



WORK SESSION

AGENDA

**City Commission of the City of Warrenton
Tuesday, April 25, 2023 – 5:00 P.M.**

**Warrenton City Commission Chambers
225 South Main Avenue
Warrenton, OR 97146**

- 1. Call to Order**
- 2. Roll Call**
- 3. Discussion on Camping Ordinance**
- 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.

Potential Campsite Development Locations

Site A.

Parcel Number: 810270000211

Parcel Owner: Clatsop County

Pros: Dry, Partially Cleared, Joint partnership with Clatsop County

Cons: Short-term with potential sale of industrial lands for development. No Utilities to Site.



Site B.

Parcel Number: 81022AC00700

Parcel Owner: Port of Astoria

Pros: Dry, Potentially screened from view, water available.

Cons: potential development costs, no sanitary sewer. some residential uses across East Harbor Drive, on main entrance into downtown.



Site C.

Parcel Number: 81022BD02600 and 2700

Parcel Owner: City of Warrenton

Pros: Dry, potentially screened from view, industrial uses adjacent, remove one blight?

Cons: Leitch Lease dissolution, no public utilities available, on main entrance into downtown.



Site D.

Parcel Number: 810150002700 and 2403

Parcel Owner: City of Warrenton

Pros: Dry, City-owned land, I-1 Zoning. Public utilities available.

Cons: Wetland impacts (DSL) clearing required, adjacent to walking trail, residential uses across NE 5th Street.



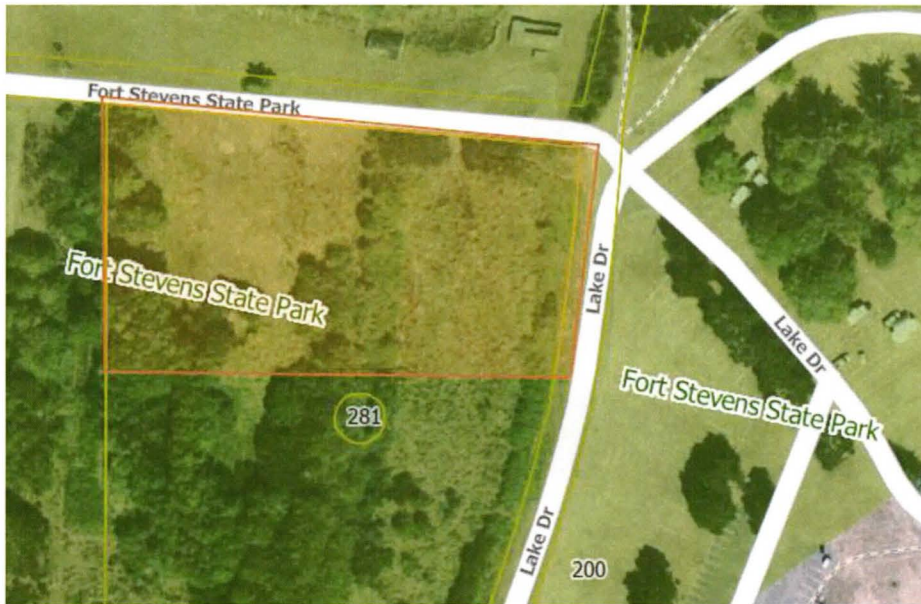
Site E.

Parcel Number: Part of 810050000200

Parcel Owner: City of Warrenton

Pros: Dry, City-owned land, being annexed into the city.no residential, dry and partially cleared,

Cons: Adjacent to Hammond Marina, no public utilities





WARRENTON POLICE DEPARTMENT CITY COMMISSION WORK SESSION



Camping Ordinance Revisions 2.0

On October 26, 2021, we had a work session to discuss the 2021 Oregon Legislative Session and the multiple bills that centered or in some way discussed homelessness/houselessness in Oregon. Four (4) bills became law and are in effect with the last bill HB 3115 going into effect on July 1, 2023. These bills have made or will make portions of our current City Ordinances/Code invalid or unenforceable, so we need to make amendments prior to July 1st.

