

ORDINANCE NO. _____, 2025

AN ORDINANCE OF THE CITY OF MILLWOOD, WASHINGTON, ADOPTING A NEW CHAPTER MMC 12.12 RELATED TO REGULATING PUBLIC CAMPING; AND PROVIDING FOR OTHER MATTERS PROPERLY RELATING THERETO.

WHEREAS, the City of Millwood (the “City”), Spokane County, Washington is a non-charter code city, by virtue of the Constitution and the laws of the State of Washington; and

WHEREAS, pursuant to Chapter 35A.11 RCW, the City Council (the “City Council”) may adopt and enforce ordinances of all kinds, relating to and regulating its local or municipal affairs and appropriate to the good government of the City; and

WHEREAS, in the case of City of Grants Pass v. Johnson (2024), the United States Supreme Court ruled that local ordinances imposing criminal penalties on acts like sleeping or camping on public property do not violate the 8th Amendment of the United States Constitution’s prohibition on cruel and unusual punishment; and

WHEREAS, the City has experienced public streets, sidewalks, parks, and other City-owned and/or City-maintained public property within the City readily accessible to the public being used for camping purposes or storage of personal property which interferes with the rights of others to use the areas for the purposes for which they were intended; and

WHEREAS, the Council believes it is in the best interest of the City to establish regulations regarding public camping and to create a new chapter of the Millwood Municipal Code (the “MMC”) that establishes the authority and definitions regarding public camping within the City; and

NOW, THEREFORE, THE CITY OF MILLWOOD, WASHINGTON DOES ORDAIN AS FOLLOWS:

Section 1. **New Chapter 12.12 MMC.** The following is adopted as an ordinance of the City of Millwood creating Millwood Municipal Code (“MMC”) Chapter 12.12:

**Chapter 12.12
Regulating Public Camping**

Sections:

- 12.12.010 Purpose
- 12.10.020 Definitions
- 12.10.030 Unlawful Camping
- 12.10.040 Storage of personal property in public places
- 12.10.050 Removal of unauthorized encampments and individual camps
- 12.10.060 Penalty for violations
- 12.10.070 Severability

12.12.010. Purpose.

It is the purpose of this chapter to prevent harm to the health and safety of the public and environment, and to promote the public health, safety and general welfare and environment by keeping public streets, sidewalks, parks, and other City-owned and/or City-maintained public property within the City readily accessible to the public, and to prevent use of City-owned and/or City-maintained public property for camping purposes or storage of personal property which interferes with the rights of others to use the areas for the purposes for which they were intended.

12.12.020. Definitions.

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

~~“Actively engaged in the process of exiting homelessness” means an individual is presently participating in the activities necessary to achieve housing, whether temporary or permanent. The city of Millwood recognizes that availability of permanent housing, transitional housing and treatment services will impact an individual’s ability to successfully move out of homelessness into housing; and therefore, there are no specific timelines outlined within Chapter 12.12 MMC. Such status shall be determined by the Mayor or designee. When determining whether an individual is actively engaged in the process of exiting homelessness, the Mayor or designee shall take into account whether the individual is:~~

- ~~1. In a HUD approved local database (currently the “Community Management Information System” (“CMIS”)) with an active enrollment in an outreach project and/or coordinated entry; or~~
- ~~2. Working with a non-CMIS entering service provider; or~~
- ~~3. Actively working with a street outreach project towards permanent housing or any other intervention requested by the individual (for example, treatment). “Actively working” includes:
 - ~~a. The outreach worker is building rapport with the individual and has not yet entered any enrollment into CMIS; or~~
 - ~~b. The outreach worker and individual are (i) in the documentation-gathering phase for purposes of accessing housing or treatment facilities, and (ii) the individual is attending required appointments in order to achieve housing or treatment options; or~~~~
- ~~4. Participating in any other activity, program, or process deemed necessary to secure permanent housing.~~

“Camp” means to (1) sleep for any period of time in a City park outside the hours of operation identified in MMC; (2) sleep for any period of time after sunset on or in public property other than a City park; or (3) 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 camper, recreational vehicle, trailer, or other vehicle for the purpose of remaining overnight.

“Camp facilities” include, but are not limited to, tents, huts, temporary shelters, campers, recreational vehicles, or trailers.

“Camp paraphernalia” includes but is not limited to tarpaulins, cots, beds, sleeping bags, hammocks or cooking facilities and similar equipment.

“Contraband” means any property that is unlawful to produce or possess.

“Litter” shall have the same meaning as used in RCW 70.93.030 (6) and (11) as amended.

“Park or park facility” means any real property, building, structure, equipment, sign, shelter, swimming pool, vegetation, playground, or other physical property owned or controlled by the City for park purposes. Park or park facility includes all associated areas, including but not limited to parking lots for parks and pools.

“Personal property” means an item that is:

1. Reasonably recognizable as belonging to a person;
2. In its present condition has apparent utility and/or value; and
3. Is not hazardous or unsanitary.

“Right-of-way” shall have the same meaning as is stated in MMC 12.05.020, as amended.

“Solid waste” shall have the same meaning as used in RCW 70A.205.015 (22) as amended.

“Store” means to put aside or accumulate for use when needed, to put for safekeeping, to place or leave in a location.

