

**ORDINANCE NO. 115C
CITY OF LIBERTY LAKE
SPOKANE COUNTY, WASHINGTON**

**AN ORDINANCE OF THE CITY OF LIBERTY LAKE, WASHINGTON, ADDING
CHAPTER 9 TO TITLE 8 OF THE LIBERTY LAKE MUNICIPAL CODE RELATED
TO UNLAWFUL CAMPING AND STORAGE OF PERSONAL PROPERTY ON
PUBLIC PROPERTY AND AMENDING SECTIONS 8-1A-2 AND 8-1A-5 OF THE
LIBERTY LAKE MUNICIPAL CODE FOR CONSISTENCY THEREIN.**

WHEREAS, the City has the power to regulate its internal affairs in accordance with RCW 35A.11.020; and

WHEREAS, the City desires to promote the public health, safety, and general welfare by keeping public streets and other public property readily accessible to the public for its designed purpose; and

WHEREAS, the City recognizes that various converging factors have contributed to the sharp increase in individuals experiencing homelessness who travel along I-90 between Eastern Washington and Northern Idaho; and

WHEREAS, the United States Court of Appeals for the 9th Circuit, which includes Washington State in its entirety, has ruled that the enforcing of anti-camping laws against individuals experiencing homelessness, if no alternatives are available, is a violation of the Eighth Amendment of the U.S. Constitution; and

WHEREAS, the City endeavors to compassionately assist individuals experiencing homelessness find adequate and appropriate shelter; and

WHEREAS, no homeless shelters or social service providers operate within the City of Liberty Lake;

NOW, THEREFORE, the City Council of the City of Liberty Lake, Washington, do ordain as follows:

Section 1. Chapter 9 entitled, "Unlawful Camping and Storage of Personal Property in Public Places" is added to Title 8 of the Municipal Code.

Chapter 9: Unlawful Camping and Storage of Personal Property in Public Places

8-9-1: Purpose

8-9-2: Definitions

8-9-3: Unlawful Camping

8-9-4: Unlawful Storage of Personal Property in Public Places

8-9-5: Penalty for Violations

8-9-6: Removal of Unlawful Encampments and/or Personal Property Unlawfully Stored in Public Places

8-9-7: Enforcement Suspended

8-9-1: PURPOSE:

It is the purpose of this chapter to prevent harm to the health and safety of the public and to promote the public health, safety, and general welfare by keeping public streets and other public property readily accessible to the public and to prevent use of public property for unlawful camping or storage of personal property which interferes with the rights of others to use the areas for which they were intended.

8-9-2: DEFINITIONS:

The following definitions shall be used in this chapter:

CAMP(ING): Erecting a tent or shelter or arranging bedding or both for the purpose of, or in such a way as will permit, establishing an encampment or remaining overnight; or parking a trailer, van, recreational vehicle, bus, camper or other vehicle for the purpose of establishing an encampment or remaining overnight.

CAMP FACILITIES: Include, but are not limited to, tents, huts, temporary shelters, or vehicles.

CAMP PARAPHERNALIA: Includes, but is not limited to, tarpaulins, cots, beds, sleeping bags, hammocks, or cooking facilities and similar equipment.

CONTRABAND: Any property that is unlawful to produce or possess.

LITTER: That as defined in RCW 70.93.030(6) and (11) and adopted by Ord. 140, 10-4-2005, as now or hereafter amended.

PERSONAL PROPERTY: Any tangible thing of value that is not recognized as real property.

SIDEWALK: As defined in Liberty Lake Municipal Code 8-3-6(B) includes any and all pedestrian structures or forms of improvement for pedestrians included in the space within the street margin, as defined by a curb or the edge of the traveled road surface, and the line where the public right of way meets the abutting property, as now or hereafter amended.

SOLID WASTE: means that as defined is RCW 70.95.030(22) and Liberty Lake Municipal Code 2-8-3, as now or hereafter amended.

STORE: means to put aside or accumulate for use when needed, to put up for safekeeping, to place or leave in a location.

