

**CITY OF STEVENSON, WASHINGTON
ORDINANCE 2021-XXXX**

AN ORDINANCE OF THE CITY OF STEVENSON, WA ADDING CHAPTER 8.66 TO PROHIBIT CAMPING IN PUBLIC PLACES; SETTING A CRIMINAL PENALTY; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE

WHEREAS, City has received complaints from citizens regarding increased camping in public places creating a public health and safety hazard; and

WHEREAS, the City Council desires to add SMC 8.66 to prohibit camping in public places 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.

NOW, THEREFORE, the City Council of the City of Stevenson do hereby ordain as follows:

Section 1. Chapter 8.66 of the Stevenson Municipal Code Established. A chapter of the Stevenson Municipal Code entitled "Camping in Public Places," to be codified as Stevenson Municipal Code (SMC) Chapter 8.66, is hereby established to read as set forth on Exhibit "A" attached hereto and by this reference incorporated herein.

Section 2. Severability. If any section, subsection, paragraph, sentence, clause, or phrase of this ordinance is declared unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining portions of this ordinance.

Section 3. Effective Date. This ordinance shall become effective following passage and publication as provided by law.

PASSED by the City Council of the City of Stevenson and approved by the Mayor this ____ day of _____, 2021.

Mayor of the City of Stevenson

ATTEST:

APPROVED AS TO FORM:

Clerk of the City of Stevenson

Attorney for the City of Stevenson

Exhibit A

Chapter 8.66 CAMPING IN PUBLIC PLACES

Sections:

- 8.66.010 Findings.
- 8.66.020 Purpose.
- 8.66.030 Definitions.
- 8.66.040 Unlawful camping.
- 8.66.050 Unlawful storage of personal property in public places.
- 8.66.060 Penalty for violations.
- 8.66.070 Permit.
- 8.66.080 Public duty created.

8.66.010 Findings.

People camping on public property and on public rights-of-way 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 rights-of-way. 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.

8.66.020 Purpose.

It is the purpose of this chapter 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.

8.66.030 Definitions.

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

- (1) “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.
- (2) “Camp facilities” include, but are not limited to, tents, huts, temporary shelters, or vehicles.
- (3) “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.
- (4) “Park” means a park, reservation, playground, beach, trail, recreation center or any other public area in the city owned or used by the city and devoted to active or passive recreation.
- (5) “Store” means to put aside or accumulate for use when needed, to put for safekeeping, to place or leave in a location.
- (6) “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.

(7) "Vehicle" means the same as defined in RCW 46.04.670.

8.66.040 Unlawful camping.

(1) 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 SMC 8.66.070:

(a) On city-owned or city-maintained property, including, without limitation, City Hall, city public works buildings, fire station, utility facilities, and surrounding grounds;

(b) Any street; or

(c) Any publicly owned or maintained parking lot or other publicly owned or maintained area, improved or unimproved, excluding the Skamania County Fairgrounds camping area.

(2) 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 SMC 8.66.070:

(a) Any street; or

(b) Any publicly owned or maintained parking lot or other publicly owned or maintained area, improved or unimproved, excluding the Skamania County Fairgrounds camping area and designated parking spots at the Port of Skamania waterfront property.

8.66.050 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 SMC 8.66.070:

(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.

8.66.060 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 \$1,000 or by imprisonment not to exceed 90 days, or by both such fine and imprisonment.

8.66.070 Permit.

(1) The city administrator, or their 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.

(2) Upon receipt of an application for any permit under this chapter, the city administrator, or their designee, shall send a copy of the application to the Public Works Director, Community Development Director, Skamania County Sheriff's Department and Fire Chief. Each shall inspect the application and report to the city administrator, or their designee, within 10 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.

(3) The city administrator, or their designee, is authorized to promulgate other rules and regulations regarding the implementation and enforcement of this chapter.

(4) The city administrator, or their 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, they find that:

(a) Adequate sanitary facilities are provided and accessible at or near the proposed camp site;

(b) Adequate trash receptacles and trash collection are provided; and

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

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

(6) The city administrator, or their designee, is authorized to revoke a permit that has been issued if they find lack of compliance with any requirement of subsection (4) of this section, or of any rule or regulation promulgated under subsection (3) of this section, or of any ordinance or statute.

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

8.66.080 Public duty created.

(1) It is expressly the purpose of this chapter 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 chapter.

(2) Nothing contained in this chapter 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 chapter by its officers, employees or agents.