

ORDINANCE NO. _____

AN ORDINANCE RELATING TO CAMPING AND CREATING A NEW CHAPTER TO THE KITTITAS COUNTY CODE ENTITLED “9.55 REGULATING PUBLIC CAMPING.”

WHEREAS, Article XI, section 11 of the Washington State Constitution authorizes the County to make and enforce in its limits all such local police, sanitary and other regulations as are not in conflict with general laws; and

WHEREAS, Kittitas County has a homeless population that lives in its public areas using makeshift and temporary shelters and tents; and

WHEREAS, Kittitas County has experienced public health, safety, and welfare problems that are associated with the homeless population camping on County-owned property; and

WHEREAS, camping without adequate sanitation services, such as sewer, water, and garbage, presents a significant public health and safety concern due to increased risk of spread of disease and potential for citizens contracting illnesses; and

WHEREAS, public property is intended for, and should be, available to the public for its intended purposes, including daily County operations, park recreational use, pedestrian, bicycle and vehicular transportation, and other public uses; and

WHEREAS, Kittitas County recognizes the importance of working with outside and contracted agencies to create permanent overnight shelter space for the homeless population; and

WHEREAS, Kittitas County wishes to protect the public health, safety and welfare of its residents and visitors by identifying public areas and rights of way that are not suitable for overnight camping.

NOW, THEREFORE, after due notice and hearing, it is hereby ordained as follows:

A new chapter entitled “9.55 Regulating Public Camping” is hereby added to the Kittitas County Code, and the County’s Information Technology Department is hereby directed to add said chapter to the website-version of the county code to read as follows:

**Chapter 9.55
REGULATING PUBLIC CAMPING**

Sections

9.55.010 Purpose.

- 9.55.020 Definitions.**
- 9.55.030 Unlawful camping.**
- 9.55.040 Storage of personal property in public places.**
- 9.55.050 Removal of unauthorized encampments and individual camps.**
- 9.55.060 Penalty for violations.**
- 9.55.070 Enforcement suspended.**
- 9.55.080 No public duty created.**
- 9.55.090 Severability.**

9.55.010 Purpose.

It is the purpose of this chapter to prevent harm and to promote the public health, safety and general welfare and environment by keeping public streets, sidewalks, parks, and other county-owned and/or county-maintained public property and public rights-of-way within the county readily accessible to the public, and to prevent use of county-owned and/or county-maintained public property for camping purposes or storage of personal property which interferes with the rights of others to use the areas for the purposes for which they were intended. It is also the purpose of this chapter to establish a uniform policy for county departments to address the removal of unauthorized encampments from county property and, where applicable, temporarily store personal property in a manner consistent with local, state, and federal laws.

9.55.020 Definitions.

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

“Abandoned” means that which appears, based on the totality of the circumstances, the owner intentionally relinquished the right to possess by action, verbal and/or written disclaimer, lapse of time, or non-use of the same.

“Camp” or “camping” 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, taking up temporary residence overnight; or parking a camper, recreational vehicle, trailer, or other vehicle for the purpose of taking up temporary residence overnight.

“Camp facilities” include, but are not limited to, tents, huts, temporary shelters made of any

material, campers, recreational vehicles, or trailers.

“Camp paraphernalia” includes but is not limited to tarpaulins, cots, beds, sleeping bags, hammocks and/or cooking facilities and similar equipment.

“County” means Kittitas County, Washington.

“Contraband” means any item, material, or substance that is unlawful to produce or possess.

“Hazardous Item” means an item, including personal property, which appears to be dangerous or involves risk of harm to the health or safety of humans, animals, or the environment, either in its present form or as stored.

“Litter” shall have the same meaning as used in RCW 70A.200.030(6) and (11) as adopted or may be amended.

“Park or park facility” means any building, structure, equipment, sign, shelter, swimming pool, vegetation, playground, real property, or other physical property owned or controlled by the county for park purposes. Park or park facility includes all associated areas, including but not limited to parking lots for parks.

“Personal property” in addition to its common meaning, means an item that is:

1. Reasonably recognizable as belonging to a person; and
2. In its present condition has apparent utility and/or value; and
3. Is not abandoned, solid waste, or a hazardous item.

“Right-of-way” and “County Road” shall have the same meaning as is stated in KCC 12.02.020.

“Solid waste” shall have the same meaning as used in RCW 70A.205.015(22) as currently enacted or subsequently amended, and includes, but is not limited to, garbage, household liquid or hazardous waste, decaying furniture, tires, mattresses, and wood.

“Store” means to put aside or accumulate for use when needed, to put for safekeeping, or to place or leave in a location.

“Trail” means a public path owned, operated, or maintained by the county for the primary purpose of walking, biking or other non-vehicular travel.

“Unauthorized encampment” means two 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.

“Vehicle” means the same as defined in RCW 46.04.670, as currently enacted or hereafter amended.

9.55.030 Unlawful camping.

A. It is unlawful for any person to camp, occupy camp facilities for purposes of habitation, or use camp paraphernalia in the following areas, except as otherwise provided by the Kittitas County Code or where specifically designated:

1. Any street, alley, sidewalk, county road, or county right-of-way;
2. Any trail, park, or park facility, except as authorized by Ch.9.50 KCC;
3. Any county-owned parking lot or county-owned area, whether improved or unimproved;
or
4. Any other county-owned or county-maintained property.