STREET: For the purpose of this chapter, the term street as used herein means any city street identified in Liberty Lake Municipal Code title 8, chapter 3. (Ord. 160, 3-20-2007), as now or hereafter amended.

8-9-3: UNLAWFUL CAMPING:

It is unlawful for any person to camp in the following places, except as otherwise provided by the Liberty Lake Municipal Code.

- A. Any city owned or maintained right of way, trail, park, park facility, open space, parking lot, building and grounds, or golf course; or
- B. Any area where camping obstructs or interferes with city owned or maintained right-of-way or the intended public use of the property.

8-9-4: UNLAWFUL STORAGE OF PERSONAL PROPERTY IN PUBLIC PLACES:

It is unlawful for any person to store personal property, including camp facilities and camp paraphernalia, in the following places, except as otherwise provided by the Liberty Lake Municipal Code:

- A. Any city owned or maintained right of way, trail, park, park facility, open space, parking lot, building and grounds, or golf course; or
- B. Any area where storage of personal property obstructs or interferes with city owned or maintained right-of-way or the intended public use of the property.

8-9-5: PENALTY FOR VIOLATIONS:

Violation of any provision of this chapter is a misdemeanor, and shall be punished, upon conviction of such violation, by a fine of not more than one thousand dollars (\$1000.00) or by imprisonment not to exceed ninety (90) days or by both such fine and imprisonment.

8-9-6: REMOVAL OF UNLAWFUL ENCAMPMENTS AND/OR PERSONAL PROPERTY UNLAWFULLY STORED IN PUBLIC PLACES:

The city administrator, or designee, shall be authorized to order the removal of unlawful encampments and/or personal property unlawfully stored in public places in a manner consistent with this chapter. Any ordered removal shall be subject to the following provisions.

- A. The city reserves the right to immediately remove unlawful encampments and/or personal property unlawfully stored if a reasonable suspicion exists that any of the following conditions is present:
 1. Criminal activity other than unlawful camping;
 2. Significant risk of bodily injury or death;
 3. Significant obstruction or interference with the primary intended use of the property.
- B. If none of the conditions cited in Section A (above) is present, the city shall post a notice at least forty-eight (48) hours prior to the actual removal, which shall include the following details:
 1. The date and time the notice is posted;
 2. The address or location of the unlawful encampment and/or personal property unlawfully stored;
 3. "Camping and/or storage of personal property is prohibited in this area";
 4. The specific code section being violated, verbatim;
 5. "Any individual continuing to use the area for unlawful camping and/or unlawful storage of personal property may be subject to criminal penalties in accordance with this chapter";
 6. The specific code section outlining penalties, verbatim;
 7. "Any personal property remaining at the encampment after the notice period expires is subject to removal by the city"; and
 8. The date and time the notice period expires.
- C. Removal of unlawful encampments and/or personal property stored unlawfully according to this chapter shall be subject to the following provisions:
 1. Any contraband removed by the city shall be seized and retained as evidence of criminal activity or discarded in a proper manner.
 2. Any litter, solid waste, hazardous, or toxic item removed by the city shall be discarded in a proper manner.
 3. Any personal property, camp facilities, and/or camp paraphernalia removed by the city, not described by Section A (above) shall be stored for sixty (60) days. If unclaimed after sixty (60) days, the city shall discard in a proper manner.
 4. Notice shall be posted at the removal site, which shall include the following details:
 - a. The date and time the notice is posted;
 - b. The address or location of the removal site;
 - c. "Personal property removed from this site may be claimed at the Liberty Lake Police Department";
 - d. The specific code section outlining removal, verbatim;
 - e. The date and time the sixty (60) day storage period expires; and
 - f. "To appeal this removal, please contact the Liberty Lake Police Department".
 5. If the owner(s) of removed personal property is known or discovered, the city should make a good faith attempt to make contact and provide removal and property storage details.
- D. Any individual who receives a notice under this section or whose property is removed

from an unlawful encampment has a right to meet with the city administrator, or designee, to raise any concerns, objections, or provide extenuating circumstances. At the conclusion of the meeting, the city administrator, or designee, shall prepare a written decision detailing the individual's concerns and the city's response.

