

CAMP CLEAN-UP PROCEDURES

Bellingham Police Department

October 2020

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Clean-up Procedures

1. The Police Department and the Homeless Outreach Team are made aware of complaints and reports of illegal camp sites on public and private property directly or via the Homeless Camp Online Police Reporting System. This provides the Homeless Outreach Team the opportunity to outreach ahead of time.

<https://cob.org/services/safety/police-services/reporting/homeless-camp>

Approximately 2,171 reports have been received between December 2018 and October 2020. Note that some reports may be duplicates of the same location.

Illegal camp sites located on private property are handled on a case by case basis while working with the property owner.

2. The Homeless Outreach Team (HOT) visit the reported camp sites to provide outreach and offer available resources. If no one is present, HOT will leave a notice to let campers know their campsite has been reported and continue to visit the camp to create a trusting relationship and continue to offer outreach services. Outreach is not always accepted by the camp occupants.

Approximately 100 new reports are received each month. Note that some reports may be duplicates of the same location.

3. HOT will coordinate with the BPD Encampment Clean-Up Coordinator regarding the following circumstances:
 - Whether the campsite is active
 - Number of individuals present
 - Presence and extent of needles
 - Presence and extent of feces
4. The Encampment Clean-up Coordinator will decide if an active camp site requires a scheduled clean-up. As of October 12, 2020, approximately 401 current reports are under review by the Encampment Clean-up Coordinator. Note that some reports may be duplicates of the same location.

5. The active camp site clean-up list is prioritized by the Encampment Clean-up Coordinator based on each camp site's overall impact to its location. The criteria for this triage includes potential health, environmental, operational and safety impacts and hazards. This prioritization is ongoing and often changing based on the current state of the individual camp sites.

See Encampment Clean-up Criteria on page 8.

6. Based on the prioritization outlined in #5 above, a camp site clean-up list is compiled by the Encampment Clean-up Coordinator and scheduled with a City contracted clean-up crew, generally for the next week.

See Tag Notices on page 13.

7. City Park locations and City rights-of-way are also frequently scheduled for clean-up and included on the camp site clean-up list. A 24-hour notice to vacate will be issued at these locations. Exigent circumstance would be an exception to this notification period.
8. A Clean-up Packet including maps, specific site details and instructions is created for the scheduled locations. This packet is created by the Encampment Clean-up Coordinator for use by the clean-up crew and officers assisting in the clean-up process. The packet is specific to the scheduled date and locations to be addressed on that clean-up day.

See Clean-up Packet on page 12.

9. A camp clean-up security overtime detail is posted at the Police Department for the scheduled clean-up dates. Typically, two officers are hired to perform the detail through the Patrol Division's overtime budget.

10. The officers' primary function is that of security for the clean-up crew. The Patrol Division does not conduct camp clean-ups. All camp clean-up activity is planned, scheduled, and overseen by the Encampment Clean-up Coordinator and is a function of the Outreach Division.

The officers and clean-up crew are provided with the Clean-up Packet and are briefed on the scheduled locations at the beginning of their detail. The Encampment Clean-up Coordinator is available throughout the detail for any needed clarification regarding the site locations.

11. Prior to the scheduled clean-up day, the Encampment Clean-up Coordinator will inform members of HOT which camp sites are to be prioritized for outreach services. HOT will attempt, as time allows, to connect camp occupants with services and leave a camp notice in the event no one is present. HOT will continue to offer outreach to the camp occupants.

See Initial Contact by HOT on page 2, steps 2 - 3.

See Tagging Information on page 5, step 15.

See Tag Notices on page 13.

12. Prior to any clean-up action taken by the clean-up crew, the Encampment Clean-up Coordinator will assess the current state of the scheduled clean-up sites. The camp sites will then be addressed accordingly, based on the Encampment Clean-up Coordinator's assessment and recommendations.
13. Officers and clean-up crew will travel separately to the scheduled clean-up sites. The officers will provide site security and vacate any occupants at those sites. If necessary, the officers may be required to issue trespass warnings or address any other problems that may occur. Once vacated and the area determined to be secure, the crew will begin the clean-up process. The clean-up crews are not to have contact with the camp occupants.

14. Guidelines and criteria exist to determine if any property is to be saved at a clean-up site. For example, personal property or items arranged in a manner that would suggest ownership, are collected and impounded. The impounded property is then brought to the Police Department where it is stored for safe keeping for 60 days. The Encampment Clean-up coordinator manages the retention of this saved property. The guidelines and criteria for property retention were developed through the City legal department. The Encampment Clean-up Coordinator also works with individuals to attempt to locate property that they believe may have been collected from a camp site.

