

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF STEVENSON, WASHINGTON REGULATING CAMPING IN THE CITY, AND PROVIDING FOR ENFORCEMENT, SEVERABILITY AND AN EFFECTIVE DATE AND EXPIRATION DATE.

WHEREAS, the City of Stevenson considers the life, health and safety of its residents to be paramount, and

WHEREAS, the Council finds people camping on public property and on public right of ways create a public health and safety hazard due to the lack of proper electrical and/or sanitary facilities for these people. People without proper sanitary facilities have openly urinated, defecated, and littered on public property on the public right of ways. Use of public property for camping purposes or storage of personal property interferes with the rights of others to use the areas for which they were intended.

WHEREAS, the City further understands the need for sleep and shelter for its residents, so adequate facilities for that purpose are a priority for the Council.

WHEREAS, the Council shall provide for a sunset provision to this ordinance to allow additional study and action to this important issue.

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF STEVENSON DO HEREBY ORDAIN AS FOLLOWS:

Section I- [Adoption]

The provisions set forth on Exhibit “A”, attached hereto and fully incorporated herein by this reference, shall be added to the Stevenson Municipal Code as Chapter 9.68 and the chapter shall be renamed “Camping in Public Places”.

Section II – Severability

That if any clause, section, or other part of this Ordinance shall be held invalid or unconstitutional by any court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby, but shall remain in full force and effect.

Section III - Effective Date and Expiration

This ordinance is designated as a public emergency ordinance necessary to protect public health and safety, public property, or the public peace and shall become effective immediately after adoption by not fewer than a majority plus one of the whole Council.

PASSED by the City Council of the City of Stevenson at a regular meeting this _____ of _____, 2019.

Sean Guard, Mayor

ATTEST:

Leana Kinley, City Clerk

APPROVED AS TO FORM:

Kenneth B. Woodrich, City Attorney

DRAFT

Chapter 9.68

CAMPING IN PUBLIC PLACES

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Section 9.68.010 Findings.

People camping on public property and on public right of ways create a public health and safety hazard due to the lack of proper electrical and/or sanitary facilities for these people. People without proper sanitary facilities have openly urinated, defecated, and littered on public property and on the public right of ways. Use of public property for camping purposes or storage of personal property interferes with the rights of others to use the areas for which they were intended.

Section 9.68.020 Purpose.

It is the purpose of this ordinance to 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 purposes or storage of personal property which interferes with the rights of others to use the areas for which they were intended.

Section 9.68.030 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 facilities for the purposes of sleeping or habitation as evidenced by the use of camp paraphernalia.

"Camp facilities" include, but are not limited to, tents, huts, temporary shelters, or vehicles.

"Camp paraphernalia" includes, but is not limited to, tarpaulins, cots, beds, sleeping bags, blankets, mattresses, hammocks, or non-city designated cooking facilities and similar equipment.

"Park" means areas of land, with or without water, developed and used for public recreational purposes, including landscaped tracts, picnic grounds, playgrounds, athletic fields, camps, foot, bicycle and bridle paths, motor vehicle drives, wildlife sanctuaries, museums, zoological

and botanical gardens, facilities for bathing, boating, hunting and fishing, as well as other recreational facilities for the use and benefit of the public

"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 Stevenson that is publicly owned or maintained for public vehicular travel.

"Vehicle" means every device in, upon or by which any person or property is or may be transported or drawn upon a highway including devices used exclusively upon stationary rails or tracks.

Section 9.68.040 Unlawful camping.

A. During all hours in any park and during the hours of 6:30 a.m. to 9:30 p.m. in the following areas, it shall be unlawful for any person to camp, occupy camp facilities for purposes of habitation, or use camp paraphernalia, except as otherwise provided by ordinance or as permitted pursuant to Section 9.68.070;

1. On city-owned or city-maintained property, including, without limitation, City Hall, City Public Works buildings, Fire Station, Utility Facilities and surrounding grounds;
2. any street; or
3. any publicly owned or maintained parking lot or other publicly owned or maintained area, improved or unimproved excluding the Skamania County Fairgrounds camping area.

B. During all hours in any park and during the hours of 6:30 a.m. to 9:30 p.m. in the following areas, it shall be unlawful for any person to occupy a vehicle for the purpose of camping while that vehicle is parked, except as otherwise provided by ordinance or as permitted pursuant to Section 9.68.070;

1. any street; or
2. any publicly owned or maintained parking lot or other publicly owned or maintained area, improved or unimproved excluding the Skamania County Fairgrounds camping area.

Section 9.68.050 Unlawful storage of personal property in public places.

During all hours in any park and during the hours of 6:30 a.m. to 9:30 p.m. in the following areas, it shall be unlawful for any person to store personal property, including camp facilities (other than vehicles) and camp paraphernalia, except as otherwise provided by ordinance or as permitted pursuant to Section 9.68.070:

1. On city-owned or city-maintained property, including, without limitation, City Hall, City Public Works buildings, Fire Station, Utility Facilities and surrounding grounds;
2. any street; or
3. any publicly owned or maintained parking lot or publicly owned or maintained area, improved or unimproved excluding the Skamania County Fairgrounds camping area.

Section 9.68.060 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.

Section 9.68.070 Permit.

A. The City Administrator, or his/her designee, is authorized to permit persons to camp, occupy camp facilities, use camp 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 Stevenson.

B. Upon receipt of an application for any permit under this chapter, the City Administrator, or his/her designee, shall send a copy of the application to the city departments of public works, community development, and fire. Each of these departments shall inspect the application and each such department shall report to the City Administrator, or his/her designee, within ten working days after the filing of the application. Such reports shall mention any problems which the proposed activity is expected to pose for the public. It 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.

C. The City Administrator, or his/her designee, is authorized to promulgate other rules and regulations regarding the implementation and enforcement of this ordinance.

D. The City Administrator, or his/her 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, he or she finds that:

1. Adequate sanitary facilities are provided and accessible at or near the proposed camp site;
2. Adequate trash receptacles and trash collection are provided; and

3. The camping activity will not unreasonably disturb or interfere with the safety, peace, comfort and repose of private property owners or of the public.

E. No permit shall be issued for a period of time in excess of fourteen (14) calendar days in any one calendar year.

F. The City Administrator, or his/her designee, is authorized to revoke a permit that has been issued if he or she finds lack of compliance with any requirement of subsection D, above, or of any rule or regulation promulgated under subsection C, above, or of any ordinance or statute.

G. Any person who is denied a permit, or had his/her permit revoked, may appeal the denial/revocation to a hearings examiner appointed by the City Administrator, or his/her designee. Notice of appeal must be in writing, and filed with the City Clerk within seven (7) working days from the date of the denial.

Section 9.68.080 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.