

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE OF THE CITY OF OLYMPIA, WASHINGTON, PROHIBITING CAMPING AND CONSTRUCTING CAMP FACILITIES ON CITY PROPERTY AND PARKLETS; AND ADDING A NEW CHAPTER 12.74, CITY PROPERTY AND PARKLETS, TO TITLE 12, STREETS, SIDEWALKS AND PUBLIC PLACES, OF THE OLYMPIA MUNICIPAL CODE.**

WHEREAS, constructing shelters and camping on City Property and City Parklets presents a safety hazard, as well as creates significant negative impacts on the environment, public health and public property, while impairing the intended function of City facilities and City Parklets; and

WHEREAS, safety hazards include obstructions and/or impediments in public spaces and public rights-of-way interfering with the rights of others to use the areas for which they were intended; and

WHEREAS, persons camping at City Properties also frequently have animals which have caused fear and apprehension in persons accessing or approaching City facilities such as City Hall, and in at least one instance an employee was bitten by a camper's dog; and

WHEREAS, environmental impacts include contamination from improper disposal of solid waste, detergents and fuels, and pollution of the air from open fires and use of improper fuels; and

WHEREAS, public health impacts include threats to public health from individuals commonly and openly urinating and defecating on City Property and City facilities, such as the Olympia City Hall, and on the adjacent public rights-of-way, and improper disposal of solid waste causing the accumulation of human waste, litter, garbage and other debris; and

WHEREAS, the public health risks associated with exposure to human waste and other forms of solid and hazardous waste are incompatible with use of City facilities by the general public, including the historic use of the City's Artesian Well site as a community drinking water supply; and

WHEREAS, interference with the intended use of City Properties and City facilities includes interference with the general public's access to City facilities, privatization of public space by a single user group, and interference with access by City employees to job sites; and

WHEREAS, interference with the general public's access to City facilities includes interference with access to City Hall and the community drinking water supply at the Artesian Well site; and

WHEREAS, interference with the intended use of City Properties and City facilities also includes obstructing the general public's use of City facilities for nighttime, early morning and weekend meetings and obstructing the general public's use of after hour drop boxes; and

WHEREAS, public property impacts include negative impacts on the aesthetic value of the property and the resulting negative impact on the general public's ability to use public spaces; and

WHEREAS, the City of Olympia has had to expend substantial public resources to clean areas in and around City Properties, including the area around City Hall and the Artesian Well site, and such cleaning involved removal of human waste, litter, garbage and other debris; and

WHEREAS, by enacting and enforcing the following prohibitions, the City of Olympia intends to mitigate the harms outlined in the preceding recitals, and address the issues associated with the construction of shelters and camping on City Property and City Parklets; and

WHEREAS, the management of City Property is an administrative function, and the City has determined that additional regulations are necessary to preserve the public's investment in City Property and to ensure that the general public has access to City Property; and

WHEREAS, the public properties owned by the City were not intended or designed for camping use; and

WHEREAS, the City has received communications from the public through oral communications to the Land Use and Environment Committee and the City Council and through written communications to the City Council concerning the health, safety and access issues created by camping on City Property; and

WHEREAS, the City Council has received oral and written information from City staff concerning the health, safety and access issues created by camping on City Property and the drain on City resources caused by camping on City Property; and

WHEREAS, under OMC Ch. 18.50, the City has provided a process for the permitting of temporary encampments for homeless persons where adequate facilities are provided for the health, safety and sanitary needs of such residents; and

WHEREAS, this Ordinance is adopted pursuant to Article 11, Section 11, of the Washington Constitution and any other applicable authority.

