Subject: MULTI-DEPARTMENTAL ADMINISTRATIVE RULES Rules Regarding: Operating Hours for City Properties; Unauthorized Camping on City Properties; Enforcement Procedures; and Removal of Unauthorized Property.	No. MDAR 08-01 Effective: 4/7, 2008
Approved: Superintendent, Seattle Dept. of Parks and Recreation — Date: 4/7/08 Superintendent, Seattle City Light — Date: 4/4/08 Director, Seattle Public Utilities — Date: 4/4/08 Director, Seattle Department of Transportation — Date: 4.4.8 Director, Seattle Fleets and Facilities Department — Date: 4/4/08 Director, Seattle Department of Neighborhoods — Date: 4.4.08 Director, Office of Housing — Date: 4/7/08 Director, Seattle Center — Date: 4/7/08	FILED CITY OF SEATTLE 08 APR -7 PM 1:41 CITY CLERK

1.0 INTRODUCTION AND PURPOSES

1.1. Introduction and Findings

The City owns and operates various City real property, including property under the jurisdiction of the Seattle Parks and Recreation Department ("Parks"), Seattle Public Utilities ("SPU"), Seattle Department of Transportation ("SDOT"), Seattle City Light

("SCL"), Fleets and Facilities Department ("FFD") the Department of Neighborhoods ("DON"), the Office of Housing ("OH"), and Seattle Center.

The City finds the following conduct on various City properties is a threat to the public safety and health and interferes with the public's ability to utilize public property for its intended purposes:

1.1.1 The unauthorized entry on certain City property that is closed to the public or is open to the public only during certain operating hours or only for certain limited purposes;

1.1.2 Erecting unauthorized structures, tents, or other shelters;

1.1.3 Unauthorized camping. Unauthorized camping includes erecting unauthorized structures, tents, or other shelters, or assembling camping equipment, in order to unlawfully remain in an area that is not open to the public, or is open to the public only during certain operating hours or for certain limited purposes.

In developing and promulgating these rules, the City has reviewed information received from a variety of sources, including members of the public, City employees and other authorized City agents. That information includes written descriptions, photographs, video, and other forms of information regarding conditions in areas where unauthorized camping has taken place.

Based on that information, the City finds that unauthorized camping and the erection of unauthorized structures has exacerbated the following problems the rules are designed to reduce:

1. Unsanitary hygiene conditions, including the accumulation of garbage, human and animal feces, and other hazardous materials that threaten the health and safety of campers, other members of the public, and City employees;

2. Unsanitary hygiene conditions, including the accumulation of garbage, human and animal feces, and other hazardous materials that increase the presence of rodents and other vermin;

3. Criminal activity, including incidents of violent crime and felony drug trafficking, that threaten the health and safety of campers, other members of the public, and City employees;

4. The presence of used hypodermic needles that threaten the health and safety of campers, other members of the public, and City employees;

5. The presence of unlawful weapons and other contraband that threaten the health and safety of campers, other members of the public, and City employees;

6 Destruction or vandalism of public property;

7. Damage to trees, plants, and other vegetation;

8. Fires that threaten the health and safety of campers, other members of the public, and City employees, and have damaged public infrastructure and improvements, including overpasses and public rights of way;

9. A public perception that it is unsafe to enter certain public properties, thereby discouraging the public uses for which the property is intended and maintained;

10. Structures, garbage accumulation, camping equipment and other obstructions that interfere with the intended uses of the property or with maintenance, repair, or improvements to the property, thereby discouraging the public uses for which the property is intended and maintained.

1.2 Present Laws and Administrative Rules

1.2.1 The Parks Code (SMC Chapter 18.12) establishes general operating hours for parks, prohibits the erection of unauthorized structures, prohibits camping, and provides for enforcement by, among other means, the issuance of Parks Exclusion Notices.

1.2.2 The Street Use Ordinance (SMC Chapter 15.04) prohibits the unauthorized entry onto SDOT property that is not open to the public and prohibits the erection of unauthorized structures on SDOT property.

1.2.3 A SPU administrative rule for Open Spaces establishes operating hours, prohibits the erection of unauthorized structures, prohibits camping, and provides for enforcement by, among other means, issuance of administrative notices of exclusion.

