

September 13, 2021
September 20, 2021

ORDINANCE NO. M- _____

AN ORDINANCE of the City of Vancouver, Washington establishing Supportive Campsites to facilitate the provision of temporary shelter incidental to the provision of supportive services to individuals experiencing unsheltered homelessness; authorizing the establishment of two Themed Supportive Campsites, one for Families with Children and one for Single-Occupant Females; establishing Camping Impact Areas to protect ecologically sensitive areas and areas within the immediate vicinity of Supportive Campsites; establishing an exemption from the prohibition against daytime camping for individuals who present satisfactory evidence of nighttime employment and obtain a Nighttime Worker Camping Permit; Amending VMC 8.22.010 “Findings”, VMC 8.22.020 “Purpose”, VMC 8.22.030 “Definitions”, VMC 8.22.040 “Unlawful Camping”, VMC 8.22.050 “Unlawful Storage of Personal Property in Public Places”, VMC 8.22.070 “Permit”; providing for severability; and providing for an effective date.

WHEREAS, homelessness is a serious problem in Clark County, the number of people experiencing homelessness is increasing, and the capacity of the current system to house and meet the basic needs of those who are experiencing homelessness is inadequate; and

WHEREAS, the City of Vancouver is committed to supporting Clark County in the County’s role as the lead agency on regional homeless response and increase collaboration on projects and initiatives that will address homelessness and its impacts in Clark County; and

WHEREAS, temporary solutions are needed within Vancouver to mitigate the adverse impacts of unsheltered homelessness while longterm, county-wide solutions are formulated to address deficiencies in the supply of shelter and housing; and

WHEREAS, cities are prohibited from prosecuting individuals for involuntarily sitting, lying, or sleeping in public, unless such individuals have access to adequate temporary shelter, either because they have the means to pay for it, or because it is realistically available to them for free (*Martin v. Boise*, 920 F.3d 584), and therefore, 24-hour daily bans on camping in certainly public spaces are only permissible if adequate shelter is available free of charge, or adequate public space remains unrestricted from camping so as to afford individuals experiencing unsheltered homelessness a meaning choice to avoid prosecution; and

WHEREAS, the Vancouver City Council is committed to striving to improve services available to underserved and vulnerable residents while maintaining public spaces that are safe, sanitary, attractive, and available for the enjoyment of all residents and visitors, and

WHEREAS, following an opportunity for public testimony, it is apparent that (a) the establishment of Camping Impact Areas, in which camping is prohibited 24 hours daily, will assist in mitigating adverse impacts to sensitive ecological areas including the City's water sources; (b) the establishment of Supportive Campsites in which camping is allowed 24-hours daily is appropriate as a temporary pilot as the City and County work with community partners to increase the supply of shelter and housing; (c) the establishment of two Themed Supportive Campsites, one for Families with Children and one for Single-Occupant Females, is appropriate

to mitigate the unique dangers faced by members of these groups; and (d) the establishment of an exception from the existing daytime camping ban is appropriate for individuals who present satisfactory evidence of nighttime employment and obtain a Nighttime Worker Camping Permit.

NOW, THEREFORE,

BE IT ORDAINED BY THE CITY OF VANCOUVER:

Section 1. The City Council declares that the purpose of this Ordinance is to establish Supportive Campsites to facilitate the provision of supportive services and temporary shelter to individuals experiencing unsheltered homelessness; authorize the establishment of two Themed Camps, one for Families with Children and one for Single-Occupant Females; establish Camping Impact Areas to protect ecologically sensitive areas and areas within the immediate vicinity of Supportive Campsites from the adverse secondary impacts of camping; establish an exemption from the prohibition against daytime camping for individuals who present satisfactory evidence of nighttime employment and obtain a Nighttime Worker Camping Permit.

Section 2. Findings. The Vancouver City Council hereby adopts the factual record supplied within Staff Report SR _____ and all attachments thereto as findings in support of this Ordinance and the following amendment to the Vancouver Municipal Code: Section 8.22.010 “Findings” as last amended by Ordinance M-4133 on 9/21/2015 is hereby amended to read as follows:

Section 8.22.010 Findings

It is the purpose of this ordinance to address:

- A. Adverse Public Impacts of Camping. People camping on public property and on public right of ways create a public health and safety hazard due to the lack of proper food storage, cooking, electrical and/or sanitary facilities for these people. People without proper sanitary facilities have openly urinated, defecated, and littered on private and public property and on the public right of ways. Use of public property for camping purposes or storage of personal property interferes with the rights of others to use the areas for the purposes for which they were intended and creates public health and safety dangers to the City's sensitive ecological areas, including the City's water sources, through illegal dumping and improper disposal of human waste. People cooking with open flames while camping endanger the lives and property of those nearby through uncontrolled fire.
- B. Adverse Impacts of Camping on the Poor and Infirm. Many individuals who camp on public property do so, not by choice, but due to a lack of financial means to afford adequate shelter. These individuals are also adversely mentally and physically impacted by camping. Single female camp occupants experience a disproportionately high incidence of violent crime as compared to other people.

