

**ORDINANCE NO. 1987-0422**

**AN ORDINANCE OF THE CITY OF SHELTON, WASHINGTON, AMENDING CHAPTERS 20.47.010 AND 8.70 OF THE SHELTON MUNICIPAL CODE, RELATED TO CAMPING ON PRIVATE PROPERTY**

WHEREAS, camping overnight on private property not specifically designated for camping, which lack adequate sanitation facilities and public safety measures, creates a danger to public health, welfare, and safety; and

WHEREAS, the Shelton City Council wishes to prohibit overnight camping when such activity creates a public nuisance; and

WHEREAS, the City Council wishes to adopt provisions concerning abatement of camping activities and paraphernalia that create a public nuisance; and

WHEREAS, the City Council wishes to amend its existing code provisions concerning encampments hosted by community organizations.

**Section 1.** Chapter 20.47.010 of the Shelton Municipal Code shall be retitled “Camping on Private Property” and amended as follows.

**20.47.010 Definitions.**

The following definitions shall apply to temporary homeless encampment permits and this chapter:

- A. “Camping” or “camp” means erecting a tent or other shelter, arranging bedding, or residing in a motor vehicle, for the purpose of, or in such a manner as will permit persons, remaining overnight.
- B. “Host” means a local community organization that hosts a temporary homeless encampment on its property; has an agreement with a managing agency to provide basic services and support for the residents of a temporary homeless encampment; acts as liaison with the surrounding community; and joins with the managing agency in an application for a temporary homeless encampment permit. A host may be the same entity as the managing agency.

C. “Managing agency” means an organization or property owner that is responsible for organizing and managing a temporary homeless encampment. A managing agency may be the same entity as the host.

C. “Temporary homeless encampment” means a transient or interim gathering or community residing out of doors on the property of a community organization with services provided and supervised by a managing agency and host. A temporary homeless encampment is comprised of temporary enclosures (tents and other forms of portable shelter that are not permanently attached to the ground), which may include common areas designed to provide food, living and sanitary services to occupants of the encampment.

D. “Community organization” means social work concentrating upon the organized development of community social welfare through coordination of public and private agencies.

E. The International Fire Code definitions of “tent,” “canopy,” and “membrane structure” are incorporated by reference into this chapter.

F. “Extended family” means one or two adults and their children, being relatives of one adult resident/host, limited to siblings and their spouses, children of siblings, parents, grandparents, children, and grandchildren.

**20.47.020 Prohibited acts.** Homeless encampments that are not authorized by this Chapter, or that violate the terms of their permits, are prohibited and subject to enforcement action per Chapters 8.70, 17.08, and 20.56 SMC, and as otherwise provided by law, and are subject to abatement, criminal prosecution, injunctive relief, and other forms of relief which the city may seek. Any camping on private property that creates a public nuisance, as defined by Chap. 8.70 SMC, is prohibited and subject to abatement under Chapters 8.70, 17.08, and 20.56 SMC.

**20.47.030 Temporary homeless encampments host permit.**

A temporary homeless encampment host permit shall be required for temporary homeless encampment in the city. Temporary homeless encampments are eligible to be permitted as a secondary use in any zone. Establishing a temporary homeless encampment contrary to the provisions of this chapter is prohibited.

**20.47.030 Standards.**

The following standards shall apply for processing applications for and approving temporary homeless encampments:

A. A temporary homeless encampment permit for a facility accommodating not more than six individuals, or not more than two extended families comprised of not greater than twelve persons, is allowed outright when the following conditions are met:

1. The facility is located on the property of a community organization.
2. No part of a temporary homeless encampment shall encroach on setbacks between properties, or into a critical area or critical area buffer.
3. Visual screening from the neighboring properties is required around the perimeter of the temporary homeless encampment, and must meet the screening requirements of Section [20.40.040\(E\)\(1\)](#).
4. Exterior lighting must be directed downward and contained within the temporary homeless encampment.
5. Children under eighteen that are unaccompanied by a parent or guardian are not allowed in the temporary homeless encampment.
6. The host shall provide and enforce within said encampment a written code of conduct, which not only provides for the health, safety, and welfare of the temporary homeless encampment residents, but also mitigates impacts to neighbors and the community. The code of conduct shall, at a minimum, prohibit:
  - a. Possession or use of firearms, and/or illegal drugs;
  - b. Violence;
  - c. Open flames within tents;
  - d. Trespassing on private property in the surrounding neighborhood;
  - e. Littering in the temporary homeless encampment site or the surrounding neighborhood.
7. The host and temporary homeless encampment residents shall comply with applicable state statutes and regulations and local ordinances concerning, but not limited to, drinking water connections, solid waste disposal, human waste, outdoor fire or burning, electrical systems, and fire-resistant materials.

