

ORDINANCE NO. 4898

AN ORDINANCE of the City Council of the City of Bremerton, Washington, creating a new chapter of the Bremerton Municipal Code, Chapter 9.32 entitled "Unauthorized Camping" to establish provisions relating to unauthorized camping in parks and other public places and further amending Chapter 10.11 entitled "Enforcement" to update provisions relating to parking restrictions in public rights-of-way and enforcement of parking violations.

WHEREAS, the current provisions of the Bremerton Municipal Code do not contain adequate provisions relating to unauthorized camping in parks and other public places; and

WHEREAS, the City Council finds it appropriate to update the current provisions of the Bremerton Municipal Code relating to parking restrictions in public rights-of-way and enforcement of parking violations; and

WHEREAS, the City Council desires to adopt provisions relating to unauthorized camping and update the provisions relating to parking in order to promote the health, safety and welfare of the community; NOW THEREFORE,

THE CITY COUNCIL OF THE CITY OF BREMERTON, WASHINGTON, DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. A new chapter, Chapter 9.32 entitled "Unauthorized Camping" is hereby adopted to read as follows:

**Chapter 9.32
UNAUTHORIZED CAMPING**

9.32.010 DEFINITIONS.

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

- (a) *Camp* means (i) to dwell, reside within or use camping facilities for temporary or permanent habitation or housing; and/or (ii) to use camping paraphernalia.
- (b) *Camping facilities* include, but are not limited to, recreational vehicles, motor vehicles, trailers, tents, huts, or temporary shelters.
- (c) *Camping paraphernalia* includes, but is not limited to, tarpaulins, cots, beds, sleeping bags, hammocks, or non-city-designated cooking facilities and similar equipment.
- (d) *Director* means any director of a City of Bremerton department having authority over a public place or any other person authorized by the mayor to exercise such authority or his or her designee.

(e) *Park* means and includes all city parks, public squares, park drives, parkways, boulevards, golf courses, park museums, zoos, bathing beaches, and play and recreation grounds under the jurisdiction of the City of Bremerton Parks and Recreation Department.

(f) *Public place* means and includes streets, ways, boulevards, sidewalks, planting or parking strips, shoulders, squares, triangles, rights-of-way, publicly owned parking lot or publicly owned area, improved or unimproved, and other public places appropriated to the public for public use, including buildings, structures and appurtenances situated thereon.

(g) *Recreational vehicle* means a travel trailer, motor home, truck camper, or camping trailer that is primarily designed and used as temporary living quarters, is either self-propelled or mounted on or drawn by another vehicle, is transient and is not immobilized or permanently affixed to a mobile home lot.

(h) *Store* means to put aside or accumulate for use when needed, to put for safekeeping, to place or leave in a location.

(i) *Street* means any highway, avenue, lane, road, street, drive, place, boulevard, alley, right-of-way, and every way or place in the City of Bremerton open as a matter of right to public vehicular travel.

9.32.020 UNAUTHORIZED CAMPING IN PUBLIC PLACES.

Except as permitted by permit pursuant to BMC 9.32.040 or as otherwise provided by city code or ordinance, it shall be unlawful for any person to camp in any park or other public place.

9.32.030 UNAUTHORIZED STORAGE IN PUBLIC PLACES.

Except as permitted by permit pursuant to BMC 9.32.040 below or as otherwise provided by city code or ordinance, it shall be unlawful for any person to store, pitch or park camping facilities or to store or pitch camping paraphernalia in any park or other public place. Recreational vehicles may be parked in authorized parking spaces within city public rights-of-way subject to the provisions of Chapter 10.11 BMC.

9.32.040 PERMIT.

(a) The director is authorized, by permit, to allow persons to camp, occupy camping facilities, or use or store camping paraphernalia within or on any park or other public place that may be designated by the city for such use in the City of Bremerton subject to other applicable codes or ordinances.

(b) The director may approve a permit as provided under this section if the director determines that:

- (1) Adequate trash receptacles, trash collection and sanitary facilities are available;
- (2) The camping activity will not unreasonably disturb or interfere with the peace, comfort, and repose of property owners in the area; and
- (3) The camping activity is not reasonably likely to provoke disorderly conduct or create a disturbance.

(c) The director may place terms and conditions on any permit as he or she finds appropriate for the conditions considering the use and impacts of such use.

9.32.050 PENALTY FOR VIOLATIONS.

(a) *Civil Infraction.* A violation of any provision of this chapter shall constitute a civil infraction subject to a monetary penalty of one hundred five dollars (\$105.00). Each day, or a portion thereof, during which a violation occurs shall constitute a separate violation.

