

ORDINANCE NO. 2016-16

AN ORDINANCE OF THE CITY OF POULSBO, WASHINGTON AMENDING TITLE 9 OF THE POULSBO MUNICIPAL CODE BY THE ADDITION OF A NEW CHAPTER 9.90, ENTITLED "UNAUTHORIZED CAMPING" TO ESTABLISH PROVISIONS RELATING TO UNAUTHORIZED CAMPING IN OR UPON CITY OWNED PROPERTY AND OTHER PUBLIC PLACES; SETTING FORTH PENALTIES; PROVIDING FOR SEVERABILITY AND ESTABLISHING AN EFFECTIVE DATE

WHEREAS, unauthorized camping directly impacts the public health, safety, welfare, financial integrity and property of the residents and visitors of the City of Poulsbo; and

WHEREAS, the City of Poulsbo has received a number of complaints, including reports of criminal activity and other safety concerns, related to the use of public property and public right of ways for unauthorized camping or storage of personal property; and

WHEREAS, unauthorized camping on public property and on public right of ways creates public health and safety hazards due to the lack of proper electrical, sanitary, heating and utility facilities; and

WHEREAS, use of public property for unauthorized camping purposes or storage of personal property interferes with the rights of others to use the areas for which they were intended; and

WHEREAS, use of public property for unauthorized camping purposes or storage of personal property also creates visual blight, which in turn adversely impacts the aesthetics and visual attractiveness of the City, and adversely impacts tourism and the welfare of the citizens of Poulsbo; and

WHEREAS, the City of Poulsbo recognizes that those utilizing public property and right of ways for unauthorized camping and storage of personal property often are in need of information regarding available community services and resources to address housing, mental illness, and drug addiction; and

WHEREAS, the City of Poulsbo desires to provide such information and encourage use of those available resources; and

WHEREAS, the City of Poulsbo seeks to ensure the public health, safety, welfare, and property of its residents and visitors alike;

THE CITY COUNCIL OF THE CITY OF POULSBO, WASHINGTON, DO ORDAIN AS

FOLLOWS:

Section 1. A new chapter, Chapter 9.90 entitled "Unlawful Camping" is added to the Poulsbo Municipal Code to read as follows:

**CHAPTER 9.90
UNAUTHORIZED CAMPING**

9.90.005 PURPOSE AND PUBLIC DUTY CREATED

It is the purpose of this ordinance to prevent harm to the health, safety and welfare of the public, and to promote the public health, safety, general welfare and economic health and well-being of the City of Poulsbo by making public streets, sidewalks and other public areas readily accessible to the public, and to prevent the use of public property for camping purposes or storage of personal property which interferes with the rights of others to use the areas for which they were intended. It is also the purpose of this ordinance to help prevent harm to those persons seeking to use public property for camping purposes from inadequate electrical, sanitary, water, storage and other facilities.

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, either expressly or implicitly, or otherwise establish or designate any particular class or group of persons or

individuals who will or should be especially protected or benefited by the terms of this ordinance. Nothing 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 interpretation or enforcement of this ordinance by its officers, employees or agents.

9.90.010 DEFINITIONS

- A. "Camp" means to pitch, erect or occupy camp facilities, or to use camp paraphernalia or both for the purposes of, or in such a way as will permit remaining overnight or for habitation or temporary living quarters; or parking a trailer, camper, or other vehicle for the purposes of remaining overnight or for habitation or temporary living quarters.
- B. "Camp facilities" include, but are not limited to, tents, huts, temporary shelters, or vehicles.
- C. "Camp paraphernalia" includes, but is not limited to tarpaulins, cots, beds, sleeping bags, hammocks or cooking facilities and similar equipment.
- D. "Park" means and includes all City parks, public squares, park drives, parkways, and play and recreation grounds under the jurisdiction of the parks and recreation director as established by established by Chapters 2.08, 12.30, and 12.32 PMC.
- E. "Store" means to put aside or accumulate for use when needed, to put for safekeeping, to place or leave in a location.
- F. "Street" includes any highway, lane, road, street, right-of-way, boulevard, alley and every way or place in Poulsbo open as a matter of right to public vehicular travel.