1.2.4 FFD administrative rules establish FFD operating hours, general rules of conduct, including the prohibition of camping, and provide for enforcement by, among other means, issuance of administrative notices of exclusion.

1.2.5 Seattle Center Campus Rules prohibit camping and require a permit for the erection of structures on Seattle Center property.

1.3. General Purpose

The general purpose of these administrative rules is to establish uniform rules and procedures for the enforcement of present laws and administrative rules in Parks, in SPU open spaces, on SDOT property, on SCL property, on FFD property, on DON property, on OH property, and on Seattle Center property.

1.4 Specific Purposes

Specific purposes of these rules include to:

1.4.1 Establish rules and procedures regarding entering or remaining in certain areas of City property that are either not open to the public or are open to the public only during certain operating hours;

1.4.2 Establish rules and procedures regarding the erection of structures or the placement of equipment on certain City property;

1.4.3 Establish administrative rules prohibiting camping on City property under the jurisdiction of City departments, including Seattle Department of Transportation (SDOT); Seattle City Light (SCL); Fleets and Facilities Department (FFD); the Department of Neighborhoods (DON), the Office of Housing (OH), and Seattle Center.

1.4.4 Establish uniform administrative enforcement rules for Parks, SPU, SDOT, SCL, FFD, DON, OH, and Seattle Center;

1.4.5 To establish for Parks, SPU, SDOT, SCL, FFD, DON, OH, and Seattle Center standard procedures regarding the removal from City property of unlawful or unauthorized structures, camping equipment, and other personal property left on City property.

1.4.6 Define "camping" as that term is used in: SMC Section 18.12.250 (Parks Code) and in SPU Open Space Rule (October 2006).

2.0 REFERENCES AND AUTHORITY

2.1 SMC 18.12.250 "Camping";

2.2 SMC 18.12.278 "Park Exclusion";

2.3 SMC 18.12.030 "Definitions";

2.4 SMC 18.30.010 "Definitions";

2.5 SMC 15.04.012 "Use and Occupation Permits";

2.6. SMC 15.38 "Impounding",

2.7 These administrative rules are authorized by and promulgated as provided in the City Administrative Code (SMC Chapter 3.02) and:

2.7.1 SMC 3.26.040 (Parks);

2.7.2 SMC 3.32.020 (SPU);

2.7.3 SMC 3.12.020 (SDOT);

2.7.4 SMC 3.08.020 (SCL);

2.7.5 SMC 3.18.030 (FFD);

2.7.6 SMC 3.35.040 (DON);

2.7.7 SMC 3.14.740 (OH); and,

2.7.8 SMC 17.04.040 (Seattle Center).

3.0 DEFINITIONS

3.1 "Abandoned" means that personal property in a public place is presumed to be abandoned by the owner or custodian so as to permit an authorizing official to take custody whenever:

A. The property is placed out for collection in conjunction with solid waste or recyclable material on the scheduled date for City collection, or it is placed there on a date contemporaneous with a community collection or clean-up;

B. A reasonable person would not allow the property to be there unattended for the length of time the property has been there, taking into account the location of the property in the sidewalk or roadway, the type of property, the danger of theft, and the risk of damage from weather;

C. No name appears on the property and the occupant or owner of the adjacent real property on inquiry disclaims ownership, and there is no permit for such a use of the public place; or

D. The property is unattended, without a permit, on a sidewalk or planting strip adjoining a park or in a park drive or boulevard.

3.2 "Authorizing Official" means as to property under their jurisdiction the Superintendent of Parks and Recreation, the Superintendent of Seattle City Light, the Directors of SPU, SDOT, FFD, DON, OH, or Seattle Center, and their respective authorized designees.

3.3 "Camp" and "camping" means (for purposes of SMC 18.12.250, SPU Open Space Rules issued December 2006, and these rules) to erect a tent or other shelter, or to assemble on City property camping equipment and personal property, that to a reasonable person evidences that a person has remained, or intends to remain, on the property overnight or on the property when it is closed to the public. Camping equipment includes but is not limited to, tarps, blankets, sleeping bags, cooking equipment and other items commonly associated with remaining overnight.

3.4 "City" means the City of Seattle.

3.5 "City Property" means City buildings and adjacent premises owned or occupied by the City, and any real property or facilities owned by, operated by, or under the jurisdiction of a city department, including Parks, SPU, SDOT, SCL, FFD, DON, OH, and Seattle Center.

