



## AGENDA BILL

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|----------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Agenda Item</b>         | Camping Restriction Ordinance                                                                                                                     |
| <b>Sponsor</b>             | Eric Lund, Interim Chief of Police                                                                                                                |
| <b>Legislative History</b> | June 22, 2026      Community Services & Safety Committee<br>July 13, 2026      Committee of the Whole<br>July 20, 2026      Regular Meeting       |
| <b>Recommended Motion</b>  | <input type="checkbox"/> Discussion Only <input checked="" type="checkbox"/> Action Requested<br><b>MOVE TO</b> adopt the ordinance as presented. |

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### **EXECUTIVE SUMMARY**

The proposed ordinance would establish camping on public property as a criminal offense within the City of Tukwila. Its primary intent is to address growing public-safety concerns, preserve accessibility of public spaces, and create a consistent legal framework for responding to unauthorized encampments. The ordinance is designed to give officers clearer enforcement authority while aligning the City's practices with recent legal requirements and court decisions that govern public-space management. For example, The U.S. Supreme Court's decision in the City of Grants Pass v. Johnson (2024) confirms that municipalities may enforce reasonable, content-neutral public camping regulations regardless of shelter availability.

Under the proposal, camping on public property would be prohibited unless explicitly authorized. Violations could result in misdemeanor charges, with enforcement guided by departmental policy emphasizing voluntary compliance when possible.

The Police Department remains committed to offering referrals to services, shelter, and supportive resources as a first step, ensuring individuals experiencing homelessness are given every reasonable opportunity to seek assistance prior to any enforcement action.

### **DISCUSSION**

When individuals establish an encampment on public property—such as parks, rights-of-way, sidewalks, or other city-owned areas—officers respond based on documented safety hazards, public health concerns, or interference with the intended use of the property. Because there is no specific local ordinance prohibiting camping on public land, officers typically rely on voluntary compliance efforts, and coordination with outreach teams. This results in an approach that emphasizes engagement and resource connection while ensuring the public property remains safe, accessible, and usable for its intended purpose.

When individuals refuse to leave an encampment on public property and police action becomes necessary, officers must operate within the strict legal framework governing the use of force in Washington State. Under RCW 10.120, officers may use physical force only when it is necessary to carry out a lawful duty.

This ordinance does not alter the Tukwila Police Department's longstanding practice of prioritizing outreach, resource connection, and voluntary compliance before taking any enforcement action. Officers will continue to work closely with social-service partners to offer shelter options, behavioral

health resources, and other supportive services prior to considering an arrest or citation. The ordinance simply provides a legal framework for addressing unlawful camping on public property, when necessary, but it does not diminish the department's commitment to engaging individuals respectfully, attempting to resolve situations without enforcement, and using arrest only as a last resort.

The City and Police Department engaged in community outreach by inviting partners and people to the table who could provide insight into the impacts on those most affected. In these meetings we heard differing viewpoints, including from those opposing such changes. However, community input increasingly reflects a strong desire for the city to take additional measures to address homelessness. Since 2022, the police department has received 53 complaints regarding encampments through the Tukwila Works app.

Both City staff and the City Attorney have reviewed the draft ordinance, and edits based on their feedback have been integrated.

### **ATTACHMENTS**

Draft Ordinance – TMC 8.41

## DRAFT

### **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TUKWILA, WASHINGTON, RELATING TO CAMPING ON CITY PROPERTY; ESTABLISHING A NEW CHAPTER 8.41 OF THE TUKWILA MUNICIPAL CODE, "CAMPING REGULATIONS"; PROVIDING FOR SEVERABILITY; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE.**

**WHEREAS**, Article XI, Section 11 of the Washington Constitution and RCW 35A.11.020 authorize the City of Tukwila ("City") to regulate public property, including City parks, rights of way, and public utility property; and

**WHEREAS**, camping on public property is a public health, safety, and risk concern due to interference with other intended uses, such as daily government operations, public events, recreational activities, utility service, and pedestrian, bicycle, and vehicular traffic; and

