon adoption of an emergency resolution by the Thurston County Board of Health and/or the Thurston County Board of Commissioners declaring a public health emergency and after consultation with stakeholders, the requirements of this Chapter may be waived by the Director or his or her designee for faith-based organizations, not-for-profit organizations and units of government, except for the requirements in TCC 23.45.080(I), (J), and (K)(I), (K)(2), (K)(5), (K)(6), (K)(7), and (K)(8); and TCC 23.45.090(B), (C), (G), and (H). TCC 23.45.080(K)(3) and (4) may only be waived for Recreational Vehicle individual camping units only, allowing Recreational Vehicles to utilize the integrated heating and cooking systems common to recreational vehicles if there is no additional risk to health and safety. TCC 23.45.080(A) and (B) may be waived or modified at the discretion of the Director or his or her designee with concurrence by the Thurston County Health Officer. Any waiver of the requirements of this Chapter shall be for a period not to exceed six (6) months, except when the Board finds a public health emergency continues to exist after holding a public hearing, then the requirements of this Chapter may be waived for an additional six (6) month period. Further waivers of this Chapter's requirements shall only occur after the Board holds a public hearing and finds that the public health emergency is continuing.

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(Ord. No. 15792 , § 4.B, 6-25-2019; Ord. No. 15902 , § 4.B, 6-9-2020; Ord. No. 15948 , § 4.B, 12-1-2020; Ord. No. 16026 , § 4.B, 5-25-2021; Ord. No. 16161 , § 4.B, 5-24-2022)

Ord. No. 16161 , adopted May 24, 2022 and effective June 9, 2022, extended interim regulations previously adopted by Ord. Nos. 15792 , 15948 , and Ord. No. 16026 , amending certain provisions, above, pertaining to emergency homeless encampments. As established in Section of said ordinance, "this ordinance shall expire six months after the effective date of this ordinance, or earlier by board action."

## Chapter 8.22

### CAMPING AND OUTSIDE HABITATION

Sections:

- 8.22.010 Findings.**
- 8.22.020 Purpose.**
- 8.22.030 Definitions.**
- 8.22.040 Unlawful camping and outside habitation.**
- 8.22.050 Unlawful storage of personal property in public places.**
- 8.22.060 Penalty for violations.**
- 8.22.070 Permit.**
- 8.22.080 Public duty created.**

#### **8.22.010 Findings.**

It is the purpose of this chapter to address:

A. *Adverse Public Impacts of Camping and Outside Habitation.* People camping and habitating outside on public property and on public right-of-way create a public health and safety hazard due to the lack of proper food storage, cooking, electrical and/or sanitary facilities. People without proper sanitary facilities have openly urinated, defecated, and littered on private and public property and on the public right-of-way. Use of public property for purposes of camping, outside habitation, or storage of personal property interferes with the rights of others to use the areas for the purposes for which they were intended and creates public health and safety dangers to the city's sensitive ecological areas, including the city's water sources, through illegal dumping and improper disposal of human waste. People cooking with open flames while camping or habitating outside endanger the lives and property of those nearby through uncontrolled fire. There is an increased risk of a dangerous wildfire event in certain areas along the Burnt Bridge Creek due to the existence of one or more of the following characteristics: steep slopes, typical afternoon onshore winds, heavy vegetation, limited vehicle access, limited water supply, and the presence of nearby residences.



B. *Adverse Impacts of Camping and Outside Habitation on the Poor and Infirm.* Many individuals who habitate outside on public property do so not by choice but due to a lack of financial means to afford adequate shelter. These individuals are also adversely mentally and physically impacted by being unsheltered. Single females who habitate outside experience a disproportionately high incidence of violent crime as compared to other people. Families with children who habitate outside as a result of a lack of adequate shelter are also disproportionately adversely impacted through risk of physical danger and impediments to childhood education.

C. *Constitutional Limitations on Available Remedies.* The [Eighth Amendment](#) to the United States Constitution prohibits “cruel and unusual punishment”; the Ninth Circuit Court of Appeals has interpreted this prohibition to forbid cities from criminalizing camping and outside habitation in all places, at all times, by those who lack the financial means to pay for adequate shelter unless adequate shelter is available to such person free of charge.

D. *Safe Stay Communities.* The establishment of safe stay communities creates a means of connecting individuals to services that reduce barriers to obtaining shelter and housing while providing options for lawful camping which are incidental to the receipt of such services.

E. *Need for Specific Population Safe Stay Communities.* The city has an important government interest in protecting the physical safety and emotional well-being of residents of safe stay communities occupied by single-occupant females, and families with children. The establishment of specific population safe stay communities as defined herein reserved for members of these groups serves that important government interest and is substantially related to accomplishing those objectives. (Ord. M-4379 § 2, 2022; Ord. M-4348 § 2, 2021; Ord. M-4133 § 1, 2015; Ord. M-3323, 1997)

## **8.22.020 Purpose.**

It is the purpose of this chapter to:

A. Prevent harm to the health and safety of individuals who habitate outside due to a lack of financial means to afford adequate shelter by establishing safe stay communities where adequate shelter is provided to the poor or infirm at no cost.

B. Prevent harm to the health and safety of the public and to promote the public health, safety and general welfare by prohibiting camping within all camping and outside habitation impact areas at all times, except as allowed within a safe stay community.

