

Standard Operating Procedure for Enforcement and Removals in Prohibited Areas under Chapter 8.19 Tacoma Municipal Code

Information in this Standard Operating Procedure (SOP) shall apply to the unauthorized camping or unauthorized storage of personal property on public property within prohibited areas covered by Chapter 8.19 Tacoma Municipal Code (TMC) only. Encampments outside of these prohibited areas shall be addressed under the City's Encampment Removal Policy.

1. Definitions—The defined terms in TMC 8.19.020 apply to this policy. Additional terms are defined herein.

“Encampment” is defined to mean camp, camp facility and storage of personal property, as used in TMC 8.19.

“HEAL” team means outreach staff comprising the Homeless Engagement and Alternatives Liaison team employed the City of Tacoma.

"Immediate hazard" means an encampment where people camping outdoors are at risk of serious injury or death beyond that caused by increased exposure to the elements, or their presence creates a risk of serious injury or death to others, or the encampment presence is causing imminent compromise to the structural integrity of the surrounding location. Immediate hazard encampments include but are not limited to encampments at highway shoulders and off-ramps, areas exposed to moving vehicles, areas that can only be accessed by crossing driving lanes outside of a legal crosswalk, and landslide-prone areas, and along or on top of river levees, or other critical environmental areas, where the lack of sanitation facilities results in human solid or liquid waste being discharged therein.

“Location” as is used in TMC 8.19.050 means any prohibited area where camping or storage is occurring.

“NCS” means the Neighborhood and Community Services Department.

"Obstruction" means people, tents, personal property, garbage, debris or other objects related to an encampment that: are in a City park or on a public sidewalk; interfere with the pedestrian or other modes of transportation of public rights-of-way; or interfere with areas that are necessary for or essential to the intended use of a public property or facility.

“Personal property” means an item that is reasonably recognizable as belonging to a person; has apparent utility in its present condition and circumstances and is not hazardous.

- 1.1.1 Examples of personal property include but are not limited to identification documents, personal papers and/or legal documents, tents, bicycles, radios

and other electronic equipment, eyeglasses, prescription medications, photographs, jewelry, and medical devices such as crutches or wheelchairs.

- 1.1.2 Personal property does not include building materials such as wood products, metal, pallets, or rigid plastic, nor does it include other large and/or bulky items such as furniture (sofas, dressers, etc.). City personnel or the City's contractor will determine whether an item is personal property, and in cases when the status of an item cannot reasonably be determined by City personnel's good faith and best judgement based on the totality of the circumstances, City personnel will treat the item as personal property under this rule.

"Prohibited Area" means the area encompassed by the 10-block radius around temporary shelters and Aspen Court, as well as the Protected Waters, as is described in Tacoma Municipal Code 8.19.

2. Enforcement when there is a significant risk to life, public health or safety.

- 2.1 When there is a significant risk to life, public health or safety, pursuant to TMC 8.19.050, in a prohibited area where camping or storage of personal property is occurring, no "notice" outlined below is required to enforce TMC 8.19 or remove the encampments associated with this significant risk. Encampments may be removed immediately according to applicable laws and rules. The provisions of Sections 3, 4, and 5 of this policy do not apply to removing obstructions and immediate hazard camps, camp facilities or personal property. "Significant risk to life, public health or safety" includes obstructions and immediate hazards.
- 2.2 If the obstruction is not immediately removed, a notice shall be affixed to the obstruction by the City as soon as reasonably possible. The notice shall state: (1) the date the notice was posted; (2) that the obstruction must be immediately removed and is subject to removal by the City without further notice; (3) where any personal property removed by the City may be stored; and (4) how any stored personal property may be claimed.

3. Notice required pursuant to Tacoma Municipal Code 8.19.050

- 3.1 NCS-HEAL will post and distribute notices in each prohibited area where the City observes an encampment. The notice shall state that camping or storing of personal property is prohibited in that area. Such notice shall be in substantially the same form as Appendix A.
- 3.2 Notice for each prohibited area will be issued based on the schedule determined by the City.
- 3.3 The process for posting this notice is outlined in **Section 5** below.