Families with children who camp as a result of a lack adequate shelter are also disproportionately adversely impacted through risk of physical danger and impediments to childhood education.

C. Constitutional limitations on available remedies. The Eighth Amendment to the United States Constitution prohibits “cruel and unusual punishment”; the Ninth Circuit Court of Appeals has interpreted this prohibition to forbid cities from criminalizing camping in all places, at all times, by those who lack the financial means to pay for adequate shelter unless adequate shelter is available to such person free of charge.

D. Supportive Campsites. The establishment of Supportive Campsites creates a means of connecting individuals to services that reduce barriers to obtaining shelter and housing while providing options for lawful camping which are incidental to the receipt of such services.

E. Need for Themed Supportive Campsites. The City has an important government interest in protecting the physical safety and emotional well-being of residents of campsites occupied by single occupant females, and families with children. The establishment of Themed Supportive Campsites as defined herein reserved for members of these groups serves that important government interest and is substantially related to accomplishing those objectives.

Section 3. Section 8.22.020 of the Vancouver Municipal Code entitled “Purpose” as last amended by Ordinance M-3323 on 10/6/1997 is hereby amended to read as follows:

Section 8.22.020 Purpose.

It is the purpose of this ordinance to:

- A. Prevent harm to the health and safety of individuals who camp due to a lack of financial means to afford adequate shelter by establishing Supportive Campsites where adequate shelter is provided to the poor or infirm at no cost.
- B. Prevent harm to the health and safety of the public and to promote the public health, safety and general welfare by prohibiting camping within all Camping Impact Areas at all times, except as allowed within a Supportive Campsite.
- C. Prevent harm to the health or safety of the public and to promote the public health, safety and general welfare by making public streets and other areas readily accessible to the public and to prevent use of public property for camping purposes or storage of personal property which interferes with the rights of others to use the areas for which they were intended.

Section 4. Section 8.22.030 of the Vancouver Municipal Code entitled “Definitions” as last amended by Ordinance M-4133 on 9/21/2015 is hereby amended to read as follows:

Section 8.22.030 Definitions.

The following definitions are applicable in this chapter unless the context otherwise requires:

"Camp" or "camping" means to pitch, create, use, or occupy camp facilities for the purposes of habitation, as evidenced by the use of camp paraphernalia.

"Camp facilities" include, but are not limited to, tents, huts, temporary shelters, or vehicles.

"Camping Impact Area" means the areas specified within VMC 8.22.040(B).

"Camp paraphernalia" includes, but is not limited to, tarpaulins, cots, beds, sleeping bags, blankets, mattresses, hammocks, or non-city designated cooking facilities and similar equipment.

"Family" means two or more "Family or Household Members" as defined by RCW 26.52.010.

"Park" means the same as defined in VMC [15.04.020](#).

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

"Supportive Campsite" means a Camp facility for which a permit has been sought and obtained from the Vancouver City Manager, or their designee, pursuant to VMC 8.22.070(B), and/or a City-sponsored Supportive Campsite established under VMC 8.22.070(F).

"Supportive Campsite Operator" means a person, firm, corporation, or municipal corporation with a valid Supportive Campsite Operator permit issued pursuant to VMC 8.22.070 or, in the case of a City-sponsored Supportive Campsite, an approved Camp facility operator as designated by the City Manager or their designee.

"Street" means any highway, lane, road, street, right of way, boulevard, alley, and every way or place in the City of Vancouver that is publicly owned or maintained for public vehicular travel.

“Themed Supportive Campsite” means a Supportive Campsite with spaces reserved for either (A) a single occupant identifying as female; or (B) a Family with one or more children under eighteen years of age at the time of admission to the Supportive Campsite.

“Vehicle” means the same as defined in RCW [46.04.670](#), as adopted by Ordinance [M-3276](#).

Section 5. Section 8.22.040 of the Vancouver Municipal Code entitled “Unlawful Camping” as last amended by Ordinance M-4133 on 9/21/2015 is hereby amended to read as follows:

Section 8.22.040 Unlawful camping.

