



ORDINANCE NO.

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 two
3 new sections, to be known and designated as Sections 8.12.180, entitled
4 "Statement of Purpose," and 8.12.190, entitled "Unlawful Camping"; and
5 declaring an emergency, making necessary the passage of this ordinance
6 and it becoming effective immediately.

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

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

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

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

22 WHEREAS the adverse impacts on both those experiencing homelessness
23 and the community at large, including the continuing and increasing presence of
24 homeless encampments in the City of Tacoma, together with the large
25
26



1 concentrations of occupants in some of those homeless encampments, the lack of
2 adequate and proper on-site health and sanitation services and practices that will
3 prevent the spread of disease and the contamination of the environment, and the
4 lack of available services to address the public health and safety needs of the
5 occupants, pose a significant, direct and immediate threat to the health of the
6 inhabitants and a real and emergent threat to the health of the surrounding
7 community, and warrant a dramatically larger, extraordinary and urgent effort to
8 provide services and resources that will reduce the number of homeless
9 encampments and high concentration of occupants, and mitigate the conditions of
10 the homeless encampments that harm public health and safety, and
11

12 WHEREAS in the best interest of the public health, safety, and welfare of
13 the community and citizens of Tacoma, the City Council has declared a state of
14 public health emergency and has authorized such actions as are reasonable and
15 necessary to mitigate the conditions giving rise to such emergency, and
16

17 WHEREAS enforcement authorities within the City currently lack an
18 immediately identifiable and easily described enforcement tool that succinctly
19 informs all persons that unauthorized camping is not permitted on public property
20 within the city limits of Tacoma, and
21

22 WHEREAS effective law enforcement operations in support of such
23 declared state of public emergency require the development and implementation of
24 such enforcement tool, and
25

26 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,

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

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 Statement of Purpose.
- 8.12.190 Unlawful Camping.

* * *

8.12.180 Statement of Purpose.

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 8.12.190 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.

8.12.190 Unlawful Camping.

A. 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.

B. For purposes of this section:



1. "Camp", "to camp", and "camping" means to reside or dwell temporarily in a place for the purpose of seeking shelter. "Shelter" includes, without limitation, any recreational vehicle, tent, tarpaulin, lean-to, sleeping bag, bedroll, blankets, or any form of cover or protection from the elements other than clothing.

2. "Reside or dwell" includes, without limitation, conducting such activities as eating, sleeping, or the storage of personal possessions. This definition 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. "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.

C. 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.

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