



## **WORK SESSION**

### **AGENDA**

**City Commission of the City of Warrenton  
Tuesday, October 26, 2021 – 5:15 P.M.  
Warrenton City Commission Chambers  
225 South Main Avenue  
Warrenton, OR 97146**

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- 1. Call to Order**
- 2. Roll Call**
- 3. Camping Ordinance Revisions**
- 4. Adjourn**

Warrenton City Hall is accessible to the disabled. An interpreter for the hearing impaired may be requested under the terms of ORS 192.630 by contacting Dawne Shaw, City Recorder, at 503-861-0823 at least 48 hours in advance of the meeting so appropriate assistance can be provided.



# WARRENTON POLICE DEPARTMENT CITY COMMISSION WORK SESSION



## Camping Ordinance Revisions

The 2021 Oregon Legislative Session had multiple bills that centered or in some way discussed homelessness/houselessness in Oregon. Many of the bills did not move forward and some were combined, but in the end four (4) bills became or are becoming law. These bills have made or will make portions of our current City Ordinances/Code invalid or unenforceable.

In consultation with Emily Matasar from our City Attorney's office, it was recommended that we move forward with making ordinance/code revisions to avoid possibly liability or litigation now and in the future.

For these reasons I have requested a Commission Work Session to

- review the Legislative Bills
- review what our current City Ordinances cover
- review some recently changed ordinances from other cities
- discuss the options the Commission has for regulation within our code.

**NOTE:** In a previous City Commission Work Session, we started discussing the use of RVs in the City. That discussion will continue but the use of RVs and vehicles by homeless/houseless will be part of this discussion as the two topics are separate but intertwined.

### 2021 Legislative Bills (see attached extensive bill breakdowns)

Thank you to Kevin Campbell from the OACP for providing this information. The following bills were passed that have to do with homelessness:

- **HB 2006** – Emergency Shelters/Transitional Housing Accommodations/Low-barrier Emergency Shelters and Navigation Centers
- **HB 3115** – Homelessness: Codification of Martin v. Boise
- **HB 3124** – Removal of Homeless from Established Camping Sites – Notice and Personal Property Requirements
- **HB 3261** – Project Turnkey: Zoning for Hotel/Motel Conversion to Emergency Shelter/Affordable Housing

Though all of these bills could have an affect on the City of Warrenton, we currently have no plans to utilize the provisions of **HB 2006** or **HB 3261**.

**HB 3261** was signed under an emergency clause and is law, so we have already crafted modified language to bring our code into alignment with the new law.

**HB 3115** does not become operative until July 1, 2023, but as stated the City Attorney's office has suggested that we move forward now with adjusting our code to avoid liability both current or possible retroactively if we enforce parts of our current code that will be invalidated.

## Review of Current Ordinances (see attached Chapter 12.28 Camping)

Chapter 12.28 of our Warrenton Municipal Code is the chapter we use when dealing with camping and RV issues within the City of Warrenton. Several areas of this chapter will need to be modified, expanded, clarified, etc. for the Code to be in compliance with the 2021 Legislation.

## Review of Current Ordinances from Other Cities (see attached ordinances)

With the help of Emily M. from B, H, & E, and the OACP, I have attached recently passed ordinances/code from the following cities:

- Dayton – Ordinance 651; Chapter 2.21
- Gladstone – Chapter 9.60
- McMinnville – Ordinance 5064; Chapter 8.36
- Medford – Chapter 5.257 & Information Sheet

As you can see, there is a somewhat of a wide range of approaches and restrictions incorporated in the various codes/ordinances.

## Discuss Options as we Amend Our Code

**NOTE:** I also attached WPD Policy #464 for reference as to how we approach homelessness as a department, to show that I have already modified this policy to align with **HB 3115** requirements. It should also be noted that Emily M. recommended removing the “Camp Removal & Clean-Up” section of our code and only have it as a policy/procedure and not in the ordinance.

In reviewing the legislative bills, looking at the other city ordinances, and consulting with Emily M., I make the following observations:

- We need to expand and clarify our “definitions” section
- We need to amend our “Prohibited Camping” section to comply with **HB 3115** by narrowing the prohibitions but setting a time/place/manner designation.
- Discuss “temporary camping” guidelines or regulations; location, size, time, etc.
- Fines, penalties

We must remember as we discuss all of these items, the legal standard that was set by the legislature in **HB 3115** is whether it is “*objectively reasonable as to time, place, and manner with regard to persons experiencing homelessness.*” **HB 3115** goes on and says, “*reasonableness is to be determined based on the totality of the circumstances, including, but not limited to, the impact of the law on persons experiencing homelessness.*” In my opinion, this will be very subjective and determined by the lens or filter of who is reviewing our ordinance and how we handle these situations. We must be consistent and comply with the legislation regardless of how we feel about it.

ORDINANCE NO. 5064

An Ordinance Relating to Camping within the City of McMinnville; amending MMC Chapter 8.36.

RECITALS:

The City of McMinnville desires to allow individuals and families that are temporarily experiencing the effects of homelessness to camp in relatively safe and sanitary locations while they are actively seeking access to stable and affordable housing.

The City desires to update the current code related to camping in the City to allow for legal camping during reasonable time periods, while protecting sensitive areas of the City that are disproportionately impacted by the negative effects of such activity.

The City desires to discourage camping in areas where such activities create unsafe and unsanitary living conditions, which can threaten the general health, welfare and safety of the both the campers and the larger community.

The City encourages the active participation of all concerned persons, organizations, businesses and public agencies to work in partnership with the City and the homeless community to address the short- and long-term impacts of homelessness in the community.

Now, therefore, THE COMMON COUNCIL FOR THE CITY OF McMINNVILLE ORDAINS AS FOLLOWS:

1. The provisions set forth in the attached Exhibit A, which are incorporated by this reference, are hereby adopted.
2. This ordinance will take effect within 30 days after its passage by the Council.

Passed by the Council on May 28, 2019, by the following votes:

Ayes: Garvin, Geary, Menke, Peralta, Stassens

Abstained: Drabkin

Approved on May 28, 2019.

\_\_\_\_\_  
COUNCIL PRESIDENT

Approved as to form:

Attest:

\_\_\_\_\_  
CITY ATTORNEY

\_\_\_\_\_  
CITY RECORDER

## EXHIBIT A



CITY OF MCMINNVILLE  
PLANNING DEPARTMENT  
231 NE FIFTH STREET  
MCMINNVILLE, OR 97128

503-434-7311

[www.mcminnvilleoregon.gov](http://www.mcminnvilleoregon.gov)

### PROPOSED AMENDMENTS TO THE MCMINNVILLE MUNICIPAL CITY CODE

Below is new proposed language to be added to the McMinnville City Code.

#### Chapter 8.36

#### CAMPING

**8.36.010. Definitions.** For the purpose of this chapter, the following definitions will apply:

- A. "Camp" or Camping" means to pitch, erect, create, use, or occupy camp facilities for the purposes of habitation, as evidenced by the use of camp paraphernalia.
- B. "Campsite" means any place where one or more persons have established temporary sleeping accommodations by use of camp facilities and/or camp paraphernalia.
- C. "Camp facilities" include, but are not limited to, tents, huts, temporary shelters, or vehicles.
- D. "Camp paraphernalia" includes, but is not limited to, tarpaulins, cots, beds, sleeping bags, blankets, mattresses, hammocks, or non-city designated cooking facilities and similar equipment.
- E. "City Property" means any real property or structures owned, leased or managed by the City, including public rights-of-way.
- F. "Designated Temporary Campsite" means a Campsite that is authorized by MMC, 8.36.020-8.36.040.
- G. "Family" means two or more persons related by blood, marriage, adoption, legal guardianship, or other duly-authorized custodial relationship, or not more than two unrelated adults.
- H. "Solid Waste" means any garbage, trash, debris, yard waste, food waste, or other discarded materials.
- I. "Solid Waste Disposal Services" means contracted solid waste collection service for a campsite with the City's exclusive franchisee for the collection of Solid Waste.
- J. "Motor Vehicle" has the meaning set forth in MMC 10.04.030, and for the purposes of this Ordinance, includes Recreational Vehicles.
- K. "Parking Lot" means a developed location that is designated for parking motor vehicles, whether developed with asphalt, concrete, gravel, or other material.
- L. "Prohibited Campsite" means any campsite:
  - a) Described in the MMC, 8.36.020-8.36.040; or,
  - b) Not authorized under the McMinnville City Code.
- M. "Recreational Vehicle" has the meaning set forth in the MMC, 10.04.030.

