

ORDINANCE SECTION	PROPOSED MICC PROVISION	BELLEVUE (ADOPTED 2017)	ISSAQUAH (ADOPTED 2000)	LYNNWOOD (ADOPTED 2001)	REDMOND (ADOPTED 2015, AMENDED 2018)
Definition of Available Overnight Shelter	<p><b>MICC 9.60.020(A)</b></p> <p>“Available Overnight Shelter” means a public or private facility, with available overnight space, open to person(s) or family units experiencing homelessness, at no charge.</p>	<p>“Available overnight shelter” means a public or private shelter, with available overnight space, open to individuals experiencing homelessness, at no charge. If the person is unable to utilize an available overnight shelter due to voluntary actions such as intoxication, drug use, unruly or assaultive behavior, or violation of shelter rules, the overnight shelter space shall still be considered available for the purposes of this section.</p>	<p>Ordinance enacted in 2000, before <i>Martin v. Boise</i> was decided and does not include a definition of available overnight shelter</p>	<p>Ordinance enacted in 2001, before <i>Martin v. Boise</i> was decided and does not include a definition of available overnight shelter.</p>	<p>“Available overnight shelter” means a public or private shelter, with an available overnight space, open to an individual or family unit experiencing homelessness at no charge. If an individual or family unit cannot use available space because of the individual or family member’s sex, familial or marital status, religious beliefs, disability, or a shelter’s length-of-stay restrictions, the space is not considered to be available. The space is also not considered to be available if an individual has attempted to secure a bed at the shelter by lining up in advance of the shelter opening for the day and has denied entry due to lack of available space. The space is considered available if the individual could not use the space due to voluntary actions such as intoxication, drug use or unruly behavior.</p>
Definition of Camping	<p><b>MICC 9.60.020(B)</b></p> <p>“Camp” means to pitch, erect, or occupy Camp Facilities, or to use Camp Paraphernalia, or both, for the purpose of, or in such a way as will facilitate remaining overnight or parking a Vehicle for the purpose of occupying the Vehicle overnight. The term shall not include overnight use of Public Property by the City or the governmental entity that owns or has a property interest in such Public Property.</p>	<p><b>Bellevue</b></p> <p>A person is guilty of unlawful public camping if he or she uses non-residential public property...as a temporary or permanent place of dwelling, lodging, residence, or living accommodation, at any time between sunset and sunrise, except at places set aside and posted for such purposes by the city manager or his or her designee, or by permit issued by the city manager or his or her designee.</p> <p>Indicia of camping include, but are not limited to: tents or other temporary shelters, bedding, storage of personal belongings, and use or storage of cooking equipment.</p>	<p><b>Issaquah</b></p> <p>“Camping” means the use of park land or other publicly owned property for living accommodation purposes including but not limited to any of the following:</p> <ol style="list-style-type: none"> <li>1. Sleeping activities;</li> <li>2. Making preparations to sleep;</li> <li>3. Laying down of bedding for the purpose of sleeping;</li> <li>4. Storing personal belongings;</li> <li>5. Erecting any tent, tarpaulin, shelter, or other structure that would permit one to sleep overnight;</li> <li>6. Using a motor vehicle for purposes of sleeping.</li> </ol> <p>“Camping” shall not include sleeping in a public park during the daylight hours as long as no tent, tarpaulin, shelter, or other structure has been erected.</p>	<p><b>Lynnwood</b></p> <p>“Camp” means to pitch, erect or occupy camp facilities, or to use camp paraphernalia or both for the purpose of, or in such a way as will permit remaining overnight, or parking a trailer, camper, or other vehicle for the purpose of remaining overnight.</p>	<p><b>Redmond</b></p> <p>“Camp” means to pitch or occupy camp facilities, to use camp paraphernalia.</p>

