

ORDINANCE NO. 1265

Introduced by All Commissioners

AN ORDINANCE AMENDING CHAPTER 12.28 "CAMPING"  
OF THE WARRENTON MUNICIPAL CODE

**WHEREAS**, the City last addressed this chapter of the City's Municipal Code in 2013; and

**WHEREAS**, the language of the code needs to be updated to be consistent with current State Legislative bills and laws; and

**WHEREAS**, the city needs to be able to address and regulate camping activity in the City on both public and private property to promote health and safety while being mindful individuals experiencing homelessness;

**NOW, THEREFORE**, the City of Warrenton ordains as follows:

**Section 1.** Warrenton Municipal Code Chapter 12.28 Camping is hereby amended to read as follows:

Chapter 12.28 CAMPING

12.28.010 Definitions.

- A. "To camp" means to set up, or to remain in or at a campsite, for the purposes of establishing or maintaining a temporary place to live.
- B. "Campsite" means any place where any bedding, sleeping bag, or other sleeping matter, or any stove or fire is placed, established, or maintained, whether or not such place incorporates the use of camp facilities. (Ord. 1179-A § 3, 2013)
- C. "To store" or "storage" means to put aside or accumulate for use when needed, to put for safekeeping, to place or leave in a location.
- D. "Camp paraphernalia" means, but is not limited to, tarpaulins, cots, beds, sleeping bags, blankets, mattresses, hammocks, or non-city designated cooking facilities and similar equipment.
- E. "Camp facilities" include, but are not limited to, tents, huts, temporary shelters, or vehicles.
- F. "City manager" means the Warrenton City Manager, or the city manager's designee.
- G. "Motor vehicle" has the meaning given that term in ORS 801.360.
- H. "Park areas" has the meaning of all public parks in the City of Warrenton.

- I. "Parking lot" means a developed location that is designated for parking motor vehicles, whether developed with asphalt, concrete, gravel, or other material.
- J. "Publicly owned or maintained" means any real property or structures owned, leased, or managed by the city or other government agency including public rights-of-way.
- K. "Public rights-of-way" has the meaning set forth in Chapter 12.32.
- L. "Recreational fire" means a fire for the cooking of food, warmth, fellowship, or ceremonial purposes.
- M. "Recreational vehicle" has the meaning given that term in ORS 174.101.
- N. "Seasonal businesses" means business that corresponds to the changes in seasons. Examples include but are not limited to; fresh fruit vendors, Christmas or alternative holiday retailers, fireworks retailers, and businesses associated with Buoy 10 fishing season.
- O. "Solid waste" means any garbage, trash, debris, yard waste, food waste, or other discarded materials.
- P. "Solid waste collector" means any person, agent, officer, or employee of the City to whom authority is given for the collection and disposal of refuse.
- Q. "Store" or "storage" means to put aside or accumulate for use when needed, to put for safekeeping, to place or leave in a location.
- R. "Street" means any highway, lane, road, street, right-of-way, alley, and every way or place in the City of Warrenton that is publicly owned or maintained for public vehicular travel.

12.28.020 Public property program for temporary camping.

- A. Campers participating in the city's program for temporary camping are permitted to camp in a location identified in city policy.
- B. All vehicles, motorized or recreational, participating in the city's program for temporary camping under this section shall be currently registered and displaying an unexpired registration plate with current tags or current trip permit issued by the Oregon State Department of Motor Vehicles (DMV) and shall be in compliance with required vehicle insurance responsibilities.
- C. The city manager may revoke permission for a person or group to camp overnight on public property upon finding that the person or group has violated any applicable law, ordinance, rule, guideline, or agreement, or that any activity occurring on that property by a camper(s) the person is incompatible with the use of the property or adjacent properties.

12.28.025 Prohibited public camping.

- A. Except as otherwise specifically authorized by the Warrenton Municipal Code or by declaration by the Mayor or City Commission in emergency circumstance, it is unlawful for any person(s) to establish or occupy a campsite on the following:
  - 1. All Park areas; and
  - 2. All publicly owned or maintained parking lots; and
  - 3. All publicly owned or maintained restrooms; and
  - 4. All publicly owned property located within residential zoning districts; and
  - 5. All publicly owned trails, beaches, and bridges; and
  - 6. All publicly owned marinas, docks, and dikes.
  
- B. Except as expressly authorized by the Warrenton Municipal Code, no person shall use any vehicle or recreational vehicle for camping or lodging purposes upon the streets, public property, or public beach of the City, or otherwise use the streets or public beach for camping or lodging.
  
- C. No person shall use any vehicle or trailer for camping or lodging purposes upon any private or public parking lots except as provided in this chapter.
  
- D. Except as expressly authorized by the Warrenton Municipal Code, it shall be unlawful for any person to store more than 120 cubic feet of personal property, including camp facilities and camp paraphernalia, on any public property during the hours of 6:00 a.m. to 9:00 p.m.
  
- E. Except as expressly authorized by the Warrenton Municipal Code or special event permit, it shall be unlawful to have a recreational fire on public property.
  
- F. A person or persons camping in a vehicle or recreational vehicle must adhere to parking regulations (Chapter 10.04 Article IV) and public right-of-way regulations (Chapter 12.32).
  
- G. Notwithstanding the provisions of this chapter, the city manager may temporarily authorize camping or storage of personal property on public property by written order that specifies the period of time and location:
  - 1. In the event of emergency circumstances;
  - 2. In conjunction with a special event permit;
  - 3. In the event the designated camping area described in Section 12.28.020 is full and unable to accommodate campers;
  - 4. Upon finding it to be in the public interest and consistent with commission goals and policies.
  
- H. The city manager may adopt administrative rules to implement any of the provisions of this chapter.
  
