



TO: Elizabeth Pauli, City Manager
FROM: Shawn Gustason, Assistant Chief of Police, Operations Bureau
COPY: City Council and City Clerk
SUBJECT: Ordinance - Unlawful Camping – Extension – October 3rd
DATE: September 22, 2017

SUMMARY:

The purpose of this proposed ordinance is to amend TMC 08.12.180 (Unlawful Camping) by extending the sunset date of this section of the code from October 9, 2017 to December 31, 2017. This ordinance would allow for continued enforcement through the end of the year contemporaneous with the proposed new sunset date of the declaration of emergency adopted pursuant to Ordinance No. 28430.

STRATEGIC POLICY PRIORITY:

The strategic policy priorities aligned with this action are:

- Strengthen and support a safe city with healthy residents.

BACKGROUND:

On July 11, 2017 the City Council enacted Ordinance No. 28438 adding new section 8.12.180 (Unlawful Camping) to the Tacoma Municipal Code. TMC 8.12.180 makes it unlawful for any person to camp upon any property in the City 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. This ordinance (Camping Ordinance) was adopted as an enforcement measure following the City Council’s declaration of emergency pursuant to Ordinance No. 28430 (the “Emergency Ordinance”) and has been used by law enforcement to support the City’s efforts to mitigation the conditions in the homeless encampments giving rise to the emergency. Since adoption, 20 citations have been issued for violation of TMC 8.12.180.

The provisions of TMC 8.12.180 will sunset on October 9, 2017 contemporaneous with the sunset of the Emergency Ordinance. Concurrent with this ordinance, the City Council will consider an ordinance extending the sunset date of the Emergency Ordinance to December 31, 2017. If the City Council determines that current conditions warrant continuation of the declaration of emergency and extends the declaration of emergency, continuation of enforcement measures provided under TMC 8.12.180 would be reasonable and necessary to assist with the City’s ongoing mitigation efforts. The proposed ordinance would therefore extend the sunset date of TMC 8.12.180 until December 31, 2017.

ISSUE:

The City continues to experience large numbers of individuals and families who are homeless due to such factors as job loss, stagnant and declining wages, family crisis, substance abuse, economic reasons, mental health issues, and loss of temporary housing. Although the conditions for many individuals formerly occupying homeless encampments have been mitigated through the Temporary Emergency Aid and Shelter Program, unsanitary and unsafe conditions remain in homeless encampments throughout the City. These conditions continue to create potential for disease transmission within and external to a homeless encampment. Extension of the sunset date of TMC 8.12.180 is reasonable and necessary to continue the City’s efforts to mitigation the conditions giving rise to the declared emergency.



ALTERNATIVES:

The City Council could take no action in which case the provisions of TMC 8.12.180 (Unlawful Camping) would sunset and no longer be in force or effect. The City would continue its efforts to mitigate the conditions giving rise to the declaration of emergency with other enforcement options.

RECOMMENDATION:

The Tacoma Police Department supports adoption of this ordinance which would allow the continued enforcement through the end of the year contemporaneous with the proposed new sunset date of the declaration of emergency adopted pursuant to Ordinance No. 28430.

FISCAL IMPACT:

There is no fiscal impact.