2021 Legislative Bills

The two bills guiding this discussion are:

- **HB 3115** – Homelessness: Codification of Martin v. Boise (see attached breakdown sheet)
- **HB 3124** – Removal of Homeless from Established Camping Sites – Notice and Personal Property Requirements

HB 3124 is already in effect, and we have not been enforcing our City Code that is connected to this bill though we have had hardly any issues where we have needed to. When we bring forth the amendments, they will include appropriate language to comply with HB 3124.

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

After the previous work session, we have been in a “wait and see” mode as we watch what other cities and counties did with their ordinances, any challenges that came out of those changes, and where they ultimately ended up with their codes.

Review of Current Approaches and Ordinances from Astoria & Seaside

Astoria and Seaside have taken two different approaches to being HB 3115 compliant. Astoria chose not to designate an “approved camping area” but went with a “time, place, and manner” for their public right-of-way areas (see attached code and brochure). They do prohibit camping upon:

- All public parks;
- All sidewalks where a minimum of six feet of a clear continuous width cannot be maintained;
- All city-owned or maintained parking lots;
- Underneath roadways or bridges that are not open to the public;
- Within ten feet of any building entrance or exit, including stairs;
- All publicly owned or maintained restrooms;
- Areas and rights-of-way located within primary residential zones (R1, R2, R3 & AH-MP).

Seaside took the approach of prohibiting camping in most all areas of the city and designating a specific city-owned area (Mill Pond) as a “approved camping area” (see attached code and camping permit document). Seaside’s code has been amended at least once since it was enacted and their protocols at Mill Pond have changed a few times as well.

Discuss Options as we Amend Our Code

In reviewing the legislative bills, looking at the other city ordinances, and consulting with BEH, we need to discuss and decide on the following:

- We need to expand and clarify our “definitions” section to be more in line with how the State defines and uses terms.
- We need to amend our “Prohibited Camping” section to comply with **HB 3115** by narrowing the prohibitions but setting a time/place/manner designation or a “designated area for camping.”
- If we chose to designate an area, discuss partnering with the County on such a location or finding a location on City-owned land (no location is perfect, and all have pros and cons)
- Discuss “temporary camping” guidelines or regulations as to location, size, time, etc. and keep “non homeless camping” in mind as well.
- 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.*”

A total camping ban IS NOT AN OPTION, so we need to decide which direction we want to go. The only way I see to prohibit camping altogether was if we had a shelter or facility that could accommodate all of the people in Warrenton needing those services, and that is not an option currently and probably in the future either.

2021 Oregon Homeless Legislation

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.

Astoria Camping Code

CAMPING REGULATIONS

[5.900 - Title And Purpose](#)

[5.905 - Prohibited Camping](#)

[5.910 - Temporary Camping Program On Private Property](#)

[5.915 - Public Communication](#)

[5.920 - Property Retention](#)

[5.924 - Notice Requirements](#)

[5.925 - Penalties And Enforcement](#)

[Sections 5.900 to 5.925 added by Ordinance 90-37, passed November 5, 1990; Amended by Ordinance 18-08, passed October 15, 2018]

5.900 - Title And Purpose

Sections 5.900 – 5.925 shall be known as the Astoria Camping Code. The purpose of this chapter is to protect the safety of citizens and regulate use of publicly owned property by establishing time, place and manner guidelines related to camping.