- 3.4 A schedule of planned notice postings and distribution in prohibited areas will be displayed on the City website and be considered notice for the Tacoma Pierce County Coalition to End Homelessness.
- 3.5 NCS-HEAL Team shall document posting of notice at locations throughout the prohibited area with photographs. They shall also record the date, location and names of city staff who conducted the posting.
- 3.6 **No notice is required** when there is a reasonable belief there is significant risk to life, public health or safety, or property due to the camping or storage of personal property at this location as prohibited herein. See TMC 8.19.050 and Section 2 above.
- 3.7 Once two weeks have passed since the City posted the notice at the last identifiable encampment in a prohibited area, the entirety of that prohibited area shall be considered sufficiently noticed for future enforcement actions as allowed by TMC 8.19.050.
- 3.8 A statement that sufficient notice has been completed in a prohibited area shall be displayed on the City's website.

4. Encampment removal notice and process.

- 4.1 At the same time NCS-HEAL posts notice as required in Section 3, NCS-HEAL shall also post at each encampment in the prohibited area, a notice that removal of the encampment will be occurring, and the timeline for such removal. The notice shall be reasonably similar to what is demonstrated in Appendix B.
- 4.2 The process of the encampment removal notice is provided in **Section 5** below.
- 4.3 If the action to physically remove the encampment is not commenced by the City within the removal date and time range provided in the notice, the NCS-HEAL Team shall re-post notice of the encampment removal before such removal may occur and such re-posting shall comply with Section 5 below.
- 4.4 Nothing in this section shall prohibit the City from allowing removal of a large encampment to occur over a period of several days, until completion, so long as removal operations commence within the time frame identified in the notice.
- 4.5 NCS-HEAL Team shall document posting of notice at locations throughout the prohibited area with photographs. They shall also record the date, location and names of city staff who conducted the posting.

5. Notice requirements for Sections 3 and 4.

- 5.1 Notices outlined in Section 3 and 4 above shall be printed in English as well as any other language the City determines would further the purpose of the notice. The notices shall be printed in simple and legible font.

- 5.2 The notices shall be posted at the encampment in a manner reasonably calculated to be seen, preferably in multiple locations. NCS-HEAL Team shall monitor the area before removal to ensure that notices remain visible and shall repost if necessary.
- 5.3 Notices shall be posted on, or as close as reasonably practicable, to each tent or structure which is subject to removal.
- 5.4 If individuals are present at the encampment, oral notice shall, if reasonably possible, be given to the individuals that camping and storage of personal property is prohibited in that location and that the encampment is subject to removal as provided for in the posted notice.
- 5.5 NCS-HEAL Team will display on the City's website when encampment locations within the restricted areas are identified and posted for removal.

6. Outreach for Encampment Removals

- 6.1 NCS-HEAL Team shall visit each encampment site at least once between the time the notice of removal is posted and the scheduled removal date.
- 6.2 NCS-HEAL Team shall be present on the date an encampment removal is scheduled to start according to the posted notice and shall continue to offer resources until the encampment removal is completed.
- 6.3 NCS-HEAL Team may leave an encampment removal operation after outreach services have been refused by the individuals occupying the encampment. NCS-HEAL Team shall return to the site if an individual requests services before the removal is complete.
- 6.4 NCS-HEAL Team or contracted outreach services shall maintain a list of each individual contacted in the location and whether that individual accepted or declined services and what services were accepted. This list should be maintained in such a manner that information regarding the number of individuals offered and accepting services in each removal location is easily delineated.

7. Encampment Cleanup

- 7.1 Any individuals remaining on site when the cleanup commences shall be given a final warning and reasonable opportunity to leave before any enforcement action is taken pursuant to Section 11 below.
- 7.2 The City or its contractor shall take reasonable steps to segregate personal property from material that is not personal property, provided segregation does not pose a danger to the individual segregating the personal property from other material.
- 7.3 Tents and/or structures that were not previously posted with a notice of removal but are in the immediate area of tents or structures that were posted with a notice may be removed, if the tents or structures were placed in the immediate area after notices were posted.