B. It is 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 permitted pursuant Ch.9.50 KCC or Ch. 10.06 KCC:

1. Any park;
2. Any street, alley, county road, or county right-of-way; or
3. Any county-owned or maintained parking lot or other county-owned or maintained area, whether improved or unimproved.

9.55.040 Unlawful storage of personal property in public places.

A. It is unlawful for any person to store personal property, including camp facilities and camp paraphernalia, in the following county-owned and/or county-maintained areas, except as otherwise provided by the Kittitas County Code:

1. Any county road or right-of-way;
2. Any trail, park, or park facility;
3. Any county-owned parking lot or county-owned area, whether improved or unimproved;
or
4. Any other county-owned or county-maintained property.

B. This section shall not apply to vehicles, including trailers, recreational vehicles, and campers, which are legally parked in rights-of-way, unless otherwise prohibited by law.

9.55.050 Removal of unauthorized encampments and individual camps.

A. Whether or not something is or is not a “camp,” “unauthorized encampment,” “abandoned,” or anything else defined herein, is the determination of law enforcement or the county designated personnel who merely needs to determine that the thing is readily identifiable as such without said inquiry or determination creating a danger or threat of safety to law enforcement or the designated county personnel.

B. The personal property, camping paraphernalia, camp facilities, and all other property, contraband, litter, and/or solid waste located at an unauthorized encampment may be removed subject to the following provisions:

1. Upon a determination by law enforcement or designated county personnel that an area constitutes an unauthorized encampment or that an individual is engaged in unlawful camping or storage of personal property in public places.
2. Property which presents an immediate and substantial risk of harm. If the unauthorized encampment, unlawful camping, or unlawful storage of personal property results in an immediate and significant risk of harm to any person or impedes pedestrian or vehicular traffic, then police, city staff and/or its contracted agent may immediately remove any

personal property, camping paraphernalia, camp facilities, and all other property, contraband, litter, and solid waste, which shall be stored or disposed in the manner as set forth below in subsection (3)(b) below.

3. Except as stated in subsection (B)(2) above, prior to removing property from an unauthorized encampment or unlawful camp, or removing personal property unlawfully stored on county-owned or county-maintained public property, the following shall occur:

a. The county shall post at least a 72-hour advanced notice, which shall include the following:

i. The address or location of the unauthorized encampment, unlawful camping, or unlawful storage of personal property;

ii. A statement that camping or storage activity is prohibited by KCC 9.55.030 and/or 9.55.040;

iii. A statement that any individual continuing to use the area for unlawful camping or storage of personal property may be subject to criminal penalties pursuant to KCC 9.55.060;

iv. A statement that any personal property, camping paraphernalia, camp facilities, and all other property, contraband, litter, and solid waste remaining after the notice period is subject to removal and, as may be applicable, temporary storage by the county.

b. At the end of the 72-hour notice period, any personal property, camping paraphernalia, camp facilities, and all other property, contraband, litter, and solid waste may be removed by county personnel or agents thereof. Furthermore:

i. Any personal property that is removed shall be stored by the county for at least sixty (30) days prior to being disposed of;

ii. Notice of where personal property removed from the encampment may be claimed shall be posted at the location;

iii. If the name and contact information for the owner of a particular item of personal property can reasonably be identified, the county shall attempt to contact the identified owner and provide notice that the item has been removed and how to

claim the item;

iv. Any contraband located at the area shall be seized and properly disposed or retained as evidence of criminal activity; and

v. Any litter, hazardous item, or solid waste found at the area shall be properly disposed of.

9.55.060 Penalty for violations.

Violation of any of the provisions of this chapter is a misdemeanor and shall be punished upon conviction of such violation by a fine of not more than \$ 1,000 or by confinement not to exceed 90 days, or by both such fine and confinement. Each and every day, or portion thereof, that the violation continues shall constitute a separate violation.

9.55.070 Criminal Enforcement suspended.

A. There shall be no enforcement of criminal provisions of this chapter when there is no available overnight shelter space or beds available in homeless shelters located in the county. 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. Abatement portions of this chapter can be enforced regardless of the availability of shelter space.

B. Nothing in this chapter shall preclude enforcement of any other federal, state, or local laws.

9.55.080 No public duty created.

A. 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.

B. 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 county or its officers, employees, or agents for any injury or damage resulting from any action or inaction on the part of the county related in any manner to the enforcement of this chapter by its officers, employees, or agents.

9.55.090 Severability.

If any portion of this chapter, or its application to any person or circumstances, is held invalid, the validity of the chapter as a whole, or any other portion thereof, or the application of the provision to other persons or circumstances is not affected. If any portion of this ordinance is declared invalid or unconstitutional by any court of competent jurisdiction, such holding shall not affect the validity of the remaining portion(s) of this ordinance.

NOW THEREFOR may it further be ordained that the Prosecuting Attorney’s Office is authorized, at its sole discretion, to direct the county’s Information Technology Department to correct any scrivener’s errors on the website version of this code without needing further authorization or approval by the Board of County Commissioners.

ADOPTED this _____ day of _____ 2022.

**BOARD OF COUNTY COMMISSIONERS
KITITAS COUNTY, WASHINGTON**

Chair

Vice-Chair

Commissioner

ATTEST:
CLERK OF THE BOARD

- Clerk of the Board- Julie Kjorsvik
- Deputy Clerk of the Board- Mandy Buchholz

APPROVED AS TO FORM:

Neil A. Caulkins, Deputy Prosecuting Attorney