

TOWN OF WOODWAY

ORDINANCE 2022-641

AN ORDINANCE OF THE TOWN OF WOODWAY ENACTING NEW WOODWAY MUNICIPAL CODE (“WMC”) CHAPTER 7.14 REGULATING CAMPING AND THE STORAGE OF PERSONAL PROPERTY IN PUBLIC PLACES; PROVIDING FOR SEVERABILITY; ESTABLISHING AN EFFECTIVE DATE; AND AUTHORIZING SUMMARY PUBLICATION BY ORDINANCE TITLE ONLY.

WHEREAS, the public spaces, including parks, walkways and developed & undeveloped portions of rights-of-way, in the Town of Woodway are not intended to be used for camping or the storage of personal property; and

WHEREAS, the Town of Woodway, like other municipalities throughout the State of Washington and the United States, is exposed to the contemporary problems and issues related to homelessness, unauthorized encampments, and cleanups in public spaces; and

WHEREAS, although currently the Town is not experiencing unauthorized encampments in the public spaces within its boundaries, it is appropriate for the Town to provide in its municipal code regulations prohibitions on illegal camping and storage of personal property in the public spaces of the Town in a manner that is consistent with current law, as set forth in *Martin v. City of Boise*, *Lavan v. City of Los Angeles*, and other opinions of the Federal and State courts, and to provide notice to the public in its code of such regulation; and

WHEREAS, the Town Council reasonably believes that adoption of this Ordinance is in the best interest of the health, safety, and welfare of the citizens of the Town;

NOW, THEREFORE, the Town Council of the Town of Woodway does hereby ordain as follows:

Section 1. Chapter 7.14 WMC is hereby enacted and shall read as set forth in Exhibit A.

Section 2. If any part or portion of this Ordinance is declared invalid for any such reason, such declaration of invalidity shall not affect any remaining portion.

Section 3. This Ordinance shall take effect 5 days after date of publication by ordinance title only.

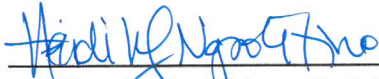
PASSED this 7th day of November 2022 by the Town Council of the Town of Woodway.

TOWN OF WOODWAY



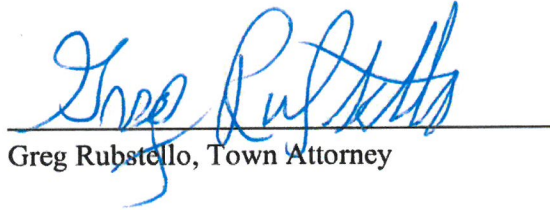
Michael S. Quinn, Mayor

ATTEST:



Heidi K. S. Napolitano, Clerk-Treasurer

APPROVED AS TO FORM:



Greg Rubstello, Town Attorney

Date Passed by the Town Council: 7 NOVEMBER 2022

Date Published: 11 NOVEMBER 2022

Effective Date: 16 NOVEMBER 2022

TOWN OF WOODWAY

ORDINANCE 2022-641 | EXHIBIT A

WMC CHAPTER 7.14: UNLAWFUL OCCUPATION OF PUBLIC PROPERTY

Sections:

7.14.010 Purpose.

7.14.020 Definitions.

7.14.030 Unlawful occupation of public property.

7.14.040 Unlawful storage of personal property on public property.

7.14.050 Enforcement.

7.14.060 Rules.

7.14.070 Penalty for violations.

7.14.010 PURPOSE.

It is the purpose of this chapter to promote public health, safety, and welfare by preserving public use of public spaces in a manner in which such spaces are intended.

7.14.020 DEFINITIONS.

“Available overnight shelter” means a public or private facility, with an available overnight space, open to person(s) experiencing homelessness at no charge, which must be located within a 35-mile radius of Woodway Town Hall, and to which the Town facilitates transport.

“Homelessness” or “Homeless Person” means the same as that in 42 U.S. Code § 11302, as currently written and as may be amended from time to time.

“Occupy” means to evidence an intent to remain in a place, at least overnight. Intent can be evidenced by setting up tents, shelter, or bedding, for example.

“Personal property” means an item(s) recognizable as belonging to a person, has apparent utility or value in its current condition, and is not hazardous.

“Public property” means all parks, streets, rights-of-way, sidewalks, and any other property of which the Town has a property interest, whether improved or unimproved.

“Store” means to put aside or accumulate for use when needed, to put for safekeeping, or to place or leave in a location.

7.14.030 UNLAWFUL OCCUPATION OF PUBLIC PROPERTY.

Unless caused by Town action, or otherwise authorized by Town code, Town contract, or permit, it shall be unlawful for any person to occupy public property.

7.14.040 UNLAWFUL STORAGE OF PERSONAL PROPERTY ON PUBLIC PROPERTY.

- A. Unless caused by Town action, or otherwise authorized by Town code, Town contract, or permit, it shall be unlawful for any person to store personal property on public property overnight.
- B. Removal of Personal Property. The Town may remove unlawfully stored personal property after the Town provides necessary notice and an opportunity to be heard. The Town shall facilitate the storage of personal property if required by law.

7.14.050 ENFORCEMENT.

The Town shall not enforce sections 7.14.030 or 7.14.040 against persons experiencing homelessness if there is no available overnight shelter that can be utilized by that particular person. If available overnight shelter is available, the Town must offer the shelter space to the person(s) experiencing homelessness. Only if the person(s) experiencing homelessness refuses the available overnight shelter can the Town enforce the provisions of sections 7.14.030 and 7.14.040 against such person(s).

7.14.060 RULES.

The Police Chief is hereby authorized to adopt rules, regulations, administrative policies, and procedures for implementing the provisions of this chapter.

7.14.070 PENALTY FOR VIOLATIONS.

Violation of any of the provisions of this chapter is a misdemeanor, and shall be punished as follows:

- A. Any person violating any of the provisions of this chapter shall, upon conviction of such violation, be punished by a fine of not more than \$500.00 or by imprisonment not to exceed 30 days, or by both such fine and imprisonment
- B. Prior to imposing any fine for violation of this chapter, the court shall make an inquiry as to a person's ability to pay. If a person is unable to pay the monetary penalty set forth in this section, the court is explicitly authorized to order performance of community service or work crew in lieu of a monetary penalty.