- 7.4 Personal property may be stored in accordance with the guidelines in this policy in Section 9. If personal property is stored, it may be recovered as provided in Section 10.
- 7.5 The City may remove and dispose of garbage, debris, waste, hazardous items and other like material. Items that may present a health and safety hazard due to contamination by blood, liquid waste, solid waste, dirt filth or other potentially infectious agent shall be removed and disposed of.
- 7.6 If, during the removal process, an individual on site is protesting removal of a personal property item, as that term is defined herein, the City, or its contractor, shall provide a reasonable opportunity for the individual to remove it. However, the individual shall be advised that encampment removal work at the site shall continue and that if the individual fails to remove the personal property item before cleanup is complete, such item will be stored and may be retrieved from storage per Sections 9 and 10. The individual shall be provided with the contact information for the storage location in Section 10.
- 7.7 If the individual has an item that does not meet the definition of personal property, as defined herein, the person shall be provided a reasonable opportunity to remove the item. However, the individual shall be advised that encampment removal work at the site shall continue and that if the individual fails to remove the item before cleanup is complete, such item may be deemed abandoned and disposed of.
- 7.8 The City, or its contractor, should thoroughly document all actions during the removal process to demonstrate any property being disposed of is either hazardous or has no apparent remaining utility.

8. Post Encampment Notice

- 8.1 Areas that have been cleared may be posted with signage indicating that the location is within a prohibited area under TMC 8.19 and camping or storing personal property in the area is prohibited.

9. Storage of Personal Property Removed by the City.

- 9.1 The City, NCS-HEAL Team shall store all personal property, as defined herein, when removing obstructions and immediate hazards, or when removing property in violation of TMC 8.19, provided the City has no obligation to store personal property that is hazardous (for example, a needle-strewn tent) or is reasonably expected to become a hazard during storage (for example, wet bedding materials).
- 9.2 Personal property shall be stored at a location commonly used by the City for storing property, which shall be accessible by public transportation.
- 9.3 The City, NCS-HEAL Team shall maintain a log of personal property removed and stored. Each item logged shall be kept until the personal property is recovered by its owner, or the property is discarded as permitted under these rules. The log shall

indicate to whom the property was released and the date of the release, or in the event the property is not recovered, the date of destruction or disposal.

10. Recovering Stored Property

- 10.1 Individuals claiming that property has been removed by the City may call the Tacoma FIRST311 Customer Support Center and will be informed of how to recover the property.
- 10.2 NCS-HEAL Team personnel are responsible to coordinate with individuals claiming personal property. Personal property may be recovered by the individual at the location where the property is stored.
- 10.3 NCS-HEAL Team shall create a personal property log. The individual shall describe the personal property sought with particularity. No formal legal identification, such as displaying a valid driver's license, will be required as a predicate before an individual can recover the property. The log of personal property shall indicate the name as provided by the individual who received the recovered property. If there are no circumstances indicating a competing claim of ownership, the property shall be released to the individual seeking its recovery. In the event two or more persons claim ownership of the same item, NCS-HEAL should consult with the Legal Department of the City prior to releasing the property.

11. Enforcement of TMC 8.19 Once a Prohibited Area has been declared sufficiently noticed

- 11.1 Once a prohibited area has been declared sufficiently noticed, no further notice is required to enforce violations of TMC 8.19 or remove encampment locations within a specific prohibited area.
- 11.2 Enforcement shall be prioritized and removal of property and debris utilizing the following considerations, which are in no particular order: (1) objective hazards to those unlawfully camped as well as the general public such as moving vehicles and steep slopes; (2) criminal activity; (3) quantities of garbage, debris or waste; (4) other active health hazards to occupants or the surrounding neighborhood; (5) difficulty in extending emergency services to the site; (6) imminent work scheduled at the site for which the encampment will pose an obstruction; (7) damage to the natural environment or environmentally critical areas; and (8) the proximity of homeless individuals to uses of special concern including schools or facilities for the elderly.
- 11.3 However, prioritization of locations is a dynamic process that requires continued staff evaluation. As such, prioritization schedules may be updated and changed depending on factors including, but not limited to, resource allocation, changing environmental conditions, and emergent community needs.
- 11.4 If there is no need to prioritize between locations within the restricted areas based on staff capacity, then enforcement may begin immediately when camping

and/or unlawful storage of personal property in prohibited areas come to the attention of staff, provided any required notice has been completed.

