

# **SPECIAL MEETING NOTICE/AGENDA OF THE**

## **SPOKANE CITY COUNCIL**

**MEETING OF THURSDAY, NOVEMBER 7, 2024**

**5:30 P.M. – CENTRAL LIBRARY**

A quorum of Spokane City Council may be present for the fourth roundtable discussion on City policies related to homelessness at **5:30 p.m. on Thursday, November 7, 2024**, in the nx<sup>w</sup>yx<sup>w</sup>yetk<sup>w</sup> (Life in the Water) Hall - Third Floor, Central Library, 906 W Main Ave, Spokane, Washington.

The special meeting will be conducted in a study session format and will be open to the public in person. There will be no remote attendance option available for this meeting.

### **Agenda:**

Questions to Consider  
Unauthorized Camping  
“Safe Stay” Initiatives in WA  
Closing and Next Steps



**Betsy Wilkerson**  
**Council President**



**Terri L. Pfister**  
**Spokane City Clerk**

**AMERICANS WITH DISABILITIES ACT (ADA) INFORMATION:** The City of Spokane is committed to providing equal access to its facilities, programs and services for persons with disabilities. Individuals requesting reasonable accommodations or further information may call, write, or email Risk Management at 509.625.6221, 808 W. Spokane Falls Blvd, Spokane, WA, 99201; or [mLOWmaster@spokanecity.org](mailto:mLOWmaster@spokanecity.org). Persons who are deaf or hard of hearing may contact Risk Management through the Washington Relay Service at 7-1-1. Please contact us forty-eight (48) hours before the meeting date.



# City Council Homelessness Round Table #4

November 7, 2024

5:30 to 7 PM

Spokane Central Library

Nx<sup>w</sup>yx<sup>w</sup>yetk<sup>w</sup> Hall

Third Floor

## PRE-READING PACKET

- Questions to Consider
- Unauthorized Camping
  - SMC 12.02.1003
  - SMC 12.02.1010
  - SMC 12.02.1011
  - SMC Summary Slides
- "Safe Stay" Initiatives in WA
  - Attached Excel File

#### CITY COUNCIL ROUNDTABLE #4 QUESTIONS TO CONSIDER:

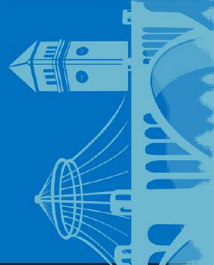
1. Please rank the priority of the following elements when discussing policies around safe parking and/or permitted encampments, with your highest priority being at the top and the lowest priority being at the bottom.
  - **Human Rights and Dignity:** Ensure that policies prioritize the dignity and rights of individuals experiencing homelessness, promoting humane treatment and respect.
  - **Site Permitting Criteria:** Develop clear criteria for selecting and permitting safe parking and encampment locations, considering accessibility, proximity to services, and community impact.
  - **Infrastructure and Resources:** Mandate the provision of essential amenities, such as restrooms, sanitation facilities, and access to support services, to ensure the health and safety of residents.
  - **Community Engagement:** Involve community members, including residents and local organizations, in the planning process to address concerns and build support for the initiatives.
  - **Regulatory Framework:** Establish a clear framework for rules governing behavior, length of stay, and maintenance of the sites to promote order and accountability.
  - **Flexibility and Adaptability:** Design legislation that allows for flexibility in response to changing community needs and feedback from residents of the sites.
  - **Impact Assessment:** Incorporate mechanisms for ongoing evaluation of the programs to assess their effectiveness, gather data on outcomes, and make necessary adjustments.
  - **Safety and Security Measures:** Address safety concerns by outlining appropriate security measures and protocols, including the role of local law enforcement and on-site staff.
  - **Pathways to Permanent Housing:** Ensure that safe parking and encampment policies are part of a broader strategy that includes pathways to stable, permanent housing solutions.
  - **Funding and Resources:** Consider sustainable funding sources for ongoing operation and maintenance of sites, as well as for support services, to ensure long-term viability.
  