C. Prevent harm to the health or safety of the public and to promote the public health, safety and general welfare by making public streets and other areas readily accessible to the public and to prevent use of public property for camping and outside habitation purposes or storage of personal property which interferes with the rights of others to use the areas for which they were intended. (Ord. M-4379 § 3, 2022; Ord. M-4348 § 3, 2021; Ord. M-3323, 1997)

### **8.22.030 Definitions.**

The following definitions are applicable in this chapter unless the context otherwise requires:

“Camp” or “camping” means to pitch, create, use, or occupy camp and outside habitation facilities for recreational purposes.

“Camp and outside habitation facilities” include, but are not limited to, tents, huts, temporary shelters, or vehicles.

“Camp and outside habitation paraphernalia” includes, but is not limited to, tarpaulins, cots, beds, sleeping bags, blankets, mattresses, hammocks, or noncity-designated cooking facilities and similar equipment.

“Camping and outside habitation impact area” means the areas specified within VMC [8.22.040\(B\)](#).

“Family” means two or more “family or household members” as defined by RCW [26.52.010](#).

“Outside habitation” means to pitch, create, use, or occupy camp and outside habitation facilities for purposes of shelter for habitation.

“Park” means the same as defined in VMC [15.04.020](#).

“Safe stay community” means a camp and outside habitation facility for which a permit has been sought and obtained from the Vancouver city manager, or their designee, pursuant to

VMC [8.22.070\(B\)](#), and/or a city-sponsored safe stay community established under VMC [8.22.070\(F\)](#).

“Safe stay community operator” means a person, firm, corporation, or municipal corporation with a valid safe stay community operator permit issued pursuant to VMC [8.22.070](#) or, in the case of a city-sponsored safe stay community, an approved safe stay community facility operator as designated by the city manager or their designee.

“Specific population safe stay community” means a safe stay community with spaces reserved for either (a) a single occupant identifying as female; or (b) a family with one or more children under 18 years of age at the time of admission to the safe stay community.

“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 highway, lane, road, street, right-of-way, boulevard, alley, and every way or place in the city of Vancouver that is publicly owned or maintained for public vehicular travel.

“Vehicle” means the same as defined in RCW [46.04.670](#), as adopted by Ordinance [M-3276](#). (Ord. M-4379 § 4, 2022; Ord. M-4348 § 4, 2021; Ord. M-4133 § 1, 2015; Ord. M-3323, 1997)

## **8.22.040 Unlawful camping and outside habitation.**

A. *Safe Stay Communities.* Outside habitation shall be allowed at all times within safe stay communities by those residing therein. Residence in a safe stay community shall be at the approval of the safe stay community operator.

B. *Camping and Outside Habitation Impact Areas.* Except to the extent expressly allowed pursuant to subsection [A](#) of this section, it shall be unlawful to camp or habitate outside at any time within a camping and outside habitation impact area. The following locations are camping and outside habitation impact areas:

1. Within 1,000 feet of the nearest point of any safe stay community;
2. Upon any land used to operate a public water station, wastewater or stormwater facility;

- 3. Within 200 feet of the nearest edge of the Columbia River, Vancouver Lake, Burton Channel, Peterson Channel, Fisher’s Creek, or Burnt Bridge Creek;
- 4. Upon the following land:
  - a. All the Burnt Bridge Creek drainage area from Vancouver Lake to East Fourth Plain Boulevard, as depicted in Figure 8.22-1; and
  - b. Portions of the southern slope of the Burnt Bridge Creek drainage area, from the ridgeline north to the paved trail of the Burnt Bridge Creek drainage, between East Fourth Plain Boulevard and Northeast Burton Road, as depicted in Figure 8.22-2.

Figure 8.22-1.