“Stormwater drainage facility” means constructed and natural features which function together as a system to collect, convey, channel, hold, inhibit, retain, detain, infiltrate, evaporate, divert, treat, or filter stormwater. Stormwater facilities include, but are not limited to, pipes, ditches, culverts, street gutters, detention ponds, retention ponds, evaporation ponds, constructed wetlands, infiltration devices, catch basins, oil/water separators, and swales.

“Trail” means a public path constructed for the primary purpose of allowing recreational non-motorized transportation, which includes is not limited to the Millwood Interurban Trail.

“Unauthorized encampment” means two or more camp facilities in an identifiable area which appear to be used for unlawful camping. For purposes of this chapter an identifiable area includes areas where the camp facilities are in sight of each other and/or areas where each camp facility is located within 300 feet of another camp facility.

12.12.030. Unlawful camping.

It is unlawful for any person to camp in the following City-owned and/or City-maintained areas, except as otherwise provided by the Millwood Municipal Code or where specifically designated:

- A. Any right-of-way;
- B. Any trail, park, or park facility;
- C. Any publicly owned parking lot or publicly owned area, improved or unimproved;
- D. Any publicly owned stormwater drainage facility; or
- E. Any other City-owned or City-maintained property.

12.12.040. Storage of personal property in public places.

It is unlawful for any person to store personal property, including camp facilities and camp paraphernalia, in the following City-owned and/or City-maintained areas, except as otherwise provided by the Millwood Municipal Code:

- A. Any right-of-way;
- B. Any trail, park, or park facility;
- C. Any publicly owned parking lot or publicly owned area, improved or unimproved;
- D. Any publicly owned stormwater drainage facility; or
- E. Any other City-owned or City-maintained 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 or the Millwood Municipal Code.

12.12.050. Removal of unauthorized encampments and individual camps.

Upon a determination by law enforcement or designated City personnel that an area constitutes an unauthorized encampment or that an individual is engaged in unlawful camping or storage of personal property in public places, the personal property, camping paraphernalia, camp facilities, and all other property, contraband, litter, and solid waste may be removed subject to the following provisions:

A. If the unauthorized encampment, unlawful camping, or unlawful storage of personal property results in an immediate and significant risk of harm to any person or impedes pedestrian or vehicular traffic, then law enforcement, City staff, or a City-contracted agent may immediately remove any personal property, camping paraphernalia, camp facilities, and all other property, contraband, litter, and solid waste, which shall be stored or disposed in the same manner as set forth in MMC 12.12.050(B(2)).

B. Prior to removing property from an unauthorized encampment or unlawful camp, or removing personal property unlawfully stored on City-owned or City-maintained public property other than those specified in MMC 12.12.050(A), the following shall occur:

1. The City shall post at least a 48-hour advance notice, which shall include the following:

a. The address or location of the unauthorized encampment, unlawful camping, or unlawful storage of personal property;

b. A statement that camping or storage activity is prohibited by MMC 12.12.020, 12.12.030, and/or 12.12.040;

c. A statement that any individual continuing to use the area for unlawful camping or storage of personal property may be subject to criminal penalties pursuant to Chapter 12.12 MMC;

d. A statement that any personal property, camping paraphernalia, camp facilities, and all other property, contraband, litter, and solid waste remaining after the notice period is subject to removal and, as may be applicable, temporary storage by the City.

2. At the end of the 48-hour notice period, any personal property, camping paraphernalia, camp facilities, and all other property, contraband, litter, and solid waste may be removed by City personnel or agents thereof.

a. Any personal property that is removed shall be stored by the City for at least 60 days prior to being disposed.

b. Notice of where personal property removed from the encampment may be claimed shall be posted at the location.

c. If the name and contact information for the owner of a particular item of personal property can reasonably be identified, the City shall attempt to contact the identified owner and provide notice that the item has been removed and how to claim the item.

d. Any contraband located at the area shall be seized and properly disposed or retained as evidence of criminal activity.

e. Any litter or solid waste found at the area shall be properly disposed.

C. Any individual who receives a notice under this section, or whose property is removed from an area pursuant to this section, has a right to meet with the ~~city manager~~ mayor or designee to raise any concerns, objections, or extenuating circumstances. At the conclusion of the meeting, the City representative shall prepare a written decision detailing the individual's concerns, as well as the City's response. Notice and procedure to set up a meeting shall be posted at or near the encampment site. If an individual requests a meeting prior to removal of property, the removal of the individual's property shall be stayed pending resolution of the meeting; provided, that removal may still occur if the personal property, camping paraphernalia, camp facilities, or other property, contraband, litter, and solid waste constitutes an immediate threat to the public health, safety, or welfare.

12.12.060. Penalty for violations.

Violation of any of the provisions of Chapter 12.12 MMC is a misdemeanor, and shall be punished upon conviction of such violation by a fine of not more than \$1,000 or by confinement not to exceed 90 days, or by both such fine and confinement.

12.12.070. Severability.

If any portion of this chapter, or its application to any person or circumstances, is held invalid, the validity of the chapter as a whole, or any other portion thereof, or the application of the provision to other persons or circumstances is not affected.

SECTION 2. REPEALER

All ordinances, resolutions, laws, and regulations, or parts thereof in conflict with this ordinance are, to the extent of said conflict, hereby repealed.

SECTION 3. SEVERABILITY

If any section, sentence, clause, or phrase of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this ordinance.