2. Rank where you would prioritize enforcing unlawful camping, with your highest priority being at the top and the lowest priority being at the bottom.
  - On the shorelines of the Spokane River or Latah Creek.
  - Within fifty (50) feet of any railroad viaduct.
  - Within three (3) blocks of any congregate shelter.
  - Within one thousand (1,000) feet of the perimeter of parks, schools and daycares.
  - Is a substantial danger to any person or hazardous to public health and safety.
  - Interferes with vital government services.
  - Citywide.
  
3. Should police officers have to check for shelter bed availability before citing for unlawful camping?
  
4. What is the desired outcome for the person being asked to not camp in an area where it is unlawful to camp?
  
5. What should the penalty be for unlawful camping?

# **UNAUTHORIZED CAMPING**

**SMC 12.02.1010**

**SMC 12.02.1011**

**SMC 12.02.1003**



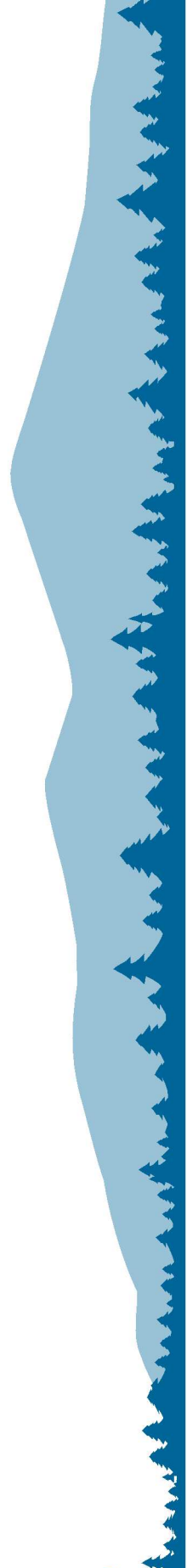
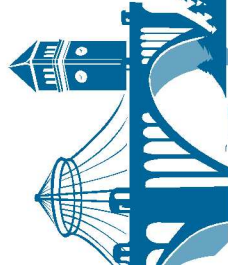
# UNAUTHORIZED CAMPING ON PUBLIC PROPERTY – SMC 12.02.1010

## PROHIBITION

- **No person may camp in or upon any public property** including, but not limited to, on conservation lands and natural areas abutting the Spokane River, Latah Creek and their tributaries, unless specifically authorized by declaration of the Mayor in emergency circumstances.
- At all times, regardless of the availability of shelter, it is unlawful to camp where such activity poses:
  - ❖ **A substantial danger** to any person,
  - ❖ **An immediate threat and/or an unreasonable risk of harm** to public health or safety, or
  - ❖ **A disruption to vital government services.**

In such circumstances, the encampment shall be subject to **expedited removal** pursuant to SMC 12.02.1011.

SMC 12.02.1010(A)(1-2)