<p><b>Definition of Public Property</b></p>	<p><b>MICC 9.60.020(H)</b>                  “Public Property” means all property in which the City or any other governmental entity has a property interest, including easements. The term includes, without limitation, all Parks, Piers, Streets, trails, forests, park museums, pools, beaches, open spaces, public squares, public schools and associated athletic facilities, grounds around City or other publicly owned or leased buildings, including but not limited to parking lots, and any other property in which the City or any other governmental entity has a property interest of any type.</p>	<p><b>Bellevue</b>                  For the purposes of this section, “non-residential public property” means any street, sidewalk, city park, public park, or any other open area where the city or other governmental agency has a property interest, to include easements. “Non-residential public property” does not include houses, apartments, or other fixed residential living quarters owned or leased by the city.</p>	<p><b>Issaquah</b>                  No separate definition of public property, but camping prohibited 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.”</p>	<p><b>Lynnwood</b>                  No separate definition of public property, but camping prohibited in any park, any street, or any publicly owned parking lot or publicly owned area, improved or unimproved.</p>	<p><b>Redmond</b>                  No separate definition of public property, but camping prohibited upon “any publicly-owned property to which the public is not ordinarily allowed access, including but not limited to, public buildings, water storage tank sites, well sites, stormwater ponds and facilities, and other secured properties;” as well as “any portion of a street or sidewalk expressly reserved for vehicular or pedestrian travel;” and “any other publicly-owned parking lot or publicly-owned property, improved or unimproved.”</p>
<p><b>Camping Prohibition</b></p>	<p><b>MICC 9.60.030</b>                  Unless otherwise permitted by the Mercer Island City Code, it shall be unlawful for any person to Camp within any Public Property.</p>	<p><b>Bellevue</b>                  A person is guilty of unlawful public camping if he or she uses nonresidential public property, as defined in this section, as a temporary or permanent place of dwelling, lodging, residence, or living accommodation, at any time between sunset and sunrise, except at places set aside and posted for such purposes by the city manager or his or her designee, or by permit issued by the city manager or his or her designee.</p>	<p><b>Issaquah</b>                  It is unlawful for any person to engage in camping 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.</p>	<p><b>Lynnwood</b>                  It shall be unlawful for any person to camp, occupy camp facilities or use camp paraphernalia in the following areas, except as otherwise provided by ordinance:                  A. Any park;                  B. Any street;                  C. Any publicly owned parking lot or publicly owned area, improved or unimproved.</p>	<p><b>Redmond</b>                  (A) It shall be unlawful for any person to camp, occupy camp facilities or use camp paraphernalia in the following areas, except as set forth in subsection B below:                  (1) Any park;                  (2) Repealed by Ord. 2911.                  (3) Repealed by Ord. 2911.                  (4) Any publicly-owned property to which the public is not ordinarily allowed access, including but not limited to, public buildings, water storage tank sites, well sites, storm water ponds and facilities, and other secured properties;                  (5) That portion of any street or sidewalk that is expressly reserved for vehicular or pedestrian travel;                  (6) Portions of any street right-of-way that is not expressly reserved for vehicular or pedestrian travel; and                  (7) Any other publicly-owned parking lot or publicly-owned property, improved or unimproved.</p>

<p><b>Storage Prohibition</b></p>	<p><b>MICC 9.60.040</b> It shall be unlawful for any person to Store personal property, including, without limitation, Camp Facilities and Camp Paraphernalia, on any Public Property. This section shall not apply to Vehicles, including trailers, recreational vehicles, and campers, which are unoccupied and parked in rights-of-way, unless otherwise prohibited by law.</p>	<p><b>Bellevue</b> Indicia of camping includes, but are not limited to: ...storage of personal belongings, and use or storage of cooking equipment.</p>	<p><b>Issaquah</b> “Camping” means the use of park land or other publicly owned property for living accommodation purposes including but not limited to: ..... 4. Storing personal belongings. ....</p>	<p><b>Lynnwood</b> It shall be unlawful for any person to store personal property, including camp facilities and camp paraphernalia, in the following areas, except as otherwise provided by ordinance: A. Any park; B. Any street; C. Any publicly owned parking lot or publicly owned area, improved or unimproved.</p>	<p><b>Redmond</b> It shall be unlawful for any person to store personal property, including camp facilities and camp paraphernalia, in the following areas, except as set forth in subsection B below: (1) Any park; (2) Repealed by Ord. 2911. (3) Repealed by Ord. 2911. (4) Any publicly-owned property to which the public is not ordinarily allowed access, e.g., public buildings, water storage tank sites, well sites, storm water ponds and facilities, and other secured properties; (5) That portion of any street or sidewalk that is expressly reserved for vehicular or pedestrian travel; (6) Portions of the street right-of-way that are not expressly reserved for vehicular or pedestrian travel; and (7) Any other publicly-owned parking lot or publicly-owned property, improved or unimproved.</p>