- N. "Store" or "storage" means to put aside or accumulate for use when needed, to put for safekeeping, to place or leave in a location.
- O. "Street" means any highway, lane, road, street, right of way, alley, and every way or place in the City of McMinnville that is publically owned or maintained for public vehicular travel.
- P. "Park areas" has the meaning set forth in MMC 12.36.020 (A) (3).
- Q. "Urban Renewal Area" has the meaning set forth in the McMinnville Urban Renewal Plan adopted by Ordinance No. 4972 and amended by Resolution No. 2014-01.

**8.36.020. Temporary Camping Program.**

- A. With authorization of the property owner of the property:
  - 1. Up to 3 total motor vehicles or tents, in any combination, may be used for camping in any parking lot on the following types of property:
    - a) Real property developed and owned by a religious institution, place of worship, or public agency, regardless of the zoning designation of the property;
    - b) Real property developed with one or more buildings occupied and used by any organization or business primarily for non-profit, commercial or industrial purposes;
    - c) Vacant or unoccupied commercial or industrial real property, after the property owner has registered the temporary camping location with the city. The City may require the site to be part of a supervised program operated by the City or its agent.
  - 2. Up to one family may use a residential zoned property developed with an occupied residential dwelling, with further authorization from any tenants of the property, for camping by either:
    - a) Using a tent to camp in the back yard of the residence, or
    - b) Using a single motor vehicle parked in the driveway of the dwelling.
- B. A property owner who authorizes any person to camp on a property pursuant to 8.36.020(A) of the MMC must:
  - 1. Provide or make available sanitary facilities;
  - 2. Provide garbage disposal services so that there is no accumulation of solid waste on the site;
  - 3. Provide a storage area for campers to store any personal items so the items are not visible from any public street;
  - 4. Require a tent or camping shelter in a residential backyard to be not less than five feet away from any property line; and
  - 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 code section will prohibit the property owner from requiring campers to perform services necessary to maintain safe, sanitary, and habitable conditions at the campsite.
- C. A property owner who permits overnight sleeping pursuant to 8.36.020(A), may revoke that permission at any time and for any reason.
- D. Notwithstanding any other provision of this code chapter, the city manager or their designee may:
  - 1. Revoke the right of any person to authorize camping on property described in 8.36.020(A), upon finding that any activity occurring on that property by the campers is incompatible with the uses of adjacent properties or constitutes a nuisance or other threat to the public welfare; or
  - 2. Revoke permission for a person or family to sleep overnight on city-owned property, upon finding that the person or family member has violated any applicable law, ordinance, rule, guideline or agreement, or that any activity occurring on that property by a camper is incompatible with the use of the property or adjacent properties.

- E. Any person whose authorization to camp on property has been revoked pursuant to 8.36.020(B) and 8.36.020(C) must vacate and remove all belongings from the property within 4 hours of receiving such notice.
- F. All persons participating in the Temporary Camping Program described in this code 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 (including destruction).

**8.36.030. Prohibited Camping**

- A. Except as expressly authorized by the McMinnville Municipal Code, it is unlawful at all times for any persons to establish or occupy a campsite on the following City property:
  - 1. All Park areas;
  - 2. All public property located within the boundaries of the McMinnville Urban Renewal Area;
  - 3. All publically owned or maintained parking lots; and
  - 4. All public property located within an area zoned for Residential Use under MMC Chapter 17.
- B. Except as expressly authorized by the McMinnville Municipal Code, it shall be unlawful for any person to camp or maintain a campsite on any City property during the hours of 6:30 a.m. to 9:30 p.m.
- C. Except as expressly authorized by the McMinnville Municipal Code, it shall be unlawful for any person to store personal property, including camp facilities and camp paraphernalia, on any City property during the hours of 6:30 a.m. to 9:30 p.m.
- D. Notwithstanding the provisions of this Chapter, the City Manager or designee may temporarily authorize camping or storage of personal property on City property by written order that specifies the period of time and location:
  - a. In the event of emergency circumstances;
  - b. In conjunction with a special event permit; or
  - c. Upon finding it to be in the public interest and consistent with council goals and policies.
- E. The city manager may adopt administrative rules to implement any of the provisions of this Chapter.

**8.36.040. Penalties and Enforcement**

- A. Violation of any provisions in Section 8.36.020 is a Class C violation pursuant to ORS 153.012. Each day that a violation occurs will be considered a separate offense.
- B. Violations of any provisions in Section 8.36.030 is a Class C misdemeanor or pursuant to ORS 161.555 (1)(d).
- C. In addition to any other penalties that may be imposed, any campsite used for overnight sleeping in a manner not authorized by this section or other provisions of this code shall constitute a public nuisance and may be abated as such.

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## Homeless Persons

### 464.1 PURPOSE AND SCOPE

The purpose of this policy is to ensure that department members understand the needs and rights of the homeless, and to establish procedures to guide them during all contacts with the homeless, whether consensual or for enforcement purposes.

This policy establishes a liaison to the homeless community, addresses the responsibilities of the department member appointed to act as a liaison to the homeless, and details the need for special protection and services for homeless persons.

### 464.2 LIAISON TO THE HOMELESS COMMUNITY

The Chief of Police shall designate certain responsibilities to a liaison to the homeless community. The liaison shall be appointed by and directly responsible to the Chief of Police or the authorized designee.

The responsibilities of the liaison include but are not limited to:

- (a) Maintaining and making available to all department members a list of assistance programs and other resources that are available to homeless persons.
- (b) Meeting with social services and representatives of other organizations that render assistance to the homeless community.
- (c) Maintaining a list of the areas within and near the jurisdiction of this department that are used as frequent homeless encampments.
- (d) Remaining abreast of laws dealing with homelessness, including property rights. This will include the following:
  1. Proper posting of notices of trespass and clean-up operations.
  2. Proper retention of property after clean-up, to include procedures for owners to reclaim their property in accordance with the Property and Evidence Policy and other established procedures.
- (e) Being present during any clean-up operation conducted by this department that involves the removal of personal property of the homeless. This is to ensure that the established rights of the homeless are not violated.
- (f) Developing training to assist members in understanding current legal and social issues relating to the homeless.
- (g) Reviewing any city policies regarding homeless individuals camping on public property (ORS 203.077).

### 464.3 FIELD CONTACTS

Officers are encouraged to contact a homeless person to render aid, offer assistance, or to check the person's welfare. Officers also will take enforcement action when information supports a

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reasonable and articulable suspicion of criminal activity. However, such contacts shall not be used for harassment.

When encountering a homeless person who has committed a non-violent misdemeanor and continued freedom is not likely to result in a continuation of the offense or a breach of the peace, officers are encouraged to consider long-term solutions, such as shelter referrals and counseling, in lieu of physical arrest.

Officers should provide homeless persons with resource and assistance information whenever it is reasonably apparent such services may be appropriate.

### 464.3.1 CONSIDERATIONS

A homeless person will receive the same level and quality of service provided to other members of the community. The fact that a victim, witness, or suspect is homeless can, however, require special considerations for a successful investigation and prosecution. When handling investigations involving victims, witnesses, or suspects who are homeless, officers should consider:

- (a) Documenting alternate contact information. This may include obtaining addresses and telephone numbers of relatives and friends.
- (b) Documenting locations the person may frequent.
- (c) Providing victim/witness resources, when appropriate.
- (d) Obtaining sufficient statements from all available witnesses in the event that a victim cannot be located and is unavailable for a court appearance.
- (e) Whether the person may be an adult abuse victim and, if so, proceed in accordance with the Adult Abuse Policy.
- (f) Arranging for transportation for investigation-related matters, such as medical exams and court appearances.
- (g) Whether a crime should be reported and submitted for prosecution, even when a victim who is homeless indicates no desire for prosecution.

### 464.4 PERSONAL PROPERTY

The personal property of homeless persons must not be treated differently than the property of other members of the public. Officers should use reasonable care when handling, collecting, and retaining the personal property of homeless persons and should not destroy or discard the personal property of a homeless person.

When a homeless person is arrested, or otherwise removed from a public place, officers should make reasonable accommodations to permit the person to lawfully secure any personal property. Otherwise, the arrestee's personal property should be collected for safekeeping. If the arrestee has more personal property than can reasonably be collected and transported by the officer, a supervisor should be consulted. The property should be photographed, and measures should be taken to remove or secure the property. It will be the supervisor's responsibility to coordinate the removal and safekeeping.

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Officers should not conduct or assist in clean-up operations of belongings that reasonably appear to be the property of homeless persons without the prior authorization of a supervisor or the department Homeless Liaison Officer.

Officers who encounter unattended encampments, bedding, or other personal property in public areas that reasonably appears to belong to a homeless person should not remove or destroy such property and should inform the liaison if such property appears to involve a trespass, is a blight to the community, or is the subject of a complaint. It will be the responsibility of the liaison to address the matter in a timely fashion.