**WHEREAS**, camping without adequate sanitation services, such as sewer, water, and garbage removal, presents a public health hazard due to the increased risk of disease and virus transmission; and

**WHEREAS**, many public properties are developed for specific uses and should be available to the public for the property's intended purpose, including City operations, recreation, transportation, utility service, public service events, environmental protection, and other public uses; and

**WHEREAS**, in *City of Grants Pass v. Johnson*, 603 U.S. 520 (2024), the United States Supreme Court held that generally applicable laws regulating or prohibiting camping on public property do not constitute cruel and unusual punishment under the Eighth Amendment to the United States Constitution, and that cities may enforce such laws to manage the use of public spaces; and

**WHEREAS**, the Tukwila City Council is committed to a service first philosophy that ensures members of our homeless community are treated with dignity and respect, and

that city staff implement administrative practices where housing, mental health, drug addiction, employment, and other types of services are offered prior to punitive enforcement action;

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF TUKWILA, WASHINGTON, HEREBY ORDAINS AS FOLLOWS:**

**Section 1. Adoption of Findings of Fact.** The City Council hereby adopts the foregoing recitals and incorporates them herein as support for this Ordinance.

**Section 2. TMC Chapter 8.41 Established.** Tukwila Municipal Code (TMC) Chapter 8.41, entitled “Camping,” is hereby established to read as follows:

**CHAPTER 8.41  
CAMPING REGULATIONS**

**Sections**

|          |                            |
|----------|----------------------------|
| 8.41.010 | Purpose.                   |
| 8.41.020 | Unlawful Camping.          |
| 8.41.030 | Definitions.               |
| 8.41.040 | Rules.                     |
| 8.41.050 | Penalties and Enforcement. |

**Section 3. Regulations Established.** A new TMC Section 8.41.010, “Purpose,” is hereby established to read as follows:

**8.41.010 Purpose.**

The purpose of this chapter is to prevent harm to the health and safety of the public and environment, and to promote the public health, safety, and general welfare and environment by keeping public streets, sidewalks, parks, and other city-owned and/or city-maintained public property within the city readily accessible to the public, and to prevent use of city-owned and/or city-maintained public property for camping purposes or storage of personal property that interferes with the rights of others to use the areas for the purposes for which they were intended.

**Section 4. Regulations Established.** A new TMC Section 8.41.020, “Unlawful Camping,” is hereby established to read as follows:

**8.41.020 Unlawful Camping.**

- A. *Camping Prohibited.* It is unlawful for any person to camp, occupy camp facilities, or use camp paraphernalia on city property, except as set forth in subsection C of this section.

- B. *Storage of Camping Facilities and Paraphernalia Prohibited.* It is unlawful for any person to store camp facilities and camp paraphernalia on city property, except as otherwise provided by ordinance.
- C. *Exceptions.* The prohibitions contained in subsections A and B of this section shall not apply if:
1. The person is camping or using camp paraphernalia or camp facilities as permitted under this subsection:
    - a. The Director of Parks and Recreation, Director of Public Works, or their Designee(s) may approve a permit for camping on city property if the Directors finds, based upon a permit application and information otherwise obtained, that:
      - (1) Adequate sanitary facilities are provided and accessible at or near the camp site;
      - (2) Adequate trash receptacles and trash collection will be provided;
      - (3) The camping activity will not unreasonably disturb or interfere with the peace, comfort and repose of other users or adjacent or nearby private property owners;
      - (4) The camping activity is not reasonably likely to cause injury to persons or property, to provoke disorderly conduct, or to create a disturbance;
      - (5) Any tent or shelter being used will provide an unobstructed view through such tent or shelter from at least two sides; and
      - (6) Allowing the camping is in the public interest.
    - b. The Director of Parks and Recreation and Public Works Director are authorized to promulgate rules and regulations regarding the implementation and enforcement of this section.
    - c. Seven days is the maximum period of time a permit may authorize camping on city property.