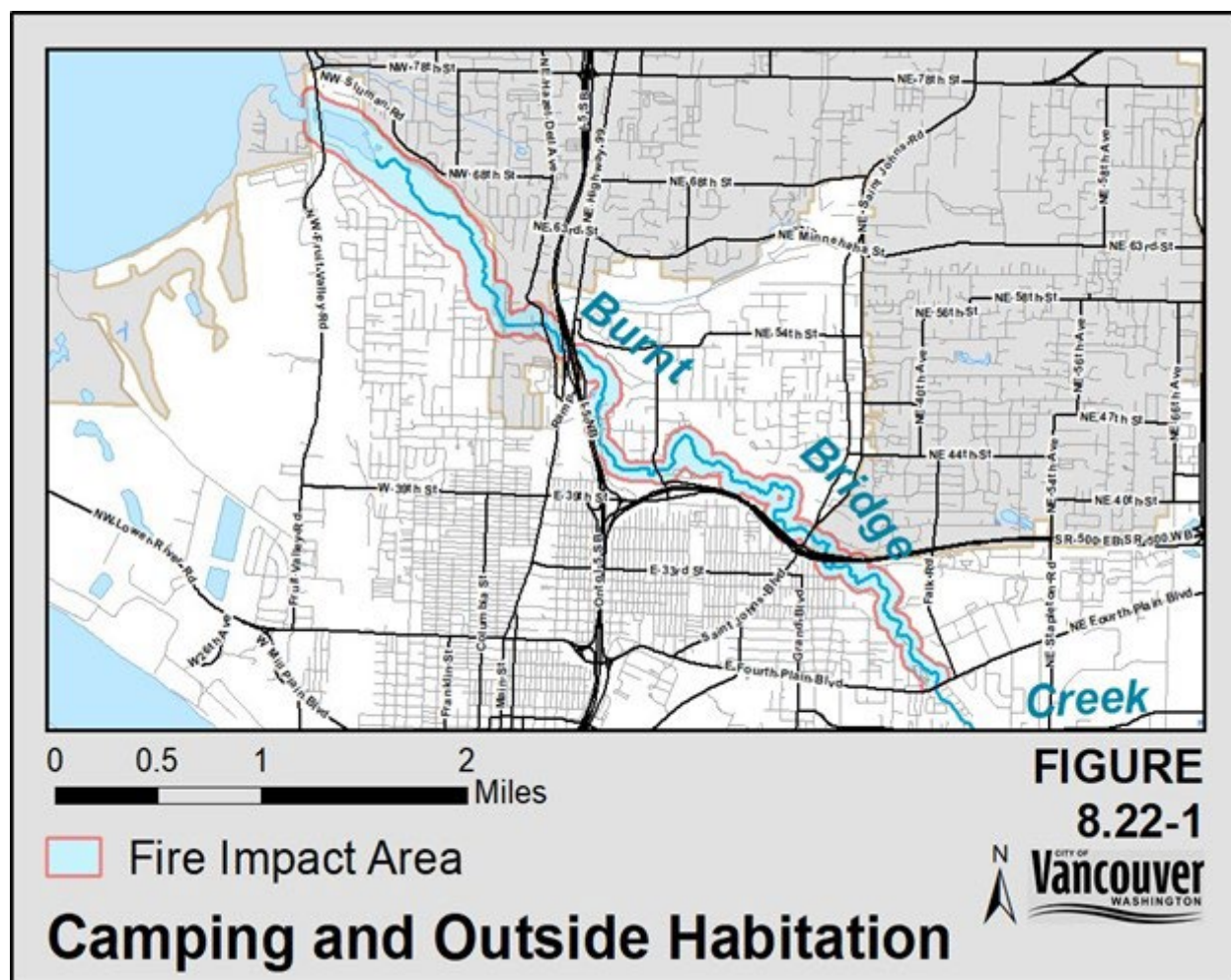
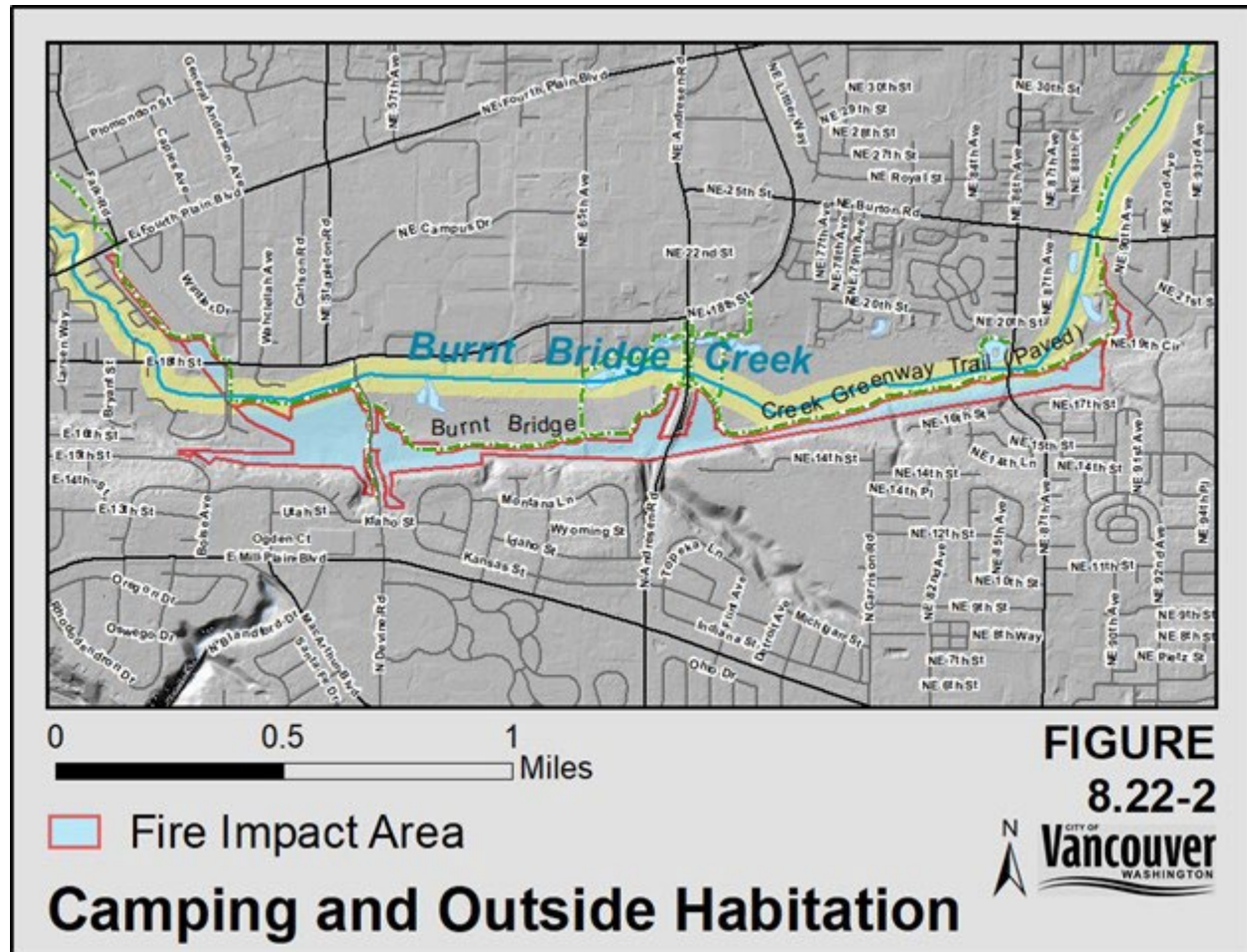


Figure 8.22-2.