9.90.020 UNAUTHORIZED CAMPING

It shall be unlawful for any person to camp, occupy camp facilities or use camp paraphernalia in any park or playfield owned by the city, or on any sidewalk, street, alley, lane, public right of way, or under any bridge or viaduct, or in any other public place to which the general public has access, except in park areas designated by the city director of parks and recreation, or as otherwise provided by ordinance.

9.90.030 UNAUTHORIZED STORAGE OF PERSONAL PROPERTY IN PUBLIC PLACES

It shall be unlawful for any person to store personal property, including camp facilities and camp paraphernalia in any park or playfield owned by the city, or on any sidewalk, street, alley, lane, public right of way, or under any bridge or viaduct, or in any other public place to which the general public has access, except in park areas

designated by the city director of parks and recreation, or as otherwise provided by ordinance.

9.90.040. PENALTY FOR VIOLATIONS

A. Violation of any of the provisions of this chapter is a misdemeanor offense and shall be punished upon conviction of such violation by a fine of not more than \$1,000, or by imprisonment not to exceed 90 days, or by both such fine and imprisonment.

B. Law enforcement officers shall not enforce the unauthorized camping provisions of PMC 9.90.020 when no alternative accommodations are available. As used in this section, an alternative accommodation is available if (i) a community service organization has available vouchers that allow an individual or family unit experiencing homelessness to stay overnight at a hotel or motel without charge; or (ii) space is available without charge at a temporary transitory accommodation as defined in PMC 18.190 for an individual or family unit experiencing homelessness; or (iii) space is available for an overnight stay without charge at a public or private shelter open to an individual or family unit experiencing homelessness. If an individual or family unit cannot use an available accommodation because of the individual or family member's sex, familial or marital status, religious beliefs, disability, or length-of-stay restrictions, the accommodation is not considered available. The accommodation is considered available if the individual could not use the accommodation due to voluntary actions such as intoxication, drug use, unruly behavior or violation of shelter rules.

C. Prior to and in lieu of the filing of criminal charges by the City prosecutor, first time offenders shall be issued a non-criminal notice, a copy of this ordinance, and a resource list of community providers of housing, mental health, alcohol dependence, and/or drug addiction treatment services. This provision does not establish or otherwise obligate the City or its employees to provide said services, nor does it establish any right to such services by any person.

Section 2. Severability. If any provision of this chapter is held invalid, such invalidity shall not affect any other provision, or the application thereof, which can be given effect without the invalid provision or application, and to this end the provisions of this chapter are declared to be severable.

Section 3. Effective Date. This ordinance shall take effect five days after its publication, or publication of a summary thereof, in the City's official newspaper, or as otherwise provided by law.

APPROVED:



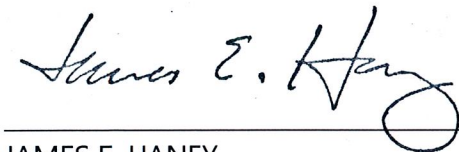
MAYOR, REBECCA ERICKSON

ATTEST/AUTHENTICATED:



CITY CLERK, RHIANNON FERNANDEZ, CMC

APPROVED AS TO FORM:
OFFICE OF THE CITY ATTORNEY:

BY 

JAMES E. HANEY

FILED WITH THE CITY CLERK: 10/13/2016
PASSED BY THE CITY COUNCIL: 10/19/2016
PUBLISHED: 10/28/2016
EFFECTIVE DATE: 11/02/2016
ORDINANCE NO. 2016-16

SUMMARY OF ORDINANCE NO. 2016-16
of the City of Poulsbo, Washington

On the 19th day of October, 2016, the City Council of the City of Poulsbo, passed Ordinance No. 2016-16. A summary of the content of said ordinance, consisting of the title, provides as follows:

AN ORDINANCE OF THE CITY OF POULSBO, WASHINGTON, AMENDING TITLE 9 OF THE POULSBO MUNICIPAL CODE BY THE ADDITION OF A NEW CHAPTER 9.90, ENTITLED "UNAUTHORIZED CAMPING" TO ESTABLISH PROVISIONS RELATING TO UNAUTHORIZED CAMPING IN OR UPON CITY OWNED PROPERTY AND OTHER PUBLIC PLACES; SETTING FORTH PENALTIES; PROVIDING FOR SEVERABILITY AND ESTABLISHING AN EFFECTIVE DATE.

The full text of this Ordinance will be mailed upon request.

DATED this 19th day of October, 2016.



CITY CLERK, RHIANNON FERNANDEZ