8. The host shall provide access to restroom facilities available twenty-four hours a day, access to kitchen facilities for three hours per day, and access to shower facilities at least two times per week. In addition, the host shall ensure there is at all times an adequate source of water for both sanitation and drinking.

9. The host shall provide a contact to the city and resident who is responsible for ensuring the required standards are met, enforcing camp code of conduct requirements, assisting with rule-making for residents, and providing residents with information regarding available social services.

B. A temporary homeless encampment permit for a facility accommodating not more than thirty individuals may be permitted administratively for up to seven months, with the option to apply for an extension for an additional seven months, when the following conditions are met:

1. All conditions listed in subsection A of this section;
2. The managing agency and/or host shall appoint persons to serve as a point of contact for the Shelton police department. At least one such person must be on duty at all times at an encampment. The names of the on-duty members shall be posted daily, and their contact information shall be provided to the Shelton police department;
3. The managing agency and/or host shall allow inspections of the temporary homeless encampment by Mason County public health, and shall timely implement all directives within the time period specified by Mason County public health. The managing agency and host shall immediately report to Mason County public health suspected food poisoning, unusual prevalence of fever, diarrhea, sore throat, vomiting, jaundice, productive cough, or when weight loss is a prominent symptom among occupants;
4. The managing agency and/or host shall allow inspections of the temporary homeless encampment by the city's code enforcement officers, community and economic development officials, and fire marshal. The managing agency and host shall implement all directives resulting from such inspections within forty-eight hours of notice, unless otherwise noted;
5. The managing agency and/or host shall not allow individuals with active warrants to reside in the encampment. The managing agency and/or host shall advise prospective residents that, with the assistance of the Shelton police department, warrant checks will be run. The managing agency and/or host shall take all reasonable and legal steps to

obtain verifiable identification from prospective temporary homeless encampment residents;

6. The managing agency and/or host shall immediately contact the Shelton police department if someone is rejected or ejected from the temporary homeless encampment if, in the reasonable opinion of the on-duty point of contact or on-duty security staff, the rejected/ejected person is a potential threat to the safety or health of the community;

7. The managing agency and/or host shall not allow within the encampment any structure, other than tents, canopies, or other membrane structures, that is greater than two hundred square feet or provides shelter for more than nine persons without first obtaining a building permit;

8. Said encampment shall not be materially detrimental to the public welfare or injurious to the property or improvements in its vicinity;

9. The managing agency and/or host shall take all reasonable measures to minimize the possible adverse impacts that the temporary homeless encampment may have on the areas in which it is located;

10. Required minimum on-site parking for the host site's permanent/other uses shall not be either displaced by said encampment or used to meet said encampment's parking requirements, unless a shared parking agreement is executed with adjacent properties to compensate;

11. Because each temporary homeless encampment has unique characteristics, including but not limited to size, duration, uses, number of occupants, and composition, the community and economic development department shall have the authority to impose conditions to the issuance of the permit for temporary homeless encampments to mitigate effects on the community upon finding that said effects are materially detrimental to the public welfare or injurious to the property or improvements in the vicinity. Conditions, if imposed, must relate to findings by the department, and must be calculated to minimize nuisance-generating features in matters of noise, waste, air quality, unsightliness, traffic, physical hazards, and other similar matters that the temporary homeless encampment may have on the area in which it is located;

12. Public Meeting and Notice Thereof. The host and managing agency shall participate in an informational public meeting organized by the city. Notice of the public meeting

shall be mailed at least fourteen days before the meeting to (a) owners of all real property within three hundred feet of any boundary of the proposed temporary homeless encampment site; and (b) any neighborhood organization in the vicinity of said site whose contact information is known to or made known to the city. The purpose of the meeting is to provide the surrounding community with information regarding the proposed duration and operation of the temporary homeless encampment, conditions that will likely be placed on the operation of said encampment, the proposed written code of conduct, and to answer questions regarding the temporary homeless encampment; and

13. Notices required in this section shall be provided by the city on behalf of the applicant.

**20.47.035 Repeated Impacts.**

The City may create a nuisance abatement program, or engage with community organizations to provide help to property owners impacted by repeated impacts of unauthorized encampments.