See Guidelines for Retained Property on page 11.

15. During the scheduled clean-up detail, officers will also visit illegal camp sites identified by the Encampment Clean-up Coordinator for tagging notification. A tag is affixed to a tent or to identifiable property. Once tagged, the occupants of the camp sites are typically given a five-day period to collect their belongings and vacate the site. The period is provided to give camp occupants the opportunity to comply with the notification and voluntarily vacate the area. Notification cards are used to physically tag the sites with green tags for City Park property and orange tags for City streets, bridges, sidewalks and City rights-of-way. The tags show the date of the scheduled clean-up of that location. These sites are then scheduled for clean-up, usually to occur the following week. HOT is notified about each site tagged and the scheduled date for clean-up. From time to time, situations arise where an extension or special accommodations are given. These exceptions are at the discretion of the Encampment Clean-up Coordinator and are often a result of HOT's advocacy for the identified campers. HOT will continue to engage occupants and offer services.

See Tag Notices on page 13.

16. Once a camp site is tagged and the notification period passes, the site is subject to clean-up at any time. The clean-up would occur during a future scheduled clean-up day when the City contracted clean-up crew is out cleaning sites. Efforts are made to set clear, consistent expectations and standards with notification to occupants about scheduled clean-up of the illegal sites.
17. City Park property and City rights-of-way can also be tagged. At these locations, a 24-hour notice to vacate will be given. Notification may not always be possible based on exigent conditions, impact, and safety. Some of these locations may be regularly scheduled for clean-up each week due to repeat violations, continued occupancy and impact to the area. This is done to set clear and consistent expectations for these locations. In some instances, property may be moved off the rights-of-way and not collected or removed.

See Tag Notices on page 13.

18. Once each scheduled clean-up day is complete, the Encampment Clean-up Coordinator will notify HOT of additional camp occupants in need of services for the following week. HOT will visit the camps to engage occupants and offer services. At some locations, clean-up may take longer than expected and additional days may need to be scheduled to complete the clean-up process. In these cases, the camp site is once again scheduled for clean-up the next week, if possible. The remaining camp sites that have not been scheduled for clean-up will go back on the list of active camp sites.
19. At the end of each clean-up day, the retained property is impounded at the Police Department by either the clean-up security officer on the detail that day or the Encampment Clean-up Coordinator. The Encampment Clean-up Coordinator is available to meet with individuals who seek to reclaim property impounded as a result of a site clean-up.

See Guidelines for Retained Property on page 11.

20. The Encampment Clean-up Coordinator will continue to notify HOT of active camp sites that are in need of outreach services. Once a new camp site clean-up list has been prioritized, a new Clean-up Packet is prepared for the next scheduled clean-up day.
21. Each week, the camp clean-up process is repeated and adjusted as needed. These clean-up procedures can also be adjusted and modified. Any changes to these clean-up procedures are at the discretion of the Encampment Clean-up Coordinator. Breaks in the clean-up schedule do occur at times. These breaks may be the result of the Encampment Clean-up Coordinator's schedule, clean-up crew availability, officer availability, or emergency conditions which may limit the clean-ups.
22. All camp site clean-up activity is prioritized and scheduled. Indiscriminate sweeps of camp sites are not conducted.
23. The above listed procedures are subject to change based on changing conditions, legal rulings, and best practices.

Encampment Clean-up Criteria

All camp sites scheduled for clean-up are located in an unauthorized location or otherwise in violation of the Bellingham Municipal Code or the Revised Code of Washington. Furthermore, camp sites scheduled for clean-up have been identified through direct reports and complaints filed through the City of Bellingham Camp Reporting Process and Mapping System.

Prioritization of the camp clean-up schedule is established based on the totality of the circumstances and overall impact, condition, and hazard level at each illegal camp site location.

