

**BEFORE THE BOARD OF COUNTY COMMISSIONERS
IN AND FOR THE COUNTY OF CURRY, OREGON**

**In the Matter of an Ordinance Adopting)
Article Six, Division Eleven of County) **ORDINANCE NO. 23-03**
Code (Camping Regulations))
)**

WHEREAS, pursuant to ORS 195.500 and Oregon House Bill 3115, Curry County must develop and implement a policy that recognizes the social nature of the problem of homeless individuals camping on public property and that any regulations enacted pursuant to such a policy must be objectively reasonable; and

WHEREAS, the County desires to establish regulations regarding authorized camping in the unincorporated areas of the County to allow for legal camping subject to supervision and regulation during reasonable time periods; and

WHEREAS, because of the nature of the allowances made by local, state, and federal law, Curry County must set in place reasonable regulations to protect public resources that are the backbone of the County, such as water, wildlife and transportation infrastructure.

NOW, THEREFORE, THE BOARD OF CURRY COUNTY COMMISSIONERS HEREBY ORDAINS AS FOLLOWS:

SECTION I TITLE

This Ordinance shall be known as Ordinance No. 23-03 and may be cited as "Ordinance Adopting Article Six, Division Eleven of Curry County Code regarding Camping Regulations."

SECTION II AUTHORITY

This Ordinance is enacted pursuant to the authority of ORS 195.500 and any subsequent amendments thereto.

SECTION III PURPOSE

The purpose of this Ordinance is to codify certain reasonable time, place, and manner restrictions in relation to any individual's ability to camp within the unincorporated areas of Curry County.

SECTION IV ADOPTION

The provisions of this Ordinance and the attached Article Four, Division Three, incorporated herein by reference, are hereby adopted and shall be effective upon the date of this Ordinance and shall remain in force and effect until otherwise ordained by the Board of Curry County Commissioners.

CS 2023-172
Curry County Clerk, Shelley Denney
Filed Date 6 30 23
Time 11:22 AM - 8 Pages
Deputy Shelley H
S. Lindsey Harris

SECTION V SEVERANCE CLAUSE

If any section, subsection, paragraph, sentence, clause or phrase of this Ordinance, or any part thereof, is for any reason held to be unconstitutional or otherwise invalid, such decision shall not affect the validity of the remaining portions of this Ordinance or any part thereof. The legislative body hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase thereof, irrespective of the fact that any provision be declared unconstitutional or otherwise invalid.

SECTION VI EMERGENCY CLAUSE

The Curry County Board of Commissioners deems the adoption of this Ordinance to be necessary for the immediate preservation and protection of the public peace, health, safety, and general welfare for Curry County. Therefore, it is declared that an emergency exists, and this Ordinance shall be in full force and effect upon its adoption.

SECTION VII EFFECTIVE DATE

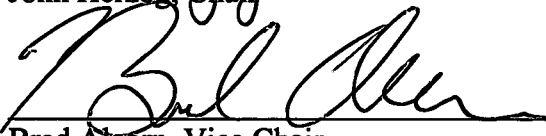
This Ordinance shall become effective upon its date of passage.

DATED this 28th day of June, 2023.

BOARD OF CURRY COUNTY COMMISSIONERS



John Herzog, Chair

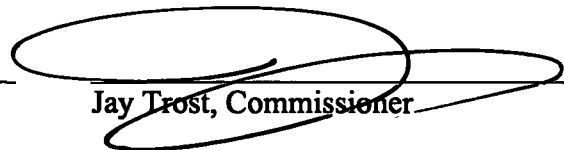


Brad Alcorn, Vice Chair

Approved as to Form:



Michael E. Fitzgerald, OSB #950738
Curry County Legal Counsel



Jay Trost, Commissioner

First Reading: June 28, 2023

Effective Date: June 28, 2023

ARTICLE SIX

DIVISION ELEVEN

CAMPING REGULATIONS

SECTION 6.06.010

Reserved

SECTION 6.06.020

DEFINITIONS

The following terms used in this Division shall have the meanings set forth below:

“Board” means the Curry County Board of Commissioners.

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

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

“Camp Facilities” include, but are not limited to, tents bivouacs, huts, other temporary or portable shelters, and vehicles or recreational vehicles as defined by Oregon law.

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

“Campground” means a location where one or more campsites are located.

“County Property” includes all real property, land and public facilities owned, leased, controlled, or managed by the County, including rights of way.

“Intersection” means where two or more Roads converge, diverge, meet, or cross at the same height.

“Open to the Public” means County property that may be used by the public without the payment of any fee. The County Fairgrounds property, gated or otherwise, is not considered to be Open to the Public.

