

ORDINANCE NO. 25-015

AN ORDINANCE of the City Council of the City of Camas amending Chapter 12.34 of the Camas Municipal Code related to unlawful camping and storage of personal property on public property.

WHEREAS, pursuant to Article XI, Section 11 of the Washington Constitution and RCW 35A.11.020, the City of Camas is authorized to regulate public property, including City Hall, the Community Center, parks, public rights-of-way, and all other public property within the City; and

WHEREAS, consistent with such authority, and in compliance with then existing legal standards as set forth in the Ninth Circuit Court of Appeals decision of *Martin v. City of Boise*, the City by Ordinance 22-014 adopted Chapter 12.34 of the Camas Municipal Code entitled “Unlawful Camping and Storage of Personal Property on Public Property”; and

WHEREAS, the United States Supreme Court, in its decision in *City of Grants Pass v. Johnson*, ruled local ordinances that impose restrictions and penalties on acts such as camping on public property do not violate the 8<sup>th</sup> Amendment, in contravention to the ruling in the *Martin* case; and

WHEREAS, public property is intended to be used by the public for public purposes, including daily City operations, park recreational use, pedestrian, bicycle and vehicular transportation, and other public uses; and

WHEREAS, camping without adequate sanitation services, such as sewer, water, and garbage, presents a public health and safety concern; and

WHEREAS, it is important to maintain public property consistent with its intended use while balancing the needs of those experiencing homelessness with the impact on the entire community, avoiding environmental impacts to the City waterways and sensitive lands, and

further avoiding the heightened risk of fires in wildfire impact areas all of which are addressed in Chapter 12.34 which includes, however, certain provisions otherwise mandated by the *Martin* decision; and

WHEREAS, the City by and through these amendments to Chapter 12.34 of the Camas Municipal Code intends to comply with existing law, allowing the City greater ability to address unauthorized encampments or obstructions on city streets, sidewalks, parks and other public property.

NOW, WHEREFORE, THE COUNCIL OF THE CITY OF CAMAS DO ORDAIN AS FOLLOWS:

Section I

Chapter 12.34 of the Camas Municipal Code entitled "Unlawful Camping and Storage of Personal Property on Public Property" is hereby amended as set forth in the attached Exhibit A.

Section II

This ordinance shall take force and be in effect five (5) days from and after its publication according to law.

PASSED by the Council and APPROVED by the Mayor this 18th day of August, 2025.

SIGNED: \_\_\_\_\_  
Mayor

ATTEST: \_\_\_\_\_  
Clerk

APPROVED as to form:

\_\_\_\_\_  
City Attorney

## Chapter 12.34 Unlawful Camping and Storage of Personal Property on Public Property

### Sections:

- 12.34.010 Purpose.
- 12.34.020 Definitions.
- 12.34.030 Unlawful camping or Storage of Personal Property in public places.
- 12.34.040 Penalty for Violations.
- 12.34.050 Enforcement.

### **12.34.010 Purpose.**

The purpose of this Chapter is to prevent harm to the health or safety of the public and to promote the public health, safety and general welfare by prohibiting camping and storage of personal property on public property, which interferes with the rights of others to use the areas in the manner for which it is intended.

### **12.34.020 Definitions.**

The following definitions are applicable to this Chapter:

- ~~A. "Available Overnight Shelter" means a public or private shelter, with an available overnight space, open to an individual experiencing homelessness at no charge. Available Overnight Shelter also includes a hotel or motel that is temporarily made available to an individual experiencing homelessness at no charge.~~
- AB. "Camp" means to pitch, use, or occupy camp facilities for the purposes of habitation, as evidenced by the use of camp paraphernalia.
- BC. "Camp facilities" includes, but is not limited to, tents, huts, temporary shelters. "Camp facilities" does not include tents, huts, or temporary shelters when used temporarily in a park for recreation or play during daylight hours when the park is open to the public.
- CD. "Camp paraphernalia" includes, but is not limited to, tarpaulins, cots, beds, sleeping bags, blankets, mattresses, hammocks or cooking facilities or equipment.
- D. "Habitation" shall mean the use of temporary shelter or vehicle for dwelling purposes. Evidence of habitation includes, but is not limited to, any combination of two or more of the following activities: sleeping; setting up any camp paraphernalia; engaging in cooking activities; storing cookware or cooking equipment; storing personal possessions in such a manner that some or all of a vehicle's windows are obscured; using sanitation, plumbing and/or electrical systems or equipment; or any other activity where it reasonably appears that a person or persons is using a temporary shelter or motor vehicle as a living accommodation.
- EE. "Park" means such properties and facilities as defined in Section 12.32.005 of the

Code. Park also includes all associated areas, including parking lots for parks.

- F. "Public Property" means any real property, building, structure, equipment, sign, shelter, vegetation, trail, and public open space, including all associated areas such as parking lots, controlled or owned by the City or any other governmental agency, including any sensitive lands areas.
- G. "Store" means to put aside or accumulate for use when needed, to put for safekeeping, to place or leave in a location.
- H. "Street" means any highway, lane, road, street, right-of-way, sidewalk, boulevard, alley, and every way or place in Camas open as a matter of right to public pedestrian and vehicular travel.
- I. "Wildfire Impact Area" means any public property specifically designated and defined by the Fire Marshal, following assessment, to constitute an area particularly vulnerable to a dangerous wildfire event during the period of any drought or adversely dry conditions only.