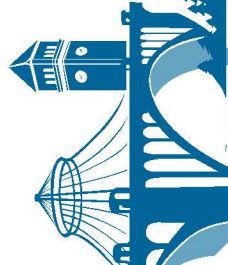


# UNAUTHORIZED CAMPING ON PUBLIC PROPERTY – SMC 12.02.1010

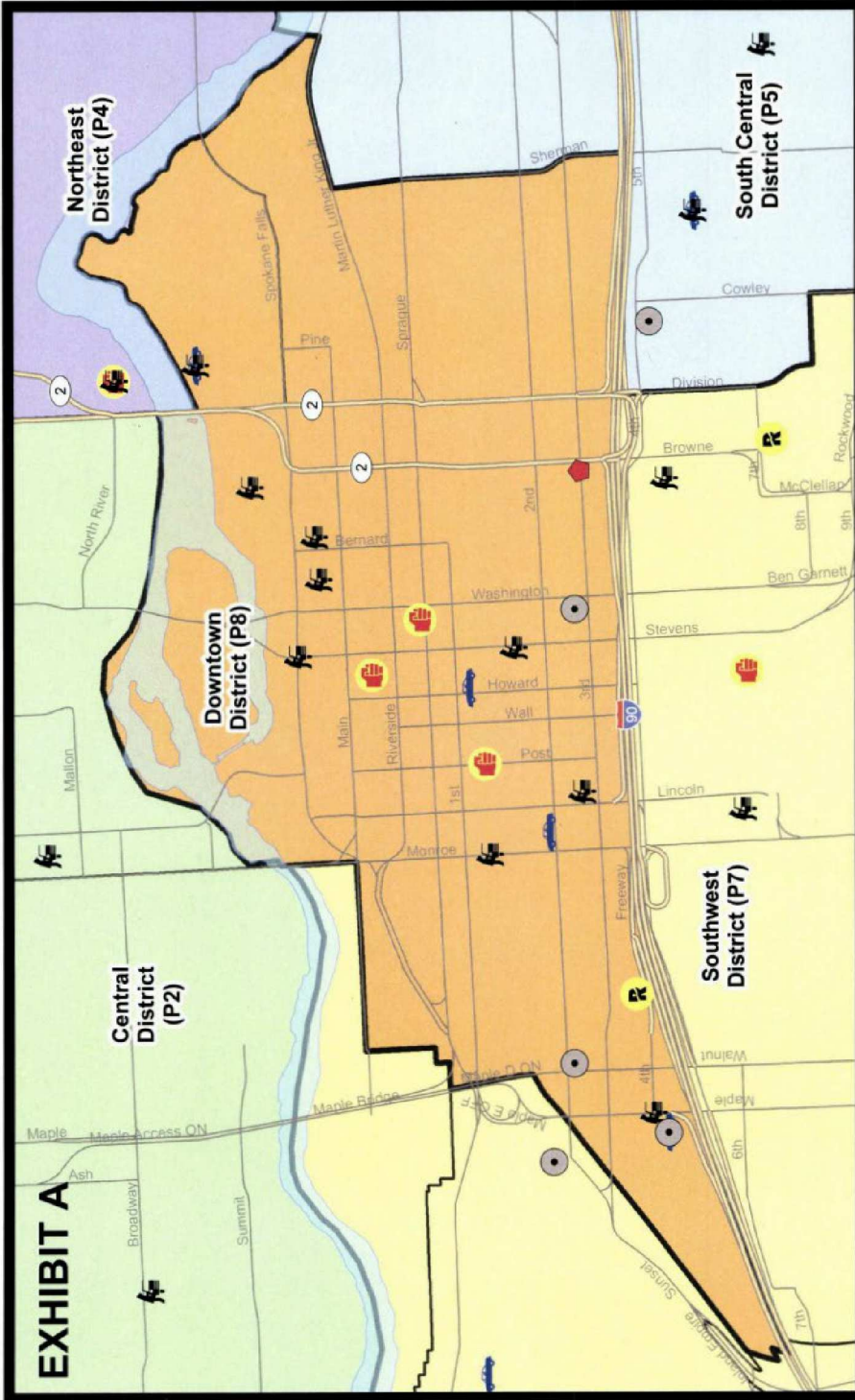
## PROHIBITIONS CONTINUED...