**NOW, THEREFORE, THE OLYMPIA CITY COUNCIL ORDAINS AS FOLLOWS:**

**Section 1. Recitals. The recitals above are findings of fact in support of this Ordinance.**

**Section 2. Amendment of OMC Title 12. Section 12.00.000 of the Olympia Municipal Code is hereby amended to read as follows:**

12.00.000 Title Contents

**Title 12  
STREETS, SIDEWALKS AND PUBLIC PLACES**

**Chapters:**

- 12.02 Olympia Development Standards**
- 12.03 Engineering Inspection Fees**
- 12.04 Monuments and Grades**
- 12.08 Public Works Standard Specifications**
- 12.10 Olympia Commute Trip Reduction Plan**
- 12.12 Comprehensive Street Improvement Plan**
- 12.14 Transportation Benefit District**
- 12.16 Street Vacations**
- 12.20 Street Excavations**
- 12.24 Obstructions**
- 12.28 Moving Buildings**
- 12.36 Sidewalk Maintenance**
- 12.44 Street Trees**
- 12.48 Street Names and House Numbers**
- 12.52 Private Oiling or Paving of Streets**
- 12.56 Boulevard Lighting System**
- 12.60 Park Regulations**
- 12.62 Naming City-Owned Public Buildings, Properties, Parks and Park Facilities**
- 12.64 Harbor Regulations**

- 12.68 Percival Landing Moorage Facility**
- 12.72 Festival Events**
- 12.74 Property and City Parklets**

**Section 3. Amendment of OMC Title 12.** Title 12 of the Olympia Municipal Code is hereby amended by adding the following NEW CHAPTER 12.74 to read as follows:

***NEW Chapter 12.74***  
**CITY PROPERTY AND CITY PARKLETS**

12.74.000 Chapter Contents

Sections:

- 12.74.010 Camping and Constructing Camp Facilities on City Property and City Parklets Prohibited.
- 12.74.020 Definitions.
- 12.74.030 Penalties.

**12.74.010 Camping and Constructing Camp Facilities on City Property and City Parklets Prohibited**

- A. It shall be unlawful at all times to camp or construct camp facilities at or on the grounds of all City Property and City Parklets.
- B. No person shall be cited under this section unless the person engages in conduct prohibited by this section after having been notified by a law enforcement officer that the conduct violates this section.
- C. The City Manager is authorized to allow persons to temporarily camp on City property in connection with an emergency that has been declared by the City Council.

**12.74.020 Definitions**

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

- A. "Camp" means use of camp paraphernalia for the purpose of temporary or permanent habitation or construction or use of camp facilities.
- B. "Camp facilities" include, but are not limited to, tents, huts, lean-tos, tarpaulins, canvas, cardboard, corrugated tin, or other temporary shelters.
- C. "Camp paraphernalia" are items that can be used for the purposes of habitation and include, but are not limited to, tarpaulins, cots, beds, sleeping bags, blankets, bedrolls, mattresses, hammocks, or cooking facilities or equipment.
- D. "City Property" means property owned by the City whether or not the property has a structure. City Property includes any buildings on the property and adjacent grounds to those buildings owned by the City. City Property includes, but is not limited to, parks, parking lots, and plazas in the City of Olympia, Washington.

E. "Parklet" means a City parking space or parking spaces that the City has authorized through a permit to be used to create small park-like settings which are open to the general public and can include features such as tables and chairs, benches, planters and landscaping.

**12.74.030 Penalties**

Any violation of the provisions of this Chapter is a misdemeanor punishable as defined in OMC 9.64.010.

**Section 4. Severability.** The provisions of this Ordinance are declared separate and severable. If any provision of this Ordinance or its application to any person or circumstance is held invalid, the remainder of this Ordinance or application of the provision to other persons or circumstances, shall be unaffected.

**Section 5. Ratification.** Any act consistent with the authority and prior to the effective date of this Ordinance is hereby ratified and affirmed.

**Section 6. Effective Date.** This Ordinance shall take effect on February 8, 2013.

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MAYOR

**ATTEST:**

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CITY CLERK

**APPROVED AS TO FORM:**

Darren Nienaber DCA

CITY ATTORNEY

**PASSED:**

**APPROVED:**

**PUBLISHED:**