A. Private property impacted by unauthorized encampments three (3) or more times within a sixty (60) day period shall have one hundred eighty (180) days to abate the nuisance provided:

1. Each instance has been reported to the City of Shelton, and
2. Each instance has been abated within the twenty (20) calendar days.

**20.47.050 Procedural requirements for temporary homeless encampment permit applications.**

Notwithstanding any other provision in the Shelton Municipal Code, the following procedures shall apply in accepting, noticing, reviewing, and otherwise processing temporary homeless encampment permit applications:

A. Application for Temporary Homeless Encampment Permit. A minimum of sixty days prior to the anticipated start of the encampment, the managing agency and host shall submit jointly an application for a temporary homeless encampment permit to the community and economic development department. The completed application shall contain at a minimum the following information:

1. The date that the temporary homeless encampment will commence;
2. The duration of said encampment;
3. The number of residents to be accommodated on the site;
4. The host location;
5. The names of the managing agency and host, with contact information;
6. Detailed information on how the temporary homeless encampment will comply with the requirements of this chapter and the International Fire Code;
7. Copy of proposed code of conduct;
8. Permit application fee, which shall not exceed the actual cost associated with the review and approval of said application; and
9. Site plan showing at least the following:
  - a. Method and location of required screening;
  - b. Location of food and security tent;
  - c. Method and location of potable water;
  - d. Method and location of waste receptacles;
  - e. Location of required sanitary stations including toilets and hand washing facility;
  - f. Location of on-site parking and number of vehicles associated with the encampment;
  - g. General location or arrangement of tents; and
  - h. Access routes for emergency vehicles.

B. If the temporary homeless encampment includes tents or membrane structures in excess of two hundred square feet, or canopies in excess of four hundred square feet, permit and approval for the tent, canopy, or membrane structure shall be obtained from the fire marshal. (Ord. 1872-0715 § 1 (part), 2015)

**20.47.080 Enforcement.**

A. Homeless encampments without a valid permit under this chapter are prohibited. Any entity that allows such a nonpermitted encampment on its property, as well as the encampment and its residents, are subject to abatement under Chapters [8.70](#), [17.08](#), and [20.56](#), and as otherwise provided by law.

B. Violations of this chapter are punishable under Chapters [8.70](#), [17.08](#), and [20.56](#), and as otherwise provided by law.

**20.47.090 Revocation.**

A. The city may revoke a temporary homeless encampment permit for any violation of this chapter or of the conditions of the temporary homeless encampment permit where such violation is:

1. Not cured following notice from the city and an opportunity to cure such violations;
2. Intentionally or knowingly committed by the managing agency or host; or
3. So severe as to substantially threaten public health and safety.

B. Upon revocation of the temporary shelter encampment permit, all residents of the encampment must vacate the premises within forty-eight hours of revocation. The host shall be required to remove all physical evidences of the use and to restore or replant any required vegetation within one week of revocation.

C. Appeal of the city's decision to revoke a temporary homeless encampment permit shall be made pursuant to Chapter [17.08](#). (Ord. 1872-0715 § 1 (part), 2015)

**20.47.100 Safe Parking Events.**

This Chapter does not limit the ability of religious community organizations to host safe parking events in on-site parking lots, provided that:

- A. No less than one space may be devoted to safe parking per ten on-site parking spaces;
- B. Restroom access must be provided either within the buildings on the property or through use of portable facilities, with the provision for proper disposal of waste if recreational vehicles are hosted; and
- C. The religious community organization must continue to abide by any existing on-site parking minimum requirement so that the provision of safe parking spaces does not reduce the total number of available parking spaces below the minimum number of spaces required by the city.