3.6 "Contraband" means any property that is unlawful to produce or to possess.

3.7 "Department" means the Seattle Department of Parks and Recreation ("Parks"), the Seattle Public Utilities ("SPU"), Seattle City Light ("SCL"), Seattle Department of Transportation ("SDOT"); Fleets and Facilities Department ("FFD"); the Department of Neighborhoods ("DON"), Office of Housing ("OH"), or Seattle Center.

3.8 "Director" means the Director of Seattle Public Utilities, the Seattle Department of Transportation, the Fleets and Facilities Department, or the DON, OH, and Seattle Center or his or her authorized designee.

3.9 "Encampment" means three (3) or more unauthorized structures in an identifiable area which appear to be being used for unauthorized camping. An identifiable area includes areas where the structures are in sight of each other and/or areas where each of the structures is located within approximately 300 feet of another structure.

3.10 "Garbage" or "refuse" means any item that in its present condition has no apparent utility.

3.11 "Hazardous items" means an item that reasonably appears to pose a health or safety risk to members of the public or to City employees or to other authorized personnel. Hazardous items include blankets, clothing, sleeping bags, or other soft goods that are in an unsanitary condition or appear to be otherwise contaminated by unknown substances.

3.12 "Obstruction" means an item is located in such a way as to impede a sidewalk, trail, path, or other commonly used route of travel through City property.

3.13 "Open Space" means land owned, operated and occupied by SPU, either improved or unimproved, including land predominantly in its natural state, riparian areas, watersheds or other habitat areas, which are preserved from urbanization and with which a public right of way is associated. Open space does not include parks that are under the jurisdiction of the Department of Parks and Recreation.

3.14 "Park" means all parks and bodies of water contained therein, squares, drives, parkways, boulevards, trails, golf courses, museums, aquaria, zoos, beaches, playgrounds; playfields, botanical gardens, greenbelts, parking lots, community centers, and other park, recreation and open space areas and buildings and facilities comprising the parks and recreation system of the City under the management and control of the Superintendent of the Department of Parks and Recreation.

3.15 "Personal Property" means an item that is: 1) reasonably recognizable as belonging to a person; 2) in its present condition has apparent utility; and 3) is not hazardous. Examples of personal property include, but are not limited to, tents, bicycles, radios or other electronic equipment, eyeglasses, prescription medications, photographs, jewelry, crutches, wheelchairs, and any item that appears to have a reasonable value of more than $25. Personal property does not include building materials such as wood products, metal, or rigid plastic. The authorizing official should resolve a reasonable doubt as to whether an item is personal property in favor of deciding the item is personal property and treat it accordingly under these rules.

3.16 "Reasonable value" means the amount of money an item could be expected to sell for, in its current condition, on an open market.

3.17 "Structure" means anything constructed or erected on or under the ground, or any improvement built up or composed of parts joined together in some definite manner. Structures include, but are not limited to, buildings, lean-tos, tents, awnings, and tarps.

3.18 "SMC" means Seattle Municipal Code.

3.19 "Superintendent" means the Superintendent of Parks and Recreation or the Superintendent of Seattle City Light, as appropriate in the context, or his or her authorized designees.

3.20 "Unauthorized item" means an item that is abandoned on public property, that is present on public property without a required permit or other authorization, or that evidences use for camping in violation of applicable law or these rules.

4.0 INDIVIDUAL DEPARTMENTAL RULES

The following rules apply to property owned, operated or under the jurisdiction of the applicable department.

4.1 Parks

4.1.1 Operating Hours and Areas Closed to the Public. Some Parks property is closed to the public at all times. Other Parks property is open to the public only during established operating hours.

4.1.1.1 General park operating hours are between 4:00 a.m. and 11:30 p.m. as established in SMC 18.12.245.

4.1.1.2 Special operating hours may be established for individual parks or facilities either by administrative rule or by posting as provided in SMC 18.12.040 and SMC 3.02.020.

4.1.1.3 Violation. In addition to a violation of any other applicable law, it is also a violation of these rules to enter or remain in any area of a park when the area is closed to the public.