C. *Daytime Camping and Outside Habitation Prohibited.* Except as otherwise provided within this chapter, during the hours of 6:30 a.m. to 9:30 p.m., it shall be unlawful for any person to camp, occupy camp and outside habitation facilities for purposes of habitation, or use camp and outside habitation paraphernalia in the following areas:

1. Any park;
2. Any street; or
3. Any publicly owned or maintained parking lot or other publicly owned or maintained area, improved or unimproved.

D. *Daytime Camping and Habitation in Vehicles Prohibited.* Except as otherwise provided within this chapter, during the hours of 6:30 a.m. to 9:30 p.m., it shall be unlawful for any person to occupy a vehicle for the purpose of camping or habitation while that vehicle is parked in the following areas:

1. Any park;
2. Any street; or
3. Any publicly owned or maintained parking lot or other publicly owned or maintained area, improved or unimproved. (Ord. M-4379 § 5, 2022; Ord. M-4348 § 5, 2021; Ord. M-4133 § 1, 2015; Ord. M-3323, 1997)

### **8.22.050 Unlawful storage of personal property in public places.**

Except as otherwise provided within this chapter, during the hours of 6:30 a.m. to 9:30 p.m., it shall be unlawful for any person to store personal property, including camp and outside habitation facilities (other than vehicles) and camp and outside habitation paraphernalia, in the following areas:

1. Any park;
2. Any street; or
3. Any publicly owned or maintained parking lot or publicly owned or maintained area, improved or unimproved. (Ord. M-4379 § 6, 2022; Ord. M-4348 § 6, 2021; Ord. M-4133 § 1, 2015; Ord. M-3323, 1997)

### **8.22.060 Penalty for violations.**

Violation of any of the provisions of this chapter is a misdemeanor. Any person violating any of the provisions of this chapter shall, upon conviction of such violation, be punished by a fine of not more than one thousand dollars or by imprisonment not to exceed ninety days, or by both such fine and imprisonment. (Ord. M-3323, 1997)

### **8.22.070 Permit.**

A. *Authority of the City Manager.* The city manager is authorized to:

1. Promulgate procedures and policies necessary for the acceptance of applications, investigation, issuance, denial, and revocation of all camping permits of the types specified in this chapter and the establishment of city-sponsored safe stay communities;
2. Issue, deny, and revoke outside habitation permits and safe stay community operator permits in furtherance of the purposes of this chapter;
3. Delegate any or all functions under this chapter; and
4. Request the assistance of other city departments to investigate, administer, and enforce the provisions of this chapter.

B. *Types of Outside Habitation Permits.* The following types of outside habitation permits are established and may be issued by the city manager, or their designee, pursuant to procedures and policies promulgated under this chapter:

1. *Nighttime Employment Outside Habitation Permit.* The city manager, or their designee, is authorized to permit persons who present satisfactory evidence of nighttime employment to camp, occupy camp and outside habitation facilities, use camp and outside habitation paraphernalia, or store personal property in parks, streets, or any publicly owned parking lot or publicly owned area, improved or unimproved, in the city of Vancouver, except within camping and outside habitation impact areas as prohibited by VMC [8.22.040\(B\)](#).
2. *Safe Stay Community Operator Permit.* The city manager, or their designee, is authorized to issue a safe stay community operator permit to a person, firm, corporation, or municipal corporation upon receipt of satisfactory evidence that the applicant possesses suitable qualifications to operate a safe stay community in compliance with the provisions of this chapter. The duration of a safe stay community operator permit shall be for an initial period of not more than one year. A safe stay community operator permit may be renewed no more than twice by the city manager for a period not to exceed one year each. The request for an extension shall be processed in the same manner as an initial safe stay community operator permit application.
  - a. Upon receipt of an application for a safe stay community operator permit under this chapter, the city manager, or their designee, shall provide notice to all owners and residents of record of property, as shown on the most recent property tax assessment roll, located within 1,200 feet of the proposed supportive campsite and shall send a

copy of the application to the city departments of police, parks, public works, community development, and fire. Each of these departments shall inspect the application and each such department shall report to the city manager, or their designee, any problems which the proposed activity is expected to pose for the public. Such reports shall make any necessary recommendations for protecting the public peace, health, safety, life, property, and welfare in the event a permit is, or was, issued.

b. In evaluating whether to grant or deny an application for a safe stay community operator permit, the city manager, or their designee, shall evaluate whether the resulting safe stay community will be (i) equitably dispersed throughout the city in relation to other existing safe stay communities; (ii) located where the safe stay community will avoid areas of highest economic vulnerability within surrounding residential areas in the city; (iii) afford accessibility in compliance with the Americans with Disabilities Act; (iv) be located within one-half mile of public transit; and (v) comply with all requirements of the State Environmental Policy Act.

c. The city manager, or their designee, shall review and approve rules and regulations regarding the admission to, and operation of, all safe stay communities.

