

ORDINANCE NO. C - _____

An ordinance regarding obstructing access to and unauthorized camping upon public property; repealing Sections 10.60.010, 10.60.020, 12.02.1002, 12.02.1010, and 12.02.1011; amending Section 12.02.1002; and adopting new Sections 12.02.1001, 12.02.1007, and 12.02.10075 of the Spokane Municipal Code.

WHEREAS, feedback from roundtables, service providers, law enforcement, business leaders, property owners, and neighborhood leaders indicates that the current patchwork of public property ordinances lacks clarity and is inadequate in addressing the underlying causes of the conduct; and

WHEREAS, Spokane Police Officers need a straightforward tool with a clear standard for engaging, educating, and helping navigate individuals camping or obstructing access to public property to appropriate resources through an engagement-first and enforcement-second model; and

WHEREAS, prosecutors, defenders, and judges need clear standards to hold individuals accountable while protecting the rights of individuals subject to enforcement; and

WHEREAS, the City of Spokane has a responsibility to uphold the intent of voters while implementing ordinances that are not only clear and an effective tool for law enforcement, but also prioritize connecting individuals subject to enforcement with proven, evidence-based solutions; and

WHEREAS, in June of 2024, the U.S. Supreme Court issued its decision in City of Grants Pass v. Johnson, resulting in the ruling that local governments imposing civil and criminal penalties for camping on public land do not violate the Eighth Amendment; and

WHEREAS, regardless of the Grants Pass ruling, the City continues its efforts to assist those living unhoused within the community achieve temporary and permanent housing solutions; and

WHEREAS, the City is adopting this ordinance to evolve its approach to engage individuals camping or obstructing access to public properties with navigation to emergency shelter or permanent housing solutions, or other resources; and

WHEREAS, the City intends to establish intentional laws with clear standards for conduct on public property that are applicable citywide; and

WHEREAS, the City of Spokane seeks to streamline the Spokane Municipal Code while preserving the principles of existing laws regarding Pedestrian or Vehicular Interference (SMC 10.60.010), Sitting, Lying on Sidewalk in a Designated Zone (SMC 10.60.020), Unauthorized Camping on Public Property (SMC 12.02.1010), and Removal of Unauthorized Encampments and Individual Camps (SMC 12.02.1011).

NOW, THEREFORE, the City of Spokane does ordain:

Section 1. That Section 10.60.010 of the Spokane Municipal Code is repealed.

Section 2. That Section 10.60.020 of the Spokane Municipal Code is repealed.

Section 3. That there is adopted a new Section 12.02.1001 of the Spokane Municipal Code to read as follows:

Section 12.02.1001 Definitions

Term	Definition
Camp	Camp means to: 1. pitch, erect, occupy, or utilize camp equipment for the purposes of creating an outdoor accommodation for overnight shelter; or 2. to use a camper, recreational vehicle, trailer, or other vehicle for living accommodation purposes, or for the purpose of remaining overnight.
Camp Equipment	Camp Equipment includes but is not limited to tents, huts, temporary shelters, campers, recreational vehicles, trailers, tarpaulins, cots, beds, sleeping bags, hammocks, cooking facilities, or similar equipment.
Compliance	Compliance means to take substantial affirmative action to cease knowingly obstructing access to or use of public property.
Encampment	Encampment means a site on public property where one or more individuals or groups of persons temporarily reside outdoors with camp equipment.
First Responder	First Responders mean firefighters, law enforcement officers, and emergency medical personnel, as licensed or certificated by the State of Washington.
Knowingly Obstruct	Knowingly Obstruct means to: 1. Walk, stand, sit, lie, or place an object in such a manner as to impede the free passage of a person or vehicle or to require another person or a driver of a