HISTORY

Amended by Ord. [22-11 - Camping Time and Manner](#) on 6/20/2022

Amended by Ord. [22-14 Pertaining to Place](#) on 11/7/2022

5.905 - Prohibited Camping

- (1) Except as expressly authorized by the Astoria City Code, it shall be unlawful for any person to camp on any public property .. Individuals experiencing homelessness may camp on public property from 9:00 p.m. to 7:00 a.m. subject to the place and manner restrictions outlined in section 1(a) and section 2 below.
 - A. During the permitted times and at the permitted places, individuals experiencing homelessness who are engaged in camping are allowed to use a sleeping bag, bedroll, or other material used for bedding purposes as well as materials used to keep warm and dry while sleeping, provided that any tent or tarpaulin used to keep warm and dry may not exceed 50 square feet in surface area. At no time may huts, temporary shelters, lean-tos, shacks, or any other structures be built or placed on public property by anyone other than the public entity that owns or controls the public property in question.
- (2) Except as expressly authorized by the Astoria City Code, it is unlawful at all times for any persons to camp, setup or maintain a campsite in or upon the following areas:
 - A. All parks;
 - B. Sidewalks where a minimum of six (6) feet of a clear, continuous width cannot be maintained;
 - C. All city owned or maintained parking lots
 - D. Underneath roadways, sidewalks or bridges that are not open to the public;
 - E. Building entrances or exits including stairs; ten feet of clear access is required;
 - F. Any portion of a street or roadway beyond the curb line;
 - G. All publicly owned or maintained restrooms, and
 - H. Real property and right-of way (including sidewalks) located within primary residential zones (R1, R2, R3 & AH-MP).
 - I. Notwithstanding subsections (a) through (h), the Council may allow camping on certain identified public locations through a Council resolution. Should the City Council identify additional permissible locations on public property, the City will publish on its website the Resolution authorizing tent camping or vehicle camping on specific public properties. Camping or vehicle camping on such properties is lawful and permissible consistent with the time, place, and manner constraints contained

within any such City Code or written and published City Resolution. This Resolution can only be amended by Council action.

J. The City Manager may adopt administrative rules to designate certain locations as prohibited locations for safety-related reasons. Any designated prohibited locations will be stated on the City's website and in related publications.

- (3) Notwithstanding the provisions of this Camping Code, including the prohibitions identified in subsections (1) and (2), the City Manager or his or her designee may temporarily authorize camping in the event of a natural disaster or other special circumstances.
- (4) The city manager may adopt administrative rules to implement any of the provisions of this Camping Code.

HISTORY

Amended by Ord. [22-11 - Camping Time and Manner](#) on 6/20/2022

Amended by Ord. [22-14 Pertaining to Place](#) on 11/7/2022

5.910 - Temporary Camping Program On Private Property

1. With written authorization of the property owner and written notice provided to the Community Development Department:
 - A. Up to six (6) persons and three (3) total passenger vehicles or tents, in any combination, may be used for camping in any parking lot on the following types of property:
 1. Real property developed and owned by a religious institution, regardless of the zoning designation of the property. A religious institution is considered a religious institution for the purpose of this section if they are granted taxexempt status under Section 501(c)(3) of the Internal Revenue Service Tax Code.
 2. Real property developed with one or more buildings occupied and used by any organization or business for nonprofit, commercial or industrial purposes.
 3. Vacant or unoccupied commercial or industrial real property. The city may require the site to be part of a supervised program.
2. A property owner who authorizes any person to camp on a property pursuant to subsection (1) of this section must:
 - A. Provide or make available sanitary facilities which include at least one toilet and one sink.
 - B. Provide garbage disposal services so that there is no accumulation of solid waste on the site.
 - C. Provide a storage area for campers to store any personal property so the personal property is not visible from any public street.
 - D. Not require or accept the payment of any monetary fee 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.
3. For purposes of this section, a passenger vehicle is considered a passenger car, light truck, or SUV. A passenger vehicle does not include a recreational vehicle.
4. A property owner who permits camping pursuant to subsection (1) of this section may revoke that permission at any time and for any reason.
5. Notwithstanding any other provision of this chapter, the City Manager or their designee may revoke the right of any person to authorize camping on property described in subsection (1) of this section upon finding that 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.
6. Any person whose authorization to camp on property has been revoked pursuant to subsections (4) and (5) of this section must vacate and remove all personal property within four hours of receiving such notice

unless additional time is required by law.