#### **12.34.030 Unlawful Camping or Storage of Personal Property in public places and vehicles.**

AA- It shall be unlawful for any person to camp, occupy camp facilities for the purposes of habitation or to store personal property, including camp facilities or camp paraphernalia, in the following areas:

1. Any park; or
2. Any street or right of way; or
3. Any public property, improved or unimproved, including without limitations, City Hall, city public buildings, police station, utility facilities, city library, and surrounding grounds thereto; or
4. Any other publicly owned or maintained parking lot or publicly owned property or maintained area, improved or unimproved; or;
5. Any wildfire impact area.

B. It shall be unlawful for any motor vehicle to be used for the purposes of habitation on any public property including parks, streets, sidewalks, parking lots, or right of way. Occupancy of any recreational vehicles parked in the City shall be governed by Chapters 8.06, 10.08 and 12.32, as amended.

C. The following are exempt from the provisions of this Chapter:

1. Camping on public property authorized by the City as part of a City-sanctioned organized event or program.
2. Temporary emergency shelters authorized by the City during periods of severe weather, natural disaster, or other emergency.
3. Camping on private property with the consent of the owner, subject to compliance with any applicable state or municipal laws related to recreational vehicle parking.

#### 12.34.035 Sleeping on sidewalks, streets, alleys or within doorways prohibited

1. No person may sleep on public sidewalks, streets or alleyways at any time as a matter of individual and public safety.
- 1.2. In addition to any other remedy provided by law, any person found in violation of this section may be immediately removed from the premises.

#### **12.34.040—Penalty for Violations.**

- A. Notice: Before issuance of a citation, a law enforcement officer or other designated city official shall provide notice to the individual engaged in a violation of this Chapter, informing them of the violation and allowing a reasonable opportunity to cease the illegal activity.
- B. Citation and penalty: Any person found to be in violation of any of the provisions of this Chapter, who chooses to continue the violation after receiving notice, shall be guilty of committing a non-traffic civil infraction for which a notice of infraction may be issued with an assessed monetary penalty not to exceed \$100 for the first offense, with a second violation within a one-year period subject to an assessed monetary penalty not to exceed \$200 and in addition the issuance of a 30-day exclusion order from the particular public properties associated with the violations. A violation of any exclusion order shall thereafter be subject to a citation for criminal trespass as is a misdemeanor, punishable by a fine of not more than one thousand dollars (\$1,000.00) or by imprisonment not to exceed ninety (90) days, or by both such fine and imprisonment. Notwithstanding, the maximum fine imposed for a first conviction for violation of this Chapter shall be no more than one hundred dollars (\$100.00).
- B. Prior to imposing any fine for violation of this Chapter, the Court shall make an inquiry into a person's ability to pay. The Court is explicitly authorized to impose a requirement to perform community service in lieu of paying a fine.
- C. Removal of campsites: Unless the campsite presents an immediate danger to individual or public health and safety requiring its immediate removal, a camp facility and/or camp paraphernalia may be removed by the City, with the assistance of the Police Department, after the city posts a notice of not less than 72 hours in advance of the planned removal. After the notice period has passed the City is authorized to remove the camp facilities and all camp paraphernalia and personal property related thereto. Items not meeting the definition of 'personal property', such as items having no apparent utility or monetary value, trash, or items of a hazardous or unsanitary condition, may be immediately discarded. Items with evidentiary value, such as weapons, drug paraphernalia, illegal drugs, items which appear to be stolen, and other evidence of any crimes may be retained until an alternative disposition is determined.
- D. Retention of Personal Property: All personal property not otherwise disposed or retained pursuant to this section shall be stored by the City for a period of not less than 60 days or

greater amount of time as established by Chapter 63.32 RCW, during which period it shall be reasonably available for and released to any individual claiming ownership.

**12.34.050 — Enforcement.**

~~A. A violation of CMC 12.34.030 shall be enforced at all times within 100 feet of the nearest edge of the Columbia River, Washougal River, Lacamas Lake, Lacamas Creek, and Round Lake; within any part of Crown Park, Forest Home Park, Dorothy Fox Park, Grass Valley Park, and Prune Hill Sports Park; within 200 feet of any play or sports field, playground equipment, or picnic areas or shelters within any other designated City Park; or within any wildfire impact area.~~

~~B. Except as provided in subsection (A) of this Section, a violation of CMC 12.34.030 shall be enforced as follows:~~

~~1. Prior to issuing any citation or arrest pursuant to this Chapter, the investigating officer shall inquire whether the unlawful camping and storage of personal property is due to homelessness. If the officer learns that such is the case, the officer shall determine, in accordance with relevant department policy, there is Available Overnight Shelter to accommodate the subject of the investigation. If the officer determines there is no Available Overnight Shelter, the officer shall not issue a citation.~~

~~2. If the officer determines there is Available Overnight Shelter, the officer may, within their discretion:~~

~~a. Provide directions to the shelter location; or~~

~~b. Offer one time transport to the shelter locations.~~

~~3. Any individual who refuses to accept the shelter space offered is subject to citation or arrest pursuant to Section 12.34.040.~~