	<p>vehicle to take action to avoid physical contact; or</p> <p>2. Camp in or upon any public property unless authorized by a local or state emergency declaration or pursuant to a permit.</p>
Park or Park Facility	<p>Park or Park Facility means any real property, building, structure, equipment, sign, shelter, swimming pool, vegetation, playground, or other physical property owned or controlled by the City for park purposes. Park or park facility includes all associated areas, including but not limited to parking lots for parks and pools. All park property, whether developed or undeveloped, including adjacent buffer lands, conservation lands, and natural areas, shall be considered to be a “park facility” for purposes of this chapter.</p>
Public Property	<p>Public Property means any City-owned property including but not limited to parks or park facilities, riverbanks, waterways, conservation areas, natural areas, rights of way, easements, buildings, bridges, or other land or physical structures owned or managed by the City.</p>
Right-of-Way	<p>Right-of-Way means any street, avenue, boulevard, highway, sidewalk, alley, passageway, viaduct, or other thoroughfare, whether abutting public or private property, used for vehicular or pedestrian travel.</p>

Section 4. That Section 12.02.1002 of the Spokane Municipal Code is repealed.

Section 5. That there is adopted a new Section 12.02.1007 of the Spokane Municipal Code to read as follows:

Section 12.02.1007 Obstructing Access to or Use of Public Property

- A. A person shall not knowingly obstruct access to or use of public property unless authorized by a local or state emergency declaration or pursuant to a permit.

- B. A person shall not camp in or upon public property unless authorized by a local or state emergency declaration or pursuant to a permit.
- C. The following shall not be considered camping or knowingly obstructing access to and use of public property:
 - 1. Acts committed as a valid exercise of one's constitutional rights, which incidentally obstruct access to and use of public property to exercise that right;
 - 2. Summoning aid for an emergency;
 - 3. Obstructing access as a result of a sensory, mental, or physical disability;
 - 4. Obstructing access as a result of using a wheelchair, walker, or similar device;
 - 5. Operating or patronizing a licensed and permitted commercial establishment conducted on public property or waiting in a line to purchase tickets or attend a performance or public event, or to gain entry to a business or non-profit adjacent to public property;
 - 6. Participating in or attending a parade, festival, block party, performance, rally, demonstration, athletic event, meeting, or similar event conducted on public property pursuant to a special event or other applicable permit; or
 - 7. Resting while waiting for transportation or resting on a chair, bench, parklet, sidewalk café, or streetery supplied by a public agency or by the abutting private property owner or lessee for that purpose pursuant to a permit or license.
- D. A violation of this section is a misdemeanor.
- E. A person who complies after being notified by a Spokane Police Officer that their conduct violates this section shall not be subject to enforcement under this section. A person who initially complies but subsequently violates this section during the same law enforcement interaction may be subject to enforcement.
- F. A person engaged by a Spokane Police Officer for conduct in violation of this section, who is offered and accepts from a first responder or City-designated outreach provider, navigation and relocation assistance to an emergency or permanent housing solution, day center, crisis stabilization or crisis relief center, or substance use treatment facility shall not be subject to enforcement under this section.

G. A person seeking additional time or assistance in complying with this section shall be accommodated to the extent practicable.

H. It is the intent of the City that a person subject to enforcement under this section be referred to a therapeutic court.

Section 6. That there is adopted a new Section 12.02.10075 of the Spokane Municipal Code to read as follows:

Section 12.02.10075 Integrated Outreach | Encampment Removal and Prevention

A. A notice shall be posted up to seven (7) days prior to a citation issued under SMC 12.02.1007(B) so that the Spokane Homeless Outreach Team or a City-designated service provider may offer navigation and relocation assistance to services including but not limited to an emergency or permanent housing solution, day center, crisis stabilization or crisis relief center, or substance use treatment facility.

B. A notice shall not be required to remove an unauthorized encampment when there is a reasonable belief that there is a significant risk to life, public health or safety, or public property.

C. The City shall establish and maintain administrative policy and procedures that integrate housing-focused outreach and behavioral health services with the removal and prevention of encampments on public property while protecting the personal property rights of individuals subject to enforcement under this section.

Section 7. That Section 12.02.1010 of the Spokane Municipal Code is repealed.

Section 8. That Section 12.02.1011 of the Spokane Municipal Code is repealed.

PASSED by the City Council on _____

Council President

Attest:

Approved as to form:

City Clerk

City Attorney

Mayor

Date

Effective Date