7. Any person whose authorization to camp on property has been revoked by the City Manager may appeal the decision pursuant to Section 1.070 of this Code. For the purposes of this section, a person has received notice to vacate upon actual receipt of either oral or written notice from a property owner or written notice from the property manager. 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.
8. 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.
9. The City Manager may adopt administrative rules to implement any of the provisions of this chapter.

HISTORY

Amended by Ord. [22-11 - Camping Time and Manner](#) on 6/20/2022

Amended by Ord. [22-14 Pertaining to Place](#) on 11/7/2022

5.915 - Public Communication

The city shall regularly update the city's website notifying the public of the prohibitions prescribed by this ordinance.

HISTORY

Amended by Ord. [22-11 - Camping Time and Manner](#) on 6/20/2022

5.920 - Property Retention

Camping paraphernalia left on public property and collected by the City shall be held by the Astoria Police Department for a minimum of 30 days. Individuals may claim their property, without a fee, by contacting the Astoria Police Department within the 30 days. Items that have no apparent utility or are in an unsanitary condition may be immediately discarded. Weapons, controlled substances other than prescription medication and items that appear to be either stolen or evidence of a crime shall be retained and disposed of by the Astoria Police Department in accordance with applicable legal requirements for the property in question.

HISTORY

Amended by Ord. [22-11 - Camping Time and Manner](#) on 6/20/2022

5.924 - Notice Requirements

The City of Astoria recognizes the social nature of the problem of homeless individuals camping on public property and has amended this code and policy to ensure the most humane treatment for removal of homeless individuals from camping sites on public property. The City of Astoria will follow all legal requirement 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 ordinance.

HISTORY

Amended by Ord. [22-11 - Camping Time and Manner](#) on 6/20/2022

5.925 - Penalties And Enforcement

Violation of this Camping 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 \$250.00, provided that the actual fine imposed shall be determined at the discretion of the Municipal Court Judge. The Municipal Court Judge may not assess a penalty against Individuals experiencing homelessness of more than \$35.00 for a violation of this Camping Code.

HISTORY

Amended by Ord. [22-11 - Camping Time and Manner](#) on 6/20/2022

Frequently Asked Questions

What is the difference between camping and sleeping?

Camping and outdoor sleeping under *Martin v. Boise* allowances can have a similar appearance at times due to the use of a tent, tarp or similar weather protection. The primary difference is the length of time that the activity occurs. *Martin v. Boise* protected sleeping allows the use of government property during the period when an individual experiencing homelessness needs to sleep, similar to an overnight shelter.

Camping is a longer-term, 24-hour-a-day activity that includes both sleeping and non-sleeping activity, similar to a shelter operating 24 hours per day and is prohibited by Ordinance.



What about sleeping on privately owned property?

Sleeping on privately owned property without the owner's permission is considered trespassing. Non-residential property owners can grant permission for sleeping on their properties by notifying the Police Department and complying with applicable regulations including providing bathroom access and garbage disposal.

Balancing Public Safety

The City reserves the right to temporarily or permanently suspend any designated sleeping area that is becoming a nuisance or where there is damage to public property.

If an area is suspended, the City will post a notice with more information on the suspension.

People experiencing homelessness will still be able to sleep in any other *designated* areas that are not suspended at the time.

More Information

City of Astoria Police Department
503-325-4411

Program Guidelines & Resources
<https://www.astoria.or.us/Livability.aspx>

or



Camping Ordinance

When shelter beds are not available in Astoria, people experiencing homelessness may sleep outdoors on public property. This allowance is protected in accordance with the 9th Circuit Court decision in the *Martin v. Boise* case.

This brochure provides information about several areas throughout the city that are approved for outdoor sleeping in accordance with *Martin v. Boise*, and offers guidance to help anyone in the community make use of this program in a way that is safe and lawful.