C. The city manager, or their designee, may approve a permit as provided under this section when, from a consideration of the application, reports from other city departments, and from such other information as may otherwise be obtained, the city manager, or their designee, finds that:

1. Adequate sanitary facilities are provided and accessible at or near the proposed safe stay community site;
2. Adequate trash receptacles and trash collection are provided; and
3. The outdoor habitation activity will not unreasonably disturb or interfere with the safety, peace, comfort and repose of private property owners.

D. The city manager, or their designee, is authorized to revoke a permit that has been issued if the city manager, or their designee, finds lack of compliance with any requirement of subsection [C](#) of this section, or evidence that a safe stay community operator has failed or refused to require community residents to comply with any rule or regulation promulgated under subsection [\(B\)\(2\)\(c\)](#) of this section, or of any ordinance or statute.



E. Any person who is denied a permit, or had their permit revoked, may appeal the denial/revocation to a hearings examiner appointed by the city manager, or their designee. Notice of appeal must be in writing, and filed with the city clerk within seven working days from the date of the denial or revocation.

F. City staff may propose city-sponsored safe stay communities. Such proposals will be evaluated for approval by the city manager, or their designee, applying the criteria under subsections (B)(2) and C of this section and the availability of city resources. (Ord. M-4379 § 7, 2022; Ord. M-4348 § 7, 2021; Ord. M-4133 § 1, 2015; Ord. M-3323, 1997)

### **8.22.080 Public duty created.**

A. It is expressly the purpose of this ordinance to provide for and promote the health, safety and welfare of the general public and not to create or otherwise establish or designate any particular class or group of persons or individual who will or should be especially protected or benefited by the terms of this ordinance.

B. Nothing contained in this ordinance is intended nor shall be construed to create or form the basis of any liability on the part of the City, or its officers, employees or agents, for any injury or damage resulting from any action or inaction on the part of the City related in any manner to the enforcement of this ordinance by its officers, employees or agents. (Ord. M-4133 § 1, 2015; Ord. M-3323, 1997)

**The Vancouver Municipal Code is current through Ordinance M-4379, passed July 18, 2022.**

Disclaimer: The city clerk's office has the official version of the Vancouver Municipal Code. Users should contact the city clerk's office for ordinances passed subsequent to the ordinance cited above.

[City Website: www.cityofvancouver.us](http://www.cityofvancouver.us)

City Telephone: (360) 487-8711

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November 22, 2022

Mayor, Deputy Mayor, and Councilmembers,

Earlier this year a member of City Council requested staff research and present findings from throughout the state on what is colloquially known as a no sit – no lie Ordinances adopted by municipal governments throughout Washington State.

Members of the city team have reviewed several adopted Ordinances in various areas of the state and present four Ordinances representative of approaches other cities have taken to address this issue in their communities.

First, the City of Aberdeen adopted code section 12.41.010, attached here, in May 2018 that prohibits sitting or laying on a public sidewalk in the defined downtown business district between the hours of 6:00am and 11:00pm. This section only applies to sidewalks, no other public space is addressed within the language of the code section and has no effect between the hours of 11:01pm and 5:59am. Further, use of benches supplied by a public agency is specifically excluded as part of this code language. There are numerous exceptions written as part of the code language including sitting or lying due to a medical emergency, use of a wheelchair and waiting in a designated area for public transportation among others. The Aberdeen Ordinance does not specifically identify a penalty for violation of this code section.

The City of Everett adopted a similar Ordinance in March 2021. EMC 13.94 prohibits sitting or lying within public rights-of-way which is broader than how Aberdeen addressed the issue, but is still limited to streets, sidewalks, and alley ways. No other public property is identified as part of EMC 13.94. EMC 13.94 does not specify time of day but does include a provision that individuals must first be notified of the violation by law enforcement personnel, and then only cited if the individual is noncompliant. The penalty for noncompliance under EMC 13.94 is a misdemeanor punishable by a \$500.00 fine, 90 days in jail, or both.

The City of Monroe adopted an Ordinance in 2018 codified as MMC 12.35 that prohibits sitting or lying down on public sidewalks from 6:00am to 2:00am within one hundred feet of a public entryway of any store, shop, office, business, or other building open to the public. Similar to the code adopted by the City of Aberdeen the Monroe prohibition only applies to sidewalks, and benches supplied by a public agency or abutting property owners are exempt. Also similar to both the Aberdeen and Everett code sections a citation may only be issued if an enforcement officer notifies the individual that their actions are prohibited, and the behavior continues.



The language in MMC 12.35 requires an enforcement officer to inquire as to the individual's homeless status, and if determined to be homeless must verify the availability of shelter space within 15 miles of the Monroe incorporated limits and, if space is available, offer to transport the individual to the available shelter. Monroe's adopted code identifies this behavior as a misdemeanor punishable by a fine not to exceed \$1,000.00, or 90 days in jail, or both.

The City of Spokane adopted an Ordinance on October 3, 2022 codified as Spokane Municipal Code 10.60.020 that prohibits sitting or lying on a sidewalk within the hours of 6:00am to midnight, or within any entrance to any building or parking lot at any time. The code has exceptions similar to other examples discussed above and also includes an exception for any individual who is homeless at any time if no shelter space is available.

Also similar to other Ordinances discussed above a law enforcement officer must notify the individual and may only issue a citation if the individual refuses to comply. Spokane's Ordinance also includes City Council intent "...that homeless individuals subject to enforcement under this section be directed to emergency shelters, community/drug/mental health court, or other interventional services."