<p><b>Penalty Section</b></p>	<p><b>MICC 9.60.050</b> Violation of Section 9.60.030 or Section 9.60.040 of this Chapter is a misdemeanor offense and shall be punished upon conviction of such violation 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.</p>	<p><b>Bellevue</b> Unlawful public camping is a misdemeanor.</p>	<p><b>Issaquah</b> Violation of IMC 9.26.030 shall be a misdemeanor punishable in accordance with IMC 1.06.010(A); and a violation of IMC 9.26.020 shall be an infraction and punishable in accordance with IMC 1.06.010(B).</p>	<p><b>Lynnwood</b> Violation of any of the provisions of this chapter is a misdemeanor, 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.</p>	<p><b>Redmond</b> Violation of any of the provisions of this chapter is a misdemeanor, and shall be punished as follows: (1) First Offense. 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 \$1,000 or by imprisonment not to exceed 90 days, or by both such fine and imprisonment. (2) Second Offense. Every person who violates any of the provisions of this chapter, upon conviction of such violation, a second time within a five-year period shall be guilty of a misdemeanor, punishable by a fine of not more than \$1,000 or by imprisonment not to exceed 90 days, or by both such fine and imprisonment. One hundred dollars of the fine and one day of imprisonment shall not be suspended or deferred. (3) Third or Subsequent Offense. Every person who violates any of the provisions of this chapter, upon conviction of such violation, a third or more times within a five-year period shall be guilty of a misdemeanor, punishable by a fine of not more than \$1,000 or by imprisonment not to exceed 90 days, or by both such fine and imprisonment. Five hundred dollars of the fine and five days imprisonment shall not be suspended or deferred. (4) If a person is unable to pay the monetary penalty set forth in subsections (1), (2) or (3) of this section, the court may order performance of a number of hours of community service or work crew in lieu of a monetary penalty.</p>

<p><b>Enforcement Provision</b> (<i>Martin v. Boise acknowledgment</i>)</p>	<p><b>MICC 9.60.060 Enforcement Suspended.</b> The City shall not enforce the provisions of Section 9.60.030 or Section 9.60.040 of this Chapter as to any Camping and/or Storing of personal property within outdoor portions of Parks or Streets against persons experiencing homelessness unless the City first confirms that there is Available Overnight Shelter that can be utilized by the particular person(s) experiencing homelessness.</p>	<p><b>Bellevue</b> A person is not guilty of unlawful public camping if, at the time the person is on public property, there is no available overnight shelter.</p>	<p><b>Issaquah</b> Ordinance enacted in 2000, before <i>Martin v. Boise</i> was decided and does not include a provision suspending enforcement when overnight shelter is not available.</p>	<p><b>Lynnwood</b> Ordinance enacted in 2001, before <i>Martin v. Boise</i> was decided and does not include a provision suspending enforcement when overnight shelter is not available.</p>	<p><b>Redmond</b> The prohibitions contained in subsections (A)(1), (A)(4), (A)(5), and (A)(7) above shall be enforced at all times. Law enforcement officers shall not enforce the prohibitions in subsection (A)(6) above when there is no available overnight shelter for individuals or family units experiencing homelessness on the date that camping occurs. "Available overnight shelter" means a public or private shelter, with an available overnight space, open to an individual or family unit experiencing homelessness at no charge. If an individual or family unit cannot use available space because of the individual or family member's sex, familial or marital status, religious beliefs, disability, or a shelter's length-of-stay restrictions, the space is not considered to be available. The space is also not considered to be available if an individual has attempted to secure a bed at the shelter by lining up in advance of the shelter opening for the day and has denied entry due to lack of available space. The space is considered available if the individual could not use the space due to voluntary actions such as intoxication, drug use or unruly behavior.</p>
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