### **464.4.1 STATE LAW ON UNCLAIMED PERSONAL PROPERTY**

When a homeless individual is removed pursuant to a city policy, any unclaimed personal property stored by this department shall be stored in an orderly fashion, keeping items that belong to an individual together to the extent that ownership can reasonably be determined. Items that have no apparent utility or are in an unsanitary condition may be immediately discarded upon removal of the homeless individual from the camp site (ORS 203.079).

Weapons, controlled substances, and items that appear to be either stolen or evidence of a crime shall be stored pursuant to department protocols and the Property and Evidence Policy.

### **464.5 MENTAL HEALTH ISSUES**

When mental health issues are evident, officers should consider referring the person to the appropriate mental health agency or providing the person with contact information for mental health assistance, as appropriate. In these circumstances, officers may provide transportation to a mental health facility for voluntary evaluation if it is requested or offered and accepted by the person, and approved by a supervisor. Officers should consider detaining the person under civil commitment when facts and circumstances reasonably indicate such a detention is warranted (see the Civil Commitments Policy).

### **464.6 ECOLOGICAL ISSUES**

Sometimes homeless encampments can have an impact on the ecology and natural resources of the community and may involve criminal offenses beyond mere littering. Officers are encouraged to notify other appropriate agencies or City departments when a significant impact to the environment has or is likely to occur. A significant impact to the environment may warrant a crime report, investigation, supporting photographs, and supervisor notification.

### **464.7 POLICY**

It is the policy of the Warrenton Police Department to protect the rights, dignity, and private property of all members of the community, including people who are homeless. Abuse of authority to harass any member of the community will not be permitted. The Warrenton Police Department will address the needs of homeless persons in balance with the overall mission of this department.

Homelessness is not a crime and members will not use homelessness as the sole basis for detention or law enforcement action.

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### **464.8 HOMELESS CAMPS ON PUBLIC PROPERTY**

Prior to removing homeless individuals from an established campsite on public property, officers shall (ORS 203.079):

- (a) Post the area with required written notice of pending removal at all entrances reasonably identifiable. Notice should be in English and Spanish and include all required information under ORS 203.079 (e.g., location of unclaimed property, required contact information for questions regarding location of property storage).
  - 1. Notice shall be posted at least 72 hours prior to removal except in certain circumstances (e.g., camping at cemeteries).
- (b) Once notice is posted, notify the local agency that delivers social services to homeless individuals as to where the notice has been posted.

The 72-hour warning notice requirement is not necessary if officers reasonably believe that illegal activity unrelated to the camping is occurring at an established camping site or in the event of an exceptional emergency such as a possible site contamination by hazardous materials, a public health emergency, or other immediate danger to human life or safety (ORS 203.079).



## Prohibited Camping Ordinance Information Sheet – April 2, 2021

**WHAT:** The Prohibited Camping Ordinance provides clear time, place, and manner regulations regarding sleeping or camping outside.

**WHY:** To address changing case law and address public safety concerns and equitable use of public property, including along the Bear Creek Greenway.

### ORDINANCE SPECIFICS:

#### Lying/sleeping and camping are prohibited (subsection (5) in the following places:

- Along Greenways and Prescott Park during fire season
- On playgrounds or sports fields during hours of closure
- Underneath bridges
- Near railroad tracks
- Publicly-owned property not open to the public.
- On streets
- Obstructing sidewalks or entryways to private property

#### Structure camping implications (Subsection 4):

- Structure camping on private property is not restricted by this ordinance
- Structure camping on public property prohibited unless exception applies
- Exception for severe weather events and organized-and-approved operations
- Exception for City policy designating locations and circumstances

#### 24-Hour Rule (Subsection 3):

- Bedding materials laid out on sidewalks, parks, etc. must be packed up within 24 hours.

### IMPLEMENTATION:

The City's implementation of the prohibited camping ordinance will continue to emphasize outreach and connection of houseless individuals to resources, with enforcement tools available when needed and appropriate.

- The City's Livability Team is hosting a **Hawthorne Park Resource Fair** on April 9 from 9 a.m. to 1 p.m. The purpose of this fair is to connect interested individuals to social services. Vaccinations will be available for unhoused individuals and administered by La Clinica at this event.

## 5.257 Prohibited Camping, Lying, and Sleeping.

(1) As used in this section:

- (a) "To camp" means to set up or to remain in or at a campsite.
- (b) "Campsite" means any place where any stove or fire is placed, established or maintained for the purpose of maintaining a temporary place to live, or where the use of any tent, lean-to, shack, or any other structure, or any vehicle or part thereof is placed, established or maintained for the purpose of maintaining a temporary place to live.
- (c) "Bedding materials" means a sleeping bag, bedroll, or other material used for bedding purposes, including materials used to keep warm and dry while sleeping.
- (d) "The Greenways" refers to the Bear Creek Greenway, the Larson Creek Greenway, the Lazy Creek Greenway, and the Navigator's Landing Greenway.
- (e) "Vehicle camping in a lawful parking space" refers to a person experiencing homelessness utilizing a motor vehicle in a lawful parking space as a temporary place to live. The vehicle must be operational and must be moved at least every 24 hours. To fall within this definition, the parking space at issue cannot be adjacent to residences.
- (f) "Personal property" means any item that can reasonably be identified as belonging to an individual and that has apparent value or utility.

(2) It is found and declared that:

- (a) From time to time persons establish campsites on sidewalks, public rights-of-way, under bridges, and so forth;
- (b) Such persons, by such actions create unsafe and unsanitary living conditions which pose a threat to the peace, health, and safety of themselves and the community;
- (c) During high and extreme fire conditions, the Greenways and Prescott Park pose a unique fire danger due to dry brush and abundant fuel sources;
- (d) Enforcing existing arson laws and burning prohibitions on an incident-by-incident basis alone on the Greenways and Prescott Park during high and extreme fire conditions does not provide sufficient protection to public peace, health, and safety under such conditions, because of increased fire ignition potential and the rapid rate at which fire spreads under such circumstances;
- (e) It is difficult for emergency personnel to evacuate individuals camping on the Greenways or Prescott Park during a fire event;
- (f) Wildfires on the Greenways and Prescott Park pose a severe threat to persons and property, including residents and property owners near those areas and persons experiencing homelessness within those areas;

- (g) Camping, lying, or sleeping on a playground or sports field fundamentally undermines the public's ability to use that public property for its intended purpose;
  - (h) Camping, lying, or sleeping on or near railroad tracks, or in a manner that obstructs sidewalks prevents the public's ability to use that public property for its intended purpose and can in some situations result in imminent threats to life;
  - (i) This section's regulations are meant strictly to regulate the use of publicly owned property, and are not intended to regulate activities on private property; and
  - (j) The enactment of this provision is necessary to protect the peace, health, and safety of the City and its inhabitants.
- (3) No person shall place or utilize bedding materials upon any sidewalk, street, alley, lane, public right-of-way, park, greenway, or any other publicly owned property or under any bridge or viaduct for more than 24 hours consecutively in a particular location, unless otherwise specifically authorized by this code, or by declaration of the Mayor in emergency circumstances, or by executive order of the City Manager pursuant to such declaration, or by declaration of the City Manager in the case of a severe event.
- (4) (a) Except as set forth in subsection (4)(b) of this section, no person shall camp in or upon any sidewalk, street, alley, lane, public right-of-way, park, greenway, or any other publicly owned property or under any bridge or viaduct.
- (b) The prohibition in subsection (4)(a) of this section does not apply to tent camping or vehicle camping in the following circumstances:
- (i) If otherwise specifically authorized by any provision of the Medford Municipal Code;
  - (ii) By declaration of the Mayor in emergency circumstances, if so authorized by the declaration;
  - (iii) By executive order of the City Manager pursuant to such declaration, if so authorized by the executive order;
  - (iv) By declaration of the City Manager in the case of a severe event, if so authorized by the declaration;  
or
  - (v) If the City publishes on its website a written policy authorizing tent camping or vehicle camping on specific publicly owned properties, then tent camping or vehicle camping on such properties is lawful and permissible consistent with the time, place, and manner constraints contained within any such written-and-published City policy.
- (5) No person shall camp, lie, sleep, or use bedding materials in any of the following circumstances, unless otherwise specifically authorized by this code, by declaration of the Mayor in emergency circumstances, by executive order of the City Manager pursuant to such emergency declaration, or by executive order of the City Manager pursuant to such declaration, or by declaration of the City Manager in the case of a severe event:

- (a) On the Greenways or Prescott Park, during the period May 1st to September 30th in any calendar year, or at any other time if the Fire Chief or the Fire Chief's designee determines that a fire hazard exists;
  - (b) On a playground or sports field during hours of closure. Notwithstanding Section [5.255](#), lying or sleeping in a City-owned park during hours of closure is not prohibited so long as the individual is experiencing homelessness, is not on a playground or sports field, is not on a "school park" associated with a school, and is not violating any other subsection of this section;
  - (c) On areas underneath roadways or bridges that are not open to the public;
  - (d) On railroad tracks or within 15 feet of railroad tracks;
  - (e) On publicly owned property not open to the public, including but not limited to the Public Works Service Center and park areas temporarily closed for construction, repairs, maintenance, cleaning and similar activities;
  - (f) On streets, including planter strips, medians and parking spaces;
  - (g) On sidewalks, if by doing so, the person obstructs pedestrian traffic along the sidewalk or into private property and businesses adjacent to the sidewalk. For purposes of this provision, an individual obstructs pedestrian traffic if that individual, by camping, lying, sleeping, or using bedding materials, reduces the path of travel to less than 36 inches.
- (6) Except as provided in subsection [\(10\)](#) of this section, at least 72 hours before removing homeless individuals from an established camping site, law enforcement officials shall post a written notice, in English and Spanish, at all entrances to the camping site to the extent that the entrances can reasonably be identified.
- (a) When a 72-hour notice is posted, law enforcement officials shall inform local agencies that deliver social services to homeless individuals as to where the notice has been posted. Any local agency, providing service within the City limits of Medford, desiring to be on this notification list must provide its name, address, telephone number, and name of contact person to the Medford Police Department, in writing, requesting notification.
  - (b) The local agencies may arrange for outreach workers to visit the camping site that is subject to the notice to assess the need for social service assistance in arranging shelter and other assistance.
- (7) (a) All personal property at the camping site that remains unclaimed after removal shall be given to a law enforcement official, a local agency that delivers social services to homeless individuals, an outreach worker, a local agency official or a person authorized to issue a citation described in subsection [\(10\)](#) of this section, whether notice is required or not.
- (b) The unclaimed personal property must be stored in a facility located in the same community as the camping site from which it was removed. For purposes of this section, the City of Medford is considered a single community.
  - (c) Items that have no apparent value or utility or are in an insanitary condition may be immediately discarded upon removal of the homeless individuals from the camping site.

- (d) Weapons, controlled substances other than prescription medication and items that appear to be either stolen or evidence of a crime shall be given to or retained by law enforcement officials.
- (8) The written notice required under subsection (6) of this section must state, at a minimum:
- (a) Where unclaimed personal property will be stored;
  - (b) A phone number that individuals may call to find out where the property will be stored; or
  - (c) If a permanent storage location has not yet been determined, the address and phone number of an agency that will have the information when available.
- (9) (a) The unclaimed personal property shall be stored in an orderly fashion, keeping items that belong to an individual together to the extent that ownership can reasonably be determined.
- (b) The property shall be stored for 30 days during which it shall be reasonably available to any individual claiming ownership. Any personal property that remains unclaimed after 30 days may be disposed of or donated to a corporation described in Section 501(c)(3) of the Internal Revenue Code as amended and in effect on December 31, 2020.
- (10) (a) The 72-hour notice requirement under subsection (6) of this section does not apply:
- (i) When there are grounds for law enforcement officials to believe that illegal activities other than camping are occurring at an established camping site;
  - (ii) In the event of an exceptional emergency at an established camping site, including, but not limited to, possible site contamination by hazardous materials, a public health emergency or other immediate danger to human life or safety; or
  - (iii) When the campsite is located in the areas specified in subsection (5)(a) of this section, and the notice is placed during the time frame described in subsection (5)(a) of this section, or when in the discretion of the Fire Chief or the Fire Chief's designee, the Greenways or Prescott Park should be immediately closed for fire danger as described in subsection (5)(a) of this section or per Administrative Regulation 907.
- (b) If a funeral service is scheduled with less than 72 hours' notice at a cemetery at which there is a camping site, or a camping site is established at the cemetery less than 72 hours before the scheduled service, the written notice required under subsection (6) of this section may be posted at least 24 hours before removing homeless individuals from the camping site.
- (11) A person authorized to issue a citation for unlawful camping may not issue the citation if the citation would be issued within 200 feet of a notice required under subsection (6) of this section and within two hours before or after the notice was posted.
- (12) Violation of subsection (3) of this section constitutes a violation. Violation of subsection (4) of this section consisting of vehicle camping in a lawful parking space constitutes a violation. Every day in which such violations occur constitutes a separate violation. A violation of subsection (4) or (5) of this section constitutes a crime, except for vehicle camping in a lawful parking space.

[Added Sec. 1, Ord. No. 6226, Nov. 3, 1988; Amd. Sec. 3, Ord. No. 2000-46, Mar. 16, 2000; Amd. Sec. 1, Ord. No. 2018-115, Sep. 20, 2018; Amd. Sec. 1 (Exh. A), Ord. No. 2021-23, Apr. 1, 2021; Amd. Sec. 1 (Exh. A), Ord. No. 2021-75, Jul. 15, 2021.]

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**The Medford Municipal Code is current through Ordinance 2021-108, passed September 16, 2021.**

Disclaimer: The city attorney's office has the official version of the Medford Municipal Code. Users should contact the city attorney's office (541-774-2020) for ordinances passed subsequent to the ordinance cited above.

**Note:** This site does not support Internet Explorer. To view this site, Code Publishing Company recommends using one of the following browsers: Google Chrome, Firefox, or Safari.

[City Website: www.medfordoregon.gov](http://www.medfordoregon.gov)

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## 2021 Oregon Homeless Legislation

### **HB 2006 – Emergency Shelters/Transitional Housing Accommodations/Low-barrier Emergency Shelters and Navigation Centers**

#### Emergency Shelters

- Defines “emergency shelter” as a building or cluster of buildings that provides shelter on a temporary basis for individuals and families who lack permanent housing.
- Provides that a building or cluster of buildings used as an emergency shelter under an approval granted under section 3 of this 2021 Act or section 11, chapter 12, Oregon Laws 2020 (first special session):
  - May resume its use as an emergency shelter after an interruption or abandonment of that use for two years or less, notwithstanding ORS 215.130(7).
  - May not be used for any purpose other than as an emergency shelter except upon application for a permit demonstrating that the construction of the building and its use could be approved under current land use laws and local land use regulations.
- Provides that an approval of an emergency shelter under this measure or section 11, chapter 12, Oregon Laws 2020 (first special session) is void unless the shelter is operating within two years following the approval.
- Requires a local government to approve an application for the development or use of land for an emergency shelter, if the emergency shelter:
  - Includes sleeping and restroom facilities for clients
  - Will comply with applicable building codes
  - Is located inside and urban growth boundary or in an area zoned for rural residential use
  - Will not result in the development of a new building that is sited within an area designated under a statewide planning goal relating to natural disasters and hazards (flood plains or mapped environmental health hazards) unless the development complies with regulations directly related to the hazard;
  - Has adequate transportation access to commercial and medical services; and
  - Will not pose any unreasonable risk to public health or safety.
- Requires an emergency shelter, as defined by the measure, to be operated by:
  - A local government (ORS 174.116)
  - An organization with at least two years of experience operating an emergency shelter using best practices that is:
    - A local housing authority (ORS 456.375)
    - A religious corporation (ORS 65.001); or
    - A public benefit corporation (ORS 65.001), whose charitable purpose includes the support of homeless individuals, that has been recognized as exempt from income tax under section 501(a) of the Internal Revenue Code on or before January 1, 2018; or
  - A nonprofit corporation partnering with any other entity identified as an approved operator by the measure.
- Provides that an emergency shelter approved under the provisions of the measure:
  - May provide the following on-site for its clients and at no cost to the clients:
    - Showering or bathing;
    - Storage for personal property;
    - Laundry facilities;
    - Service of food prepared on-site or off-site;
    - Recreation areas for children and pets;

- Case management services for housing, financial, vocational, educational or physical or behavioral health care services; or
  - Any other services incidental to shelter.
- May include youth shelters, winter or warming shelters, day shelters and family violence shelter homes (ORS 409.290).
- Provides that an emergency shelter approved based on the provisions of this measure are authorized to provide additional services to individuals who are transitioning from unsheltered homeless status and allows the organization providing services to charge a fee of no more than \$300 per month per client and only to clients who are financially able to pay the fee and who request the services.
- Clarifies that the approval of an emergency shelter as defined by the measure is not a land use decision and is subject to review only under ORS 34.010 to 34.100.
- Provides that the emergency shelter approval requirement/process is repealed on July 1, 2022 for applications not completed and submitted before the date of the repeal.