Examples included, but are not limited to:

Health impacts and hazards:

- Hypodermic needles
- Rats and other vermin
- Human waste and bodily fluids
- Accumulation of garbage and rotting items
- Large number of individuals living in close proximity with no sanitary precautions or public health measures in place

Environmental impacts and hazards:

- Damage to sensitive areas such as waterways, wetlands, and vegetation
- Areas where trees have been cut down and wildlife areas disturbed
- Erosion
- Dumping and unsafe storage of chemicals and propane tanks
- Human waste and other fluids leaking or dumped into waterways, soil, or drains
- Fires

Safety impacts and hazards:

- Criminal activity such as assaults, domestic violence, sexual assaults, illegal drug activity, overdoses, illegal alcohol use, stolen property and malicious mischief
- Proximity to schools and daycare facilities
- Fire hazards near or inside buildings, residences, apartment complexes, bridges, overpasses, retaining walls and flammable storage areas

Operational impacts and hazards:

- Disruptions or interference of operations at public workplaces
- Safety concerns due to actions or proximity of operations
- Secure access to residents and employees to public buildings
- Providing safety for public construction projects

Operations During COVID

Camp site clean-up operations were temporarily suspended as the COVID-19 precautions increased in our community. After approximately six weeks with no scheduled clean-ups, the number and size of reported illegal camp sites increased significantly. The presence of hazardous criteria listed above (see page 8) appeared to be growing exponentially within our community. Observations included, but were not limited to, increased rat activity, human feces, foul odors, encroachment onto City rights-of-way, and structures and shelters being constructed under bridges and roadways. The locations of many of these structures created immediate fire and safety risks to nearby residences and apartment complexes as reported directly from the City of Bellingham Fire Marshal's Office.

Due to the growing unsafe and dangerous camp site conditions in the community, camp clean-ups resumed with some modification. The criteria for a camp clean-up have been temporarily shifted from a primary focus on the illegality of the camp site, to the totality of the impacts and hazards present at the camp site.

Prioritization is now primarily based on the overall impact and level of hazard present at the location. The camp sites determined to be the most hazardous are prioritized and addressed first. Lesser impactful illegal camp sites are allowed to remain based on the totality of the circumstances and are not scheduled for clean-up. Outreach continues to be offered. The Encampment Clean-up Coordinator is responsible for determining the degree of hazard/impact and prioritizing the camp site clean-up locations.

Operations When Shelters Reach Capacity

The City's clean-up practices will be further modified during time periods when the shelter capacity is full or nearly full. When there is no shelter capacity, a potential camp clean-up will occur only when:

- a. The health, environmental, safety, and/or operational impacts are clearly established; and
- b. Bellingham Police Department and the City Attorney's Office jointly confirm that the applicable legal standards permit the clean-up to proceed.

By following this additional step when there is no immediate shelter capacity, the City will be able to show that it is enforcing against encampments only in certain locations, at certain times, and under certain compelling circumstances.

Sweeps vs. Clean-ups

Sweeps – The Bellingham Police Department does not conduct sweeps of homeless camp sites. A sweep is an indiscriminate disbanding of homeless encampments. This includes the removal of homeless individuals and the destruction of their personal property without any notification or outreach services.

Clean-ups – Bellingham Police Department Encampment Clean-up Coordinator determines if an active camp site requires a scheduled clean-up according to the guidelines and criteria described in these procedures. A clean-up is a prioritized complaint driven intervention with illegal camp sites to assess health, environmental, and safety concerns; offer outreach services related to housing, behavioral health, and drug addiction; provide a notice to vacate the premises; and then clean the camp site to redress identified health, environmental, and safety impacts and hazards. Efforts are made to identify personal property and valuables to be collected and retained at the Police Department for possible retrieval.

Guidelines for Retained Property

Items must be easily identifiable and in plain view.

Unless an item is trash or poses an immediate threat to public health or safety it should be gathered for storage as potential personal property.

Items that are arranged in a manner that suggests ownership should be gathered for storage. Examples would be items that are neatly folded or stacked, stored off the ground, hung or clearly on display, or packed in a bag or box.

If there is any uncertainty regarding whether an item should be thrown away or kept, it should be kept.

The following items are examples of personal property. These items must be collected and transported to the Bellingham Police Department for storage (unless the condition of the item poses an immediate threat to public health or safety as outlined below):

- Wallets, Purses
- Money, Checks, Credit Cards
- Identification
- Personal Papers, Medical Records
- Jewelry, Watches
- Weapons
- Bicycles (whole bicycles, not parts)

Items that are trash or pose an immediate threat to the public health or safety will not be collected.

The following are examples of conditions that pose an immediate threat to public health or safety and will cause an item, including personal property, to be immediately disposed of:

- Wet to the point of saturation
- Infested with bacteria from human or animal excrement or urine
- Mold, larvae, droppings, etc.
- Maggots, other insects, rodents, other vermin, etc.

The City contracted clean-up crew has reasonable discretion to determine what items are discarded based on these outlined criteria.