(b) *Habitual violators - misdemeanor.* Any person, after receiving three or more infractions, singularly or in combination, for prior violations of this chapter within a two-year period found to be committed by the Municipal Court, shall be guilty of a misdemeanor pursuant to BMC 1.12.020(2) upon a subsequent violation within said two-year period. A conviction of a misdemeanor under this subsection shall be considered and counted as an infraction for the purpose of determining whether or not a violator is a habitual violator.

9.32.060 RULES AND REGULATIONS.

The director may promulgate rules and regulations he or she deems necessary and appropriate to implement, administer and enforce this chapter.

SECTION 2. The title to Chapter 10.11 of the Bremerton Municipal Code entitled "Enforcement" is hereby amended to read as follows:

Chapter 10.11
PARKING ENFORCEMENT

SECTION 3. A new section, Section 10.11.050 entitled "Definitions" is hereby adopted to read as follows:

10.11.050 DEFINITIONS.

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

(a) *Director* means Director of Public Works or other department director authorized by the Mayor to enforce this chapter, or their designee.

(b) *Right of way* or *Street* means any highway, avenue, lane, road, drive, place, boulevard, alley, right-of-way, ways, boulevards, sidewalks, planting or parking strips, shoulders and every way or place in the City of Bremerton open as a matter of right to public vehicular travel or parking or other similar public use.

(c) *Recreational vehicle* means a travel trailer, motor home, truck camper, or camping trailer that is primarily designed and used as temporary living quarters, is either self-propelled or mounted on or drawn by another vehicle, is transient and is not immobilized or permanently affixed to a mobile home lot.

(d) *Vehicle* means truck, vehicle, van, tractor, bus, trailer (including boat trailer with or without a boat situated thereon), recreational vehicle, tractor or semi-trailer, motorcycle, dune buggy, off road vehicle, or marine vehicle (trailered or non-trailered), whether licensed or unlicensed, or motorized or non-motorized, unless otherwise defined

SECTION 4. Section 10.11.010 of the Bremerton Municipal Code is hereby amended to read as follows:

10.11.010 ADDITIONAL PARKING VIOLATIONS.

In addition to those statutes adopted by reference in BMC 10.04.010 restricting standing, stopping and parking of vehicles, it shall be unlawful and punishable as a civil infraction for any person to commit any of the following actions:

(a) *Parking in Time Limit and No Re-park Zones.*

(1) Downtown Core. Where a time limit and no re-park is established by official signs, no vehicle may be re-parked on either side of the same street in order to extend the vehicle's parking time beyond the time limits established. For purposes of this section, a vehicle shall be deemed to be re-parked and in violation of this section despite any movement of the vehicle unless the vehicle is moved to another street with a different street name than the street the vehicle was originally parked upon.

(2) Residential. Where posted, it is unlawful for a vehicle to remain parked, or to be re-parked within four (4) blocks of original parking location within a residential parking permit area, if the parking time or combined parking time for the vehicle exceeds the time limitations of the parking zone. Vehicles issued permits under Chapter 10.10 BMC shall be exempt from posted time limits according to the terms of the permit.

(b) *Counterfeit Permits.* It is unlawful for any person to copy, reproduce, or otherwise counterfeit a parking permit or to possess any counterfeit copy or facsimile of a City parking permit.

(c) *Unauthorized Use of Permit.* It is unlawful for any person issued a parking permit by the City to:

(1) Lend, sell or assign said permit to another;

(2) Display any permit issued to another; or

(3) Display any permit issued when the recipient of the permit is no longer eligible pursuant to Chapter 10.10 BMC.

(d) *Counterfeit Tokens, Permits or Script.* It is unlawful to manufacture, use or possess any counterfeit of an official token, parking permit or script distributed by the City for use in any fee collection device.

(e) *Tampering With Parking Meters or Collection Devices.* No person shall deface, injure, tamper with, open, or willfully break, destroy, or impair the usefulness of any parking meter or collection device.

(f) *Unauthorized Handicapped Parking.* It is a traffic infraction for any person to park a vehicle in a public place provided on private property without charge or on public property reserved for physically disabled persons without a special license plate, card or decal as provided for in RCW 46.16.381(1) and (2). If a person is charged with a violation, the person shall not be determined to have committed an infraction if the person produces in court or before the court appearance the special license plate, card, or decal required under this section or demonstrates that the person was entitled to the special license plate, card or decal.

(g) *Expired Registration.* It is unlawful to park any vehicle in a public right-of-way or on public property without a current vehicle license registration tab displayed according to law.

(h) *Unlawful Parking in City Lot.* In addition to other enforcement remedies, it is unlawful to park any vehicle in a City-owned parking lot or structure without paying the posted fee or parking in excess of posted time limits or in violation of use restrictions.