- At all times, regardless of the availability of shelter space or beds, it is **unlawful to camp or store personal property**, including camp facilities and camp paraphernalia, or to have unauthorized encampments, **at any time in the following locations:**
  - ❖ Underneath or within 50 feet of any railroad viaduct located within the Spokane Police Department's Downtown Precinct boundary as shown out in [Exhibit A](#)
  - ❖ Within three blocks of any congregate shelter provided that signs are posted prohibiting camping that are clearly visible to pedestrians.
  - ❖ In public **within one thousand (1,000) feet of the perimeter of**
    - ❖ Grounds of a park
    - ❖ Day care center or childcare facility
    - ❖ Public or private school

SMC 12.02.1010(A)(3)(a-c)



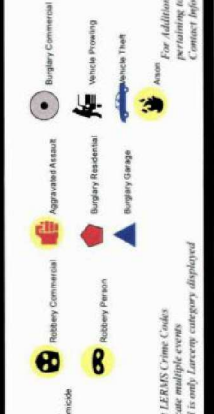
# EXHIBIT A



**City of Spokane**  
**Downtown District (P8)**  
**Selected**  
**Crime Types**  
**2021-09-12 to 2021-09-18**  
**Prepared By:**  
**Crime Analysis Unit**  
**Spokane Police Department**



**Legend**  
 Ward Events  
 Criminal Homicide  
 Rape  
 Robbery Commercial  
 Robbery Person  
 Burglary Commercial  
 Burglary Residential  
 Burglary Garage  
 Aggravated Assault  
 Vehicle Prowling  
 Vehicle Theft  
 Assault  
 For Additional Information on Incidents  
 or Patterns  
 Contact Representative Analysts



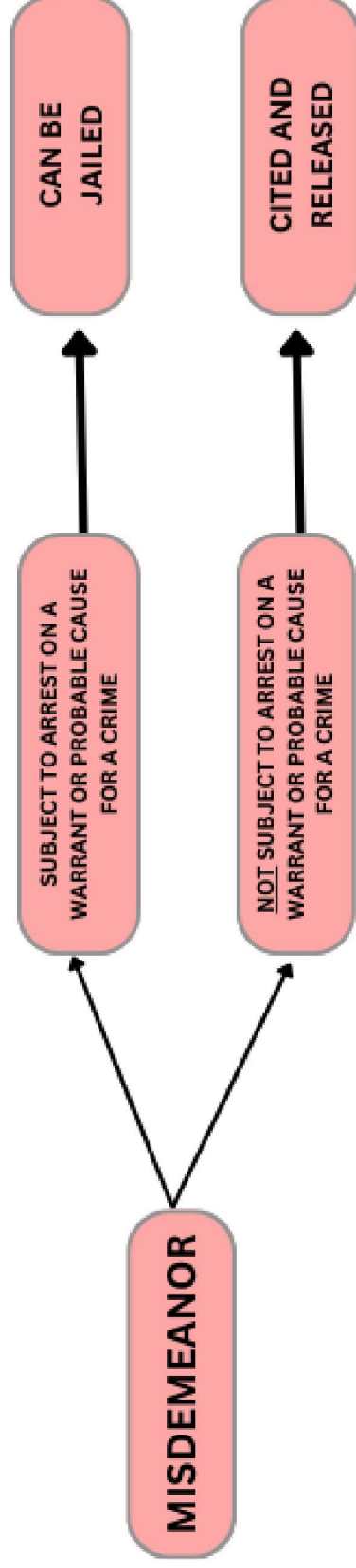
**Geographic Information System**  
 N  
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0 0.2 Miles

**SPokane Police Department**  
 This information is for informational purposes only. It is not intended to be used for legal or financial purposes. For more information, please contact the Spokane Police Department at (509) 425-3000.

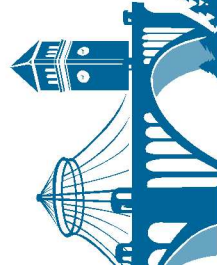
# UNAUTHORIZED CAMPING ON PUBLIC PROPERTY – SMC 12.02.1010

## PENALTY



With the exception of those who do not meet the criteria for acceptance into community court, individuals subject to enforcement under this chapter **shall be referred to community court by officer citation.**

SMC 12.02.1010(B)





