

CITY OF KENNEWICK
ORDINANCE NO. 24-_____

AN ORDINANCE RELATING TO REGULATING PUBLIC CAMPING AND
AMENDING SECTION 9.54.015 AND ELIMINATING SECTION 9.54.050 OF
THE KENNEWICK MUNICIPAL CODE

THE CITY COUNCIL OF THE CITY OF KENNEWICK, WASHINGTON, DO ORDAIN AS
FOLLOWS:

Section 1. Section 9.54.015 of the Kennewick Municipal Code, be, and the same hereby is,
amended to read as follows:

9.54.015: – Definitions.

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

- (1) *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 camper, recreational vehicle, trailer, or other vehicle for the purpose of remaining overnight.
- (2) *Camp Facilities* includes, but are not limited to, tents, huts, temporary shelters, campers, recreational vehicles, or trailers.
- (3) *Camp Paraphernalia* includes, but is not limited to, tarpaulins, cots, beds, sleeping bags, hammocks or cooking facilities and similar equipment.
- (4) *Contraband* means any property that is unlawful to produce or possess.
- (5) *Emphasis Area* means an identifiable area where the City has removed an encampment and has designated an encampment-prohibited area by installing signage as provided in KMC 9.54.030(3).
- (6) *Litter* shall have the same meaning as used in KMC 10.08.050 as adopted or may be amended.
- (7) *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.
- (8) *Personal Property* means an item that is:
 - (a) Reasonably recognizable as belonging to a person;
 - (b) In its present condition has apparent utility and/or value; and
 - (c) Is not hazardous or unsanitary.
- (9) *Right-of-way* shall have the same meaning as is stated in KMC 18.09.1820.

- (10) *Solid waste* shall have the same meaning as used in RCW 70A.205.015(22) as adopted or may be amended.
- (11) *Stormwater Drainage Facility* shall have the same meaning as is stated in KMC 14.28.010(7).
- (12) *Store* means to put aside or accumulate for use when needed, to put for safekeeping, to place or leave in a location.
- (13) *Trail* means a public path constructed for the primary purpose of allowing recreational non-motorized transportation.
- (14) *Unauthorized Encampment* means one 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.

(Ord. 24-_____, Sec. 1, 2024; Ord. 5959, Sec. 1, 2021)

Section 2. Section 9.54.050 of the Kennewick Municipal Code, be, and the same hereby is, eliminated.

Section 3. This ordinance shall be in full force and effect five days from and after its passage, approval and publication as required by law.

PASSED BY THE CITY COUNCIL OF THE CITY OF KENNEWICK, WASHINGTON, this 17th day of September, 2024, and signed in authentication of its passage this 17th day of September, 2024.

Attest:

GRETLE J. CRAWFORD, Mayor

KRYSTAL TOWNSEND,
City Clerk

ORDINANCE NO. 24-_____ filed and
recorded in the office of the City Clerk of
the City of Kennewick Washington, this
18th day of September, 2024

Approved as to Form:

LISA BEATON,
City Attorney

KRYSTAL TOWNSEND,
City Clerk

DATE OF PUBLICATION:

ORDINANCE EFFECTIVE DATE:

CITY OF KENNEWICK
ORDINANCE NO. 24-_____

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THE KENNEWICK MUNICIPAL CODE

THE CITY COUNCIL OF THE CITY OF KENNEWICK, WASHINGTON, DO ORDAIN AS
FOLLOWS:

Section 1. Section 9.54.015 of the Kennewick Municipal Code, be, and the same hereby is,
amended to read as follows:

9.54.015: – Definitions.

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

- ~~(1) — *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 Kennewick 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 9.54 KMC. Such status shall be determined by the city manager or designee. When determining whether an individual is actively engaged in the process of exiting homelessness, the city manager or designee shall take into account whether the individual is:~~
 - ~~(a) — Actively working with or enrolled in a Benton and Franklin County Health and Human Services outreach program for emergency shelter and/or transitional housing; or~~
 - ~~(b) — Working with the Housing Authority or similar service provider seeking transitional housing; or~~
 - ~~(c) — Actively working with a street outreach program towards permanent housing or any other intervention requested by the individual (for example, treatment); or~~
 - ~~(d) — Participating in any other activity, program, or process deemed necessary to secure permanent housing.~~
- ~~(2)~~(1) *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 camper, recreational vehicle, trailer, or other vehicle for the purpose of remaining overnight.
- ~~(3)~~(2) *Camp Facilities* includes, but are not limited to, tents, huts, temporary shelters, campers, recreational vehicles, or trailers.

