



## ORDINANCE NO. 28438

1 AN ORDINANCE relating to public health and safety; amending Chapter 8.12 of  
2 the Tacoma Municipal Code, relating to Disorderly Conduct, by adding a  
3 new section, to be known and designated as Section 8.12.180 entitled  
4 "Unlawful Camping"; and declaring an emergency, making necessary the  
5 passage of this ordinance and it becoming effective immediately.

6 WHEREAS, on any given night, over 50 homeless encampments can be  
7 found in Tacoma, some of which may be occupied by 100 or more persons, and

8 WHEREAS the increases in homeless encampments and higher  
9 concentrations of occupants, together with the lack of available services or facilities  
10 nearby, have a significant role in the scope and severity of public health issues and  
11 the urgency to take action to mitigate the conditions giving rise to this threat to  
12 public health and safety, and

13 WHEREAS the multiple encampments that the City is experiencing,  
14 together with the higher concentrations of occupants, is causing harm to the  
15 occupants and has a significant potential to affect public health in the community,  
16 and

17 WHEREAS, when an encampment is removed by the City or private parties,  
18 the occupants will generally move to or create another uncontrolled homeless  
19 encampment which spreads to a wider area the potential for community exposure  
20 to the negative health impacts associated with homeless encampments, and

21 WHEREAS the adverse impacts on both those experiencing homelessness  
22 and the community at large, including the continuing and increasing presence of  
23 homeless encampments in the City of Tacoma, together with the large  
24 concentrations of occupants in some of those homeless encampments, the lack of  
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adequate and proper on-site health and sanitation services and practices that will prevent the spread of disease and the contamination of the environment, and the lack of available services to address the public health and safety needs of the occupants, pose a significant, direct and immediate threat to the health of the inhabitants and a real and emergent threat to the health of the surrounding community, and warrant a dramatically larger, extraordinary and urgent effort to provide services and resources that will reduce the number of homeless encampments and high concentration of occupants, and mitigate the conditions of the homeless encampments that harm public health and safety, and

WHEREAS in the best interest of the public health, safety, and welfare of the community and citizens of Tacoma, the City Council has declared a state of public health emergency and has authorized such actions as are reasonable and necessary to mitigate the conditions giving rise to such emergency, and

WHEREAS enforcement authorities within the City currently lack an immediately identifiable and easily described enforcement tool that succinctly informs all persons that unauthorized camping is not permitted on public property within the city limits of Tacoma, and

WHEREAS effective law enforcement operations in support of such declared state of public emergency require the development and implementation of such enforcement tool, and

WHEREAS such tool can be effectively created to balance the needs and interests of all persons and should be implemented, enforced, and prosecuted with



full consideration for the constitutional and human rights of all individuals; Now,

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Therefore,

BE IT ORDAINED BY THE CITY OF TACOMA:

Section 1. That Chapter 8.12 of the Tacoma Municipal Code is hereby amended as set forth in the attached Exhibit "A."

Section 2. That is ordinance shall sunset and no longer be in force or effect at 11:59 p.m. on October 9, 2017.

Section 3. That, due to the existence of a previously declared public emergency, as declared in Ordinance No. 28430, this ordinance is effective upon passage by an affirmative vote of at least six members of the City Council.

Passed \_\_\_\_\_

\_\_\_\_\_  
Mayor

Attest:

\_\_\_\_\_  
City Clerk

Approved as to form:

\_\_\_\_\_  
Assistant City Attorney



**EXHIBIT "A"**

**Chapter 8.12  
DISORDERLY CONDUCT**

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Sections:

- 8.12.010 Disorderly persons defined and enumerated.
- 8.12.011 Criminal attempt.
- 8.12.012 Liability for conduct of another – Complicity.
- 8.12.013 *Repealed.*
- 8.12.014 *Repealed.*
- 8.12.015 Disturbing meeting of Council, Board, Commission or Committee of City.
- 8.12.016 Disturbance of school functions.
- 8.12.020 Proof of guilt of conducting opium den.
- 8.12.025 Criminal trespass.
- 8.12.026 *Repealed.*
- 8.12.030 Confiscation of weapons and opium paraphernalia.
- 8.12.040 Violation – Penalties.
- 8.12.050 Severability of provisions.
- 8.12.060 Public disturbance noises.
- 8.12.065 Violation – Penalties.
- 8.12.070 Compression brakes.
- 8.12.090 Sexual assault.
- 8.12.100 *Repealed.*
- 8.12.110 Sexual Assault Protection Order.
- 8.12.111 Indecent Exposure
- 8.12.112 Allowing minor on premises of live erotic performance.
- 8.12.113 Communication with minor for immoral purposes.
- 8.12.114 Reporting of depictions of minor engaged in sexually explicit conduct – Civil immunity.
- 8.12.115 Sexual misconduct with a minor in the second degree.
- 8.12.120 Destruction of property.
- 8.12.150 Littering prohibited – Penalties.
- 8.12.160 Making or Possessing Burglary or Auto Theft Tools.
- 8.12.170 *Repealed.*
- 8.12.180 Unlawful Camping.

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**8.12.180 Unlawful Camping.**

A. It is the intent of the City of Tacoma to provide for the safety, health, and welfare of all the inhabitants, residents, visitors, and persons in the City of Tacoma. To that end, the City recognizes the negative social, physical, and psychological impacts that unregulated encampments have on both those persons experiencing homelessness and the surrounding community. To mitigate and ameliorate the grave social and public health risks attendant to unregulated encampments, the purpose of TMC 8.12.180 is to protect the public health, safety, and welfare of all persons and to continue to assist those currently experiencing homelessness transition to stable sheltering solutions while protecting the public and private property rights of owners, inhabitants, and visitors.

B. It is unlawful for any person to camp upon any public property in the City of Tacoma except in any location where camping has been expressly allowed by the officer or agency having the control, management, and supervision of the public property in question.

C. For purposes of this section:

- 1. "To camp" means to reside or dwell temporarily in a place for the purpose of seeking shelter.



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2. "Reside or dwell" includes, by way of example and not limitation, any of the following activities: sleeping, setting up any bedding, sleeping bags, bedroll, pillow or other sleeping materials in such a manner as to be used for sleeping; engaging in housekeeping or cooking activities; storing cookware or cooking equipment; storing bodily fluids; storing personal possessions; using sanitation, plumbing and/or electrical systems or equipment in a manner inconsistent with any provision of the Tacoma Municipal Code; or, any other activity where it reasonably appears, in light of all the circumstances, that a person or persons is or are residing or dwelling. For purposes of this section, "reside or dwell" does not include temporary, common recreational activities such as picnicking or utilization of park facilities consistent with other state and local laws and regulations.

3. "Shelter" means any form of cover or protection from the elements other than clothing, and includes, by way of example and not limitation, any vehicle, tent, tarpaulin, lean-to, sleeping bag, bedroll, or blanket.

4. "Public property" means any street, alley, sidewalk, parking space, pedestrian or transit mall, bike path, greenway, or any other structure or area encompassed within the public right-of-way; any park, parkway, mountain park, or other recreation facility; or any other grounds, buildings, fixtures, or other facilities owned or leased by the City or by any other public owner, regardless of whether such public property is vacant or occupied and actively used for any public purpose.

D. A violation of this section is a misdemeanor punishable by a fine not exceeding \$1,000, or by imprisonment in the correctional facilities utilized by the City of Tacoma for a period of not more than 90 days, or by both such fine and imprisonment.

E. The prohibitions contained herein shall sunset and no longer be in force or effect at 11:59 p.m. on October 9, 2017.