## ENFORCEMENT – SMC 12.02.1010(C)

### ENFORCEMENT + SHELTER BED AVAILABILITY

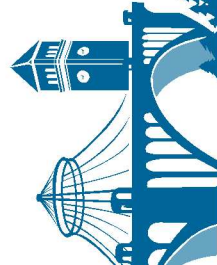
Law enforcement officers **shall not issue a criminal citation to enforce unauthorized camping** in violation of section 12.02.1010 (A)(1) when an individual is **on public property at a time when there is no available overnight shelter.**

Prior to issuing a citation to a homeless person who is sleeping, lying, sitting, or camping outdoors, **the police officer must first confirm that a 24/7 low-barrier shelter had available space during the previous twenty-four hours** that could have been utilized by that individual.

**Confirmation of overnight shelter availability** may come from data provided through a City-approved data system or through direct contact with regional low-barrier shelters, and shall consist of the following:

- ✓ Whether a **shelter has available space for sleeping,**
- ✓ **The number of available spaces,** and
- ✓ **The guests each shelter will accept** (i.e. men, women, families with children, etc.).

**12.02.1010(C)**



## ENFORCEMENT – SMC 12.02.1010(C)

### 12.02.1010 (A)(1)

#### NO CAMPING ON PUBLIC

##### PROPERTY

No person may camp in or upon public spaces... unless specifically authorized by the Mayor during a declaration in emergency circumstances.

### 12.02.1010 (A)(2)

#### UNLAWFUL CAMPING:

- + Substantial danger to any person
- + Immediate threat and/or unreasonable risk of harm to public health or safety
- + Disruption of vital government services

### 12.02.1010 (A)(3)

#### UNLAWFUL CAMPING:

- + Within 50ft of railroad viaduct Downtown
- + Within 3 blocks of a congregate shelter
- + Within 1,000ft of:
  - park
  - school
  - daycare

### 12.02.1003

#### PROTECTION AGAINST

##### HARM TO WATERWAYS

No camping, damaging, or harming the rivers, riverbanks, and natural areas that buffer the waterways.

CAN BE ENFORCED AT ALL TIMES REGARDLESS OF SHELTER AVAILABILITY



# Spokane Municipal Code

\*\*\*Note: Many local criminal codes can now be located under [Chapter 10.60 SMC](#) while others are now cited under the Revised Code of Washington (RCW), which was incorporated into the municipal code in 2022. (See [SMC 10.58.010](#)). Code Enforcement, including Noise Control and Animal Regulations are located in Chapters 10.62 through 10.74.


[Home](#)
[Title 12](#)
[Chapter 12.02](#)
[Sections 12.02.1003...](#)


## [Title 12](#) Public Ways and Property

### [Chapter 12.02](#) Obstruction, Encroachment of Public Ways

#### Article VI. Protection of Public Lands and Properties

#### [Section 12.02.1003](#) Protection Against Harm to Waterways

A. No person may cause harm to the Spokane River or Latah Creek or to the banks and natural areas that buffer these waterways. No person may do any of the following:

1. Build or erect a structure of any type along the Spokane River or Latah Creek, or drive a nail or other object into any tree or other natural vegetation for the purpose of building a shelter or any other structure, or for affixing an object to any tree or other natural vegetation.
2. Dig on the banks of the Spokane River or Latah Creek.
3. Move boulders, destroy vegetation, pave roads or paths, or otherwise reconfigure the natural landscape or other City-approved development on the banks of the Spokane River or Latah Creek.
4. Drive, park or bring any vehicle onto any portion of the banks of the Spokane River or Latah Creek.
5. Discharge garbage, refuse, or human or animal waste along the banks or into the waters of the Spokane River or Latah Creek.