- I. The City of Warrenton recognizes the social nature of the problem of homeless individuals camping on public property and has developed this code and policy to ensure the most humane treatment for removal of homeless individuals from campsites on public property. (Ord. 1179-A § 3, 2013)

## 12.28.030 Temporary Private Property Camping Program

- A. Consistent with all other provisions of the Warrenton Municipal Code including the Recreational Vehicle Park Design Standards in Chapter 16.176, with written authorization of the owner of the property and subject to any additional rules adopted by the city manager:
  - 1. Up to three total motor vehicles, recreational vehicles, or tents, in any combination, may be used for a temporary camping location in any parking lot on the following types of property:
    - a. Real property developed and owned by a religious institution or place of worship, regardless of the zoning designation of the property. For the purpose of this section, an organization qualifies as a religious institution if it is granted tax exempt status under Section 501(c)(3) of the Internal Revenue Service Tax Code;
    - b. Vacant or unoccupied commercial or industrial real property.
- B. With written authorization of the owner and, if applicable, tenants of the property, up to four individuals may use a residentially zoned property developed with an occupied residential dwelling for camping by either:
  - 1. Using a tent to camp in the back yard of the residence; or
  - 2. Using a single motor vehicle parked in the driveway or on the side of the dwelling as long as it does not create a traffic hazard. A vehicle used for camping shall not be parked in front of a residence. There can be no discharge of waste of any sort except into proper sewer or septic systems and any connection to city-owned system must be approved by the city prior to any connection.
- C. A property owner who authorizes any person to camp on a property pursuant to subsection (A) or (B) of this section must:
  - 1. Provide or make available sanitary facilities; (i.e., including toilets, wash facilities, and drinking water facilities).
  - 2. Provide garbage collection services so that there is no accumulation of solid waste on the property outside of designated receptacles provided by the solid waste collector;
  - 3. Provide a storage area for campers to store any personal items so the items are not visible from any public street;
  - 4. Require any tent or camping shelter in a residential backyard to be not less than five feet away from any property line;
  - 5. Not require or accept the payment of any monetary charge nor performance of any valuable service in exchange for providing the authorization to camp on the property; provided, however, that nothing in this section will prohibit the property owner from requiring campers to perform services necessary to maintain safe, sanitary, and habitable conditions at the campsite; and

6. Obtain a city temporary camping permit. To obtain such a permit, the property owner must demonstrate compliance with all of the requirements of this section 12.28.030.
- D. A property owner who permits camping pursuant to subsection (A) or (B) of this section may revoke that permission at any time and for any reason.
  - E. Notwithstanding any other provision of this chapter, the city manager may revoke the city temporary camping permit upon finding that any of the requirements of this section 12.28.030 have been violated or any activity occurring on that property by the camper(s) is incompatible with the uses of adjacent properties or constitutes a nuisance or other threat to the public welfare.
  - F. Any person whose authorization or permit to camp on private property has been revoked pursuant to subsection (D) or (E) of this section must vacate and remove all belongings from the property within four hours of receiving such notice.
  - G. All persons participating in the temporary camping program described in this section do so at their own risk, and nothing in this code creates or establishes any duty or liability for the city or its officers, employees, or agents, with respect to any loss related to bodily injury (including death) or property damage.
  - H. The City Manager may adopt administrative rules to implement any of the provisions of this chapter.

#### 12.28.035 Revocation of Permission Appeal

- A. Any person whose authorization to camp on private or city property has been revoked by the City Manager may appeal the decision to the City Commission in accordance with the procedure set forth in Chapter 15.08 of the Warrenton Municipal Code. For the purposes of this section, a person has received notice to vacate upon actual receipt of either oral or written notice. Written notice is deemed received upon personal delivery or upon other proof of having been received. In the situation where it can be shown a person refuses to accept personal delivery or is intentionally avoiding personal delivery, the written notice is deemed received on the date and time when it is affixed to the motor vehicle or tent being used for camping by the person in question.

#### 12.28.040 Use of RV for seasonal businesses.

Special permits for seasonal businesses may be issued for no more than one recreational vehicle as registered to the owner/manager of said business, for up to one month upon application and approval by the City Commission or their designee. Application, approval, and issuance of the permit must take place before the recreational vehicle is placed upon the property. The unit must not create a traffic hazard and cannot discharge waste of any kind except into proper sewer or septic systems and any connection to city-owned system must be approved by the city prior to any connection. Arrangements must be made with the Public Works Department for regular pickup of garbage. (Ord. 1179-A § 5, 2013)

#### 12.28.050 Notice requirements and property retention.

- A. The City of Warrenton will follow all legal requirements providing adequate notice and the involvement of social services agencies to facilitate a humane transition when clearing established campsites. Notice requirements apply to established campsites (generally a campsite in place for over 24 hours). Notice requirements are not applicable to campsites that are not established and in violation of this chapter.

12.28.060 Enforcement and penalties.

- A. Violation of this code is a Class D violation as defined by ORS 153.008 and 153.012. A Class D violation carries a penalty of up to \$300.00. Each day the violation occurs will be considered a separate offense. Individuals experiencing homelessness may not be assessed a fine of more than \$35.00 for each violation of this chapter.
- B. In addition to any other penalties that may be imposed, any campsite not authorized by this chapter or other provisions of this code shall constitute a public nuisance and may be abated as such.

**Section 2.** This Ordinance shall become effective thirty days after its adoption.

First Reading: May 23, 2023

Second Reading: June 13, 2023

ADOPTED by the City Commission of the City of Warrenton, Oregon this 13<sup>th</sup> day of June 2023.

ATTEST

  
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Dawne Shaw, CMC, City Recorder

APPROVED

  
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Henry A. Balensifer III, Mayor