Clean-up Packet

The Clean-up Packet is specific to the scheduled date and locations to be addressed on that clean-up day. A new packet is created each week. This internal Bellingham Police Department document is an informal guide meant to assist the officers through the clean-up day. The information within the packet is developed by the Encampment Clean-up Coordinator to assist the officers who may be unaware of the clean-up activities and do not know the prioritized clean-up schedule, history and prior activity related to the assigned clean-up sites. The packet includes maps, possible occupant information and notes which could be helpful. The scheduled site locations in the packet are prioritized and may not all be addressed during the clean-up day. At some locations, clean-up may take longer than expected while other locations may not take as long.

The packet was developed to create consistency and document clean-up activities. The officers and clean-up crew are briefed at the beginning of the clean-up day. Officers will draw a case number for each site and the activity at the site is documented. The officers wear body worn cameras while conducting the clean-up activity. During the clean-up day, the Encampment Clean-up Coordinator is available to provide any clarification or recommendations.

The Clean-up Packet is an ever-evolving document. Changes in procedure and modification to the packet content can occur at the discretion of the Encampment Clean-up Coordinator.

Tag Notices

GREEN CITY PARKS OWNED PROPERTY

NOTICE OF CLEAN-UP AND ORDER TO VACATE PARK OR OPEN SPACE

Overnight camping & littering is prohibited per BMC 8.04.080 and BMC 8.04.100. **Remove yourself and your belongings from this property by the date below.** "This property" means [_ _]. On the below date, the City will be conducting a clean-up of this property. Remaining on this property could subject you to being arrested for trespassing per RCW 9A.52.080. Littering could subject you to a civil infraction and a \$250.00 fine.

As part of the clean-up, the City will remove all remaining litter, garbage, refuse, waste, and personal property. Litter, garbage, refuse, and waste left at the site will be discarded. Personal property that poses a health or personal safety risk will also be discarded. All other personal property left behind and collected by the City will be stored by the City at no cost for 60 days. **Personal property collected by the City can be reclaimed by contacting the City at 360-778-8850. Personal property not reclaimed within 60 days will be disposed of in accordance with RCW 63.32.**

Remove yourself and your personal property by:

_____@_____.

City of Bellingham Contact Number

360-778-8850

ORANGE CITY STREETS, BRIDGES, SIDEWALKS, CITY RIGHTS-OF WAY

NOTICE OF CLEAN-UP AND ORDER TO VACATE CITY PROPERTY

Your presence on this property is not authorized. "This property" means [_ _]. Further, littering is prohibited under the Bellingham Municipal Code. **Remove yourself and your belongings from this property by the date below.** On the below date, the City will be conducting a clean-up of this property. Remaining on this property could subject you to being arrested for trespassing per RCW 9A.52.080. Littering could subject you to a civil infraction and a \$250.00 fine.

As part of the clean-up, the City will remove all remaining litter, garbage, refuse, waste and personal property. Litter, garbage, refuse, and waste left at the site will be discarded. Personal property that poses a health or personal safety risk will also be discarded. All other personal property left behind and collected by the City will be stored by the City at no cost for 60 days. **Personal property collected by the City can be reclaimed by contacting the City at 360-778-8850. Personal property not reclaimed within 60 days will be disposed of in accordance with RCW 63.32.**

Remove yourself and your personal property by:

_____@_____.

City of Bellingham Contact Number 360-778-8850

Applicable Codes for Camp Clean-ups

<https://bellingham.municipal.codes/BMC/8.04.070>

8.04.070 Restrictions on animals in parks

A. Dogs and other domestic animals are not allowed within those areas of city parks designated in Bellingham Policies and Procedures Manual PAR 03.01.20.

<https://bellingham.municipal.codes/BMC/8.04.080>

8.04.080 Overnight camping

A. Overnight camping is prohibited on park property except by written permission of the director of parks and recreation.

B. A violation of this section is a civil infraction. [Ord. 10612 § 2, 1995].

<https://bellingham.municipal.codes/BMC/8.04.090>

8.04.090 Campfires

A. Campfires are prohibited on park property except by written permission of the director of parks and recreation.

<https://bellingham.municipal.codes/BMC/8.04.100>

8.04.100 Litter in parks

A. No person shall throw or deposit litter on any park property, except in public receptacles and in such a manner that the litter will be prevented from being carried or deposited by the elements upon any part of the park, or upon any street or other public place. Where public receptacles are not provided, all litter shall be carried away and properly disposed of.

