

TO: City Council
FROM: Lisa Parks, City Administrator
DATE: March 19, 2024
SUBJECT: Ordinance No. O2023-014, Proposed Amendments to Tumwater Municipal Code Chapter 12.32 Public Parks

1) Recommended Action:

No action is requested. This item is for review and discussion only.

2) Background:

City staff recommended amendments to the Tumwater Municipal Code 12.32, which establishes rules and regulations for the City's public parks, to extend these provisions to all City-owned properties and facilities (Attachment A). Currently, the rules governing different types of City properties and facilities vary, creating confusion for City employees as well as visitors to these locations.

The proposed amendments that would be extended to all City properties address/restrict a variety of activities and uses including archery, advertising, dogs, fires, horseback riding, loitering or parking at night, restrictions on the use of property for private business, public events, smoking, use of alcohol, use of drones, violations, and wildlife endangerment.

Additionally, the amendments change the enforcement provisions by decriminalizing violations and conforming to current legal standards for due process. Violations other than those required by statute to be criminal misdemeanors or gross misdemeanors would be reduced to civil infractions.

The proposed amendments include a new section (12.32.065) to address situations where the City is required by law to suspend enforcement of the prohibition on night time loitering for indigent or houseless persons when there is no space available in reasonably accessible shelters. Of the 26 different rules/restrictions established by the Ordinance, this "enforcement suspension" only applies to one section (12.32.020.F) related to "...loitering in the night...". This provision has created significant concern among community members worried about impacts to neighborhoods, to public health and safety and to parks operations.

After receiving public comment in November, the City Council directed staff to conduct additional community outreach to both provide information and clarification around the proposed amendments, and to provide the community an opportunity to express their thoughts and concerns. On February 12, 2024, staff held a Community Conversation at the Tumwater High School commons, which was attended by more than 100 people. The feedback forms from that effort have been compiled and are attached to this report (Attachment B). These comments are in addition to those already received via emails sent to the City Council, beginning in mid-November of 2023.

At the work session, staff will review several potential alternatives the City Council may want to consider in determining the next steps for the proposed amendments.

Any action on these proposed amendments by the City Council would be considered at a future regular meeting of the Council.

3) Policy Support:

Build a Community Recognized for Quality, Compassion and Humanity

4) Alternatives:

The alternatives for future action on the proposed amendments that will be presented and discussed at the work session include:

1. Don't adopt the proposed amendments.
2. Adopt the proposed amendments as currently written.
3. Adopt modifications to the proposed amendments including two options related to Section 12.32.065:
 - Delete this section from the proposed amendments; or,
 - Modify this section to read as follows:

“Enforcement of TMC 12.32.020(F) nighttime exclusion shall be suspended for persons who are indigent and homeless any time there is no space or beds available in reasonably accessible homeless shelters, to the extent such available space is required by law.

At all times, regardless of the availability of shelter space or beds, it is unlawful to camp or store personal property, including camp facilities and camp paraphernalia, at any time in the following locations:

- A. Where such activity poses:
- i. a substantial danger to any person,
 - ii. an immediate threat or an unreasonable risk of harm to public health or safety, or
 - iii. a disruption to vital government services.

B. In or upon any conservation lands, environmentally sensitive or geologically hazardous areas, or any natural areas abutting rivers, streams, creeks and their tributaries.

C. Within one thousand (1,000) feet of a park, a daycare center or childcare facility (as defined in RCW 35.63.170(3-4)), or a public or private school (as defined in RCW 28A.150.010 and RCW 28A.195.010)).”

5) Fiscal Notes:

N/A

6) Attachments:

- A. Ordinance No. O2023-014, Current Proposed Amendments to TMC 12.32
- B. February 12, 2024 Community Conversation Feedback Forms