“Outdoors” means in the open air outside of any building or other permanent structure, which includes the parking lot of any park or public building.

“Park Areas” means publicly owned grounds providing passive and active recreation opportunities, including but not limited to Boice Cope Park and Lobster Creek.

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

“Playground” means a portion of Public Property prepared primarily for children to play in.

“Public Property” means any real property or structure owned, leased or managed by a local, state, or federal agency, including public rights-of-way, waters of the State, and utility easements.

“Rest Activities” means the acts of sitting, lying, sleeping, or keeping warm and dry.

“Right-of-Way” means all County-owned or controlled right-of-way, whether in fee title or as holder of a public easement for right-of-way, utilities, or public access purposes. Public right-of-way include but are not limited to, any Road, street, sidewalk, or private street or other property that is subject to a public access or utility easement dedicated or granted to the County for vehicular, pedestrian, utility or other uses, and any planter strip or landscaped area located adjacent to or contained within streets that is part of the public right-of-way.

“School” means a public or private institution for the purpose of education, or a public or private child care facility.

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

“Road” means the improved part of the public right-of-way that provides ingress to or egress from property by means of vehicles or other means or that provides travel between places by means of vehicles; including but not limited to ways described as streets, highways, throughways, or alleys, road related-structures that are in the right of way such as tunnels, culverts, or similar structures, and structures that provide for continuity of the right of way such as bridges.

“Tent” means a portable shelter made of fabric stretched tight and supported by one or more poles, cords, rope, or loops.

“Trash” means what a reasonable person would consider worthless or discarded material or objects, refuse or rubbish; and does not include weapons, contaminated or filthy materials, drug or drug-related paraphernalia, or items that reasonably could be considered as constituting a danger to human life or safety.

“Waterway” or **“Body of Water”** means any ocean, lake, estuary, river, stream or tributary, creek, pond, reservoir, wetland, canal; with distance being measured from the regular high water line.

SECTION 6.06.030

EXCEPTIONS FROM CAMPING REGULATIONS

This section’s regulations are meant strictly to regulate the use of public property within the unincorporated areas of Curry County and are not intended to directly regulate activities conducted on private property by the property owner or their designee. Specifically, any prohibition enacted by this Division shall not apply to:

- a. Individuals who have paid to camp in a County-designated campground. Camping in County parks shall be subject to the rules and regulations of the County Parks Department.

- b. Individuals camping as specifically authorized by a contract with the County or an agreement to provide voluntary services to the County.
- c. Individuals camping as specifically authorized by a permit approved by the Curry County Board of Commissioners.
- d. Individuals camping as specifically authorized and directed by an emergency or disaster declaration adopted by the Curry County Board of Commissioners.

SECTION 6.06.040 TIME RESTRICTIONS

Section 6.06.041 Authorized Hours

Except as expressly authorized by Curry County Code, it shall be unlawful for any person to camp or maintain a campsite on any public property during the hours of 6:00 a.m. to 10:00 p.m. Campsites must be packed up, cleared of all camp materials and trash, and vacated no later than 6:00 a.m.

Section 6.06.042 Storage of Personal Property

Except as expressly authorized by Curry County Code, 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 10:00 p.m.

Section 6.06.043 Unattended Personal Property

Except as expressly authorized by Curry County Code, it shall be unlawful to knowingly leave personal property unattended on public property during the hours of 6:00 a.m. to 10:00 p.m. Personal property left unattended may be removed and disposed of by the County, in accordance with Oregon law and Section 6.06.070, if the property poses a threat to public health, safety, or welfare; or if the property has been posted with a written notice in accordance with Oregon Law.

SECTION 6.06.050 PLACE RESTRICTIONS

Section 6.06.051 Location of Camps

Camping and Rest Activities shall only take place Outdoors, on property Open to the Public, and in compliance with the following place requirements:

Section 6.06.052 Size of Camps

Campsites shall be limited to an area of not more than 100 square feet. All Camp Materials and other personal property must be contained within a single campsite.

Section 6.06.053 Prohibited Camp Locations

Except as specifically allowed by Curry County Code, it shall be unlawful for any person to establish or occupy a campsite at any time if such camp is:

- a. Within any park area or athletic field.