B. Any violation of this section shall be punishable as a misdemeanor.

Date Passed: Monday, September 19, 2022

Effective Date: Sunday, October 23, 2022

ORD C36272 Section 1

[Section 12.02.1010](#) Unauthorized Camping on Public Property – Violation

## A. Prohibition

1. No person may camp in or upon any public property including, but not limited to, on conservation lands and natural areas abutting the Spokane River, Latah Creek and their tributaries, unless specifically authorized by declaration of the Mayor in emergency circumstances.
2. At all times, regardless of the availability of shelter, it is unlawful to camp where such activity poses:
  - a. a substantial danger to any person,
  - b. an immediate threat and/or an unreasonable risk of harm to public health or safety, or
  - c. a disruption to vital government services.

In such circumstances, the encampment shall be subject to expedited removal pursuant to SMC 12.02.1011.

3. At all times, regardless of the availability of shelter space or beds, it is unlawful to camp or store personal property, including camp facilities and camp paraphernalia, or to have unauthorized encampments, at any time in the following locations:
  - a. Underneath or within 50 feet of any railroad viaduct located within the Spokane Police Department's Downtown Precinct boundary as shown out in [Exhibit A](#); and
  - b. Within three blocks of any congregate shelter provided that signs are posted prohibiting camping that are clearly visible to pedestrians.
  - c. In public within one thousand (1,000) feet of the perimeter of the grounds of a park (SMC Section 12.06A.030(B&D)), a day care center or child care facility (RCW 35.63.170(3-4)), or a public or private school (RCW 28A.150.010 and RCW 28A.195.010).

## B. Penalty

A violation of this section is a misdemeanor. Unless otherwise subject to custodial arrest on a warrant or probable cause for another crime, individuals subject to enforcement under this section shall be cited and released rather than being booked into jail. With the exception of those who do not meet the criteria for acceptance into community court, individuals subject to enforcement under this chapter shall be referred to community court by officer citation.

## C. Enforcement

1. Law enforcement officers shall not issue a criminal citation to enforce unauthorized camping in violation of section 12.02.1010 (A)(1) when an individual is on public property at a time when there is no available overnight shelter. Nothing in this section shall be construed to prevent the enforcement of section 12.02.1003 at all times, regardless of the availability of shelter, when a person is causing harm to the Spokane River or Latah Creek or to the banks and natural areas that buffer these waterways; nor shall this section be construed to prevent the expedited removal of an encampment on any public property pursuant to section 12.02.1012 (C).

- a. Prior to issuing a citation to a homeless person who is sleeping, lying, sitting, or camping outdoors, the police officer must first confirm that a 24/7 low-barrier shelter had available space during the previous twenty-four hours that could have been utilized by that individual.
- b. Confirmation of overnight shelter availability may come from data provided through a City-approved data system or through direct contact with regional low-barrier shelters, and shall consist of the following:
  - i. whether a shelter has available space for sleeping,
  - ii. the number of available spaces, and
  - iii. the guests each shelter will accept (i.e. men, women, families with children, etc.).

2. Sections 12.02.1010 (A)(2) and (A)(3) are enforceable at all times regardless of shelter availability,

Date Passed: Tuesday, November 28, 2023

Effective Date: Tuesday, November 28, 2023

ORD C36408 Section 1

### Section 12.02.1011 Removal of Unauthorized Encampments and Individual Camps

Upon a determination by law enforcement or designated City personnel that an area constitutes an unauthorized encampment pursuant to 12.02.1010, or that an individual is engaged in unlawful camping or storage of personal property pursuant to 12.02.1010, the personal property, camping paraphernalia, camp facilities, and all other property, contraband, litter, and solid waste may be removed according to the following procedures:

#### A. Unoccupied Encampments

##### 1. Written Notice Required Prior to Removal

For unoccupied encampments, written notice of removal will be posted on each tent and/or in any other distinct areas of the encampment. Reasonable efforts should be made to ensure that campers who are known to have difficulties understanding a written notice (whether because they are non-English speakers or impaired in some other way) receive the notice in a manner that is clear.

