

#3

PS & J Meeting Minutes

05-14-2020



Public Safety and Justice

Virtual

Council Committee Meeting Minutes

Thursday, May 14, 2020
6:00 PM
Council Chambers Virtual

Members:	Present:	Absent:	Commence:	6:01PM
			Adjourn:	7:24PM
Pam Fernald, Chair	X			
Senayet Negusse	X			
Takele Gobena	X			

Staff Coordinator: Jon Mattsen/Chief
 Other Council Members Present: Peter Kwon, Clyde Hill, Erin Sitterley
 Other Staff Present: Cindy Corsilles, Mary Mirante-Bartolo, Bart Perman, Sgt. Scott Dery, Lawrence Ellis, Mike Fitzpatrick, Carl Cole

1. Call to Order	Chair Fernald called the meeting to order at 6:01PM
2. Public Comment	<u>Comment:</u> No public comment.
3. Review of 1/9/2020 Minutes	<u>X</u> Approval Committee approved the meeting minutes as written.
4. Unlawful Camping Ordinance	<u>X</u> Discussion – Mary presented the draft Ordinance for Unlawful Camping and Storage of Personal Property on Public Property and amending Section 2.45.280 of the SeaTac Municipal Code. This was created so that the City will be in compliance with the 9 th Circuit Court of Appeals ruling of the <i>Martin v. Boise</i> case, and to provide law enforcement with the appropriate tools to enforce the Ordinance when necessary. Due to Covid-19, King County negotiated with a hotels in SeaTac to serve as a temporary shelter for individuals experiencing homelessness. There has been a significant increase in nuisance calls ranging from sleeping on sidewalks or in business alcoves, vagrancy, and individuals who have mental health issues and concerns. This Ordinance does not allow law enforcement to criminalize homelessness and will not be enforced in most parks and publically-owned areas when there is no available overnight shelter for individuals experiencing homelessness. Law Enforcement must make an inquiry of the status of the individuals' homelessness and offer them services prior to enforcing most aspects of the proposed ordinance. The Ordinance can be enforced at any time on City streets and Angle Lake Park, Angle Lake Trail, and City Hall. Discussion / Questions followed.

	Committee recommends bringing the Ordinance forward with some minor revisions to the Council for potential action with CM Gobena abstaining.
	<i>Next Meeting: Unknown due to Covid-19 pandemic.</i> Potential topics for next meeting: TBD
Adjourn	Chair Fernald adjourned the meeting at 7:24PM.

#4

**DRAFT Ordinance
Unlawful Camping**

ORDINANCE NO. _____

AN ORDINANCE of the City Council of the City of SeaTac, Washington adding a new Chapter 8.25 to the SeaTac Municipal Code related to Unlawful Camping and Storage of Personal Property on Public Property and amending Section 2.45.280 of the SeaTac Municipal Code.

WHEREAS, pursuant to Article XI, Section 11 of the Washington Constitution and RCW 35A.11.020, the City of SeaTac is authorized to regulate public property, including City Hall, the SeaTac Community Center, parks, public rights-of-way, and all other public property within the City; and

WHEREAS, camping on public property, including City Hall, the SeaTac Community Center, parks, public rights-of-way, and other public property, is a public health and safety concern due to interference with other intended uses, such as daily operations of the City, events, park recreational activities, pedestrian, bicycle, and vehicular traffic, and other public uses; and

WHEREAS, camping without adequate sanitation services, such as sewer, water and garbage presents a public health and safety concern by increasing the spread of disease and potential for members of the public, including individuals experiencing homelessness, to contract illnesses; and

WHEREAS, public property is intended for the public for its intended purposes, including daily City operations, park recreational use, pedestrian, bicycle and vehicular transportation, and other public uses; and

WHEREAS, camping in such public areas does not allow the public to use those areas for the intended purposes; and

WHEREAS, pursuant to *Martin v. City of Boise*, 920 F.3d 584 (9th Cir. 2019) the Ninth

Circuit Court of Appeals: (1) determined that the United States Constitution prohibits imposition of criminal penalties for sitting, sleeping, or lying outside on public property, on homeless individuals who could not obtain shelter; and, (2) identified that ordinances prohibiting sitting, lying, or sleeping outside at particular times or in particular locations may be constitutionally permissible since other public space would still be available, regardless of available shelter space; and

WHEREAS, law enforcement will comply with the *Martin v. City of Boise*; by making an inquiry of individuals to ascertain whether they are homeless and offer them safe and legal shelter, while managing City property for its intended use and balance the needs of those who are homeless with the impact on the entire community, and

WHEREAS, if no overnight shelter is available, then the provisions of this Ordinance will not be enforced except in those areas specifically noted; and

WHEREAS, the City of SeaTac will continue to treat homeless individuals with respect, dignity and compassion and strive to minimize harm and trauma when providing assistance; and

WHEREAS, the City has human services funding available for local organizations for the purpose of improving the coordination of existing services, including programs for individuals experiencing homelessness; and

WHEREAS, the City Council hereby finds that the regulatory requirements established by this Ordinance is necessary for the preservation of the public peace, health, safety, and welfare; and

