



ORDINANCE NO. 28566

1 AN ORDINANCE relating to public health and safety; amending Chapter 8.12 of
2 the Tacoma Municipal Code, relating to Disorderly Conduct, by amending
3 Section 8.12.180, entitled “Unlawful Camping,” to extend the sunset date to
4 December 31, 2019.

5 WHEREAS Tacoma Municipal Code (“TMC”) 8.12.180, “Unlawful Camping,”
6 enacted in July 2017, pursuant to Ordinance No. 28438, makes it unlawful for any
7 person to camp upon any property in the City except any location where camping
8 has been expressly allowed by the officer or agency having control, management,
9 and supervision of the public property in question, and

10 WHEREAS the prohibitions contained in TMC 8.12.180 are scheduled to
11 sunset on December 31, 2018, and

12 WHEREAS the City continues to experience large numbers of individuals
13 and families who are homeless due to such factors as job loss, stagnant or
14 declining wages, family crisis, substance abuse, mental health issues, and loss of
15 temporary housing, and

16 WHEREAS, although the conditions for many individuals formerly occupying
17 homeless encampments have been mitigated through the Temporary Emergency
18 Aid and Shelter Program, unsanitary and unsafe conditions remain in homeless
19 encampments throughout the City, and

20 WHEREAS the adverse impacts on those experiencing homelessness and
21 the community at large, including the continuing presence of homeless
22 encampments in the City, together with the large concentrations of occupants in
23 some of those homeless encampments, and the lack of adequate and proper
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1 on-site health and sanitation services and practices that will prevent the spread of
2 disease and contamination of the environment, pose a significant, direct threat to
3 the health of the inhabitants and community, and

4 WHEREAS the Ninth Circuit Court of Appeals, in Bell v. Boise, held that “as
5 long as there is no option of sleeping indoors, the government cannot criminalize
6 indigent, homeless people for sleeping outdoors, on public property. . . ,” and

7 WHEREAS the City intends to fully honor individuals’ constitutional rights
8 and comply with the holding of the Ninth Circuit Court of Appeals in the Bell v.
9 Boise case, and

10 WHEREAS the City is increasing the number of available shelter beds to
11 accommodate the number of individuals who may be sleeping outdoors, and

12 WHEREAS the City intends to enforce TMC 8.12.180 only in those
13 situations where an individual is sleeping outdoors and refuses or chooses not to
14 utilize an available shelter bed, and

15 WHEREAS the City does not intend to arrest someone in violation of
16 TMC 8.12.180 if no shelter space is available, and

17 WHEREAS such a tool can be effectively created to balance the needs and
18 interests of all persons and should be implemented, enforced, and prosecuted with
19 full consideration for the constitutional and human rights of all individuals; Now,

20 Therefore,

21 BE IT ORDAINED BY THE CITY OF TACOMA:

22 Section 1. That Section 8.12.180 of the Tacoma Municipal Code is hereby
23 amended as set forth in the attached Exhibit “A.”
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Section 2. That this ordinance shall sunset and no longer be in force or
1 effect after 11:59 p.m. on December 31, 2019.

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3 Passed _____

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6 Mayor

7 Attest:

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9 City Clerk

10 Approved as to form:

11 _____
12 Deputy City Attorney
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EXHIBIT "A"

**Chapter 8.12
DISORDERLY CONDUCT**

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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.
- 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 December 31, 2019~~18~~.