More comprehensive information is available at:



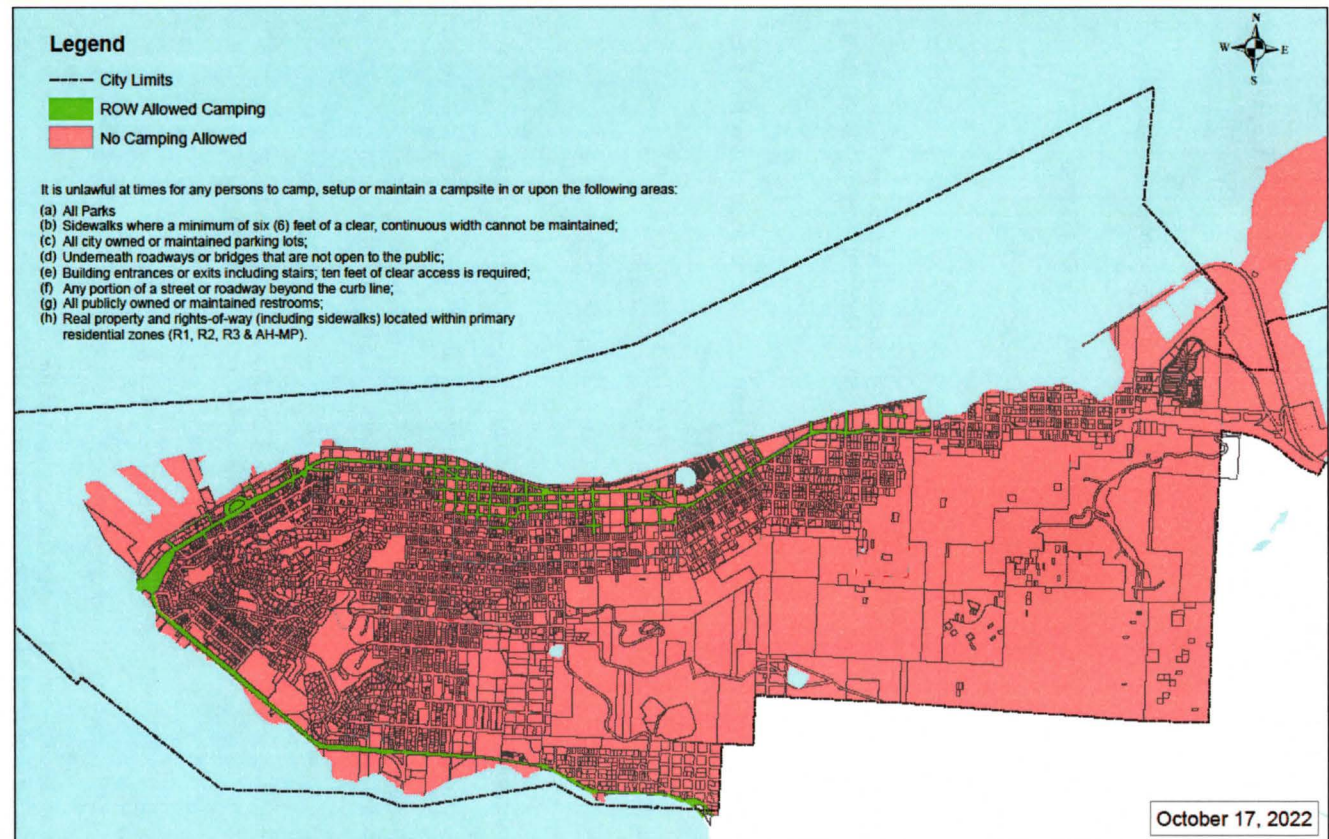
The City has identified several areas across the city that are not permitted as sleeping areas. You are permitted to sleep in any other public areas not identified during the specific times of 9:00 pm to 7:00 am.