WHEREAS, the City Council has considered this matter during a regular public meeting, has given careful review and consideration to the matter, and finds that the best interests of the City of SeaTac will be served by adoption of this Ordinance;

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SEATAC,
WASHINGTON, DO ORDAIN as follows:**

Section 1. A new Chapter 8.25 entitled “Unlawful Camping and Storage of Personal Property on Public Property” is hereby added to the SeaTac Municipal Code to read as follows:

Chapter 8.25 Unlawful Camping and Storage of Personal Property on Public Property

Sections:

8.25.010	Purpose
8.25.020	Definitions
8.25.030	Unlawful camping
8.25.040	Storage of personal property in public places
8.25.050	Penalty for Violations
8.25.060	Enforcement

8.25.010 Purpose.

The purpose of this Chapter is to prevent harm to the health or safety of the public and to promote the public health, safety and general welfare to prevent camping on public property and to prevent the use of public property for storage of personal property which interferes with the rights of others to use the areas in the manner for which it was intended.

8.25.020 Definitions.

The following definitions are applicable to this Chapter:

- A. “Available Overnight Shelter” means a public or private shelter, with an available overnight space, open to an individual experiencing homelessness at no charge. Available Overnight Shelter also includes a hotel or motel that is made available to an individual experiencing homelessness at no charge.
- B. “Camp” means to pitch, use, or occupy camp facilities, or to use camp paraphernalia or both for the purpose of, or in such a way as will facilitate sleeping or overnight shelter.
- C. “Camp facilities” include, but are not limited to, tents, huts, temporary shelters, when being used for sleeping or overnight shelter.
- D. “Camp paraphernalia” includes, but is not limited to, tarpaulins, cots, beds, sleeping bags, blankets, mattresses, hammocks or cooking facilities or equipment.
- E. “Park” means any publicly owned area controlled by the City or other governmental entity for park purposes. Park also includes all associated areas, including parking lots for parks.

- F. "Publicly owned area" means any real property, building, structure, equipment, sign, shelter, vegetation, trail, and public open space, including all associated areas such as parking lots, controlled or owned by the City or any other governmental agency.
- G. "Store" means to put aside or accumulate for use when needed, to put for safekeeping, to place or leave in a location.
- H. "Street" means any highway, lane, road, street, right-of-way, sidewalk, boulevard, alley, and every way or place in SeaTac open as a matter of right to public pedestrian and vehicular travel.

8.25.030 Unlawful Camping.

It shall be unlawful for any person to camp in the following areas:

- A. Any park;
- B. Any street;
- C. Any publicly owned area, improved or unimproved.

8.25.040 Storage of personal property in public places.

It shall be unlawful for any person to store personal property, including camp facilities and camp paraphernalia, in the following areas:

- A. Any park;
- B. Any street; or
- C. Any publicly owned area, improved or unimproved.

8.25.050 Penalty for Violations.

- A. Violation of any of the provisions of this Chapter is a misdemeanor, punishable by a fine of not more than one thousand dollars (\$1,000) or by imprisonment not to exceed ninety (90) days, or by both such fine and imprisonment. Notwithstanding, the maximum fine imposed for a first conviction for violation of this Chapter shall be no more than one hundred dollars (\$100.00).
- B. Prior to imposing any fine for violation of this Chapter, the Court shall make an inquiry into a person's ability to pay. The Court is explicitly authorized to impose a requirement to perform community service in lieu of paying a fine.

8.25.060 Enforcement.

Unlawful camping and storage shall be enforced at all times on any street, Angle Lake Park, Angle Lake Trail, and City Hall.

In all other locations, enforcement shall occur as follows:

Prior to issuing any citation pursuant to this chapter, the investigating officer shall inquire whether the camping is due to homelessness. If the officer learns that such is the case, the officer shall determine, in accordance with relevant department policy, whether adequate shelter space is available to accommodate the subject of the investigation.

A. If the officer determines that all such shelter space is full, the officer shall not issue a citation.

B. If the officer determines adequate shelter space to be available, the officer may, within his or her discretion, issue a citation pursuant to SMC 8.25.050, and/or:

1. Provide directions to the shelter location.
2. Offer one-time transport to the shelter locations.

Section 2. Section 2.45.280 of the SeaTac Municipal Code is hereby amended to read as follows:

2.45.280 Camping prohibited except in designated areas only.

No person shall camp in any park area except in areas specifically designated and/or marked for that purpose, if any. Enforcement of this provision shall be in accordance with Section 8.25 of the SeaTac Municipal Code.

Section 3. If any section, sentence, clause or phrase of this ordinance should be held to be invalid by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this ordinance.

Section 4. This Ordinance shall be in full force and effect five (5) days after passage and publication as required by law.

ADOPTED this _____ day of _____, 2020 and signed in authentication thereof on this _____ day of _____, 2020.

CITY OF SEATAC

Erin Sitterley, Mayor

ATTEST:

Kristina Gregg, City Clerk

APPROVED AS TO FORM:

Mary E. Mirante Bartolo, City Attorney

[Effective Date: _____]

[Unlawful Camping Ordinance]

DRAFT