<https://bellingham.municipal.codes/BMC/10.24.040>

10.24.040 Pedestrian interference.

A. A person is guilty of pedestrian interference if, in a public place, he or she intentionally:

1. Obstructs pedestrian traffic; or
2. Aggressively begs.

<https://bellingham.municipal.codes/BMC/10.24.070>

10.24.070 Sitting or lying on public sidewalks prohibited.

A. *Prohibition.* No person shall sit or lie down upon a public sidewalk, or upon a blanket, chair, stool, bollard, planter, fountain, railing or any other object placed upon a public sidewalk, during the hours between 7:00 a.m. and 9:00 p.m. in the following zones:

1. Central Business District (“CBD”). The central business district, for the purposes of this section, is the area bounded by the streets hereafter named, including said streets and their abutting sidewalks: on the east bounded by State Street from Whatcom Creek to Maple Street, on the south Maple Street from State Street to Cornwall Street to the intersection of Chestnut and Bay Street, on the west from the intersection of Chestnut and Bay Street to Champion Street, on the southwest from Champion Street to the intersection of Cornwall and York Street, on the north from the intersection of Cornwall and York Street to Railroad and up to Whatcom Creek between Railroad and State Street.

2. The Fairhaven Business District (“FBD”). The Fairhaven business district, for the purposes of this section, shall be defined by the area bounded by the streets hereafter named, including said streets and their abutting sidewalks: the area bounded by Mill Avenue on the north from 10th Street to 13th Street to Larrabee Avenue on the east, Larrabee Avenue on the south from 13th Street to 10th Street from Larrabee to Mill Avenue on the west. In addition, the prohibited area in the Fairhaven business district shall include 12th Street from Larrabee to Cowgill and Harris Avenue from 10th Street to 4th Street.

B. *Exceptions.* The prohibitions in subsection (A) of this section shall not apply to any person:

1. Sitting or lying down on a sidewalk due to a medical emergency.
2. Who, as the result of a disability, utilizes a wheelchair, walker, or similar device to move about the public sidewalk.
3. Operating or patronizing a commercial establishment conducted on the public sidewalk pursuant to a street use permit; or a person participating in or attending a parade, festival, performance, rally, demonstration, meeting, or similar event conducted on the public sidewalk pursuant to a street use or other applicable permit;
4. Sitting on a chair or bench located on the public sidewalk which is supplied by a public agency or by the abutting private property owner.
5. Sitting on a public sidewalk within a bus stop zone while waiting for public or private transportation.

<https://bellingham.municipal.codes/BMC/10.24.010>

10.24.010 Disorderly conduct.

A person is guilty of disorderly conduct if he:

- A. Uses abusive language and thereby intentionally creates a risk of assault; or
- B. Intentionally disrupts any lawful assembly or meeting of persons without lawful authority; or
- C. Intentionally obstructs pedestrian or vehicular traffic without lawful authority; or
- D. *Causes, provokes or engages in any fight or brawl.* Any conviction under this subsection may be designated a crime of “domestic violence” if facts relevant to such conviction comply with RCW [10.99.020](#)(3) as adopted by BMC [10.14.005](#); or
- E. Makes or causes to be made any loud or boisterous noise which unreasonably disturbs the peace, comfort and repose of others, or permits such public disturbance to be made at any residence or business under his charge or control. [Ord. 2004-04-027; Ord. 10179 § 1, 1991; Ord. 9219 § 1, 1983].

<https://bellingham.municipal.codes/BMC/10.28.020>

10.28.020 Nuisances declared.

- B. The existence of any natural or manmade obstruction, such as, by way of example and not limitation, signs, billboards, fencing, buildings, improvements, or landscaping, which includes trees, shrubs, hedges, or foliage, unless by written consent or permit of the city, which is apt to destroy, impair, interfere or otherwise restrict the following:
 - 1. Streets, sidewalks, sewers, utilities, or other public improvements;
 - 2. Free use of, or access to, streets, sidewalks, sewers, utilities, or other public improvements;

<https://app.leg.wa.gov/rcw/default.aspx?cite=9.66.010>

RCW 9.66.010

Public nuisance.

A public nuisance is a crime against the order and economy of the state. Every place

- (1) Wherein any fighting between people or animals or birds shall be conducted; or,
- (2) Wherein any intoxicating liquors are kept for unlawful use, sale or distribution; or,
- (3) Where vagrants resort; and

Every act unlawfully done and every omission to perform a duty, which act or omission

- (1) Shall annoy, injure or endanger the safety, health, comfort, or repose of any considerable number of persons; or,
- (2) Shall offend public decency; or,
- (3) Shall unlawfully interfere with, befoul, obstruct, or tend to obstruct, or render dangerous for passage, a lake, navigable river, bay, stream, canal or basin, or a public park, square, street, alley, highway, or municipal transit vehicle or station; or,
- (4) Shall in any way render a considerable number of persons insecure in life or the use of property;

Shall be a public nuisance.