- b. On sidewalks or roadsides in a manner that reduces the clear, continuous width of less than five (5) feet, or otherwise contrary to County Code, specifically such provisions regarding rights of way or "Clear Zones" as defined by Article Three, Division Four.
- c. Within 1,000 feet of a school.
- d. Within 250 feet of a waterway.
- e. Within 250 feet of a playground.
- f. Within 75 feet of any Intersection.
- g. On County Property that is permanently closed to public use, or during days or hours that County Property is closed to the Public.
- h. Obstructing any portion of any Road, bike lane, bike path, or other premises that are used or usable in connection to transportation.
- i. Within four feet of the shoulder of any Road that does not have a curb.

Section 6.06.053 Authority of Board of Commissioners

Notwithstanding the provisions of this Division, the County Board of Commissioners, the Director of County Operations, or the designee of either may temporarily authorize camping or storage of personal property by written order that specifies the period of time and location in the event of emergency circumstances; in conjunction with a special event permit; or upon finding it to be in the public interest and consistent with County goals and policies.

Section 6.06.054 Camping Restrictions

No more than three campsites shall be permitted at the same time in any Campground. While Camping or engaging in Rest Activities, no individual shall:

- a. Engage in conduct that violates State or Federal law.
- b. Camp without paying in an area designated for paid Camping.
- c. Attach Camp Materials or personal property to fences, trees, vegetation, vehicles, buildings, utility poles, or any other infrastructure.
- d. Use an unauthorized connection to tap into electrical, water or other utilities.
- e. Use any permanent structure for the storage of personal property unless the structure has been designated for that purpose.
- f. Erect any permanent or semi-permanent structures, or incorporate any existing structures, fixtures, or other existing infrastructure in any type of Camp Facility.

- g. Use a fire or flame for any purpose, unless outdoors and confined to a Camp Stove or County-provided fireplace or fire ring; with the following restrictions:
- The fire or flame may not be left unattended.
 - The fire or flame shall be extinguished before leaving the campsite.
 - The fire or flame may not be used when burning or fire restrictions are put in place by a local authority such as Coos Forest Protective Association.
 - The fire or flame shall not cause damage to public property, private property, vegetation, or infrastructure of any kind.

SECTION 6.06.060

MITIGATION OF UNLAWFUL CAMPSITES

6.06.063 Mitigation

Cleanup of unlawful campsites will be scheduled at the discretion of the Curry County Board of Commissioners or their designee(s).

6.06.063 Emergency Mitigation

Notwithstanding the provisions of this section, cleanup of campsites may occur immediately and without notice if the Board or their designee determines that any of the following conditions exist:

- a. When there are grounds for law enforcement officials to believe that illegal activities other than camping are occurring at an established campsite.
- b. In the event of an exceptional emergency at an established campsite, including, but not limited to, possible site contamination by hazardous materials, a public health emergency, or other immediate danger to human life or safety.
- c. 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 6.06.062 of this section may be posted at least 24 hours before the cleanup.

6.06.062 Posted Notice

Permanent signs may be posted advising that camping is prohibited on certain public property. Whether or not a permanent sign is posted, a notice containing a specific date and time will be posted and distributed in the area of a scheduled cleanup at least 72 hours before the cleanup.

SECTION 6.06.070

REMOVAL, STORAGE & RETRIEVAL OF PERSONAL PROPERTY

6.06.072 Abandoned Property

Any property removed by the County in accordance with the provisions of this Division shall be held and disposed of pursuant to the provisions of ORS Chapter 98 if not claimed within thirty (30) days after removal.

6.06.072 Claiming Property

Individuals may claim their property, without a fee, by contacting the Curry County Sheriff's Office within thirty (30) days.

6.06.073 Exceptions to Storage of Abandoned Property

Items that have no apparent utility or are in unsanitary condition may be immediately discarded. Weapons, controlled substances (not including prescription medication specifically prescribed to the possessor) and items that appear to be stolen or that are evidence of a crime shall be retained and disposed of by the Curry County Sheriff's Office in accordance with applicable legal requirements for the property in question; and shall not be subject to thirty (30) days' storage.

SECTION 6.06.080 PENALTIES & ENFORCEMENT

6.06.081 Fine

Violation of any provision of this Division is punishable by a fine not less than \$100.00 nor more than \$1,000.00 for the first offense, and for the second and subsequent offenses, not less than \$500.00, nor more than \$5,000.00.

6.06.082 Separate Offenses

Each day that a violation occurs will be considered a separate offense.

6.06.083 Violation Constitutes Public Nuisance

In addition to any other penalties that may be imposed, any campsite used for overnight sleeping in a manner not authorized by this Division or other provisions of this code shall constitute a public nuisance and may be abated in accordance with Oregon law.

SECTION 6.06.090 NONEXCLUSIVE REMEDY

The remedies described in this chapter shall not be the exclusive remedies of the County for violations of this Division.