**Section 5. Regulations Established.** A new TMC Section 8.41.030, "Definitions," is hereby established to read as follows:

**8.41.030 Definitions.**

- A. "City property" as used in this section means all improved and unimproved real property owned or leased by the City of Tukwila, and all City of Tukwila easements, including but not limited to all portions of city parks, as defined in TMC Chapter 12.08, city buildings, rights-of-way, city parking lots, and city environmentally sensitive areas. City property shall not include religious organization property subject to RCW 35A.21.360.

- B. "Camp" or "camping" means to pitch, create, use, or occupy camp facilities for the purposes of habitation, living accommodation, or dwelling, as evidenced by the storage of personal belongings in "camp facilities" or the use of "camp paraphernalia."
- C. "Camp facilities" include, but are not limited to, tents, tarps configured for shelter, huts, and temporary shelters. "Camp facilities" does not include shelters when used temporarily in a park for recreation or play during hours when the park is open to the public.
- D. "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.
- E. "Director of Parks and Recreation" means the Director or their designee(s).
- F. "Store" means to put aside or accumulate for use when needed, to put for safekeeping, to place or leave in a location.

**Section 6. Regulations Established.** A new TMC Section 8.41.040, "Rules," is hereby established to read as follows:

**8.41.040 Rules.**

The Chief of Police is hereby authorized to adopt rules, regulations, administrative policies, and procedures for implementing TMC sections 8.41.010 and 8.41.020.

**Section 7. Regulations Established.** A new TMC Section 8.41.050, "Penalties and Enforcement," is hereby established to read as follows:

**8.41.050 Penalties and Enforcement.**

- A. A violation of this section is a misdemeanor punishable by up to 90 days in jail and/or up to a \$1,000 fine.
- B. When any police officer, park ranger (TMC 12.08.050(K)), code enforcement officer (TMC 8.45.030), or other duly commissioned officer has probable cause to believe that any person has violated this chapter, the officer may order such person to immediately leave the property where the violation is occurring. Any person refusing to comply with such an order or returning to the property on the same calendar day as such an order is issued is subject to prosecution for criminal trespass pursuant to chapter 9A.52 RCW and/or TMC Section 8.40.040. Additionally, any police officer, park ranger, or other duly commissioned officer may:

- 1. Issue a misdemeanor pursuant to TMC Section 8.41.040(A);

2. Issue the person a trespass warning excluding them from the property where the violation is occurring, as set forth in TMC Chapter 8.23.

**Section 8. Implementation of Ordinance.** The Mayor and designee(s) are authorized to take such further actions and implement any administrative procedures necessary to implement and/or carry out the directives of this Ordinance.

**Section 9. Corrections by City Clerk or Code Reviser Authorized.** Upon approval of the City Attorney, the City Clerk and the code reviser are authorized to make necessary corrections to this Ordinance, including the correction of clerical errors; references to other local, state or federal laws, codes, rules, or regulations; or ordinance numbering and section/subsection numbering.

**Section 10. Severability.** If any section, subsection, paragraph, sentence, clause or phrase of this Ordinance or its application to any person or situation should be held to be invalid or unconstitutional for any reason by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of the remaining portions of this Ordinance or its application to any other person or situation.

**Section 11. Effective Date.** This Ordinance or a summary thereof shall be published in the official newspaper of the City and shall take effect and be in full force five (5) days after passage and publication as provided by law.

PASSED BY THE CITY COUNCIL OF THE CITY OF TUKWILA, WASHINGTON, at a Regular Meeting thereof this \_\_\_\_ day of \_\_\_\_\_, 2026.

ATTEST/AUTHENTICATED:

\_\_\_\_\_  
Andy Youn-Barnett, City Clerk

\_\_\_\_\_  
Thomas McLeod, Mayor

APPROVED AS TO FORM BY:

Filed with the City Clerk: \_\_\_\_\_

Passed by the City Council: \_\_\_\_\_

Published: \_\_\_\_\_

Effective Date: \_\_\_\_\_

Ordinance Number: \_\_\_\_\_

\_\_\_\_\_  
Office of the City Attorney