8-9-7: ENFORCEMENT SUSPENDED:

Except as otherwise provided in this section, enforcement of criminal provisions of this chapter shall be suspended any time there is no space or beds available in regional homeless shelters that accept patrons from the city to the extent such available space or beds are required by law. In such circumstances, all provisions of this chapter may continue to apply to camping, storage of personal property, including camp facilities and camp paraphernalia, and unauthorized encampments at the following:

- A. Any city owned or maintained right of way, trail, park, park facility, open space, parking lot, building and grounds, or golf course; or
- B. Any area where camping obstructs or interferes with city owned or maintained right-of-way or the intended public use of the property.

Section 2. Section 8-1A-2 of the City of Liberty Lake Municipal Code is hereby amended as follows:

8-1A-2: DEFINITIONS:

The following definitions shall be used in this article:

ALCOHOLIC BEVERAGES OR LIQUOR: As defined in RCW 66.04.010 and shall include alcohol, spirits, wine and beer.

~~**CAMPING:** Erecting a tent or shelter or arranging bedding or both for the purpose of, or in such a way as will permit, remaining overnight; or parking a trailer, van, recreational vehicle, bus, camper, or other vehicle for the purpose of remaining overnight.~~

CITY: The city of Liberty Lake, Washington.

DEPARTMENT EMPLOYEE: A duly appointed city of Liberty Lake parks department employee.

DIRECTOR: The city administrator or designee.

FACILITY OR FACILITIES: Any building, equipment, sign, material, shelter, water features or other physical property including, but not limited to, administered trees, shrubs, plants, lawns, play equipment, benches, tables, picnic areas, athletic fields, trails, parking areas for motor vehicles or structures owned by the city.

MOTOR VEHICLE: Any self-propelled device capable of being moved upon a road, and in, upon or by which any persons or property may be transported or drawn, and shall include, but not be limited to, automobiles, trucks, motorcycles, motor scooters, jeeps or similar type four (4) wheel drive vehicles and snowmobiles, whether or not they can be legally operated upon the public highways.

OPEN SPACE, TRAILS OR PARKS (Collectively Referenced As City Parks Or Park): Any recreation or similar property under the ownership, management or control of the city.

PERSON: Any individual, group, firm, partnership, corporation or club.

TRAIL: Any path, track or right of way designed for use by pedestrians, bicycles or other nonmotorized modes of transportation.

Section 3. Section 8-1A-5 of the City of Liberty Lake Municipal Code is hereby amended as follows:

8-1A-5: RULES GOVERNING USE OF FACILITIES:

The city administrator or designee may develop rules, policies and forms to implement this article. All adopted rules, policies and forms shall be filed with the city clerk.

- A. Class I Civil Infractions: Any person violating any provision of this subsection shall have committed a class I civil infraction:

~~1. Camping: No person shall camp in any city park or facility unless otherwise designated.~~

12. Fires: No person shall ignite or maintain any fire or participate in igniting, maintaining or using any fire within a city park except in a designated barbecue unit or in a designated fire pit unless authorized by the city.

23. Washing Clothes Or Animals: No person shall wash any clothing or other articles for personal or household use or any dog or other animals in city parks.

34. Horseback Riding: Horses are not permitted in any park, trail area or facility without a special events permit.

45. Littering: Littering in city parks and facilities is prohibited. All waste, including food waste and garbage, shall be disposed of in a garbage can or other receptacle designed for such purpose.

