

ORDINANCE NO. 1443

AN ORDINANCE OF THE CITY OF KALAMA, WASHINGTON ADDRESSING THE ISSUES ASSOCIATED WITH THE USE OF PUBLIC PROPERTY FOR CAMPING AND STORING OF PERSONAL PROPERTY WHICH INTERFERES WITH THE RIGHTS OF OTHERS TO USE THE AREAS FOR WHICH THEY WERE INTENDED FOR WITH THE ADOPTION OF KALAMA MUNICIPAL CODE CHAPTER 9.50 CAMPING ON PUBLIC PROPERTY

WHEREAS, the Kalama City Council recognizes the growing concerns surrounding the issues of homelessness and the needs of those existing without shelter and facilities;

WHEREAS, the Kalama City Council recognizes the rights of those within the homeless community and the rights of its citizens while weighing the City's obligation to protect public health, safety and the general welfare of the entire community;

WHEREAS, the Kalama City Council finds it to be in the best interest of all citizens and visitors to the community to address public health and safety issues related to the use of public property for purposes for which they were not intended;

NOW THEREFORE the City Council of the City of Kalama do ordain:

Section 1. Kalama Municipal Code Chapter 9.50 CAMPING ON PUBLIC PROPERTY is adopted to read as follows:

9.50.010 – Findings

Public property and public rights-of-way such as parks, streets, sidewalks, alley, building alcoves, and landings are readily accessible to the public who have the right to use these areas without concerns for their health, safety and welfare. Using public property for camping purposes or storage of personal property, or having those without sanitary facilities urinate, defecate, and litter on public property, interferes with the rights of others to use the areas for which they were intended.

9.50.020 – Purpose

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

9.50.030 - 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 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 outdoor cooking facilities and similar equipment.

“Public park” means the same as defined in Section 9.30.010.

“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 that is publicly owned or maintained for public vehicular travel.

“Vehicle” means the same as such is defined in RCW 46.04.670.

9.50.040 – Operating Hours and Areas Not Open To Public.

Some city property may be closed to the public at all times. Other city property may be open to the public only during established operating hours and for purposes related to the functions of city government. Operating hours for particular city property may be established by the city Council and so posted at the property.

9.50.050 – Areas Not Open To Public - Violation

In addition to a violation of other applicable law, it is also a violation of this chapter to enter or remain on any property under the jurisdiction of the city when the area is not open to the public.

9.50.060 – Unlawful Camping on Public Property

A. In addition to violating other applicable law, it is a violation of this chapter for any person to erect any structure, tent, or other shelter on any city property, except as provided in Section 9.50.080.

B. It is a violation of this chapter for any person to camp or to store personal property, including camp facilities (other than vehicles) and camp paraphernalia, in the following areas except as otherwise provided by ordinance or as provided in Section 9.50.080:

1. Any park;
2. Any publicly owned or maintained land, parking lot, or other publicly owned or maintained area, whether improved or unimproved; provided however, that streets shall be regulated as provided in subsection C of this section.

C. During the hours of 6:30 a.m. to 9:30 p.m., it shall be unlawful for any person to camp, store personal property, occupy camp facilities for purposes of habitation, or use camp paraphernalia in any city street, except as otherwise provided by ordinance or as provided in Section 9.50.080.

D. During the hours of 6:30 a.m. to 9:30 p.m., it shall be unlawful for any person to occupy a vehicle for the purpose of camping while that vehicle is parked in the following areas, except as otherwise provided by ordinance or as provided in Section 9.50.080

1. Any park; or
2. Any street; or
3. Any publicly owned or maintained parcel, parking lot or other publicly owned or maintained area, whether improved or unimproved.

9.50.070 – 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.

9.50.080 - 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 streets, or any publicly owned area, improved or unimproved, in the city.

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 police, public works, building, and the local fire authority. 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 identify any risks or other problems which the proposed activity is reasonably expected to pose for the public at that location. 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 chapter which are consistent with the purposes of this chapter and its regulations.

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 the general public.
4. All fees, as established by resolution of the City Council are paid in full.

E. No permit shall be issued for a period of time in excess of fourteen calendar days in any one calendar year to the same person or specified group.

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 of this section, or of any rule or regulation promulgated under subsection C of this section, or of any ordinance or statute including but not limited to the following:

1. Failure to use the provided sanitary facilities and trash receptacles;
2. Substantiated complaints from neighboring property owners of a gross disturbance of the peace;
3. Illegal or immoral activities including drug use or trafficking.

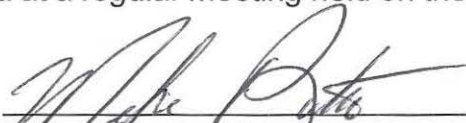
G. Any person who is denied a permit, or had his/her permit revoked, may appeal the denial/revocation to a hearings examiner appointed by the city. Notice of appeal must be in writing, and filed with the city clerk within seven working days from the date of the denial.

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 parts of this ordinance.

Section 3. Corrections. Upon the approval of the City Attorney, the City Clerk and the codifiers of this ordinance are authorized to make necessary corrections to this ordinance including, but not limited to, the correction of scrivener's/clerk errors, references, ordinance numbering, section/subsection numbers and any references thereto.

Section 4. This ordinance shall become effective five days after passage, approval, and publication as provided by law.

Passed by the City Council of the City of Kalama at a regular meeting held on the 6th day of August, 2020



Mayor Mike Reuter

Attest:


Coni McMaster, Clerk/Treasurer

Approved as to form:

Published: 8-12-2020

City Attorney

Effective: 8-17-2020