4.1.2 Structures, Tents, or other Shelters

4.1.2.1 Permit Required. SMC 18.12.070 requires a permit to erect a structure in a park.

4.1.2.2 Violation. SMC 18.12.275 provides that engaging in any activity that requires a permit without first obtaining a valid permit is a violation of SMC 18.12.275. In addition to a violation of that or any other

applicable law, it is also a violation of these rules to erect any structure in a park without a required permit.

4.1.3 Camping

4.1.3.1 SMC 18.12.250 prohibits camping in any park except in places set aside and posted for such purposes by the Superintendent.

4.1.3.2 Violation. In addition to a violation of SMC 18.12.250 or other applicable law, it is also a violation of these rules to camp except in places set aside and posted for such purposes by the Superintendent.

4.2 Seattle Public Utilities (SPU)

4.2.1 Operating Hours and Areas Closed to the Public. Some SPU property may be closed to the public at all times. Other SPU property is open to the public only during established operating hours.

4.2.1.1 General operating hours for SPU Open Spaces are from 4:00 a.m. to 11:00 p.m., as provided in SPU Open Space Rules (December 2006).

4.2.1.2 Different operating hours may be established for particular SPU property either by separate administrative rule or by posting as provided in SMC 3.02.020.

4.2.1.3 Violation. In addition to a violation of other applicable law, it is also a violation of these rules to enter or remain in any area of SPU property when the area is closed to the public.

4.2.2 Structures, Tents, or other Shelters. SPU Open Space Rule (December 2006) prohibits, among other things, erecting any structure, including but not limited to tents, barricades, and fencing in any SPU Open Space.

4.2.3 Camping. SPU Open Space Rule (December 2006) prohibits, among other things, unauthorized camping in any SPU Open Space. In addition to a violation of that rule or other applicable law, unauthorized camping in any SPU Open Space is also a violation of these rules.

4.3 Seattle Department of Transportation (SDOT)

4.3.1 Operating Hours and Areas Closed to the Public. Some SDOT property may be closed to the public at all times. Other SDOT property may be open to the public only during established operating hours. Operating hours for particular SDOT properties may be established by administrative rule or by posting as provided in SMC 3.02.020.

4.3.1.1 Violation. In addition to a violation of other applicable law, it is also a violation of these rules to enter or remain in any area of SDOT property when the area is not open to the public.

4.3.2 Structures, Tents, or other Shelters

4.3.2.1 Permit Required. SMC 15.04.010 and 15.02.048 requires a permit for, among other uses, the erection of any structure in a public place.

4.3.2.2 Violation. SMC 15.04.010 provides that engaging in any activity that requires a permit without first obtaining a valid permit is a violation of Chapter 15. In addition, it is a violation of these rules to erect any structure on any SDOT property without a required permit.

4.3.3 Camping

4.3.3.1 Violation. In addition to violating any other applicable law, unauthorized camping on any SDOT property posted as "No Camping" or similarly posted, is a violation of this rule.

4.3.4 SDOT Notice of Exclusion. An SDOT notice of exclusion issued pursuant to these rules shall not preclude a person from utilizing an open public right of way for transportation purposes.

4. 4 Seattle City Light (SCL)

4.4.1 Operating Hours and Areas Closed to the Public. Some SCL property may be closed to the public at all times. Other SCL property may be open to the public only during established operating hours. Operating hours for particular SCL properties may be established by administrative rule or by posting as provided in SMC 3.02.020.

4.4.1.1 Violation. In addition to violating any other applicable law, it is also a violation of these rules for any person to enter or remain in any area of any SCL property when the area is closed to the public.

4.4.2 Structures, Tents, or other Shelters

4.4.2.1 Violation. In addition to violating any other applicable law, it is also a violation of these rules for any person to erect any structure, tent, or other shelter on any SCL property without the written permission of the Superintendent.

4.4.3 Camping

4.4.3.1 Violation. In addition to violating other applicable law, unauthorized camping on any SCL property is also a violation of these rules.

4.5 Fleets and Facilities Department (FFD)

4.5.1 Operating Hours and Areas Closed to the Public. Some FFD property may be closed to the public at all times. Other FFD property may be open to the public only during established operating hours. Operating hours for particular FFD properties may be established by administrative rule or by posting as provided in SMC 3.02.020.