### **Enhanced Transitional Housing Accommodations Definition**

- Amends the definition of “transitional housing accommodations” to include areas in parking lots or facilities for individuals or families to reside overnight in a motor vehicle, without regard to whether the motor vehicle was designed for use as temporary living quarters.
- Provides that any political subdivision may:
  - Allow any public or private entity to allow overnight camping by homeless individuals living in vehicles on the property of the entity.
  - May impose reasonable conditions upon offering camping space, including establishing a maximum number of vehicles allowed.
- Requires entities approved by a political subdivision to provide camping spaces must also provide access to sanitary facilities, including toilet, handwashing and trash disposal facilities.
- Authorizes the Oregon Housing and Community Services Department to use resources from the Emergency Housing Account for development of technical assistance and training resources for organizations developing and operating emergency shelters and transitional housing accommodations based on the measure.

### **Low-barrier emergency shelters:**

- Defines “low-barrier emergency shelter” as an emergency shelter that follows established best practices to deliver shelter services that minimize barriers and increase access to individuals and families experiencing homelessness.
- Requires the Oregon Housing and Community Services Department to award grants and provide technical assistance to organizations to fund:
  - The construction, purchase or lease of facilities to be used as low-barrier emergency shelters;
  - The operation, use or staffing of low-barrier emergency shelters, including the costs to provide clients with access to the shelters;
  - The development or use of amenities or facilities that provide no-cost services to individuals and families who are homeless, including restroom and hygiene facilities, laundry facilities, dining facilities, storage for personal property, meeting or gathering spaces and facilities providing case management services; or
  - Rapid rehousing services and supports for individuals and families.
- Requires the Oregon Housing and Community Services Department to:
  - Ensure that funds are distributed among different region of the state; and
  - Prioritize funding areas of highest need as identified in the August 2019 Oregon Statewide Shelter Study.

- Ensure that grants are awarded through a competitive process that emphasizes collaborative proposals; or to one or more community action agencies.

## Navigation Centers

- Defines “navigation center” as a low-barrier emergency shelter that is open seven days per week and connects individuals and families with health services, permanent housing and public benefits.
- Authorizes the Oregon Department of Administrative Services to award grants to local governments to:
  - Plan the location, development or operations of a navigation center;
  - Construct, purchase or lease a building for use as a navigation center;
  - Operate a navigation center that has been constructed, purchased or leased; or
  - Contract for the performance of activities related to a navigation center.
- Requires local governments receiving a grant to return all moneys granted if the navigation center subject to the grant is not operating on or before July 1, 2022.
- The following grants were awarded to specified nonprofit organizations and local governments through HB 5042 to establish and/or operate navigation centers to assist individuals and families with access to health services, permanent housing, and public benefits. The grants were awarded as follows:
  - \$1,500,000 to the City of McMinnville for a navigation center;
  - \$1,500,000 to the City of Roseburg for a navigation center;
  - \$2,000,000 to Bybee Lakes Hope Center for a navigation center;
  - 2,500,000 to the City of Bend for a navigation center;
  - \$2,500,000 to the City of Medford for a navigation center;
  - \$5,000,000 to the City of Salem for a navigation center; and
  - \$5,000,000 to Lane County for a navigation center within the City of Eugene

## HB 3115 – Homelessness: Codification of Martin v. Boise

HB 3115 seeks to codify the 2019 9th Circuit Court of Appeals decision in Martin v. Boise relating to local laws regulating the acts of sitting, lying, sleeping, or keeping warm and dry in outdoor public spaces with regards to persons experiencing homelessness. The measure includes the following key provisions:

- Defines “keeping warm and dry” to mean using measures necessary for an individual to survive outdoors given the environmental conditions but does not include using any measure that involves fire or flame.
- Defines “public property” to mean the term as it is defined in ORS 131.705.
- Provides that “city or county law” does not include policies developed pursuant to ORS 203.077 or 203.079.
- Provides that any city or county law that regulates the acts of sitting, lying, sleeping or keeping warm and dry outdoors on public property that is open to the public must be objectively reasonable as to time, place and manner with regards to persons experiencing homelessness.
- Creates an affirmative defense to a charge of violating a city or county law regulating the acts of sitting, lying, sleeping or keeping warm and dry outdoors on public property that is open to the public that the law is not objectively reasonable.
- Authorizes a person experiencing homelessness to bring suit for injunctive or declaratory relief to challenge the objective reasonableness of these city or county laws and requires that the action be brought in the circuit court of the county that enacted the law or of the county in which the city that enacted the law is located.
- Requires “reasonableness” to be determined based on the totality of the circumstances, including, but not limited to, the impact of the law on persons experiencing homelessness.

- Allows the court, in its discretion, to award reasonable attorney fees to a prevailing plaintiff if the plaintiff:
  - Was not seeking to vindicate an interest unique to the plaintiff; and
  - At least 90 days before the action was filed, provided written notice to the governing body of the city or county that enacted the law being challenged of an intent to bring the action and the notice provided the governing body with actual notice of the bases the plaintiff intends to challenge the law.
- Clarifies that the measure does not create a private right of action for monetary damages.
- Provides that the requirements of the measure become operative on July 1, 2023

### **HB 3124 – Removal of Homeless from Established Camping Sites – Notice and Personal Property Requirements**

- Defines “personal Property as any item that can reasonably be identified as belonging to an individual and that has apparent value or utility.
- Requires law enforcement officials, at least 72 hours before removing homeless individuals from an established camping site to post a written notice in English and Spanish at all entrances to the camping site to the extent that the entrances can reasonably be identified.
- Requires law enforcement officials, when a 72-hour notice is posted, to inform the local agency that delivers social services to homeless individuals as to where the notice has been posted.
- Requires all personal property at the camping site that remains unclaimed after removal to be given to a:
  - law enforcement official,
  - local agency that delivers social services to homeless individuals,
  - outreach worker,
  - local agency official or a person authorized to issue a citation for unlawful camping under state law, administrative rule or city or county ordinance, whether the 72-notice is required or not.
- Requires unclaimed personal property to be stored:
  - For property removed from camping sites in counties other than Multnomah County, in a facility located in the same community as the camping site from which it was removed.
  - For property removed from camping sites in Multnomah County, in a facility located within six blocks of a public transit station.
  - Items that have no apparent value or utility or are in an insanitary condition may be immediately discarded upon removal of the homeless individuals from the camping site.
  - Weapons, controlled substances other than prescription medication and items that appear to be either stolen or evidence of a crime shall be given to or retained by law enforcement officials.
- Requires the written notice, at a minimum, to include:
  - Where unclaimed personal property will be stored;
  - A phone number that individuals may call to find out where the property will be stored; or
  - If a permanent storage location has not yet been determined, the address and phone number of an agency that will have the information when available.
- Requires unclaimed property to be stored in an orderly fashion, keeping items that belong to an individual together to the extent that ownership can reasonably be determined.
- Requires personal property to be stored for a minimum of 30 days during which time it shall be reasonably available to any individual claiming ownership.
- Personal property unclaimed after 30 day may be disposed of or donated to a 501(c)(3) corporation (Internal Revenue Code as amended and in effect on Dec. 31, 2020).
- Provides that the 72-hour notice requirement does not apply:

- When there are grounds for law enforcement officials to believe that illegal activities other than camping are occurring at an established camping site.
- In the event of an exceptional emergency at an established camping site, including, but not limited to, possible site contamination by hazardous materials, a public health emergency or other immediate danger to human life or safety.
- Allows a notice to be posted at least 24 hours before removing individuals from a camping site if a funeral service is scheduled with less than 72 hours' notice at a cemetery at which there is a camping site, or a camping site is established at the cemetery less than 72 hours before the scheduled service.
- Prohibits a person authorized to issue a citation for unlawful camping (under state law, administrative rule or city or county ordinance) from issuing a citation within 200 feet of a notice required by the measure and within two hours before or after the notice was posted.
- Provides that any law or policy of a city or county that is more specific or offers greater protections to homeless individuals subject to removal from an established camping site preempts contrary provisions of this measure.
- Effective Date: Took effect on the date the Governor signed the measure into law on June 23, 2021.