All of the Ordinances reviewed by the city team that have been adopted by various communities throughout the state are directed primarily at public sidewalks, with the City of Everett broadening that prohibition to all rights-of-way. In no instance have we found prohibitions that apply to other public property, or private property within the no sit/no lie framework. Everett, Monroe, and Spokane all prohibit using other public features such as a water fountain or garbage can for sitting, but do not prohibit sitting or lying on public features designed for that purpose such as a bench. Most of the Ordinances reviewed, with the exception of Everett, also only apply during specific hours of the day and most apply to a specific geographically defined area.

Notably, both the Monroe and Spokane language specifically addressed the requirements outlined in the Boise decision requiring law enforcement to inquire about available shelter space and in the case of Monroe offering to transport individuals to that shelter prior to the issuance of any penalty.

All the code sections from each municipality reviewed for this memo are attached here for review by the City Council.

## **12.41.010 Sitting or lying down on public sidewalks in downtown commercial zones.**

A. *Prohibition.* No person shall sit or lie down upon a public sidewalk, or upon a blanket, chair, stool or other object placed upon a public sidewalk within the city of Aberdeen Downtown Parking and Business Improvement District as defined in Chapter [10.20](#) during the hours of 6:00 a.m. and 11:00 p.m.

B. *Exceptions.* The prohibition in subsection [\(A\)](#) of this section shall not apply to any person:

1. Sitting or lying down on a public sidewalk due to a medical emergency;
2. Who, as a result of a disability, utilizes a wheelchair, walker or similar device to move about the public sidewalk;
3. Operating or patronizing a commercial establishment conducted on the public sidewalk pursuant to a street use permit;
4. Participating or attending a parade, festival, performance, rally, demonstration, meeting or similar event conducted on the public sidewalk pursuant to a street use or other applicable event;
5. Sitting on a chair or bench located on the public sidewalk which is supplied by a public agency or by the abutting private property owner; or
6. Sitting on a public sidewalk within a bus stop zone while waiting for public or private transportation.

C. No person shall be cited under this section unless the person engages in conduct which is prohibited by this section after having been notified by a law enforcement officer that the conduct violates this section.

(Ord. 6626, Added, 05/23/2018)

**The Aberdeen Municipal Code is current through Ordinance 6687, passed August 10, 2022.**

Disclaimer: The city clerk's office has the official version of the Aberdeen Municipal Code. Users should contact the city clerk's office for ordinances passed subsequent to the ordinance cited above.

[City Website: www.aberdeenwa.gov](http://www.aberdeenwa.gov)

City Telephone: (360) 537-3231

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## Chapter 13.94

### CERTAIN CONDUCT WITHIN DESIGNATED PUBLIC RIGHTS-OF-WAY PROHIBITED

Sections:

- 13.94.010**            **Prohibited.**
- 13.94.020**            **No goods or services to be provided within the right-of-way without permit.**

#### **13.94.010 Prohibited.**

A. *Prohibition.* No person shall sit or lie down upon, or place a blanket, sleeping bag, back pack, chair, mattress, couch, stool, or any similar equipment, item, or furniture upon, a public sidewalk or any portion of the public right-of-way, whether improved or unimproved, in the area identified in Exhibit A.