<https://app.leg.wa.gov/RCW/default.aspx?cite=7.48.050>

RCW [7.48.050](#)

Moral nuisances—Definitions.

The definitions set forth in this section shall apply throughout this chapter as they relate to moral nuisances.

(1) "Knowledge" or "knowledge of such nuisance" means having knowledge of the contents and character of the patently offensive sexual conduct which appears in the lewd matter, or knowledge of the acts of lewdness, assignation, or prostitution which occur on the premises.

(2) "Lewd matter" is synonymous with "obscene matter" and means any matter:

(a) Which the average person, applying contemporary community standards, would find, when considered as a whole, appeals to the prurient interest; and

(b) Which depicts or describes patently offensive representations or descriptions of:

(i) Ultimate sexual acts, normal or perverted, actual or simulated; or

(ii) Masturbation, excretory functions, or lewd exhibition of the genitals or genital area.

Nothing herein contained is intended to include or proscribe any matter which, when considered as a whole, and in the context in which it is used, possesses serious literary, artistic, political, or scientific value.

(3) "Lewdness" shall have and include all those meanings which are assigned to it under the common law.

<https://app.leg.wa.gov/RCW/default.aspx?cite=7.48.140>

RCW [7.48.140](#)

Public nuisances enumerated

(3) To obstruct or impede, without legal authority, the passage of any river, harbor, or collection of water;

(4) To obstruct or encroach upon public highway, private ways, streets, alleys, commons, landing places, and ways to burying places or to unlawfully obstruct or impede the flow of municipal transit vehicles as defined in RCW [46.04.355](#) or passenger traffic, access to municipal transit vehicles or stations as defined in *RCW [9.91.025](#)(2)(a), or otherwise interfere with the provision or use of public transportation services, or obstruct or impede a municipal transit driver, operator, or supervisor in the performance of that individual's duties;

<https://app.leg.wa.gov/RCW/default.aspx?cite=7.48.120>

RCW [7.48.120](#)

Nuisance defined.

Nuisance consists in unlawfully doing an act, or omitting to perform a duty, which act or omission either annoys, injures or endangers the comfort, repose, health or safety of others, offends decency, or unlawfully interferes with, obstructs or tends to obstruct, or render dangerous for passage, any lake or navigable river, bay, stream, canal or basin, or any public park, square, street or highway; or in any way renders other persons insecure in life, or in the use of property.

<https://bellingham.municipal.codes/BMC/15.42.050>

15.42.050 General requirements (Stormwater)

C. Illicit Discharges.

1. Illicit discharges to stormwater drainage systems are prohibited.
2. No person shall throw, drain or otherwise discharge, cause or allow others under its control to throw, drain or otherwise discharge into the stormwater drainage system and/or surface and ground waters any materials other than stormwater.

RCW 9A.52.070

Criminal trespass in the first degree.

- (1) A person is guilty of criminal trespass in the first degree if he or she knowingly enters or remains unlawfully in a building.
- (2) Criminal trespass in the first degree is a gross misdemeanor.

RCW 9A.52.080

Criminal trespass in the second degree.

- (1) A person is guilty of criminal trespass in the second degree if he or she knowingly enters or remains unlawfully in or upon premises of another under circumstances not constituting criminal trespass in the first degree.
- (2) Criminal trespass in the second degree is a misdemeanor.

RCW 9A.52.090

Criminal trespass—Defenses.

In any prosecution under RCW 9A.52.070 and 9A.52.080, it is a defense that:

- (1) A building involved in an offense under RCW 9A.52.070 was abandoned; or
- (2) The premises were at the time open to members of the public and the actor complied with all lawful conditions imposed on access to or remaining in the premises; or
- (3) The actor reasonably believed that the owner of the premises, or other person empowered to license access thereto, would have licensed him or her to enter or remain; or
- (4) The actor was attempting to serve legal process which includes any document required or allowed to be served upon persons or property, by any statute, rule, ordinance, regulation, or court order, excluding delivery by the mails of the United States. This defense applies only if the actor did not enter into a private residence or other building not open to the public and the entry onto the premises was reasonable and necessary for service of the legal process.