### **HB 3261 – Project Turnkey: Zoning for Hotel/Motel Conversion to Emergency Shelter/Affordable Housing**

- Requires a local government to unconditionally allow the conversion of the lawful use of a property, notwithstanding any statewide land use planning goals or land use regulations:
  - From use as a hotel or motel, to use as an emergency shelter.
  - From use as a hotel or motel, or a hotel or motel that was converted to an emergency shelter, to use as affordable housing.
- Provides that the conversion requirement only applies to areas:
  - Within an urban growth boundary;
  - Not designated by the local government as specifically for heavy industrial uses;
  - With adequate transportation access to commercial and medical services; and
  - Not within an area designated for a statewide land use planning goal relating to natural disasters or hazards, including flood plains or mapped environmental health hazards, unless the converted use complies with regulations directly related to the disasters or hazards.
- Authorizes a local government to require a converted use to comply with:
  - Applicable building codes;
  - Occupancy limits; or
  - For affordable housing uses, reasonable standards relating to siting or design, if the standards do not, individually or cumulatively, prohibit the conversion through unreasonable costs or delay.
- Provides that conversions identified by the measure does not constitute a land use decision as defined in ORS 197.015.
- Provides that a local government is not required to consider whether the conversion significantly affects an existing or planned transportation facility for the purposes of implementing a statewide land use planning goal relating to transportation.
- Defines the following terms for purposes of the measure:
  - “Affordable housing” means housing in which all units are affordable to households with incomes equal to or less than 60 percent of the area median income as defined in ORS 458.610 and whose affordability is enforceable by an affordable housing covenant, as described in ORS 456.270 to 456.295, for a duration of no less than 30 years.

- “Conversion” includes an alteration to a building that changes the number of units but does not expand the building footprint.
- “Emergency shelter” means a building that provides shelter on a temporary basis for individuals and families who lack permanent housing.
- “Lawful use” includes a nonconforming use as described in ORS 215.130 (6) or any other local land use regulation allowing for the continuation of a use that was lawful when first enacted.
- Applies to conversions or applications for conversions on or after January 1, 2021.
- Effective Date: Took effect on the date the Governor signed the measure into law on May 6, 2021.

**NOTE:** In 2020, the Oregon Legislature allocated a total of \$65 million of CARES Act funding through the Oregon Joint Legislative Emergency Board for Project Turnkey for the purpose of acquiring motels/hotels for use as non-congregate shelter for people experiencing homelessness or at-risk of homelessness. The two funds included:

- \$30 million designated for shelter opportunities in counties or tribal communities impacted by the 2020 wildfires has been fully allocated, resulting in the funding of seven projects for a total of 388 units in six counties (appropriated on 10/23/2020).
- \$35 million designated for shelter opportunities in the remaining areas of the state. Of this amount, \$31.2 million has been allocated to date (appropriated on 11/9/2020).

During the 2021 Legislative Session, an additional 9.7 million was appropriated in HB 2004 to the Oregon Community Foundation to complete Project Turnkey projects in Deschutes, Multnomah, Malheur and Yamhill counties. In addition, \$800,000 was appropriated for a Turnkey project in Salem and \$5,107,713 was appropriated for a Turnkey project in Corvallis in HB 5006.

**ORDINANCE NO. 651  
CITY OF DAYTON, OREGON**

**AN ORDINANCE OF THE DAYTON CITY COUNCIL AMENDING DAYTON MUNICIPAL CODE CHAPTER 2 REGARDING CAMPING REGULATIONS AND PARKS EXCLUSIONS IN THE CITY**

**WHEREAS**, the City of Dayton desires to prevent harm to the health and safety of the public and to promote the public health, safety, and general welfare by making public streets and other areas readily accessible to the public and to prevent the use of public property for camping purposes or storage of personal property which interferes with the rights of others to use the areas for which they are intended; and

**WHEREAS**, the City desires to update the Dayton Municipal Code related to camping in the City to allow for legal camping during reasonable time periods while protecting sensitive areas of the City that could be impacted by the negative effects of such activity; and

**WHEREAS**, the City desires to discourage camping in areas where such activities create unsafe and unsanitary living conditions which can impact the public health, safety, and welfare of both campers and the community; and

**WHEREAS**, the City encourages active participation of concerned persons, organizations, businesses and public agencies to work in partnership with the City and the homeless community to address the short and long term impact of homelessness in and on the community; and

**WHEREAS**, the City desires to strengthen due process protections for persons excluded from parks.

**NOW, THEREFORE, THE CITY OF DAYTON ORDAINS AS FOLLOWS:**

**Section 1.** Section 2.21 of the Dayton Municipal Code is deleted in its entirety and replaced as set forth in the attached Exhibit A.

**Section 2.** Section 2.10.10 of the Dayton Municipal Code is amended as set forth in the attached Exhibit B.

**Section 3.** This ordinance is effective thirty (30) days after its adoption.

**PASSED AND ADOPTED** by the City Council of the City of Dayton on this 2nd day of November, 2020.

Mode of Enactment:

Date of first reading: October 19, 2020 In full \_\_\_\_\_ or by title only ✓

Date of second reading: November 2, 2020 In full \_\_\_\_\_ or by title only ✓

\_\_\_\_\_ No Council member present at the meeting requested that the ordinance be read in full.

✓ A copy of the ordinance was provided to each Council member; three copies were provided for public inspection in the office of the City Recorder no later than one week before the first reading of the Ordinance.

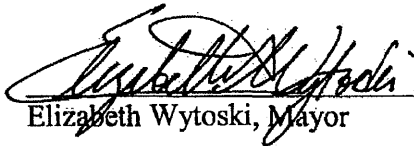
Final Vote:

**In Favor:** Collins, Holbrook, Mackin, Price, Sandoval-Perez, Wytoski

**Opposed:** None

**Absent:** Marquez

**Abstained:** None

  
Elizabeth Wytoski, Mayor

11/5/2020  
Date of Signing

ATTESTED BY:

  
Patty Ringnald, City Recorder

11/02/20  
Date of Enactment

## EXHIBIT A

### 2.21 Camping



#### 2.21.1 Definitions.

For the purpose of this chapter, the following definitions will apply:

“Camp” or “camping” means to pitch, erect, create, use, or occupy camp facilities for the purposes of habitation, as evidenced by the use of camp paraphernalia.

“Camp facilities” include, but are not limited to, tents, huts, temporary shelters, or vehicles.

“Camp paraphernalia” includes, but is not limited to, tarpaulins, cots, beds, sleeping bags, blankets, mattresses, hammocks, or non-city designated cooking facilities and similar equipment.

“Campsite” means any place where one or more persons have established temporary sleeping accommodations by use of camp facilities and/or camp paraphernalia.

“City property” means any real property or structures owned, leased or managed by the city, including public rights-of-way.

“Designated temporary campsite” means a campsite that is authorized by Sections 2.21.2 through 2.21.4.

“Family” means ~~two or more individuals committed to long-term cohabitation~~ ~~two or more persons related by blood, marriage, adoption, legal guardianship, or other duly authorized custodial relationship, or not more than two unrelated adults.~~

“Motor vehicle”, for the purposes of this chapter, means every vehicle that is ~~designed to be~~ self-propelled (~~whether functioning or not~~), including tractors, fork-lift trucks, motorcycles, road building equipment, street cleaning equipment and any other vehicle capable of moving under its own power, notwithstanding that vehicle may be exempt from licensing under the motor vehicle laws of the state. The term also includes Recreational Vehicles for the purposes of this Section.

“Parking lot” means a developed location that is designated for parking motor vehicles, whether developed with asphalt, concrete, gravel, or other material.

“Prohibited campsite” means any campsite ~~not authorized under :~~

~~(a) Described in the~~ Sections 2.21.2 through 2.21.4; or

~~(b) Not authorized under~~ ~~elsewhere in~~ the Dayton Municipal Code.

“Public Park” has the meaning set forth in Section 2.10.1(a).

“Recreational vehicle” for the purposes of this Section means a vehicular-type unit that:

- (a) Contains sleeping facilities;
- (b) Is designed or used:
  - (1) For human occupancy; and
  - (2) As temporary living quarters for recreational, seasonal, or emergency use; and
- (c) Has its own motive power or is designed to be mounted on or towed by another vehicle.

“Solid waste” means any garbage, trash, debris, yard waste, food waste, or other discarded materials.

“Solid waste disposal services” means contracted solid waste collection service for a campsite with the city’s exclusive franchisee for the collection of solid waste.

“Store” or “storage” means to put aside or accumulate for use when needed, to put for safekeeping, to place or leave in a location.

“Street”, for the purposes of this Section, means any highway, lane, road, street, right-of-way, alley, and every way or place in the city of Dayton -that is publicly owned or maintained for public vehicular travel.

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#### 2.21.2 Temporary camping program.