4.5.1.1 FFD rule (January 2005) establishes building and facility operating hours, unless provided otherwise by rule or by posting, as from 7:00 a.m. to 6:00 p.m., Monday through Friday, except for City holidays. FFD buildings and facilities are generally not open to the public on Saturday, Sunday, during City holidays and on weekdays between 6:00 p.m. and 7:00 a.m.

4.5.1.2 Violation. In addition to a violation of other applicable law, it is also a violation of these rules to enter or remain in any property under the jurisdiction of FFD when the area is closed to the public.

4.5.2 Structures, Tents, or other Shelters

4.5.2.1 Violation. In addition to violating other applicable law, it is also a violation of these rules for any person to erect any structure, tent, or other shelter on any FFD property without the written permission of the Director.

4.5.3 Camping

FFD Administrative Rule (January 2005) prohibits, among other things, unauthorized camping on any FFD property.

4.5.4. In addition to a violation of that rule or other applicable law, unauthorized camping on any FFD property is also a violation of these rules.

4.6 Department of Neighborhoods (DON)

4.6.1 Operating Hours and Areas Not Open to the Public. Some DON property may be closed to the public at all times. Other DON property may be open to the public only during established operating hours. Operating hours for particular DON properties may be established by administrative rule or by posting as provided in SMC 3.02.020.

4.6.2 Violation. In addition to a violation of other applicable law, it is also a violation of these rules to enter or remain in any property under the jurisdiction of DON when the area is not open to the public.

4.6.3 Structures, Tents, or other Shelters

4.4.2.1 Violation. In addition to violating other applicable law, it is also a violation of these rules for any person to erect any structure, tent, or other shelter on any DON property without the written permission of the Director.

4.6.4 Camping

4.6.4.1 Violation. In addition to violating any other applicable law, unauthorized camping on any DON property is also a violation of these rules.

4.7 Seattle Center

4.7.1 Operating Hours and Areas Not Open to the Public. Some Seattle Center property may be closed to the public at all times. Other Seattle Center property may be open to the public only during established operating hours. The Seattle Center Campus is open from 7:00 A.M. to Midnight daily (Ordinance No. 92792). Seattle Center may establish other operating hours for particular areas or facilities.

4.7.2 Violation. In addition to a violation of other applicable law, it is also a violation of these rules to enter or remain in any property or facility under the jurisdiction of Seattle Center when the area is not open to the public.

4.7.3 Structures, Tents, or other Shelters

4.7.3.1 Violation. In addition to violating other applicable law, it is also a violation of these rules for any person to place any structure, tent, or other shelter on any Seattle Center property without the written permission of the Director.

4.7.4 Camping. Violation. In addition to violating any other applicable law, unauthorized camping on any Seattle Center property is also a violation of these rules.

4.8 Office of Housing (OH)

4.8.1 Operating Hours and Areas Not Open to the Public. Some OH property may be closed to the public at all times. Other OH property may be open to the public only during established operating hours.

4.8.2 Violation In addition to a violation of other applicable law, it is also a violation of these rules to enter or remain in any property or facility under the jurisdiction of the OH when the area is not open to the public.

4.8.3 Structures, Tents, or other Shelters

4.7.3.1 Violation. In addition to violating other applicable law, it is also a violation of these rules for any person to place any structure, tent, or other shelter on any OH property without the written permission of the Director.

4.8.4 Camping. Violation. In addition to violating any other applicable law, unauthorized camping on any OH property is also a violation of these rules.

5.0 ENFORCEMENT

5.1. These rules are enforced in the same way as any other administrative rules. Any violation of these or any other applicable rule or law may, depending on the particular circumstances, result in one or more of the following:

5.1.1 Written or oral withdrawal of a person's permission to remain on the property;

5.1.2 Issuance of a Parks Notice of Exclusion as provided in SMC 18.12.278 if the property is Parks Department property;

5.1.3 Issuance of an administrative notice of exclusion if the property is not Parks property;

5.1.4 Issuance of a citation, a notice of infraction, or other enforcement action under applicable law.

5.2 Criminal Trespass

5.2.1 Criminal Trespass – Areas closed to the public. Any person who enters or remains on City property when such areas are closed to the public is subject to citation or arrest for criminal trespass (SMC 12A.08; RCW 9A.52).

