

1619-ORD
11/16/2017

CITY OF BELLEVUE, WASHINGTON

ORDINANCE NO.

AN ORDINANCE defining criminal conduct; repealing Section 3.43.040 of the Bellevue City Code; adopting a new Section 10.06.110 to the Bellevue City Code extending the prohibition against public camping to all City owned property and public easements; and establishing an effective date.

WHEREAS, the City manages the public realm through its stewardship of City property, easements and rights-of-way, and other public spaces; and

WHEREAS, the City's Comprehensive Plan supports a balance between safety, maintaining a regulatory framework identifying appropriate places for different land uses (e.g. public camping), and creating a welcoming public environment; and

WHEREAS, the existing Bellevue City Code (BCC) Section 3.43.040 prohibits overnight camping in public parks unless otherwise posted or permitted by the City Manager or his or her designee; and

WHEREAS, the Bellevue City Council desires to extend this prohibition to all City owned property and public easements, provided that a person is not guilty of unlawful public camping if at the time the person is on public property there is no available overnight shelter; now, therefore,

THE CITY COUNCIL OF THE CITY OF BELLEVUE, WASHINGTON, DOES ORDAIN AS FOLLOWS:

Section 1. Section 3 of Ordinance No. 4480, Section 1 (part) of Ordinance No. 4071 and Section 3.43.040 of the Bellevue City Code is hereby repealed in its entirety.

~~3.43.040 Overnight camping.~~

~~It is unlawful to camp overnight in any park, except at places set aside and posted for such purposes by the city manager or his or her designee, or by permit issued by the city manager or his or her designee.~~

Section 2. A new Section 10.06.110 of the Bellevue City Code is hereby adopted to read as follows.

10.06.110 Unlawful Public Camping

A. A person is guilty of unlawful public camping if he or she uses non-residential public property, as defined in this section, as a temporary or permanent place of dwelling, lodging, residence, or living accommodation, at any time between sunset and sunrise.

B. For the purposes of this section, “non-residential public property” means any street, sidewalk, city park, public park, or any other open area where the city or other governmental agency has a property interest, to include easements. “Non-residential public property” does not include houses, apartments, or other fixed residential living quarters owned or leased by the city.

C. Indicia of camping include, but are not limited to: tents or other temporary shelters, bedding, storage of personal belongings, and use or storage of cooking equipment.

D. Unlawful public camping is a misdemeanor.

E. A person is not guilty of unlawful public camping if, at the time the person is on public property, there is no available overnight shelter. “Available overnight shelter” means a public or private shelter, with available overnight space, open to individuals experiencing homelessness, at no charge. If the person is unable to utilize an available overnight shelter due to voluntary actions such as intoxication, drug use, unruly or assaultive behavior, or violation of shelter rules, the overnight shelter space shall still be considered available for the purposes of this section.

Section 3. This Ordinance shall take effect and be in force thirty (30) days after its passage and legal publication.

Passed by the City Council this _____ day of _____, 2017 and
signed in authentication of its passage this _____ day of _____, 2017.

(SEAL)

John Stokes, Mayor

Approved as to form:

Lori M. Riordan, City Attorney

Monica A. Buck, Assistant City Attorney

Attest:

Kyle Stannert, City Clerk

Published _____