A. Supportive Campsites. Camping shall be allowed at all times within Supportive Campsites by those residing therein. Residence in a Supportive Campsite shall be at the approval of the Supportive Campsite Operator.

B. Camping Impact Areas. Except to the extent expressly allowed pursuant to Section A, it shall be unlawful to camp at any time within a Camping Impact Area. The following locations are Camping Impact Areas:

1. Within one thousand feet (1000’) of the nearest point of any Supportive Campsite;
2. Upon any land used to operate a public water station, wastewater or stormwater facility;
3. Within any of the following critical areas:
 - (a) Habitats of Local Importance as defined by VMC 20.740.100;
 - (b) Riparian Buffers of Fish and Wildlife Habitat Conservation areas as defined by VMC

20.740.110;

(c) Frequently Flooded Areas as defined by VMC 20.740.120; and/or

(d) Wetland Buffer area of Wetlands as defined by VMC 20.740.140.

The City Manager, or their designee, shall create a Critical Areas Protection Map that identifies the critical areas above and post the Map on the City's website. The Critical Areas Protection Map will be revised annually to account for changes to critical area designations.

C. Daytime Camping Prohibited. Except as otherwise provided within this Chapter, dDuring the hours of 6:30 a.m. to 9:30 p.m., it shall be unlawful for any person to camp, occupy camp facilities for purposes of habitation, or use camp paraphernalia in the following areas, except as otherwise provided by ordinance or as permitted pursuant to Section [8.22.070](#) of this ordinance:

1. any park;
2. any street; or
3. any publicly owned or maintained parking lot or other publicly owned or maintained area, improved or unimproved.

B~~D~~. Daytime Camping in Vehicles Prohibited. Except as otherwise provided within this Chapter, dDuring the hours of 6:30 a.m. to 9:30 p.m., it shall be unlawful for any person to occupy a vehicle for the purpose of camping while that vehicle is parked in the following areas, except as otherwise provided by ordinance or as permitted pursuant to Section [8.22.070](#) of this ordinance:

1. any park;
2. any street; or
3. any publicly owned or maintained parking lot or other publicly owned or maintained area,

improved or unimproved.

Section 6. Section 8.22.050 of the Vancouver Municipal Code entitled “Unlawful storage of personal property in public places” as last amended by Ordinance M-4133 on 9/21/2015 is hereby amended to read as follows:

Section 8.22.050 Unlawful storage of personal property in public places.

Except as otherwise provided within this Chapter, ~~d~~During the hours of 6:30 a.m. to 9:30 p.m., it shall be unlawful for any person to store personal property, including camp facilities (other than vehicles) and camp paraphernalia, in the following areas, except as otherwise provided by ordinance or as permitted pursuant to Section [8.22.070](#) of this ordinance:

1. any park;
2. any street; or
3. any publicly owned or maintained parking lot or publicly owned or maintained area, improved or unimproved.

Section 7. Section 8.22.070 of the Vancouver Municipal Code entitled “Permit” as last amended by Ordinance M-4133 on 9/21/2015 is hereby amended to read as follows:

Section 8.22.070 Permit.

A. Authority of the City Manager. The City Manager is authorized to:

1. Promulgate procedures and policies necessary for the acceptance of applications, investigation, issuance, denial, and revocation of all camping permits of the types specified in this chapter and the establishment of City-sponsored Supportive Campsites;
2. Issue, deny, and revoke camping permits in furtherance of the purposes of this chapter;
3. Delegate any or all functions under this chapter; and
4. Request the assistance of other City departments to investigate, administer, and enforce the provisions of this chapter.

B. Types of Camping Permits. The following types of Camping Permits are established and may be issued by the City Manager, or their designee, pursuant to procedures and policies promulgated under this chapter:

1. Nighttime Employment Camping Permit. The City Manager, or ~~his/her~~their designee, is authorized to permit persons who present satisfactory evidence of nighttime employment to camp, occupy camp facilities, use camp paraphernalia, or store personal property in parks, streets, or any publicly owned parking lot or publicly owned area, improved or unimproved, in the city of Vancouver, except within Camping Impact Areas as prohibited by VMC 8.22.040(B).
2. Supportive Campsite Operator Permit. The City Manager, or their designee, is authorized to issue a Supportive Campsite Operator Permit to a person, firm, corporation, or municipal corporation upon receipt of satisfactory evidence that the applicant possesses suitable qualifications to operate a Supportive Campsite in compliance with the provisions of this chapter.