Except as expressly authorized by the Astoria City Code, **it is unlawful at all times for any persons to camp, setup or maintain a campsite in or upon the following areas:**

- All public parks;
- All sidewalks where a minimum of six feet of a clear continuous width cannot be maintained;
- All city-owned or maintained parking lots;
- Underneath roadways or bridges that are not open to the public;
- Within ten feet of any building entrance or exit, including stairs;
- All publicly owned or maintained restrooms;
- Areas and rights-of-way located within primary residential zones (R1, R2, R3 & AH-MP).

At the conclusion of sleeping, you must remove all belongings and return the sleeping area to its original state.

Sleeping Area Guidelines



Manner of Sleeping

During the permitted times and at the permitted places, individuals experiencing **non-voluntary** houselessness who are engaged in camping are allowed to use a sleeping bag, bedroll, or other material used for bedding purposes as well as materials used to keep warm and dry while sleeping. Any tent or tarpaulin used for this purpose may not exceed 50 square feet in surface area. At no time may huts, temporary shelters, lean-tos, shacks, or any other structures be built or placed on public property.

More comprehensive guidance is available at <https://www.astoria.or.us/Livability.aspx>.

ORDINANCE NO. 2021-06

AN ORDINANCE OF THE CITY OF SEASIDE, OREGON, ADDING CHAPTER 102 TO THE CODE OF SEASIDE, ESTABLISHING CAMPING REGULATIONS, DEFINITIONS, TEMPORARY CAMPING PROGRAM, PROHIBITED CAMPING, PENALTIES AND ENFORCEMENT

WHEREAS, the City Council is interested in creating a Camping Ordinance in the City of Seaside, Oregon.

NOW, THEREFORE, THE CITY OF SEASIDE ORDAINS AS FOLLOWS:

SECTION 1: Chapter 102 of the Code of Seaside is hereby created and added to read:

Chapter 102 CAMPING REGULATIONS

102.01 Title and purpose.

The title of this chapter shall be known as the "City of Seaside, Oregon, camping regulations." The purpose of this chapter is to protect the safety of citizens and regulate use of publicly owned property by establishing time, manner, and place guidelines.

102.02 Definitions.

For the purpose of this chapter, the following definitions shall apply unless the content clearly indicates or requires different meaning:

- 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. "Camp facilities" include, but are not limited to, tents, huts, temporary shelters, or vehicles.
- C. "Camp paraphernalia" includes, but is not limited to, tarpaulins, cots, beds, sleeping bags, blankets, mattresses, hammocks, or outdoor cooking devices or utensils and similar equipment.
- D. "Campsite" means any place where one or more persons have established temporary Sleeping accommodations by use of camp facilities and/or camp paraphernalia.
- E. "City manager" means the Seaside City Manager, or the city manager's designee.
- F. "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.
- G. "Motor vehicle" has the meaning given that term in ORS 801.360.
- H. "Park areas" has the meaning all public parks in the City of Seaside.
- I. "Parking lot" means a developed location that is designated for parking motor vehicles, whether developed with asphalt, concrete, gravel, or other material.
- J. "Prohibited campsite" means any campsite:
 - (a) Described in Code of Seaside 02.03 and 102.04; or
 - (b) Not authorized under the Code of Seaside.
- K. "Public owned property" means any real property or structures owned, leased, or managed by the city or other government agency including public rights-of-way.
- L. "Public rights-of-way" has the meaning set forth in Code of Seaside 95.01.
- M. "Recreational fire" means a fire for the cooking of food, warmth, fellowship or ceremonial purposes.
- N. "Recreational vehicle" has the meaning given that term in ORS 174.101.
- O. "Solid waste" means any garbage, trash, debris, yard waste, food waste, or other discarded materials.
- P. "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.

- 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 Seaside that is publicly owned or maintained for public vehicular travel.