##### a. Contents of Notice

The written notice will provide the following notifications:

- i. Campers must remove all their belongings from the site within 48 hours.
- ii. Campers should not leave behind any items they want to keep.
- iii. Campers unable to remove their belongings in time due to disability or an equivalent hindrance may call 311 or visit MySpokane at Spokane City Hall (808 W. Spokane Falls Blvd), to make a request

for special assistance. The request will be evaluated for reasonableness, and if reasonable, accommodated to the extent practicable. Campers should not assume that a request for assistance will be approved or that the City will be able to accommodate the request.

- iv. Campers may call 311 or visit MySpokane at Spokane City Hall (808 W. Spokane Falls Blvd) to inquire about whether items that were left at an encampment have been stored. Campers may retrieve their belongings without fear of arrest solely on the basis that they are retrieving their belongings.
- v. Campers wishing to minimize the risk of losing valued possessions in removals should always keep such items, to the extent possible, in visible, sanitary, and safely accessible bags or bins.
- vi. If the City does not clean up the site within a reasonable period of time, not to exceed five business days from expiration of the 48-hour period, the notice may be disregarded, and a new notice may then be posted.
- vii. Basic contact information for campers seeking shelters or social services.

## 2. Cleanup of Unoccupied Encampments

After 48 hours, the City will clean up the site within a reasonable period of time.

- a. Any campers who are present at that time will be directed to remove their belongings from the site.
  - i. Items that a camper leaves behind will be deemed abandoned.
  - ii. Requests for additional time or assistance to remove items will be evaluated for reasonableness, and if reasonable, accommodated to the extent practicable.
- b. City staff, as designated by the Director of Code Enforcement and Parking Services, will conduct an inspection for any remaining, unclaimed items, to the extent this can be done safely. An inspection may be narrowed or terminated for one or more of the following reasons that render further inspection unsafe:
  - i. presence of one or more hypodermic needles (especially if uncapped);
  - ii. strong odor or visual indication of unsanitary condition (e.g., biological waste) permeating a tent or space;
  - iii. a tent or space that is soaked in liquid or mud;
  - iv. any other similar indication that further inspection or manipulation would be unsafe.

- c. Unclaimed items found in an inspection will be initially eligible for storage if and only if:
- i. circumstances indicate that the item belongs to a person;
  - ii. the item has apparent utility in its current condition and circumstances; and
  - iii. the item can be safely retrieved from the site.

Examples of potentially storable items include: identification, medication stored in medication bottles with identifying information, art, art supplies, musical instruments, and items that reasonably appear to have sentimental value in their current condition. An item need not be in new or perfect condition to have apparent utility.

- d. An eligible item found in an inspection will be put into storage, unless it is determined to meet one of the following disqualifying conditions:
- i. hazardous (e.g., items contaminated with human waste, explosives, moldy items);
  - ii. likely to become hazardous in storage (e.g., perishables, wet materials that might become moldy, items covered in mud);
  - iii. practically un-storable, due to large size, weight, or other similar characteristic;
  - iv. contraband or stolen;
  - v. is on the City's current list (as published on the City's website) of common types of items that, in the experience of City staff, campers regularly abandon during encampment removals, and there is no contrary indication as to the specific item.
3. Any items taken into storage will be kept in storage for up to 60 days. In addition to information already available on the notice, information about how stored items can be retrieved shall be available on the City of Spokane's website.
4. If the City does not clean up the site within a reasonable period of time, not to exceed five business days from expiration of the 48-hour period, the notice will be disregarded, and a new notice may then be posted.
5. Stored items may be retrieved from storage based on a description with sufficient specificity to demonstrate ownership.

## B. Occupied Encampments

For occupied encampments, when shelter is available in the City, the City will provide campers with shelter and service information while expediting cleanup and removal of the site.

1. Campers will be directed to remove their belongings from the site.
  - a. Items that a camper leaves behind will be deemed abandoned.

- b. Requests for additional time or assistance to remove items will be evaluated for reasonableness and, if reasonable, accommodated to the extent practicable.