a.B Upon receipt of an application for ~~any~~ Supportive Campsite Operator Permit under this chapter, the City Manager, or ~~his/her~~their designee, shall send a copy of the application to the city

departments of police, parks, public works, community development, and fire. Each of these departments shall inspect the application and each such department shall report to the City Manager, or ~~his/her~~their designee, any problems which the proposed activity is expected to pose for the public. ~~Such reports~~ shall make any necessary recommendations for protecting the public peace, health, safety, life, property, and welfare in the event a permit is, or was, issued.

b. In evaluating whether to grant or deny an application for a Supportive Campsite Operator Permit, the City Manager, or his/her~~their~~designee, shall evaluate whether the resulting Supportive Campsite will be (i) equitably dispersed throughout the City in relation to other existing Supportive Campsites, (ii) located where the Supportive Campsite will avoid areas of highest economic vulnerability within surrounding residential areas in the City, (iii) afford accessibility in compliance with the Americans with Disabilities Act, (iv) be located within one half mile of public transit, and (v) comply will all requirements of the State Environmental Policy Act.

~~Cc. The City Manager, or his/her~~their~~designee, is authorized to promulgate othershall review and approve rules and regulations regarding the implementation and enforcement of this ordinance admission to, and operation of, all Supportive Campsites.~~

~~Dc. The City Manager, or his/her~~their~~designee, may approve a permit as provided under this section when, from a consideration of the application, reports from other city departments, and from such other information as may otherwise be obtained, he or she~~the City Manager, or their designee, finds that:

1. Adequate sanitary facilities are provided and accessible at or near the proposed camp site;
2. Adequate trash receptacles and trash collection are provided; and

3. The camping activity will not unreasonably disturb or interfere with the safety, peace, comfort and repose of private property owners.

~~E. No permit shall be issued for a period of time in excess of fourteen (14) calendar days in any one calendar year.~~

~~FD.~~ The City Manager, or ~~his/her~~their designee, is authorized to revoke a permit that has been issued if ~~he or she~~the City Manager, or their designee, finds lack of compliance with any requirement of subsection ~~DC~~, above, or evidence that a Supportive Campsite Operator has failed or refused to require campsite residents comply with ~~of~~ any rule or regulation promulgated under subsection ~~CB.2.c.~~, above, or of any ordinance or statute.

~~GE.~~ Any person who is denied a permit, or had their permit revoked, may appeal the denial/revocation to a hearings examiner appointed by the City Manager, or ~~his/her~~their designee. Notice of appeal must be in writing, and filed with the City Clerk within seven (7) working days from the date of the denial or revocation.

F. City staff may propose City-sponsored Supportive Campsites. Such proposals will be evaluated for approval by the City Manager, or their designee, applying the criteria under VMC 8.22.070(B)(2) and VMC 8.22.070(C) and the availability of City resources.

Section 8. Severability. If any clause, sentence, paragraph, section, or part of this ordinance or the application thereof to any person or circumstances shall be adjudged by any court of competent jurisdiction to be invalid, such order or judgment shall be confined in its operation to the controversy in which it was rendered and shall not affect or invalidate the

remainder of any parts thereof to any other person or circumstances and to this end the provisions of each clause, sentence, paragraph, section or part of this law are hereby declared to be severable.

Section 9. Effective Date. This Ordinance shall be effective thirty days after adoption.

Read first time:

Ayes: Councilmembers

Nays: Councilmembers

Absent: Councilmembers

Read second time:

PASSED by the following vote:

Ayes: Councilmembers

Nays: Councilmembers

Absent: Councilmembers

SIGNED this _____ day of September, 2021.

Anne McEnery-Ogle, Mayor

Attest:

Natasha Ramras, City Clerk

Approved as to form:

Jonathan Young, City Attorney

SUMMARY

ORDINANCE NO. _____

AN ORDINANCE of the City of Vancouver, Washington establishing Supportive Campsites for individuals experiencing unsheltered homelessness; authorizing the establishment of two Themed Supportive Campsites; establishing Camping Impact Areas; establishing an exemption from the prohibition against daytime camping for individuals who present satisfactory evidence of nighttime employment; Amending VMC 8.22.010 “Findings”, VMC 8.22.020 “Purpose”, VMC 8.22.030 “Definitions”, VMC 8.22.040 “Unlawful Camping”, VMC 8.22.050 “Unlawful Storage of Personal Property in Public Places”, VMC 8.22.070 “Permit”; providing for severability; and providing for an effective date.

The full text of this ordinance will be mailed upon request. Contact Raelyn McJilton, Records Officer at (360) 487-8711, or via www.cityofvancouver.us (Go to City Government and Public Records).