- ~~(4)~~(3) *Camp Paraphernalia* includes, but is not limited to, tarpaulins, cots, beds, sleeping bags, hammocks or cooking facilities and similar equipment.
- ~~(5)~~(4) *Contraband* means any property that is unlawful to produce or possess.
- ~~(6)~~(5) *Emphasis Area* means an identifiable area where the City has removed an encampment and has designated an encampment-prohibited area by installing signage as provided in KMC 9.54.030(3).
- ~~(7)~~(6) *Litter* shall have the same meaning as used in KMC 10.08.050 as adopted or may be amended.
- ~~(8)~~(7) *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.
- ~~(9)~~(8) *Personal Property* means an item that is:
- (a) Reasonably recognizable as belonging to a person;
 - (b) In its present condition has apparent utility and/or value; and
 - (c) Is not hazardous or unsanitary.
- ~~(10)~~(9) *Right-of-way* shall have the same meaning as is stated in KMC 18.09.1820.
- ~~(11)~~(10) *Solid waste* shall have the same meaning as used in RCW 70A.205.015(22) as adopted or may be amended.
- ~~(12)~~(11) *Stormwater Drainage Facility* shall have the same meaning as is stated in KMC 14.28.010(7).
- ~~(13)~~(12) *Store* means to put aside or accumulate for use when needed, to put for safekeeping, to place or leave in a location.
- ~~(14)~~(13) *Trail* means a public path constructed for the primary purpose of allowing recreational non-motorized transportation.
- ~~(15)~~(14) *Unauthorized Encampment* means one 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.

(Ord. 24-XXXX, Sec. 1, 2024; Ord. 5959, Sec. 1, 2021)

Section 2. Section 9.54.050 of the Kennewick Municipal Code, be, and the same hereby is, eliminated.

9.54.050 Enforcement suspended.

- (1) ~~Except as otherwise provided in this section, enforcement of criminal provisions of this chapter shall be suspended any time there is no space or beds available in regional homeless shelters that accept patrons from the City, or there are no emergency shelter vouchers through the Benton and Franklin Health and Human Services available, to the extent such available space or beds are required by law. In such circumstances, all provisions of this chapter shall continue to apply to camping, storage of personal property, including camp facilities and camp paraphernalia, and unauthorized encampments at the following:~~

 - (a) ~~The real property containing City Hall; Public Works Facilities, Kennewick Police Station, all Fire Stations, Water and Waste Water Treatment Plants, all City Parks, Community Center, _____;~~
 - (b) ~~Park facilities, including but not limited to all buildings, structures, equipment, signs, shelters, swimming pools, water recreation facilities, playgrounds, bathrooms, courts or designated sports fields available for reservation, or any other fixture or improvement and the real property within 30 feet of such facilities. Unless constructed as a part of such park facility, natural vegetation shall not be considered a "park facility" for purposes of this section;~~
 - (c) ~~Public rights-of-way and City-owned real property within 30 feet of such rights-of-way; and~~
 - (d) ~~Publicly-owned storm water drainage facilities.~~
- (2) ~~Enforcement of the criminal provisions of this chapter may also be temporarily suspended by law enforcement or the city manager or designee for the purpose of allowing an individual actively engaged in the process of exiting homelessness to continue working towards exiting homelessness; provided, that such suspension shall not authorize any individual to be located at any of the locations identified in KMC 9.54.050(1). Such suspension may only occur during the period while an individual is actively engaged in the process of exiting homelessness. Nothing in this section shall guarantee or create rights to have enforcement of this chapter waived or suspended for any individual found to be violating the terms of this chapter. This section shall not preclude enforcement of this chapter against a person actively engaged in exiting homelessness where the violation results in a significant risk of harm to any person or impedes pedestrian or vehicular traffic, or where the person violates any other federal, state, or local law. Failure to work toward exiting homelessness and/or failure to follow other park and City regulations will result in immediate enforcement of Chapter 9.54 KMC subject to shelter bed availability as required by law. The city manager or their designee may adopt such rules and~~

~~procedures necessary to identify individuals actively engaged in exiting homelessness and to notify the Kennewick police department of such individuals.~~

~~(3) Nothing in this chapter shall preclude enforcement of any other federal, state, or local laws.~~

~~(Ord. 5959, Sec. 1, 2021)~~

Section 3. This ordinance shall be in full force and effect five days from and after its passage, approval and publication as required by law.

PASSED BY THE CITY COUNCIL OF THE CITY OF KENNEWICK, WASHINGTON, this 17th day of September, 2024, and signed in authentication of its passage this 17th day of September, 2024.

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