(a) With Upon submission to the City Manager of written authorization of the property owner of the property:

(1) Up to three-two total motor vehicles or tents, in any combination, may be used for temporary camping in any parking lot on the following types of property:

(A) Real property developed and owned by a religious institution, place of worship, or public agency, regardless of the zoning designation of the property;

(B) Real property developed with one or more buildings occupied and used by any organization or business primarily for nonprofit, commercial or industrial purposes;

~~(C) Vacant or unoccupied commercial or industrial real property, after the property owner has registered the temporary camping location with the city. The city may require the site to be part of a supervised program operated by the city or its agent.~~

(2) Up to one family may use a residentially zoned property developed with an occupied residential dwelling, with further authorization from ~~any tenants~~all lessees of the property, for temporary camping by either:

(A) Using a tent to camp in the back-yard of the residence; or

(B) Using a single motor vehicle parked in the driveway of the dwelling.

(b) A property owner who authorizes any person to temporarily camp on a property pursuant to subsection (a) of this section must:

(1) Provide or make available sanitary facilities;

(2) Provide garbage disposal services so that there is no accumulation of solid waste on the site;

(3) Provide a storage area for campers to store any personal items so the items are not visible from any public street;

(4) Require a tent or camping shelter in a residential backyard to be not less than five feet away from any property line; and

(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.

(c) A property owner who permits temporary camping pursuant to subsection (a) of this section may revoke that permission at any time and for any reason.

(d) An individual or family authorized to temporarily camp under this section may remain for an initial term of up to six months unless the authorization is revoked. If the individual or family authorized to temporarily camp is pursuing housing opportunities, including low-income housing, the six-month term may be renewed for up to two additional six month terms. Written authorization extending the term(s) shall be filed with and subject to the approval of the City Manager.

(e) Notwithstanding any other provision of this chapter, the city manager or their designee may:

(1) Revoke the right of any person to authorize temporary camping on property described in subsection (a) of this section upon finding that any activity occurring on that property by the campers is incompatible with the uses of adjacent properties or constitutes a nuisance or other threat to the public welfare; or

(2) Revoke permission for a person or family to sleep overnight on city-owned property upon finding that the person or family member has violated any applicable law, ordinance, rule, guideline or agreement, or that any activity occurring on that property by a camper is incompatible with the use of the property or adjacent properties.

(fe) Any person whose authorization to temporarily camp on property has been revoked pursuant to subsections (c) and (d) of this section must vacate and remove all belongings from the property within four hours of receiving such notice.

(gf) 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 (including destruction).

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### **2.21.3 Prohibited camping.**

(a) Except as expressly authorized by the Dayton Municipal Code, it is unlawful at all times for any persons to establish or occupy a campsite on the following city property:

- (1) All public parks;
- (2) All publicly owned or maintained parking lots; and
- (3) All public property located within an area zoned for residential use under Chapter 7 of this code.

(b) Except as expressly authorized by the Dayton Municipal Code, it shall be unlawful for any person to camp or maintain a campsite on any city property during the hours of 6:30 a.m. to 9:30 p.m.

(c) Except as expressly authorized by the Dayton Municipal Code, it shall be unlawful for any family to store more than 120 cubic feet of personal property, including camp facilities and camp paraphernalia, on any city property during the hours of 6:30 a.m. to 9:30 p.m.

(d) Notwithstanding the provisions of this chapter, the city manager or designee may temporarily authorize camping or storage of personal property on city 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; or
- (3) Upon finding it to be in the public interest and consistent with council goals and policies.

(e) The city manager may adopt administrative rules to implement any of the provisions of this chapter.

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**2.21.4 Penalties and enforcement.**

(a) Violation of any provisions in Section 2.21.2 or Section 2.21.3 is a Class C violation. Each day that a violation occurs will be considered a separate offense.

(b) In addition to any other penalties that may be imposed, any campsite used for overnight sleeping in a manner not authorized by this section or other provisions of this code shall constitute a public nuisance and may be abated as such.

## EXHIBIT B

2.10.10 Trespass. In addition to the other measures provided for violation of this Code, or any of the laws of the State of Oregon, any peace officer, as defined by ORS 133.005(3), as amended, or any City employee may exclude any person who violates any provision of this Code, any City ordinance, or any of the laws of the State of Oregon from any City park for a period of not more than 30 days.

(a) Written notice shall be given to any person excluded from any City park. Such notice shall specify the dates and places of exclusion. It shall be signed by the issuing party. Warning consequences shall be prominently displayed on the notice.

(b) A person receiving such notice may appeal to the City Council to have the written notice rescinded or the period shortened. Notwithstanding any other provision of this Code, the appeal shall be filed within 5 days of receipt of the exclusion notice, unless extended by the City Council for good cause shown.

(c) An appeal properly filed under (b) automatically stays the exclusion period until the City Council issues a decision on the appeal.

~~(de)~~ At any time within- 30 days, a person receiving such notice may apply in writing to the City ~~Administrator-Manager~~ for a temporary waiver from the effects of the notice for good reason.

## Current Warrenton Camping Codes

### Chapter 12.28 CAMPING

#### 12.28.010 Definitions.

“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.

“Camp site” 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 any tent, lean-to, shack, or any structure, or any vehicle or part thereof. (Ord. 1179-A § 3, 2013)

#### 12.28.020 Public property.

- A. It is unlawful for any person to camp in or upon any public property or public right-of-way, unless otherwise specifically authorized by this code or by declaration by the Mayor or City Commission in emergency circumstance.
- B. No person shall use any vehicle or trailer for 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. 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 camping sites on public property. (Ord. 1179-A § 3, 2013)

#### 12.28.030 Use of RV on private residential property.

- A. No recreational vehicle or trailer shall be used for sleeping or lodging purposes outside of designated camping areas except by special permit from the City, said permit to be limited to one vehicle only at any one time. Permits may be obtained from City Hall for a period of up to 48 hours for parking of recreational vehicles on private residential property that is not designated as a camping area. Permits must be obtained in advance of parking the recreational vehicle or trailer in residential areas.
- B. Parking must be in such a manner as not to cause a traffic hazard. There can be no discharge of wastes of any sort except into proper sewer or septic systems. (Ord. 1179-A § 4, 2013)

#### 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 owner/manager of said business, for up to four months upon application and approval by the Commission of the City of Warrenton. 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 wastes of any kind except into proper sewer or septic systems. Arrangements must be made with the Sanitation Department for regular pickup of garbage. (Ord. 1179-A § 5, 2013)

#### 12.28.050 Camping by homeless on property of religious institutions.

- A. Camping may be allowed by churches, synagogues, and similar religious institutions to offer overnight camping space on institution property to homeless persons living in vehicles or tents.
- B. The camping must be temporary and limited to 72 hours, which may be extended with approval of the Police Chief.
- C. The camping space site is limited to three or fewer vehicles or camping sites at the same time.

- D. The religious institution must provide the campers with access to sanitary facilities, including, but not limited to, toilet, hand washing, and trash disposal facilities. (Ord. 1179-A § 6, 2013)

#### 12.28.060 Campsite removal and clean-up.

- A. Prior to removing homeless individuals from an established camping site, a notice will be posted written in English and Spanish, 24 hours in advance.
- B. At the time of the 24-hour notice posting, any local agencies that deliver social services to homeless individuals will be notified of where the notice has been posted. The local agency may arrange for outreach workers to visit the camping site where notice has been posted to assess the need for social service assistance in arranging shelter and other assistance.
- C. All unclaimed personal property shall be stored for a minimum of 30 days during which it will be reasonably available to any individual claiming ownership. Any personal property that remains unclaimed for 30 days may be disposed of. For the purposes of this subsection, "personal property" means any item that is reasonably recognizable as belonging to a person and that has apparent utility. Items that have no apparent utility or are in an insanitary condition may be immediately discarded upon removal of the homeless individuals from the camping site. Weapons, drug paraphernalia and items that appear to be either stolen or evidence of a crime shall be given to law enforcement officials.
- D. Following the removal of homeless individuals from a camping site on public property, the law enforcement officials, local agency officials, and outreach workers may meet to assess the notice and removal policy, to discuss whether the removals are occurring in a humane and just manner and to determine if any changes are needed in the policy.
- E. The 24-hour notice required under subsection A of this section shall not apply:
  - 1. When there are grounds for law enforcement officials to believe that illegal activities other than camping are occurring;
  - 2. In the event of an exceptional emergency such as possible site contamination by hazardous materials or when there is immediate danger to human life or safety;
  - 3. A person authorized to issue a citation for unlawful camping under State law, administrative rule or City or County ordinance may not issue the citation if the citation would be issued within 200 feet of the notice described in this section and within two hours before or after the notice was posted.
- F. The following areas do not apply to regulations from Section 12.28.050 or this section:
  - 1. Public property that is a day use recreational area;
  - 2. Public property that is a designated campground and occupied by an individual under an agreement with the City or County. (Ord. 1179-A § 7, 2013)

#### 12.28.070 Enforcement and penalty.

Anyone in violation of this chapter will be cited by the Warrenton Police Department. Violations are punishable by a fine of not more than \$300.00. (Ord. 1179-A § 8, 2013)

**Chapter 9.60**  
**CAMPING PROHIBITED IN CERTAIN PLACES**

Sections:

- 9.60.010 Definitions.**
- 9.60.020 Prohibited camping.**
- 9.60.030 Violation—Penalties and enforcement.**

**9.60.010 Definitions.**

As used in this chapter:

- (1) "To camp" means to set up, or to remain in or at, a campsite.
- (2) "Campsite" means any place where any bedding, sleeping bag, or other sleeping matter, or any stove or fire, is placed, established, maintained, whether or not such place incorporates the use of any tent, lean-to, shack, or any other structure, or any vehicle or part thereof.
- (3) "City property" means and includes all real property owned by the city, other than public right-of-way and utility easement as those are defined herein, and all property held in proprietary capacity by the city.
- (4) "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.
- (5) "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.
- (6) "Camp facilities" include, but are not limited to, tents, huts, temporary shelters, or vehicles.