B. *Exceptions.* The prohibitions in subsection [\(A\)](#) of this section shall not apply to any person:

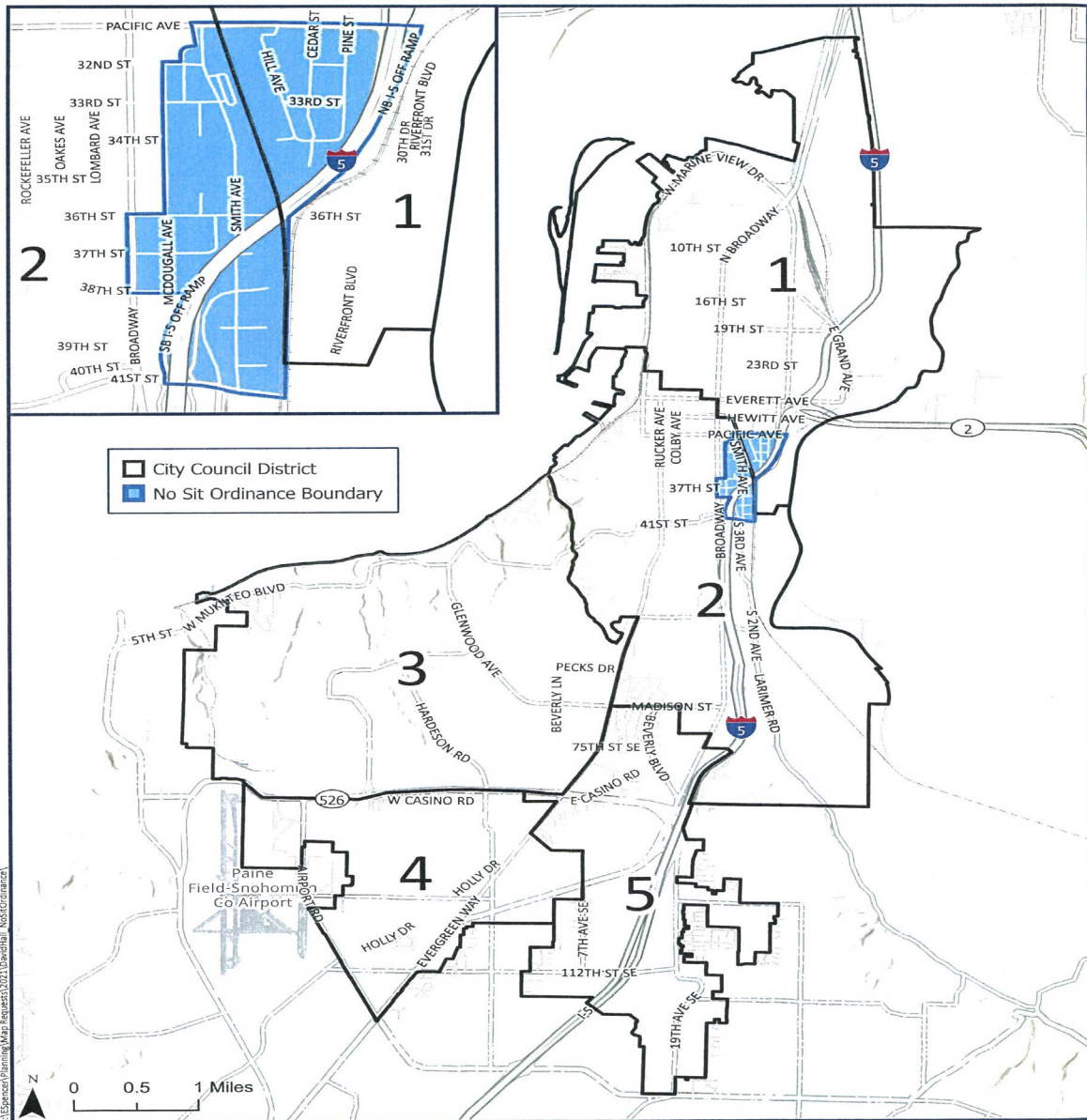
1. Temporarily sitting or lying down on a sidewalk due to a medical emergency;
2. Who, as the result of a disability, utilizes a wheelchair, walker, or similar device to move about the public sidewalk;
3. Operating or patronizing an activity on the public sidewalk pursuant to a city-issued permit for the activity; or a person participating in or attending a parade, festival, performance, rally, demonstration, meeting, or similar event conducted on the public sidewalk pursuant to a street use or other applicable permit issued by the city.

Nothing in any of these exceptions shall be construed to permit any conduct which is prohibited by any city ordinance or regulation.

C. No person shall be cited under this section unless the person engages in conduct prohibited by this section after having been notified by a law enforcement officer that the conduct violates this section and refuses or intentionally fails to cease such activity when ordered to do so.

D. A violation of this section shall be a misdemeanor punishable by up to ninety days in jail, a fine of up to five hundred dollars, or both.

**Exhibit A**



(Ord. 3799-21 § 2, 2021.)

**13.94.020 No goods or services to be provided within the right-of-way without permit.**

No person may provide food, beverages, goods, supplies or services of any sort within the public right-of-way in the area described in EMC [13.94.010](#) unless authorized by a valid right-of-way use permit issued by the department of public works. Such permit shall identify the specific activity authorized by the permit, the specific location at which such activity is permitted, and the times during which the activity may occur. The department may issue such permit only if it determines that the activity and location for which the permit is requested will not have an unreasonable adverse impact on the neighborhood, other uses in the vicinity, or the public's use of the right-of-way. The department may revoke such permit at any time if it determines that the activity does have an unreasonable adverse impact on the neighborhood, other uses in the vicinity, or the public's use of the right-of-way. No such permit shall be valid for longer than one year. (Ord. 3799-21 § 3, 2021.)

**The Everett Municipal Code is current through Ordinance 3899-22, and legislation passed through September 14, 2022.**

Disclaimer: The City Clerk's Office has the official version of the Everett Municipal Code. Users should contact the City Clerk's Office for ordinances passed subsequent to the ordinance cited above.

[City Website: everettwa.gov](http://everettwa.gov)

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## Chapter 12.35

### SITTING OR LYING DOWN ON PUBLIC SIDEWALKS

Sections:

<b>12.35.010</b>	<b>Prohibition.</b>
<b>12.35.020</b>	<b>Exceptions.</b>
<b>12.35.030</b>	<b>Notice and inquiry.</b>
<b>12.35.040</b>	<b>Construction.</b>
<b>12.35.050</b>	<b>Penalty.</b>

#### **12.35.010 Prohibition.**

- A. No person may sit or lie down upon a public sidewalk during the hours between six o'clock in the morning (six a.m.) and two o'clock in the morning (two a.m.) within one hundred feet of a public entryway of any store, shop, office, business, or other building open to the public.
- B. At all times it is unlawful to sit or lie down upon any drinking fountain, trash container, planter, bicycle rack or any other public sidewalk fixture not designed primarily for the purpose of sitting within one hundred feet of a public entryway of any store, shop, office, business, or other building open to the public.
- C. At all times it is unlawful to sit or lie down upon the area of any public sidewalk that is located within a curb cut for vehicular access or adjacent to any vehicular loading dock within one hundred feet of a public entryway of any store, shop, office, business, or other building open to the public.
- D. The prohibitions set forth in this section shall include without limitation the sitting or lying down upon a blanket, sleeping bag, mattress, chair, stool, or any other object that is placed upon a public sidewalk except as expressly authorized under this chapter. (Ord. 004/2018 § 2)