56. Motor Vehicles

a. On Park Property: No person shall operate any motor vehicle on open space, trail or park property unless such area has been specifically designated and posted for such use. No person shall operate a motor vehicle within the boundaries of a city park except on roads, streets, highways, parking lots, parking areas or where otherwise permitted by posting of notice. This subsection shall not apply to golf carts, handicapped vehicles, emergency, maintenance or authorized vehicles. All vehicles shall obey the rules of the road.

b. Parking: No operator of any motor vehicle, trailer, camper, boat trailer or other vehicle, shall park such vehicle in any facility except where the operator is using the area for the designated recreational purpose and the vehicle is parked either in the designated parking area, or in another area with the permission of a city employee. No person shall park, leave standing or abandon a vehicle in any facility after closing time except persons using park facilities as part of an event authorized by the city. Any vehicle found in violation of this subsection may be towed away at the owner's expense. This subsection shall not apply to maintenance and emergency vehicles or vehicles authorized by the city.

c. Speed Limits: No person shall drive a motor vehicle within a city park at a speed greater than posted, having due regard for traffic, surface and width of the road, and in no event at a speed which endangers the safety or persons, property or wildlife.

d. Washing Vehicles: No person shall clean, wash or perform any motor vehicle maintenance in any city park or facility.

67. Parking Lots And Roadway Games: Games of any kind are prohibited in parking lots and roadways.

78. Pets:

a. Dogs, pets or domestic animals are not permitted on any designated picnic area, tennis courts or play area in a city park or in any building unless specifically permitted by posting. This subsection shall not apply to animal guide dogs.

b. Dogs or other pets or domestic animals must be kept on a leash no greater than fifteen feet (15') in length, and under control at all times.

c. Any person whose dog or other pet is in any open space, trail or park area shall be responsible for the conduct of the animal and for removing feces deposited by such animal.

d. No person shall allow his dog or other pet or domestic animal to bite, disturb or harass any facility users, wildlife or other pets. No person shall permit his dog or other pet or domestic animal to bark or make noise continuously or otherwise unreasonably disturb the peace and tranquility in city parks. No person shall permit dogs, pets or domestic animals to damage, destroy or remove park vegetation.

89. Presence When City Facilities Closed: No person shall enter or be present in any city park or facility when closed except persons using area facilities as part of an event authorized by the city.

910. Skateboards And Rollerblades: No person shall be permitted to skateboard or rollerblade in park facilities unless otherwise designated by the city.

1011. Sound Amplification: No person shall use, operate or play in any open space, trail or park area, any radio, tape player, disc player, television, musical instrument, record player or any other machine or device producing sound at a volume that is audible at a distance of over thirty feet (30') therefrom except pursuant to a permit issued by the department.

1112. Water Recreation: Water play shall only be permitted in the water features.

1213. Tents And Shelters: Unless authorized by the city, no person shall erect, maintain, use or occupy a temporary tent or shelter in a city park or facility unless there is an unobstructed view through such tent or shelter from at least two (2) sides; provided, however, that nothing in this subsection shall be construed to authorize overnight camping.

1314. Trail Use:

a. For the purposes of this subsection "trail" shall be construed to include all forms of movement or transportation on a trail, including, but not limited to, foot, bicycle, horse, skateboard, roller skates and rollerblades.

b. Trails are open to all nonmotorized users unless otherwise designated and posted. Trail restrictions may be posted at park entrances, trailheads or, in some cases, on individual trails.

c. Every person traveling on a trail shall obey the instructions of any official traffic control device or trail sign unless otherwise directed.

d. Motorized vehicles shall be allowed on city trails. For the purposes of this section "motorized vehicles," means any form of transportation powered by an internal combustion or electric motor including golf carts. This subsection also applies to wheelchairs powered by electric motors, or authorized maintenance, police or emergency vehicles.

1415. Trespassing: No person except an authorized city employee, or other person duly authorized, shall enter or go upon any area which has been designated and posted as a "no admittance" or "no trespassing" area or during any time during which city parks are closed to the public.

Section 4. Severability. If any section, sentence, clause or phrase of this Ordinance should be held to be invalid or unconstitutional 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.

Section 5. Effective Date. This Ordinance shall be in full force and effect five (5) days after publication of the Ordinance Summary.

PASSED by the City Council this 6th day of June, 2023.

Cris Kaminskas
Mayor, Cris Kaminskas

ATTEST:

Kelsey Hardy
City Clerk, Kelsey Hardy

APPROVED AS TO FORM:

Sean P. Boutz
City Attorney, Sean P. Boutz

Date of Publication: 6/16/2023

Effective Date: 6/21/2023