- 11.5 Suspected criminal violations of Tacoma Municipal Code 8.19 will be referred to the Community Oriented Policing Division of the Tacoma Police Department.

12. Violations on Public Property Not Owned or Controlled by the City of Tacoma.

- 12.1 In the event a violation of TMC 8.19 is occurring on public property, as defined in TMC 8.19.020, that is owned, leased, or controlled by a separate governmental entity, City staff shall first obtain express written permission from that entity before engaging in the procedures described herein. Once permission is obtained from a separate governmental entity, staff may follow all required protocols herein, unless the City chooses to pursue other enforcement actions as appropriate.
- 12.2 In no circumstance shall the City be required by this policy to do encampment removals or cleanup for another governmental entity.

Appendix A. Example Notice of TMC 8.19



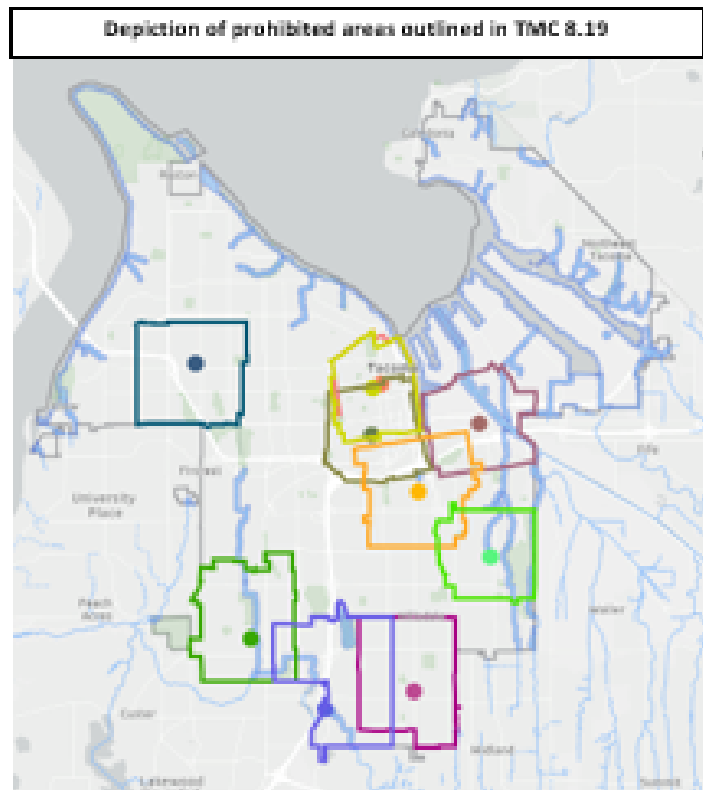
Camping and Storage of Personal Property Prohibited in this Area

This area has been identified as being in an area where **camping or storing person property is prohibited as outlined in Tacoma Municipal Code 8.19 "Use of Public Property."**

As of November 14, 2022, it is illegal to camp or store personal property on any Public Property within a 10-block radius of a temporary shelter and Aspen Court, or within 200 feet of Protected Waters.

Violation of TMC 8.19 "Use of Public Property" may subject offenders to removal, arrest and prosecution.

Please contact 2-1-1 to be connected with shelter options and other resources.



For additional information on prohibited areas, you may contact 253-591-5000 and ask to be connected to the Homeless Engagement and Alternatives Liaison (HEAL) Team or visit www.cityoftacoma.org/encampments

Appendix B. Notice of Encampment Removal



XX Day Removal Notice

The City of Tacoma, Department of Neighborhood and Community Services, is posting the area between **DESCRIBE AREA** for encampment removal due to violations of TMC 8.19 "Use of Public Property." This area will be closely monitored for future usage.

Violations of TMC 8.19 "Use of Public Property" subject offenders to removal, arrest and prosecution.

Approximate posting area

Date posted/time: **XXXX**

Date/time encampment removal: **XXXX**

- Garbage, debris, waste, litter, abandoned, and wet property will be disposed of immediately.
- Personal property remaining may be stored at 1423 Puyallup Avenue, Tacoma, WA.
- If personal property is stored, call 3-1-1 to arrange for retrieval.
- Failure to claim within 60 days may result in the destruction of stored property.
- For outreach and community resources, including shelter alternatives, call 2-1-1.