### **12.35.020 Exceptions.**

The prohibitions set forth in MMC [12.35.010](#) do not apply to any person:

- A. Sitting or lying down due to a medical emergency or due to a sensory, mental, or physical disability;
- B. Who, as the result of a sensory, mental, or physical disability, utilizes a wheelchair, walker, or similar device to move about the public sidewalk;
- C. Operating or patronizing a business with permission to occupy the sidewalk;
- D. Participating in or attending a parade, festival, performance, rally, demonstration, meeting, or similar event conducted on the public sidewalk pursuant to a special event or other applicable permit, license or approval;
- E. Sitting on a chair or bench supplied by a public agency or by the abutting private property owner pursuant to the appropriate permit, license or approval;
- F. Sitting within a bus stop zone while waiting for public or private transportation;
- G. Sitting on a privately owned sidewalk fixture with the permission of the owner; or
- H. Engaging in constitutionally protected expressive activities which would otherwise be restricted by the limitations in MMC [12.35.010](#). (Ord. 004/2018 § 2)

### **12.35.030 Notice and inquiry.**

- A. No person shall be cited under this chapter unless the person engages in conduct prohibited by this chapter after having been notified by a city enforcement officer that such conduct violates this chapter.
- B. Prior to citing a person under this chapter, the city enforcement officer shall first inquire as to the homeless status of the person. If the person responds that he/she is homeless, the officer shall not cite the person under this chapter unless: (1) the officer has verified the availability of shelter space no further than fifteen miles from the Monroe city limits; (2) the officer has notified the person of such availability and has offered to transport the person to

the shelter; and (3) the person continues to engage in conduct prohibited by this chapter notwithstanding such notification and offer. (Ord. 004/2018 § 2)

### **12.35.040 Construction.**

This chapter shall be construed and enforced in a manner consistent with the First and Fourteenth Amendments to the United States Constitution and Article I of the Washington Constitution. (Ord. 004/2018 § 2)

### **12.35.050 Penalty.**

Any person violating the provisions of this chapter is guilty of a misdemeanor, and upon conviction shall be punished by a fine in an amount not exceeding one thousand dollars, or by imprisonment in jail for a term not exceeding ninety days, or by both. (Ord. 004/2018 § 2)

**The Monroe Municipal Code is current through Ordinance 025/2022, passed October 11, 2022.**

Disclaimer: The city clerk's office has the official version of the Monroe Municipal Code. Users should contact the city clerk's office for ordinances passed subsequent to the ordinance cited above.

[City Website: www.monroewa.gov](http://www.monroewa.gov)

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## Title 10 Regulation of Activities

### Division IV. Local Criminal Violations

#### Chapter 10.60 Local Criminal Code

##### Section 10.60.020 Sitting, Lying on Sidewalk in a Designated Zone

###### A. Prohibition.

1.

1. No person may sit or lie down upon a public sidewalk, or upon a blanket, chair, stool, or any other object placed upon a public sidewalk, during the hours between six a.m. and midnight in the zone designated in this section.

1.

2. At all times it is unlawful to sit or lie on any drinking fountain, trash container, planter, bicycle rack, or any other sidewalk fixture not designed primarily for the purpose of sitting.

1.

3. At all times it is unlawful to sit or lie in any entrance to or exit from any building or parking lot, or on any loading dock.

###### B. Exceptions.

The prohibition in subsection (A) of this section does not apply to any person:

1. sitting or lying down due to a medical emergency or due to a sensory, mental, or physical disability;
2. who, as the result of a sensory, mental, or physical disability, utilizes a wheelchair, walker, or similar device to move about the public sidewalk;
3. operating or patronizing a business with permission to occupy the sidewalk;
4. participating in or attending a parade, festival, performance, rally, demonstration, meeting, or similar event conducted on the public sidewalk pursuant to a special event or other applicable permit;
5. sitting on a chair or bench supplied by a public agency or by the abutting private property owner pursuant to the appropriate permit or license; or
6. sitting within a bus stop zone while waiting for public or private transportation;

7. sitting on privately-owned sidewalk fixture with the permission of the owner;
  8. engaging in constitutionally protected expressive activities which would otherwise be restricted by the limitations in subsection (A) of this section.
  9. who is homeless during a time frame when shelter space is unavailable.
- C. No person shall be subject to enforcement under this section unless the person engages in conduct prohibited by this section within the entirety of the zone designated in this section after having been notified by a law enforcement officer that the conduct violates this section and has been given a reasonable amount of time to comply or has refused to comply. If the individual fails to comply in a reasonable time or engages in prohibited conduct in another location within the designated zone, a law enforcement officer may then enforce this section.
- D. The zone where such conduct is prohibited is established in the map set forth in [Attachment A](#) (PDF 1.2MB).
- E. This section does not permit any conduct which is prohibited by SMC 10.60.010 regarding interference with pedestrian or vehicular traffic.
- F. It is the intent of the city council that homeless individuals subject to enforcement under this section be directed to emergency shelters, community/drug/mental health court, or other interventional services.
- G. A violation of SMC 10.60.020 is a misdemeanor.
- H. The provisions of this section are declared to be separate and severable. The invalidity of any clause, sentence, paragraph, section, or portion of this section, or the invalidity of the application thereof to any person or circumstance does not affect the validity of the remainder of this section, or the validity of its application to other persons or circumstances.

Date Passed: Monday, October 3, 2022

Effective Date: Monday, October 3, 2022

ORD C36289 Section 4