**Statutory Reference:** ORS

**History:** Ord. [1226](#) §1, 1996; Ord. [1510](#) §1 (Exh. A), 2021.

**9.60.020 Prohibited camping.**

(1) Except as expressly authorized by the Gladstone Municipal Code, it is unlawful at all times for any persons to establish or occupy a campsite on the following city property:

- (a) All public parks;
- (b) In a manner reducing the clear, continuous sidewalk width to less than five feet;
- (c) All publicly owned or maintained parking lots; and
- (d) All public property located within an area zoned for residential use under GMC Title [17](#).

(2) Except as expressly authorized by the Gladstone Municipal Code, it shall be unlawful for any person to camp or maintain a campsite on any city property during the hours of 6:30 a.m. to 9:30 p.m.

(3) Except as expressly authorized by the Gladstone Municipal Code, it shall be unlawful for any individual to store more than 120 cubic feet of personal property, including camp facilities and camp paraphernalia, on city property during the hours of 6:30 a.m. to 9:30 p.m.

(4) Notwithstanding the provisions of this chapter, the City Administrator or designee may temporarily authorize camping or storage of personal property on city property by written order that specifies the period of time and location:

(a) In the event of emergency circumstances;

(b) In conjunction with a special event permit; or

(c) Upon finding it to be in the public interest and consistent with council goals and policies.

(5) The City Administrator may adopt administrative rules to implement any of the provisions of this chapter.

**Statutory Reference:** ORS

**History:** Ord. [1226](#) §1, 1996; Ord. [1236](#) §1, 1997; Ord. [1510](#) §1 (Exh. A), 2021.

**9.60.030 Violation—Penalties and enforcement.**

(1) Violation of this chapter is a Class “C” violation. Each day that a violation occurs will be considered a separate offense.

(2) In addition to any other penalties that may be imposed, violation of this chapter shall constitute a public nuisance and may be abated in accordance with ORS [202.077](#) and [203.079](#).

**Statutory Reference:** ORS [202.077](#), [203.079](#).

**History:** Ord. [1226](#) §1, 1996; Ord. [1496](#) §1, 2019; Ord. [1510](#) §1 (Exh. A), 2021.

Mobile Version

# Camping Ordinance Amendment/Revision

City Commission Work Session

October 26, 2021

Chief Mathew Workman



# Review of 2021 Legislative Bills



## **HB 2006 – Emergency Shelters / Transitional Housing Accommodations / Low-barrier Emergency Shelters and Navigation Centers**

- Effective July 1, 2022
- Stipulations for streamlined approvals
- Regulations on who can operate
- What they must provide, etc.
- Appropriations to certain communities





## Review of 2021 Legislative Bills

### **HB 3124 – Removal of Homeless from Established Sites – Notice and Personal Property Requirements**

- \*In effect June 23, 2021
- Modifies previous guidelines that we already had in Code 12.28.060
- Main changes are the 72-hour notice, personal property guidelines, funeral provisions

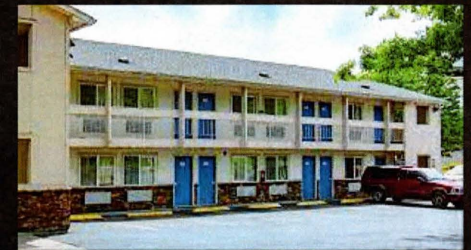




## Review of 2021 Legislative Bills

### **HB 3261 – Project Turnkey: Zoning for Hotel / Motel Conversion to Emergency Shelter / Affordable Housing**

- \*In effect May 6, 2021
- Stipulations to streamline and remove barriers for local government approval
- Adds definitions and clarifications to meet approval guidelines



# Review of 2021 Legislative Bills



## **HB 3115 – Homelessness: Codification of Martin v. Boise**

- Effective July 1, 2023
- 2019 9<sup>th</sup> Circuit Court Ruling
- Involved local laws regulating the act of sitting, lying, sleeping, or keeping warm & dry in outdoor public spaces for people experiencing homelessness





# Review of 2021 Legislative Bills

## HB 3115 Cont.

- Defines “keep warm and dry”
- Defines “public property” per ORS 131.705
- Must be “objectively reasonable” as to time, place, and manner
- Affirmative defense if not objectively reasonable
- Authorized to bring suit in circuit court





# Review of 2021 Legislative Bills

## HB 3115 Cont.

- Requires “reasonableness” to be determined based on the totality of the circumstances, including, but not limited to, the impact of the law on persons experiencing homelessness.



# Review of Current City Code



## Chapter 12.28 Camping

- Depending on our discussion and decisions, several parts of this chapter will need to be modified, amended, clarified, and deleted to be in compliance with the bills.



# Review of Current City Ordinances from Other Cities



## Sample Ordinances are from:

- City of Dayton
- City of Gladstone
- City of McMinnville
- City of Medford





## Amendment Options

### **Sections that need to be Removed or Modified:**

- I will work with Emily M. from the City Attorney's office to make sure we have the necessary sections required by the law and language that is required by the law.





## Amendment Options

### **Title:**

- Title: change to “Prohibited Camping, Lying, and Sleeping”

### **Definitions:**

- Looking at the other ordinance samples, we need to expand and clarify our “definitions”
- Currently we have “camp” and “campsite”

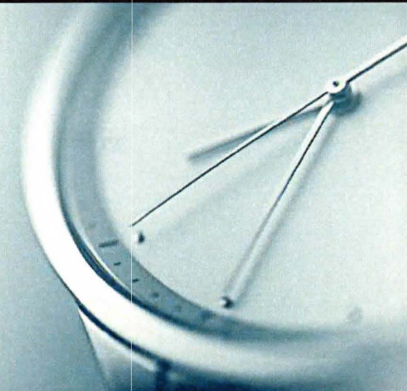


# Amendment Options

## **Time, Place, Manner:**

- 6:30am to 9:30pm
- Not in City Parks, Trails, Public Parking Lots, Public Property inside Residential Zones
- Occupy 120 cubic feet

Time  
And  
Place

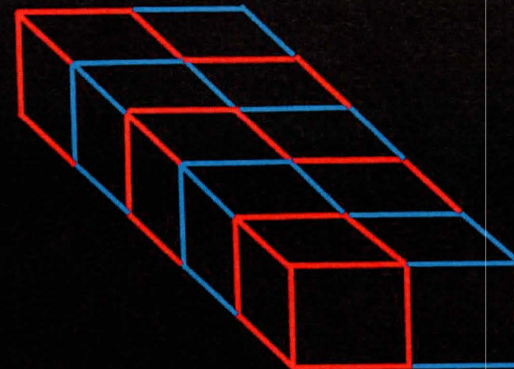
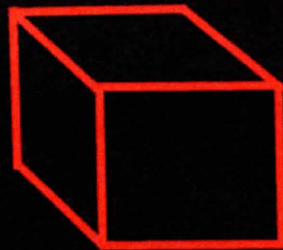




# Amendment Options

## 120 Cubic Feet Examples:

- A box 1ft x 1ft is a cubic foot
- You can essentially put 10 of these boxes together and = 10 cubic feet
- Stack up 4-levels and you have 40 cubic feet
- 120 cubic feet would be 3 of these stacked side by side (6ft wide x 5ft long x 4ft tall)





# Amendment Options

## **Time, Place, Manner:**

- No structures, must be moveable outside of the time restrictions
- RV's? Homelessness offers come legal protection or guidance. Do we allow on religious property, private property, etc. but with regulations.





# Amendment Options

Anything else?

**ANYTHING  
ELSE**

