

ORDINANCE NO. C36785

An ordinance titled “Safe and Accessible Public Spaces” and relating to city public safety enforcement and incentivizing referrals for services; amending Sections 12.02.970, 12.02.1000, 12.02.1001, 12.02.1003, 12.02.1006, 12.02.1007, 12.02.1009; and adopting a new Sections 12.02.1013 and 12.02.1014 of the Spokane Municipal Code; and declaring an emergency.

WHEREAS, the Spokane City Council unanimously adopted Ordinance C36289 in 2022, codifying by reference the state law prohibiting unlawful transit conduct (RCW 9.91.025); and

WHEREAS, the Spokane City Council unanimously adopted Ordinance C36289 in 2022, codifying by reference the state law prohibiting disorderly conduct (RCW 9A.84.030); and

WHEREAS, the Spokane City Council unanimously adopted Ordinance C36289 in 2022, codifying by reference Reckless Burning in the Second Degree (RCW 9A.48.050); and

WHEREAS, the Spokane City Council unanimously adopted Ordinance C36272 in 2022, codifying the Protection of Public Lands and Properties; and

WHEREAS, the Spokane City Council unanimously adopted Ordinance C36608 in 2024, codifying the state prohibition on littering, illegal dumping, and establishing the penalties for potentially dangerous litter (RCW 70A.200.060); and

WHEREAS, the City Council adopted Ordinance C36679 to prohibit unauthorized camping on public property citywide; and

WHEREAS, Ordinance C36679 also prohibits knowingly obstructing access to or use of any portion of public property; and

WHEREAS, Ordinance C36679 called for a review of the implementation of the ordinance following the ordinance’s adoption; and

WHEREAS, Spokane Police Chief Kevin Hall provided a briefing to the City Council at the October 6, 2025, Public Safety and Community Health Committee and suggested modifications to Ordinance C36679 to provide additional law enforcement officer discretion for addressing persons repeatedly violating the prohibitions of the ordinance; and

WHEREAS, the Spokane Police Department's strategic priorities include deploying holistic all-city strategies to address quality of life issues and expanding community-centered policing strategies to build public trust; and

WHEREAS, the Brown Administration and the City Council seek to clarify and strengthen the city of Spokane's citywide prohibition on camping and obstructing access to and use of public property while ensuring enforcement is fair, consistent, and compassionate; and

WHEREAS, it is the intent of the City Council further to allow alternatives to enforcement of obstruction and camping prohibitions to individuals who demonstrate their willingness to constructively address their circumstances; and

WHEREAS, as part of the next phase of the H.O.M.E. Starts Here initiative, the City is implementing a coordinated outreach precinct model that will work in collaboration with the Spokane Police Department to connect individuals to services where outreach teams may provide access and transportation to services, including transportation to the daytime navigation center; and

WHEREAS, it is a priority of the Brown Administration and the City Council to formalize assessment and evaluation criteria to determine the effectiveness of this article on improving objective and perceived community safety and successfully navigating persons subject to enforcement under this article into treatment, housing, and other available services; and

WHEREAS, the inability to effectively implement changes to City's camping, obstruction and other laws relating to public property and rights-of-way poses a threat to public peace, health, and safety of the residents and visitors of Spokane, and requires immediate action to prevent or mitigate the threat; and

WHEREAS, the normal course of legislative procedures of the City cannot timely address the threat without causing or exacerbating harm to the community or government functions; and

WHEREAS, the adoption of this ordinance is necessary for the immediate preservation of the public peace, health, and safety of the residents and visitors of Spokane and shall become effective immediately upon passage upon the affirmative vote of five members of the City Council;

NOW THEREFORE, the City of Spokane does ordain:

Section 1. That Article V, Section 12.02.970 of the Spokane Municipal Code is amended to read as follows:

Section 12.02.970 Tree Protection, Conservation, and Preservation

- A. All street and public trees near any excavation, demolition, or construction of any building, structure, street, or utility work must be sufficiently guarded and protected by those responsible for such work as to minimize potential injury to said trees and to maximize their chance for survival. When street and public trees are near the project, any construction permits issued by the City must be approved by the director, who may require protective measures as specified in the Arboricultural Manual.
- B. No person may destroy, injure, or deface any street tree or public tree on public property by any means, including, but not limited to, the following methods:
 - 1. Impede the free passage of water, air, or fertilizer to the roots of any tree, shrub, or other plant by depositing vehicles, concrete, asphalt, plastic sheeting, or other material detrimental to trees or shrubs on the tree lawn or on the ground near any tree;
 - 2. Pour any toxic material on any tree or on the ground near any tree;
 - 3. Cause or encourage any fire or burning near or around any tree;
 - 4. Severely reduce the tree crown. Removal or replacement is preferred to severe crown reduction;
 - 5. Carve or attach any sign, poster, notice, or other object on any tree or fasten any rope, wire, cable, nails, screws, staples, or other device to any tree except as used to support a young or broken tree; however, nothing in this section shall be construed in such a manner that it forbids lighting of a decorative or seasonal nature, provided that such lighting is not attached in such a way as to cause permanent damage to the tree; or
 - 6. Plant trees reaching an expected mature height of twenty-five feet (25') or more under overhead power lines.
- C. No person may prevent, delay, or interfere with the director, or the director's designee, or any City employee in the execution or enforcement of the provisions of this article or otherwise violate this Article V.
- D. Any person responsible for a violation of this section (~~((must))~~) shall pay the cost of repairing or replacing any tree or shrub damaged by the violation and may be subject to treble the amount of damages assessed in any enforcement action brought by the City, pursuant to RCW 64.12.030. The value of trees and shrubs is

to be determined in accordance with the latest revision of the Guide for Plant Appraisals as published by the International Society of Arboriculture.

- E. An exemption from this section shall apply to any public or private utility, telecommunications provider, or other franchise holder operating under a valid City franchise, permit, and/or right-of-way agreement, provided that any work affecting a street tree or public tree is conducted in accordance with the requirements of that authorization.
- F. A violation of this subsection B shall constitute a misdemeanor, unless the conduct meets the elements of malicious mischief under RCW 9A.48, in which case the matter shall be referred for prosecution under that statute.
- G. A violation of subsection C is a civil infraction. The director has the discretion to issue a warning for a first-time violation.

Section 2. That Article VI, Section 12.02.1000 of the Spokane Municipal Code is amended to read as follows:

Section 12.02.1000 Purpose

- A. The City of Spokane is committed to safeguarding the health and safety of its residents and to protecting its public lands and all of the properties within its geographical boundaries over which it exercises stewardship, including but not limited to parks, trees, natural areas, conservation lands, and the Spokane River from potential health and safety hazards which result from unregulated human activity. Damage to the natural foundation of public lands and properties and obstructing access to and use of public property ((threatens)) threaten the public health, safety and welfare of the community.
- B. It is the purpose of this ~~((chapter))~~ article to ~~((set))~~ establish standards for the preservation of public lands and properties that ensure unobstructed access to public property and prevent such harms from degrading or destroying ~~((these))~~ natural assets. It is also the purpose of this chapter to promote the public health, safety, and general welfare of citizens by providing protection to public lands and properties from the detrimental effects of unregulated human activity, which is not subject to the environmental restrictions of Chapter 17E SMC.
- C. This article provides clear definitions, uniform standards for compliance, and safeguards for constitutional rights, reflecting the City of Spokane and the community's balanced approach to public safety, human dignity, and the responsible stewardship of public lands and properties.

D. It is the intent of this article that responsibility for identifying violations shall not rest solely with the public. Enforcement efforts should be proactive to the extent practical and include establishing procedures for city employees, outside of public safety roles, to report observed violations encountered in the course of their normal duties or work.

E. In enforcement of this article's provisions against unlawful camping and obstruction, the intent of the council is to allow an officer to initially offer services in lieu of enforcement to individuals who promptly accept and navigate to available resources, so that citations can be avoided for those individuals who accept and use navigation and/or transportation to services.

F. In enforcement of this article, the intent of the council is to have graduated consequences for repeat offenders, high utilizers of public resources, or persons resisting connection and navigation / transportation to available services in order to protect public safety and promote accountability.

G. The intent of the council is that every interaction with people engaged with, notified, or cited under this article be documented to track repeat offenders, high utilizers of public resources, or persons resisting connection to available services.