5.2.2 Criminal Trespass – Notice of Exclusion. Any person who enters or remains in an area in violation of a Notice of Exclusion from that area is subject to citation or arrest for criminal trespass (SMC 12A.08; RCW 9A.52).

5.2.3 Criminal Trespass – Withdrawal of Permission. Any person who remains on City property after having received notice that his or her permission to remain on that property has been withdrawn is subject to citation or arrest for criminal trespass (SMC 12A.08; RCW 9A.52).

6.0 NOTICES OF EXCLUSION

6.1 Parks Exclusion Under SMC 18.12.278.

6.1.1 Issuance The Superintendent may, by delivering a Notice of Exclusion in person to the offender, exclude from any park a person who has violated any law or any rule designated by the Superintendent as a "parks rule" as provided in SMC 18.12.278. The Superintendent hereby designates these rules as "parks rules", the violation of which may result in issuance of a Parks Exclusion Notice.

6.1.2 Period of Exclusion. The period of exclusion for a Parks Exclusion Notice shall be as provided in SMC 18.12.278.

6.1.3 Appeals. Any person who receives a Parks Exclusion Notice for a period of time exceeding 7 (seven) days may file an appeal within seven (7) calendar days as provided in SMC 18.12.278.

6.2 Administrative Notices of Exclusion from City Property other than Parks Property.

6.2.1 Issuance. The authorizing official may issue an Administrative Notice of Exclusion as provided in these or other applicable administrative rules.

6.2.2 Delegation.

6.2.2.1 Sworn Seattle Police Department personnel are authorized to enforce on City property these and any other applicable written or posted rules, and to issue notices of exclusion for violations.

6.2.2.2 The authorizing official may also in writing authorize others to enforce on City property these and any other applicable written or posted rules. However, only City employees may be authorized to issue a Parks Exclusion Notice or an Administrative Notice of Exclusion.

6.2.3 Basis for Exclusion. The excluded person need not be charged, tried, or convicted of any crime or infraction in order for a notice of exclusion to be issued or effective. The exclusion may be based on observation by the Director or Superintendent, or his or her authorized representatives, or upon the sort of civilian reports that would ordinarily be relied upon by police officers in the determination of probable cause.

6.2.4 Contents of Notice. The Notice of Exclusion shall be in writing and shall be signed by the issuing individual. It shall specify the date of issuance and the length and places of exclusion. Warning of the consequences for failure to comply and the processes regarding an administrative review hearing shall be prominently displayed in the Notice of Exclusion.

6.2.5 Unless otherwise specified, the exclusion shall take effect immediately upon actual or constructive receipt of the notice by the person being excluded. A person may not defeat the effectiveness of an exclusion by refusing to accept the notice. Receipt of the notice is construed to have been accomplished if the person knew or reasonably should have known from the circumstances that his/her privileges to enter upon City property have been revoked. Receipt of the notice is also construed to have been accomplished two (2) days after an exclusion notice

is placed in the U.S. mail to an individual's last known address.

6.2.6 Periods of Exclusion.

6.2.6.1 Felony or Weapons Violation. If the current violation is a felony or a weapons violation, the person may be excluded for up to one year.

6.2.6.2 If the current violation is not a felony or a weapons violation, the person may be excluded as provided below:

6.2.6.2.1 No Prior Exclusion within One Year. If a person has not been excluded from any City property under the jurisdiction of the issuing department within the preceding year,, the person may be excluded for up to seven days from the date of the Notice of Exclusion. If the violation occurred on property owned and maintained by Parks, then the Superintendent may exclude the violator from the City park zone in which the current violation occurred.

6.2.6.2.2 One Prior Notice of Exclusion. If a person has been the subject of only one Notice of Exclusion issued within one year prior to the current violation, the person may be excluded for up to 30 days from the date of the Notice of Exclusion.

6.2.6.2.3 Two or More Prior Notices of Exclusion. If a person has been the subject of two or more Notice of Exclusions issued within one year prior to the current violation, the person may be excluded for up to one year from the date of the Notice of Exclusion.

6.2.7 Administrative Hearings – Notices of Exclusion.

6.2.7.1 If the issuing department has administrative rules that apply to such administrative hearings, those rules apply.