102.03 Temporary camping program.

- A. With written authorization of the private property owner of the property:
- (a) Up to three total motor vehicles or tents, in any combination, may be used for camping in any parking lot on the following types of property:
 - (1) Real property developed and owned by a religious institution, place of worship, regardless of the zoning designation of the property;
 - (2) Real property developed with one or more buildings occupied and used by any organization or business primarily for nonprofit, commercial or industrial purposes;
 - (3) 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.
- B. Up to one family may use a residentially zoned property developed with an occupied residential dwelling, with further authorization from property owner and 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.
- C. A property owner who authorizes any person to camp on a property pursuant to subsection (A) and (B) of this section must:
- (a) Provide or make available sanitary facilities; (i.e., including toilets, wash facilities, and drinking water facilities).
 - (b) Provide garbage disposal services so that there is no accumulation of solid waste on the site;
 - (c) Provide a storage area for campers to store any personal items so the items are not visible from any public street;
 - (d) Require a tent or camping shelter in a residential backyard to be not less than five feet away from any property line; and
 - (e) 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.
- D. A property owner who permits camping pursuant to subsection (1) 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 or their designee may:
- (a) Revoke the right of any person to authorize camping on property described in subsection A of this section upon finding that 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; or
 - (b) Revoke permission for a person or family to camp 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(s) is incompatible with the use of the property or adjacent properties.
- F. Any person whose authorization to camp on property has been revoked pursuant to subsections (3) and (4) 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.

102.04 Prohibited camping.

- A. Except as expressly authorized by the Code of Seaside, at all times it is unlawful for any persons to establish or occupy a campsite on the following city property:
- (a) All Park areas;
 - (b) All publicly owned or maintained parking lots; and
 - (c) All publicly owned or maintained restrooms; and
 - (d) All publicly owned property located within and adjacent to the following residential zoning districts:
 - (1) Low density residential (R1)
 - (2) Medium density residential (R2)
 - (3) High Density Residential (R3)
 - (4) Resort Residential (RR)
 - (5) Residential Commercial (RC)
 - (e) All publicly owned property along 12th Avenue.
 - (f) All publicly owned property between 1st Avenue to Avenue A.
 - (g) All publicly owned property along and Avenue G.
 - (h) All publicly owned property along Avenue U.
 - (i) All publicly owned property along and Necanicum Drive.
 - (j) All publicly owned property along Holladay Drive.
 - (k) All publicly owned property along Highway 101.
 - (l) All publicly owned property along Wahanna Drive.
 - (m) All publicly owned property along Sunset Boulevard.
- B. Except as expressly authorized by the Code of Seaside, it shall be unlawful for any person, other than persons camping in a vehicle or recreational vehicle, to camp or maintain a campsite on any publicly owned property during the hours of 6:00 a.m. to 8:00 p.m.
- C. Except as expressly authorized by the Code of Seaside, it shall be unlawful for any person to store personal property, including camp facilities and camp paraphernalia, on any public property during the hours of 6:00 a.m. to 8:00 p.m.
- D. Except as expressly authorized by the Codes of Seaside or special event permit, it shall be unlawful to have a recreational fire on public property.
- E. A person or persons camping in a vehicle or recreational vehicle must adhere to parking regulations, Code of Seaside Chapter 72, and public right-of-way regulations, Code of Seaside Chapter 95.01.
- F. Notwithstanding the provisions of this chapter, the city manager or designee may temporarily authorize camping or storage of personal property on public 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.
- G. The city manager may adopt administrative rules to implement any of the provisions of this chapter.

102.99 Penalties and enforcement.

- A. Violation of any provisions in Code of Seaside 102.03 is a Class D violation pursuant to ORS 153.012. Each day that a violation occurs will be considered a separate offense.

- B. Violations of any provisions in Code of Seaside 102.04 is a Class D violation and may result also in a violation of Oregon Revised Statutes.
- 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.

SECTION 2: Ordinance 2021-06 will take effect on the thirtieth day after its adoption.