Section 3. That Article VI, Section 12.02.1001 of the Spokane Municipal Code is amended to read as follows:

Section 12.02.1001 Definitions

For purposes of Title 12 of this code, the following terms shall have the meaning set forth in this article unless a different meaning is expressly set forth elsewhere in the title:

Term	Definition
Camp	Camp means to: 1. pitch, erect, occupy, or utilize camp equipment for the purposes of creating an outdoor accommodation <u>or</u> 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; whether or not occupied.
First Responder	First Responders mean firefighters, law enforcement officers, and emergency medical personnel, as licensed or certificated by the State of Washington.
Knowingly	<u>Pursuant to RCW 9A.08.010, a person knows or acts knowingly or with knowledge when:</u> <u>1. He or she is aware of facts or circumstances which constitute a violation of SMC 12.02.1007(A) regardless of whether the person is aware of the facts or circumstances violate the ordinance; or</u> <u>2. He or she has facts or circumstances which would lead a reasonable person to believe that facts or circumstances are a violation of SMC 12.02.1007(A).</u>
((Knowingly)) Obstruct	((Knowingly))Obstruct means to: ((4.)) Walk, stand, sit, lie, or place an object in ((such a)) <u>any</u> manner ((as to)) <u>that occupies any portion of right-of-way or</u>

	<u>public property that may impede the free passage in the area by ((a)) any person or vehicle or to require another person or a driver of a vehicle to take action to avoid physical contact((;or)).</u> ((2. Camp in or upon any public property unless authorized by a local or state emergency declaration or pursuant to a permit.))
Park or Park Facility	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.
Public Property	Public Property means any City-owned property, including but not limited to parks or park facilities, libraries, riverbanks, waterways, conservation areas, natural areas, rights of way, easements, buildings, bridges, or other land or physical structures owned or managed by the City.
Right-of-Way	Right-of-Way means any street, avenue, boulevard, highway, sidewalk, alley, passageway, <u>bridge, roadway, fire lane, median, stairway, pedestrian buffer strip, plaza as defined in SMC 17A.020.160, transit facility or station as defined in RCW 9.91.025(2)(a),</u> viaduct, or other thoroughfare, whether abutting public or private property, used for vehicular or pedestrian travel.

Section 4. That Article VI, Section 12.02.1003 of the Spokane Municipal Code is amended to read as follows:

Section 12.02.1003 Protection Against Harm to Waterways

- A. No person may cause harm to the Spokane River or Latah Creek or to the banks and natural areas that buffer these waterways. No person may do any of the following:
 - 1. Build or erect a structure of any type along the Spokane River or Latah Creek, or drive a nail or other object into any tree or other natural vegetation for the purpose of building a shelter or any other structure, or for affixing an object to any tree or other natural vegetation.
 - 2. Dig on the banks of the Spokane River or Latah Creek.
 - 3. Move boulders, destroy vegetation, pave roads or paths, or otherwise reconfigure the natural landscape or other City-approved development on the banks of the Spokane River or Latah Creek.
 - 4. Drive, park, or bring any vehicle onto any portion of the banks of the Spokane River or Latah Creek.
 - 5. Discharge garbage, refuse, or human or animal waste along the banks or into the waters of the Spokane River or Latah Creek.
- B. Any violation of this section shall be punishable as a misdemeanor.
- C. In addition to prosecution of a violation under this section, where conduct constitutes an unpermitted or unlawful discharge or pollution event under RCW 90.48, the City may also refer the matter to the Washington State Department of Ecology for enforcement under state law, or where conduct constitutes a shoreline violation under RCW 90.58, the City may enforce under its Shoreline Master Program SMC 17E.060 or refer to the Department of Ecology as appropriate.

Section 5. That Article VI, Section 12.02.1006 of the Spokane Municipal Code is amended to read as follows:

Section 12.02.1006 Unlawful Burning on Public Property

- A. A person is guilty of unlawful burning on public property if, without a permit, he or she knowingly causes a fire on public property for any purpose.
- B. A violation of this section is a misdemeanor.

