

CODE

**CITY OF REDMOND
ORDINANCE NO. 2911**

AN ORDINANCE OF THE CITY OF REDMOND, WASHINGTON, AMENDING SECTIONS 9.33.010 THROUGH 9.33.030 OF THE REDMOND MUNICIPAL CODE AND ADDING A NEW SECTION 9.33.035 IN ORDER TO PROHIBIT CAMPING AND STORAGE OF PERSONAL PROPERTY IN PARKS AND IN ORDER TO PROHIBIT CAMPING AND STORAGE OF PERSONAL PROPERTY ON OTHER PUBLIC PROPERTY WHEN OVERNIGHT SHELTER SPACE IS AVAILABLE; AUTHORIZING THE POLICE CHIEF TO ADOPT RULES AND REGULATIONS FOR ENFORCEMENT; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE

WHEREAS, the number of homeless people continues to grow and the City has experienced increasing use of its parks and public spaces for camping and the storage of personal property; and

WHEREAS, on January 16, 2015, the Redmond City Council adopted Ordinance No. 2775, prohibiting camping in parks and public spaces and adopting a new Chapter 9.33 of the Redmond Municipal Code; and

WHEREAS, the Redmond City Council has determined to amend certain sections of Chapter 9.33 to be consistent with recent court decisions.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF REDMOND, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. Classification. The amendments adopted by this ordinance are of a general and permanent nature and shall become a part of the City Code.

Section 2. Camping and Storage of Personal Property.

Sections 9.33.010, 9.33.020, and 9.33.030 of the Redmond Municipal Code are amended, and a new Section 9.33.035 is hereby added, to read as follows:

9.33.010 Unlawful Camping.

(A) It shall be unlawful for any person to camp, occupy camp facilities or use camp paraphernalia in the following areas, except as [~~OTHERWISE PROVIDED BY ORDINANCE OR RULE~~] set forth in subsection B below:

(1) Any park;

[~~(2) ANY STREET~~]

[~~(3) ANY PUBLICALLY-OWNED PARKING LOT OR PUBLICALLY-OWNED AREA, IMPROVED OR UNIMPROVED.~~]

(4) Any publicly owned property to which the public is not ordinarily allowed access, including but not limited to, public buildings, water storage tank sites, well sites, storm water ponds and facilities, and other secured properties;

(5) That portion of any street or sidewalk that is expressly reserved for vehicular or pedestrian travel;

(6) Portions of any street right-of-way that is not expressly reserved for vehicular or pedestrian travel; and

(7) Any other publicly-owned parking lot or publically-owned property, improved or unimproved.

(B) The prohibition contained in subsections (A) (1), (A) (4), (A) (5), and (A) (7) above shall be enforced at all times. Law enforcement officers shall not enforce the prohibitions in subsections (A) (6) above when there is no available overnight shelter for individuals or family units experiencing homelessness on the date that camping occurs. "Available overnight shelter" means a public or private shelter, with an available overnight space, open to an individual or family unit experiencing homelessness at no charge. If an individual or family unit cannot use available space because of the individual or family member's sex, familial or marital status, religious beliefs, disability, or a shelter's length-of-stay restrictions, the space is not considered to be available. The space is also not considered to be available if an individual has attempted to secure a bed at the shelter by lining up in advance of the shelter opening for the day and has denied entry due to lack of available space. The space is considered available if the individual could not use the space due to voluntary actions such as intoxication, drug use or unruly behavior.

9.33.020 Storage of Personal Property in Public Places.

(A) It shall be unlawful for any person to store personal property, including camp facilities and camp paraphernalia, in the following areas, except as ~~[OTHERWISE PROVIDED BY ORDINANCE OR RULE]~~ set forth in subsection B below:

(1) Any park;

~~[(2) ANY STREET]~~

~~[(3) ANY PUBLICALLY OWNED PARKING LOT OR PUBLICALLY OWNED AREA, IMPROVED OR UNIMPROVED.]~~

(4) Any publically-owned property to which the public is not ordinarily allowed access, e.g., public buildings, water storage tank sites, well sites, storm water ponds and facilities, and other secured properties;

(5) That portion of any street or sidewalk that is expressly reserved for vehicular or pedestrian travel;

(6) Portions of the street right-of-way that are not expressly reserved for vehicular or pedestrian travel; and

(7) Any other publically-owned parking lot or publically-owned property, improved or unimproved.

(B) The prohibition contained in subsections (A) (1), (A) (4), (A) (5), and (A) (7) above shall be enforced at all times. Law enforcement officers shall not enforce the prohibitions in subsection (A) (6) above when there is no available overnight shelter for individuals or family units experiencing homelessness. "Available overnight shelter" means a public or private shelter, with an available overnight space, open to an individual or family unit experiencing homelessness at no charge. If an individual or family unit cannot use available space because of the individual or family member's sex, familial or marital status, religious beliefs, disability, or a shelter's length-of-stay restrictions, the space is not considered to be available. The space is also not considered to be available if an individual has attempted to secure a bed at the shelter by lining up in advance of the shelter opening for the day and has denied entry due to lack of available space. The space is considered available if the individual could not use the space due to voluntary actions such as intoxication, drug use or unruly behavior.

9.33.030 Definitions.

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

- "Camp" means to pitch or occupy camp facilities, to use camp paraphernalia.

- "Camp facilities" include, but are not limited to, tents, huts, or temporary shelters when used for sleeping or overnight shelter. "Camp facilities" does not include tents, huts, or temporary shelters when used temporarily in a park for recreation or play during daylight hours when the park is open to the public.

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

- "Park" means those areas subject to the executive and administrative responsibility of the parks and recreation department established by Redmond Municipal Code, Chapter 9.31, including but not limited to parks, trails, playgrounds, athletic fields, and public open space.

- "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 Redmond open as a matter of right to public vehicular travel.

9.33.035 Rules.

The Chief of Police is hereby authorized to adopt rules, regulations, administrative policies, and procedures for implementing Sections 9.33.010 - 9.33.030.

Section 3. Severability. If any section, sentence, clause, or phrase of this ordinance shall be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause, or phrase of this ordinance.

Section 4. Effective Date. This ordinance shall become effective five days after its publication, or publication of a summary thereof, in the city's official newspaper, or as otherwise provided by law.

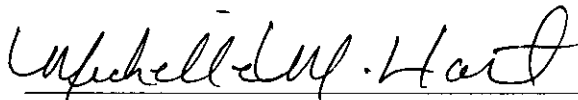
ADOPTED by the Redmond City Council this 2nd day of January,
2018.

APPROVED:




JOHN MARCHIONE, MAYOR

ATTEST:



MICHELLE M. HART, MMC, CITY CLERK

APPROVED AS TO FORM:



JAMES E. HANEY, CITY ATTORNEY

FILED WITH THE CITY CLERK: December 19, 2017
PASSED BY THE CITY COUNCIL: January 2, 2018
SIGNED BY THE MAYOR: January 5, 2018
PUBLISHED: January 8, 2018
EFFECTIVE DATE: January 13, 2018
ORDINANCE NO. 2911

YES: ANDERSON, BIRNEY, CARSON, MARGESON, MYERS, PADHYE
NO: FIELDS