

**ORDINANCE NO. \_\_\_\_\_**

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

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

**WHEREAS**, the Council finds people sitting or lying on city sidewalks and in entrances and exits to public buildings creates a public health and safety hazard due to obstruction, congestion and sanitary conditions in areas where the public walks. Use of sidewalks and areas of ingress or egress to public property interferes with the rights of others to use the areas for which they were intended.

**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 9.67 and the chapter shall be renamed “Sitting and Lying 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**

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.

\_\_\_\_\_  
Scott Anderson, Mayor

ATTEST:

\_\_\_\_\_  
Leana Kinley, City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
Kenneth B. Woodrich, City Attorney

## Chapter 9.67

### SITTING AND LYING IN PUBLIC PLACES

#### Sections:

9.67.010	Findings.
9.67.020	Purpose.
9.67.030	Prohibition
9.67.040	Exceptions.
9.67.050	Warning required.
9.67.060	Penalty for violations.
9.67.070	Zone of prohibition.
9.67.080	Homeless referrals to services.
9.67.090	Severability.
9.67.100	Public duty created.

#### Section 9.67.010 Findings.

The Council finds people sitting or lying on city sidewalks and in entrances and exits to public buildings creates a public health and safety hazard due to obstruction, congestion and sanitary conditions in areas where the public walks. Use of sidewalks and areas of ingress or egress to public property interferes with the rights of others to use the areas for which they were intended.

#### Section 9.67.020 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 sidewalks and entrances and exits to public buildings readily accessible to the public and to prevent use of public property in a manner which interferes with the rights of others to use the areas for which they were intended.

#### Section 9.67.030 Prohibition.

1. No person may sit or lie down upon a public sidewalk, or upon a blanket, chair, stool, or any other object placed upon a public sidewalk, during the hours between six a.m. and midnight in the zone designated in this section.
2. At all times it is unlawful to sit or lie on any drinking fountain, trash container, planter, bicycle rack, or any other sidewalk fixture not designed primarily for the purpose of sitting.
3. At all times it is unlawful to sit or lie in any entrance to or exit from any building or parking lot, or on any loading dock.

#### Section 9.67.040 Exceptions

##### A. Exceptions.

The prohibition in subsection (A) of this section does not apply to any person:

1. sitting or lying down due to a medical emergency or due to a sensory, mental, or physical disability;
2. who, as the result of a sensory, mental, or physical disability, utilizes a wheelchair, walker, or similar device to move about the public sidewalk;
3. operating or patronizing a business with permission to occupy the sidewalk;

4. participating in or attending a parade, festival, performance, rally, demonstration, meeting, or similar event conducted on the public sidewalk pursuant to a special event or other applicable permit;
5. sitting on a chair or bench supplied by a public agency or by the abutting private property owner pursuant to the appropriate permit or license; or
6. sitting within a bus stop zone while waiting for public or private transportation;
7. sitting on privately-owned sidewalk fixture with the permission of the owner;
8. engaging in constitutionally protected expressive activities which would otherwise be restricted by the limitations in subsection (A) of this section.
9. who is homeless during a time frame when shelter space is unavailable.

**Section 9.67.050 Warning required.**

No person shall be subject to enforcement under this section unless the person engages in conduct prohibited by this section within the entirety of the zone designated in this section after having been notified by a law enforcement officer that the conduct violates this section and has been given a reasonable amount of time to comply or has refused to comply. If the individual fails to comply in a reasonable time or engages in prohibited conduct in another location within the designated zone, a law enforcement officer may then enforce this section

**Section 9.67.060 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 9.67.070 Zone of prohibition.**

The zone where such conduct is prohibited is established in the map set forth in Attachment A.

**Section 9.67.080 Homeless referrals to services.**

It is the intent of the city council that homeless individuals subject to enforcement under this section be directed to emergency shelters, community/drug/mental health court, or other interventional services.

**Section 9.67.090 Severability.**

The provisions of this section are declared to be separate and severable. The invalidity of any clause, sentence, paragraph, section, or portion of this section, or the invalidity of the application thereof to any person or circumstance does not affect the validity of the remainder of this section, or the validity of its application to other persons or circumstances.

**Section 9.67.100 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.