- C. ~~((Unless otherwise subject to custodial arrest under RCW 10.31.100, individuals subject to enforcement under this section shall be cited and released rather than being booked into jail.))~~ If the conduct described in subsection A meets the elements of Reckless Burning in the Second Degree under RCW 9A.48.050, the offense shall be charged and prosecuted by the City as a gross misdemeanor.
- D. ~~((With the exception of those who do not meet the criteria for acceptance into community court, individuals subject to enforcement under this chapter shall be directed to community court by officer referral.))~~ Any other violation of subsection A not constituting reckless burning shall be prosecuted by the City as a misdemeanor.

Section 6. That Article VI, Section 12.02.1007 of the Spokane Municipal Code is amended 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 any portion of public property, right-of-way, or transit facility or station unless authorized by a local or state emergency declaration or pursuant to a permit.
- B. A person shall not camp in or upon any portion of public property or right-of-way 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 if:
1. Committing such acts 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 streatory 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.))~~ A Spokane police officer may enforce any violation of Subsection A. At their discretion, an officer may also offer the person City-designated outreach or other available services as described in Subsection F.

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.))~~ A Spokane police officer may enforce any violation of the citywide prohibition as declared in subsection B. At their discretion, a Spokane police officer may also offer the person first responder or city designated outreach services to navigate or transport them to facilities including, but not limited to:

1. an emergency or permanent housing solution;
2. a day center;
3. a crisis stabilization or relief center;
4. substance use treatment facility;
5. an emergency room or urgent care center.

G. A person ~~((seeking))~~ may be granted additional time or assistance in complying with ~~((this section))~~ subsection B ~~((shall be accommodated))~~ to the extent ~~((practicable))~~ necessary to prevent loss or damage to the person's personal property.

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

Section 7. That Article VI, Section 12.02.1009 of the Spokane Municipal Code is amended to read as follows:

Section 12.02.1009 Integrated Outreach | Encampment Removal and Prevention

Prior to the removal of any encampment:

- A. A notice shall be posted prior to ~~((a citation issued))~~ removal of an encampment 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, a day center, a crisis stabilization or crisis relief center, or a substance use treatment facility.
- B. Notice requirements pursuant to SMC 12.02.1009(A) shall not be required to remove an unauthorized encampment when
 - 1. "no camping" signage is posted within clear view of the encampment or;
 - 2 there is a reasonable belief that such encampment presents an immediate threat and/or an unreasonable risk of harm to life, public health, or safety, or public property, which shall include, but is not limited to:
 - ((4)) a. physical threats or violence.
 - ((2)) b. criminal activity not inherent in the act of unauthorized camping (e.g., drug use or sales, theft, sex trafficking);
 - ((3)) c. a condition that significantly increases the likelihood of disease or the spread of disease (e.g., rodents, exposed meat, human waste);
 - ((4)) d. a condition that presents a significant risk of bodily injury or death (e.g., discarded needles, vehicular traffic, weapons);
 - ((5)) e. any other substantial threat to public health or safety;
 - ((6)) f. damage (including potential or foreseeable damage) to the natural environment of environmentally critical areas;
 - ((7)) g. ~~((significant amounts))~~ Presence of potentially dangerous litter or accumulations of trash;
 - ((8)) h. any knowing obstruction of access to or use of any portion of public property ~~((, or any camping in or upon any public property))~~ unless authorized by a local or state emergency declaration or pursuant to a permit ~~((as set forth in SMC 12.02.1007 A and B));~~
 - ((9)) i. occupation of an area in which the public is not allowed to be present during the times camping is occurring; ~~((or))~~
 - ~~((10))~~ j. directly adjacent to streets and moving vehicles~~((-)); or~~
 - k. any obstruction of the ingress or egress of private property.

- C. The City shall prioritize and expedite the ~~((outreach efforts for navigation and relocation assistance to services or))~~ removal ~~((for))~~ of any unauthorized encampment within 1000 feet of schools, parks, day care centers or childcare facilities, crisis stabilization or relief centers, day centers, substance use treatment facilities, ((and)) emergency shelters, and any encampments meeting the requirements of 12.02.1009 (B).
- D. 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. Any policy or procedure relating to this section shall be denominated a “Public Rule,” and shall be adopted pursuant to Chapter 03.14 of the Spokane Municipal Code.