ADOPTED by the City Council of the City of Seaside on this ___ day of _____, 2021 by the following roll call vote:

- YEAS:
- NAYS:
- ABSTAIN:
- ABSENT:

SUBMITTED to and **APPROVED** by the Mayor on this ___ day of _____, 2021

JAY BARBER, MAYOR

ATTEST:

Mark J. Winstanley, City Manager

CITY OF SEASIDE
PROGRAM FOR TEMPORARY CAMPING

PERMIT

DATE OF PERMIT ISSUANCE: _____

NAMES OF CAMPERS: (No more than 6 per permit)

Camper #1 _____ Phone # _____

Camper #2 _____ Phone # _____

Camper #3 _____ Phone # _____

Camper #4 _____ Phone # _____

Camper #5 _____ Phone # _____

Camper #6 _____ Phone # _____

VEHICLE/TENT DESCRIPTION: (1 motor vehicle, 1 RV trailer with tow vehicle, 1 tent)

(Include registration plate #, tent color and size) _____

PUBLIC PROPERTY CAMPING LOCATION: MILL PONDS DESIGNATED CAMPING AREA

PERMIT ISSUED BY: _____

NAME

DPSST #

CAMPING PERMIT MUST BE VISUALLY DISPLAYED IN A MANNER THAT ALLOWS EASY VIEWING TO THE PUBLIC AND MUST BE VALID AT ALL TIMES PERMITTED CAMPING IS ALLOWED. THIS PERMIT IS VALID FOR 3 WEEKS FROM DATE OF ISSUANCE.

ALL PARTICIPANTS ARE REQUIRED TO MOVE OUT WEEKLY ON THURSDAY BY 10 AM AND MAY RETURN AFTER 4 PM.

THIS PERMIT EXPIRES ON:

DATE

PROGRAM FOR TEMPORARY CAMPING RULES

Permits must be obtained from the Seaside Police Department.

Each camp is to remain within the designated area and may have:

- One (1) motor vehicle (car, pickup, motorhome, etc.)
- One (1) RV trailer with a tow vehicle
- One (1) tent (if not accompanied with a motor vehicle)

Move out day is every Thursday by 10 a.m. Campers may return after 4 p.m. All personal property must be removed from the camping area by 10 a.m. Trash left behind may result in a citation for littering.

No dumping of solid waste (black water, grey water, sewage or other discarded material). No urinating or defecating other than in provided toilets.

Disposing of personal trash, garbage, rubbish, debris, syringes, etc. are to be deposited in receptacles provided. No large items or excessive amounts of trash will be accepted (without pre-authorization by the Public Works Director).

No open flame fires using wood products, natural gas, propane gas, etc. (camp stoves used in its designed intent for cooking purposes is permitted).

Quiet time hours are 10pm – 7am (no generator use or loud noises).

No vehicle repairs (minor maintenance may be permitted, no major parts changes, no fluid changes, nothing that could create a hazardous spill and ground contamination).

Dogs are required to be on leash at all times and in control by the owner. No running at large animals.

Illicit drug possession, use and distribution is prohibited.

Violation of park rules, city policy and city ordinance may lead to the camper(s) being designated a nuisance to the camping program and permits terminated.

City Ordinance Chapter 102 regulating camping within the City of Seaside is located on the city website (www.cityofseaside.us).

Clatsop Community Action (CCA) offers assistance and referrals to many social services within the area. CCA has a Homeless Liaison position that can work with you to assist or refer you to resources. Another resource for you to contact is the Seaside Police Department (SPD) Community Service Officer (CSO) who can help you with resources. CCA can be reached by phone at (503) 325-1400. The SPD CSO can be reached by phone at (503) 738-6311.

DIRECTIONS

The Mill Ponds designated temporary camping area is located south of the Seaside Public Recycling Center.

Take HWY 101 or Wahanna road to Avenue S. Turn south on Alder Mill road from Avenue S.

Vehicle access gate will be unlocked by 8 p.m. each night and closed at 8 a.m. the following morning.

Vehicles may park in the southwest corner of the camping area. Tents may be set up in the northeast corner of the camping area. For safety, vehicles are not allowed in the tent area.