6.2.7.2 If the issuing department does not have rules that apply to such administrative hearings, the following rules apply;

6.2.7.2.1 Request for Administrative Review. A person who receives a Notice of Exclusion for a period greater than seven (7) days may within seven (7) business days of issuance of the notice submit a written request to the authorizing official for an administrative hearing. The person seeking the hearing shall include in the request any written documentation he or

she seeks to have considered in the administrative review process. The notice of exclusion remains in effect pending administrative review.

6.2.7.2.2 If a person timely requests an administrative review, the authorizing official shall designate a Review Officer. The administrative review is an informal process designed to give the individual the opportunity to explain his or her side of the events surrounding the alleged violation. The Review Officer may at his or her discretion conduct meetings or interviews with the individual excluded and other individuals who may have information relevant to the Notice of Exclusion. The Review Officer may consider sworn written or verbal statements and give them the appropriate weight under the circumstances.

6.2.7.2.3 The Review Officer shall provide a written decision within 10 business days of the request for review. The decision may affirm, modify, terminate, or reverse the exclusion order. The Review Officer's decision is final City action on the review.

7.0 REMOVAL OF PROPERTY.

7.1 Violation. In addition to a violation of other applicable law, it is also a violation of these rules to abandon or to store without authorization personal property on City property or to place garbage or refuse anywhere on City property except in a designated receptacle.

7.2 Summary Removal and Disposal: Garbage, Refuse, Hazardous Items, Building Materials, Contraband, or Evidence of a Crime.

7.2.1 Removal and Disposal. The authorizing official may summarily and without advance notice remove and dispose of the following: refuse; hazardous items, building materials, contraband; or evidence of a possible crime.

7.2.2 Contraband or Evidence. The authorizing official shall, before disposal, allow the appropriate law enforcement agency the opportunity to take possession of any item that is contraband or evidence of a possible crime.

7.3 Notice of Removal and Storage of Personal Property. The authorizing official shall post a notice on the property providing information regarding how individuals may claim removed personal property.

7.4 Additional Notice Required Under Limited Circumstances

7.4.1 Notice Prior to Removal of Personal Property from an Encampment. The authorizing official shall follow the procedures below before removing personal property from an encampment. These Notice procedures do not apply to: 1) any items that are not personal property or are obstructions, or 2) to any encampment in which the authorizing official has reasonable suspicion that a person in the encampment is engaged in (a) a violent crime, (b) a felony drug delivery, or is in possession of weapons in the encampment.

7.4.1.1 Minimum Seventy-Two Hour Notice.
The authorizing official shall post on the property a written notice that camping in the area is prohibited and that personal property left in the area will be removed at least seventy-two (72) hours before removing personal property from an encampment. The authorizing official shall upon request grant permission to a person to enter a property after notice has been posted to remove his or her personal property. Such permission need not be granted to a person who is the subject of a current notice of exclusion from the property. If the property is at certain times closed to the public, the authorizing official may require such entry to occur during times that the property is open to the public.

7.4.1.2 Posting Recurring Encampments.
If the authorizing official determines that an area is a site of recurring encampments, the authorizing official may post on the property notice that camping is prohibited, that personal property left in the area is subject to immediate removal without further notice, and procedures regarding how to claim removed personal property. "Recurring encampments" means, that an encampment has been observed on the property three (3) or more times within any sixty (60) day period. The authorizing official may remove personal property from an encampment located on property that has been posted under this section without providing the minimum seventy-two hour notice described above.

7.4.2 Owner Identified. If the name and contact information for the owner of a particular item of personal property is identified on the item, the authorizing official shall attempt to provide to the identified owner via the contact information notice that the item has been removed, is being stored, and the procedure for claiming the item.

7.4.3 Property Valued at over $100. If the owner is not identified on an item of personal property, and the item has a reasonable value of $100 or more, the authorizing official shall publish notice in a newspaper or on a City website that the item has been removed, is being stored, and the procedures for claiming the item.

7.5 Disposal of Unclaimed Personal Property. The authorizing official may dispose of any item of stored personal property if it is unclaimed after a period of sixty (60) days.

8.0 Delegation and Guidelines.

8.1 An authorizing official may authorize any person or organization to assist in implementing these rules. However, only authorized City employees may issue a Parks Exclusion Notice or an Administrative Notice of Exclusion.

8.2 An authorizing official may issue operating guidelines, procedures, or protocols that, among other things, inform City employees and other authorized persons how to properly implement these rules.