2. A separate and unclaimed portion of an otherwise occupied encampment will be treated as an unoccupied encampment per Section A above.

### C. Prioritized Removals Expedited

1. The City will prioritize and expedite the removal of an encampment, whether occupied or unoccupied, if any of the following conditions is observed or reasonably suspected in connection with an encampment:

- a. physical threats or violence;
- b. criminal activity not inherent in the act of unauthorized camping (e.g., drug use or sales, theft, sex trafficking);
- c. a condition that significantly increases the likelihood of disease or the spread of disease (e.g., rodents, exposed meat, human waste);
- d. a condition that presents a significant risk of bodily injury or death (e.g., discarded needles, vehicular traffic, weapons);
- e. any other substantial threat to public health or safety;
- f. damage (including potential or foreseeable damage) to the natural environment of environmentally critical areas;
- g. significant amounts of trash;
- h. significant disruption to a primary intended use of public property (e.g., blocking a doorway, on a sports field or court; obstructing a large portion of a sidewalk);
- i. occupation of an area in which the public is not allowed to be present during the times camping is occurring.

2. Any of the factors enumerated in the above section that are observed at an encampment that is the subject of removal shall be documented with a specific description, which may include a police report, and available photographic or videographic evidence including footage from body worn cameras. In addition to documentation, the police officer or other person responsible for documentation shall include a statement indicating whether such conditions place the public at risk and how removal of the encampment is related to preservation of public health or safety.

### D. Other Expedited Removals

The following types of encampments are subject to expedited removal whether the encampment is occupied or unoccupied:

- a. An encampment in an area the public is not allowed to access at the time of removal, with clear signage to that effect.



- b. An encampment in an area that has been clearly signed as specially off-limits to camping and subject to expedited removal.
- c. An encampment that significantly disrupts a primary intended use of public property (e.g., blocking a doorway, on a sports field or court, or obstructing a large portion of a sidewalk).
- d. An encampment that poses a significant risk of bodily injury (e.g., directly adjacent to vehicular traffic, requires walking across highway traffic to access).
- e. An encampment that appears to have been entirely abandoned (e.g., no persons present, no items of obvious value, overrun with litter).
- f. An encampment prohibited under SMC 12.02.1011.

2. In an expedited removal, the City will follow the same clean-up procedures, including storage procedures, but without prior written notice.

Date Passed: Monday, September 19, 2022

Effective Date: Sunday, October 23, 2022

ORD C36272 Section 1

# SAFE STAY INIT

		SAFE STAY					SAFE PARKING				
	RR	LAUNDRY	HANDWASHING	GARBAGE	SHOWERS	TABS/TITLE	RV	VEHICLE MUST BE OPERABLE	WITHIN 1/2 MILE OF TRANSIT		
Y=ALLOWED, REQ'D	Y	N	Y	Y	P	Y	P	P	N		
N=NOT ALLOWED	P	P	P	P	P	P	P	P	P		
P=ALLOWED, NOT REQ'D	Y	P	Y	P	Y						
U=UNKNOWN											
VANCOUVER	Y	N	Y	Y	P	Y	P	P	N		
BELLEVEUE	P	P	P	P	P	P	P	P	P		
COVINGTON	Y	P	Y	P	Y						
EVERETT	Y	P	Y	Y	P	P	P	P	Y		
KIRKLAND	Y	P	Y	Y	P	N	N	Y	U		
REDMOND_OR	Y	P	Y	Y	P	Y	Y	Y	N		
MT_VERNON/SKAGIT	Y	N	Y	Y	N	N	N	N	N		
CNTY	Y										
TACOMA/PIERCE CNTY	Y	Y	Y	Y	Y	U	Y	Y	N		
BREMERTON	Y	N	Y	Y	P	U	N	N	N		
LAKE STEVENS	Y	N	Y	Y	P	N	N	N	N		
OAK HARBOR	Y	N	Y	Y	P	U	P	U	Y		