Section 8. There is enacted a new section 12.02.1013 to Article VI, Chapter 12.02 of the Spokane Municipal Code to read as follows:

Section 12.02.1013 Unlawful Disposal of Litter on Public Property

1. No person may place, throw, deposit or otherwise dispose of litter in any public place, public park or in the waters within the City limits.
2. Subsequent violation of this section shall constitute a misdemeanor.
3. A first-time violation of this section shall constitute a civil infraction.
4. A violation involving the disposal of one cubic foot or more of litter, or “potentially dangerous litter” shall be prosecuted in accordance with the penalty provisions of the Washington Litter Control Act (RCW 70A.200), including gross misdemeanor penalties where applicable.
5. In the event of a conflict between the provisions of this Section 12.02.1013 and RCW 70A.200 the provisions of this section shall control to the extent allowed under state law.

Section 9. That there is adopted a new Section 12.02.1014 of the Spokane Municipal Code to read as follows:

Section 12.02.1014 Data Collection, Analysis and Evaluation

- A. The Spokane Police Department, in coordination with the Spokane Fire Department, Code Enforcement, Spokane 311, Municipal Court, and the City’s designated outreach provider, shall collect data, monitor trends, and evaluate the effectiveness of this article as a tool in improving objective and perceived

community safety and navigating persons subject to enforcement under this article into treatment, housing, and other available services.

B. Data collected shall include, but is not limited to:

1. Date, time, location (landmark, block face, address) and the conduct resulting in the engagement,
2. The origination of the complaint,
3. The types of services offered and whether the individual accepted or declined,
4. Enforcement action taken,
5. Offender status or determination (e.g. repeat contact, high utilizer, etc),
6. Demographic information as offered or available, and
7. Judicial actions, referrals, and decisions of court officials,

Designated providers will collect and report in Homeless Management Information System (HMIS) their data related to formal service engagement including (service types received, length of time, and outcome/results). HMIS data released publicly will be anonymized to the extent necessary to protect privacy.

C. Data collected, monitored and analyzed may include, but are not limited to:

1. the number of persons navigated to services after engagement under this article;
2. the number of persons who refused to accept available services and navigation after engagement under this article;
3. number of citations issued under this article;
4. complaints for violations of this article received and identified by source;
5. Geographic distribution of complaints and enforcement within the City, and identification of highly-impacted locations and re-encampments;
6. Spokane Fire Department calls for service for violations of this article, including emergency medical service calls and responses for unlawful burning on public property;
7. Amount, type and locations where solid waste and litter is located because of violations of this article;
8. additional impacts of disorder, including graffiti and property vandalism, environmental degradation, nuisance property cases, property maintenance violations, recovered drug paraphernalia, and violations of the provisions required in the City's Community Health Impact Area; and

9. Cross-analysis of other data collected with similar outcome reports, including provider-collected data on service engagement and court data on adjudications and dispositions.
- D. The Spokane Police Department shall provide monthly data report and/or dashboards reflecting that data, and a quarterly high-level analysis of the foregoing matters, and shall provide no less frequently than annually a comprehensive evaluation on the effectiveness of this article to the City Council's Public Safety and Community Health Committee.
- E. In addition to the objective criteria collected and monitored in Subsection A, the Spokane Police Department and other departments coordinating this evaluation may conduct and utilize surveys, interviews, and focus groups to assess community members' and business owners' concerns about quality of life and their perceptions of safety.

Section 10. Severability. If any section, subsection, sentence, clause, phrase or word of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality thereof shall not affect the validity or constitutionality of any other section, subsection, sentence, clause, phrase or word of this ordinance.

Section 11. Clerical Errors. Upon approval by the city attorney, the city clerk is authorized to make necessary corrections to this ordinance, including scrivener's errors or clerical mistakes; references to other local, state, or federal laws, rules, or regulations; or numbering or referencing of ordinances or their sections and subsections.

Section 12. Emergency Findings. Pursuant to Section 01.01.080 Spokane Municipal Code, the City Council declares that an urgency and emergency exists such that this ordinance is needed for the immediate preservation of the public peace, health, or safety, and/or for the immediate support of City government and its existing public institutions, and that because of such need, this ordinance shall be effective immediately under Section 19 of the City Charter, upon the affirmative vote of five members of the City Council.

PASSED by the City Council on _____.

Council President

Attest:

Approved as to form:

City Clerk

Assistant City Attorney

Mayor

Date

Effective Date