**Section 2.** Chapter 8.70 of the Shelton Municipal Code is amended to read as follows.

**8.70.010 Public nuisances.**

A. Public Nuisances Defined. A public nuisance is a thing, act, omission to act, occupation, or use of property which shall unreasonably annoy, injure, or endanger the safety, health, comfort, or repose of the public; or shall unlawfully interfere with, obstruct, or render dangerous for public use a public park, square, street, alley, or highway; or shall render the public insecure in life or in use of property. Public nuisances include, but are not limited to, the following:

1. Ponds or pools of stagnant water;
2. Carcasses of animals not buried or destroyed within twenty-four hours after death;
3. Garbage cans which are not fly- and water-tight, or are left open to the elements;
4. Dense smoke, noxious fumes, gas and soot, or cinders, in unreasonable quantities;
5. All nuisance vegetation, including: dead, diseased, infested or dying trees; any tree, shrub or foliage which is apt to damage or impair streets, sidewalks, sewers, utilities, or other public improvements or impede visibility on public rights-of-way; vines or climbing plants growing into or over any appliance or facility provided for fire protection purposes;
6. The existence of any trash, spilled garbage, waste, accumulation of lawn or yard trimmings or other offensive matter, except in a controlled compost process;
7. Any litter, unless it is kept in approved covered bins or galvanized receptacles;
8. All buildings, walls and other structures which have been damaged by fire, decay or otherwise so as to endanger the safety of the public;
9. All places, other than those zoned and licensed as wrecking yards or repair shops, used, or maintained for the storage of unlicensed vehicles or for wrecking or disassembling of vehicles or machinery of any kind; or storage of any parts thereof except within an enclosed garage or building. For the purposes of this chapter, all vehicles not bearing a current vehicle license within ninety days of the beginning of any license year shall be deemed unlicensed, and the restrictions in this chapter shall not apply to any resident repairing a licensed vehicle registered in his name; provided, no more than one vehicle may be under repair at a time within the front yard, and during such time all body

and mechanical parts and tools shall be stored in a neat and orderly manner not in public view;

10. Highly flammable or explosive liquids, solids or gases unless stored in bulk above ground. Tanks or drums of fuel directly connected with heating devices or appliances located on the same lot as the tanks or drums of fuel are excluded from this provision;

11. Outdoor storage of fuel containers and construction materials unless screened from view of the adjacent property by a fence, greenbelt, or wall. Construction materials stored outside for up to sixty days as part of an active construction project are excluded from this provision;

12. Any marijuana business, facility or operation that does not have a state license pursuant to RCW Title [69](#). This includes, but is not limited to, any marijuana production, processing, retail, or research business, facility, or operation;

13. Growing, keeping, processing, and/or producing marijuana in a manner that is not in compliance with RCW Title [69](#) or Chapter [314-55](#) WAC, including, but not limited to, activities prohibited by RCW [69.51A.260](#), such as growing more than the authorized number of plants or engaging in an aforementioned activity in a manner that can be readily seen by normal unaided vision or readily smelled from a public place or the private property of another;

14. Odors detected beyond the premises of the building of a marijuana producer or processor, even if the facility is operating under an approved ventilation plan;

15. Any medical marijuana cooperatives, as established in RCW [69.51A.250](#), notwithstanding a state license or other recognition pursuant to RCW Title [69](#).

16. Camping or encampments that lack sufficient sanitation facilities, or that result in visible, dangerous, or unsanitary accumulation of camping paraphernalia, abandoned belongings, garbage, and/or human waste.

B. Nuisance Abatement. Nuisances shall be a misdemeanor, which may be charged against the property owner, occupant, or other person responsible for the nuisance. Prior to charging a misdemeanor, the person(s) responsible for the nuisance shall be given notice and a reasonable opportunity to abate the nuisance.

C. Nuisances may be abated by the City consistent with RCW 35.21.955. Abatement by the City shall result in cleanup costs being recorded as a tax and property lien against the property. Following a nuisance abatement, the City may immediately dispose of any belongings, objects, or substances that are dangerous, toxic, obviously trash, or broken beyond repair. The City shall store useable personal property for purposes of reclaiming for 60 days.

D. Prior to, in lieu of, or in conjunction with other remedies for nuisances, the city may enter into voluntary correction agreements with a violator. Such voluntary correction agreements shall set forth a reasonable period of time for the violator to abate the nuisance and may give the city permission to enter the property and abate the nuisance if voluntary abatement does not occur.

**Section 3.** This ordinance shall take effect five days after its passage and publication as required by law.

Passed this \_\_\_\_ day of \_\_\_\_\_ 2022, at the regular meeting of the Shelton City Council.

\_\_\_\_\_  
Mayor Eric Onisko

AUTHENTICATED

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City Clerk Donna Nault