(i) *Obliterating Tire Markings.* It is unlawful to conceal, obliterate, or erase markings on

vehicle tires made by a parking enforcement officer for the purpose of recording parking time.

(j) *False Application.* It is unlawful for any person to intentionally provide false or misleading information on any application for a parking permit.

(k) *Failure to Surrender Permit.* The Director ~~of~~ is authorized to revoke the residential parking permit of any person found to be in violation of its intended use. Upon written notification of permit revocation by the Director ~~of Administrative Services~~, it shall be unlawful for any person to fail to surrender a parking permit as directed.

(1) *Parking or Storage of Vehicles within Right-of-Way.* Except when otherwise provided by right-of-way use permit or other appropriate city or state permit, the parking or storage of vehicles shall be subject to the following parking restrictions:

(1) *Time Restriction.* Parking or storage of any vehicle in excess of seventy-two (72) consecutive hours, ~~of motorized or non motorized conveyances or motor vehicles~~ in a public right-of-way shall be unlawful ~~without a right-of-way use permit or other appropriate city or state permit~~. During continued consecutive hours of parking, after the initial seventy-two (72) hour period, relocation of the ~~conveyance or motor~~ vehicle within five hundred (500) feet, and still within a public right-of-way, shall be considered to be the same location within the right-of-way for purposes of calculating the seventy-two (72) hour parking restriction. ~~Motor vehicles or nonmotorized conveyances exceeding ten thousand (10,000) pounds gross vehicle weight or twenty-two (22) feet in length, may not repark in excess of one hundred twenty (120) hours within any consecutive thirty (30) day period~~

(2) *Oversized Vehicles -Additional Restrictions.* The city council finds that the parking and storage of vehicles exceeding twenty-two (22) feet in length (including any attached trailer) or with a maximum gross vehicle weight exceeding ten thousand (10,000) pounds (“oversized vehicles”) presents unacceptable risks and hazards to public health, safety and welfare when such vehicles are parked or stored on city streets at times when such vehicles are not engaged in business or commercial activity. Because of these risks and hazards to public health, safety and welfare, the city council further finds that the parking and storage of such vehicles on city streets should be minimized. Therefore, in addition to the restrictions set forth in subsection BMC 10.11.010(1)(1) above, no oversized vehicle may re-park in a previously parked location in excess of one hundred twenty (120) hours within any consecutive thirty (30) day period. Relocation of any oversized vehicle within five hundred (500) feet and still within a public right-of-way shall be considered a previously parked location within the right-of-way.

(m) *Parking Against Traffic.* Except when otherwise provided by city code, ordinance or resolution, it shall be unlawful for any vehicle to stop or park upon a right of way unless;

(1) stopped or parked parallel (or at an angle when authorized) to the traveled portion of the right of way,

(2) in the direction of authorized traffic movement of the right of way immediately adjacent thereto, and

(3) within twelve inches of the curb or as close as practicable to the edge of the shoulder.

In the event of a conflict between the provisions of this subsection and RCW 46.61.575 adopted as part of the Washington Model Traffic Ordinance pursuant to Chapter 10.04 BMC, the provisions of this subsection shall apply.

(n) *Parking Fee - Non-payment.* It is unlawful to park a vehicle in any parking space monitored by a parking fee collection device, including parking meters, without payment as indicated on the collection device.

(o) *Parking Fee - Time Permitted.* It is unlawful to park a vehicle in any parking space monitored by a collection device, including parking meters, for a consecutive period of time longer than that limited period of time for which parking is lawfully permitted in the time zone, irrespective of the amount of money deposited in such collection device.

~~(o) *Unauthorized Use of Recreational Vehicle.* It is unlawful for any person to use a recreational vehicle as defined in the Bremerton Zoning Code, for habitation on any street, alley or highway, or other public place that is not officially designated for that use. Violation of this section shall constitute a civil infraction. Habitation shall mean occupation of the vehicle for four (4) hours or more between the hours of 7:00 p.m. and 7:00 a.m.~~

SECTION 6. *Severability.* If any one or more sections, subsections, or sentences of this ordinance are held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portion of this ordinance and the same shall remain in full force and effect.

SECTION 7. *Effective Date.* This ordinance shall take effect and be in force ten (10) days from and after its passage, approval and publication as provided by law.

APPROVED by the City Council the 19th day of May, 2004

PASSED by the City Council the 26th day of May, 2004

DAREN NYGREN, Council President

Approved this _____ day of _____, 2004

CARY BOZEMAN, Mayor

ATTEST:

APPROVED AS TO FORM:

PAULA JOHNSTON, Interim City Clerk

ROGER A. LUBOVICH, City Attorney

PUBLISHED the 28th day of May, 2004
EFFECTIVE the 7th day of June, 2004
ORDINANCE NO. 4898

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