

CITY OF ASTORIA
ORDINANCE 26-06

AN ORDINANCE AMENDING THE CAMPING CODE

The City of Astoria does ordain as follows:

SECTION 1: 5.002 of the Astoria Code is hereby amended to provide:

5.002 Definitions

For the purposes of this Chapter, the following definitions shall apply:

Abandoned Cart: means any shopping cart that has been removed from the owner's premises without written consent of the owner and which is located on either public or private property.

Abate or Abatement: Actions to remove, stop, prevent, correct, reduce, or otherwise take steps necessary, in such a manner and to such an extent as the applicable City department director or designee(s) determines is necessary in the interest of the general health, safety and welfare of the community, to remove a condition deemed to constitute a violation of this ordinance or that has been deemed a nuisance.

Alternate Shelter: means either: 1 A publicly or privately operated shelter designated to provide temporary living arrangements (including congregate shelters, transitional housing, and hotels and motels paid for by charitable organizations or by federal, state, or local government programs); 2. Any other building, as defined in ORS 164.205(1), designed or adapted for overnight accommodations of persons in which the person has permission to sleep.

Boarded Building: A vacant building or portion of a vacant building whose doors and/or windows have been covered with plywood or other material for the purpose of preventing entry into the vacant building by persons or animals.

Building Available for Sale, Lease, or Rent: A building that is in compliance with the minimum property maintenance standards and has an advertising or posting of contact information concerning its availability; and/or is listed with a certified agent for the sale, lease, or rent transaction.

Camp or Camping: Means to set up, use, maintain or to remain in or at a campsite.

Campsite: Means any place where one or more persons have established temporary living accommodations by use of camp facilities and/or camp paraphernalia.

Camp Facilities: Include, but are not limited to, tents, huts, temporary shelters, lean-tos, shacks, or any other structures, vehicles or parts thereof.

Camp Paraphernalia: Include, but are not limited to, tarpaulins, cots, beds, sleeping bags,

blankets, mattresses, hammocks, or non-city designated cooking facilities and similar equipment.

Chronic Nuisance: Individual property on which multiple nuisance activities have occurred during a specified period; or nuisances which have occurred on multiple properties that are owned or controlled by a single person or entity.

Demolition by Neglect: The gradual deterioration of a historic building as a result of insufficient routine or major maintenance.

Exterior Property: The open space on the premises and on adjoining property under the control of owners or operators of such premises.

Garbage: The animal or vegetable waste resulting from the handling, preparation, cooking, and consumption of food.

Inoperable Motor Vehicle: A vehicle which cannot be driven upon the public streets for reasons including but not limited to being unlicensed, wrecked, abandoned, in a state of disrepair, or incapable of being moved under its own power.

Junk: All old motor vehicles, motor vehicle parts, abandoned motor vehicles, old machinery or machinery parts, old appliances or appliance parts, old iron or other metal, glass, paper, lumber, wood, or other waste or discarded material.

Owner: Any person, agent, operator, firm or corporation having a legal or equitable interest in the property; or recorded in the official records of the State, County, or City as holding title to the property; or otherwise having control of the property, including the conservator of the estate of any such person, and the personal representative of the estate of such person if ordered to take possession of real property by a court.

Owner, Junk: The registered owner of a vehicle or junk as described in this Chapter; a person having equity or a beneficial right, title, or interest in or to such vehicle or junk; a person having the right of temporary or permanent control of such vehicle or junk; a person who is the owner of real property on which such vehicle or junk is situated; or a person who is the lessee or in possession of property on which such vehicle or junk is situated.

Owner, Shopping Cart: means a person that, in connection with the operation of a business, makes a shopping cart available to a customer.

Person: means a natural person, corporation, partnership, Limited Liability Company, limited liability partnership, co-operative, trust, or other entity in law or fact.
or control of property or supervision of a construction project.

Person in Charge: Unless otherwise required by the context, shall be deemed to include a property owner, agent, occupant, lessee, contract purchaser, or other person having possession or control of property or supervision of a construction project. 2: I move that the Astoria City Council hold a second reading and adopt the amended Ordinance to Amend the Astoria Camping Code.

Person Responsible. The person responsible for abating a nuisance includes:

- A. The owner.
- B. The person in charge of property, as defined in this section.

- C. The person who caused a nuisance or offense, as defined by this Chapter to come into or continue in existence.

Public Property: means all real property owned or leased, including land and buildings under the ownership, control or authority of the city, county, state or other government entity

Rubbish: Combustible and noncombustible waste materials, except garbage; the term shall include the except for the federal government. residue from the burning of wood, coal, and other combustible materials, paper, rags, cartons, boxes, wood, excelsior, rubber, leather, tree branches, yard trimmings, tin cans, metals, mineral matter, glass, crockery, dust, and other similar materials.

Shopping cart: means a basket that is mounted on wheels and used for the transportation of goods, or any other similar device, that is provided by an owner for use by a customer.

Vacant Building: A building/structure that appears to be empty of furnishings and/or merchandise and not otherwise legally occupied, or any condition that, on its own or combined with other conditions present, would lead a reasonable person to believe that a property or building is unoccupied. Such conditions include, but are not limited to: overgrown and/or dead vegetation; accumulation of newspapers, circulars and/or flyers; disconnected utilities; accumulation of trash, junk and/or debris; broken or boarded up windows and/or doors; the absence of merchandise consistent with retail sale; and statements by neighbors or government employees that the property or building is vacant. Portions of buildings with more than one section such as buildings with separate storefronts may be determined to be vacant even if other portions of the building are occupied.

Weeds and Noxious Growth: All grasses, annual plants, and vegetation, other than trees, shrubs, and cultivated flowers and gardens.

SECTION 2: 5.900 of the Astoria Code is hereby amended to provide as follows:

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 promote a shelter-first approach for those individuals facing homelessness within the community. When shelter resources are unavailable, the City will regulate camping on publicly owned property through reasonable time, place and manner guidelines in conformance with ORS 195.530.

SECTION 3: 5.905 of the Astoria Code is hereby amended to provide:

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 subsection 1(a) the prohibition in subsection 1(b) 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.

- (b) Notwithstanding the foregoing, it is unlawful for individuals experiencing homelessness to camp knowingly in or upon any public property if the individual has access to reasonable alternate shelter, has means to acquire reasonable alternate shelter or has otherwise been offered and rejected reasonable alternate shelter. Whether a shelter is reasonable under this subsection must be determined on a case-by-case basis.
- (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:
- (a) temporarily authorize camping in the event of a natural disaster or other special circumstances.
 - (b) Create specific exemptions to the time, manner and place restrictions in subsections (1) and (2) based on the special circumstances of an individual experiencing homelessness.
- (4) The city manager may adopt administrative rules to implement any of the provisions of this Camping Code.

SECTION 4: 5.925 of the Astoria Code is hereby amended to provide:

5.925 - Penalties And Enforcement

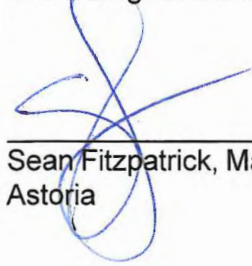
1. Subject to section 2, violation of this Camping Code is a municipal violation subject only to a penalty of not more than \$35.00.
2. An individual who violates this Camping Code may be trespassed from the property where the violation occurred by a person in charge. For the purposes of this subsection, "a person in charge" means the city manager, the chief of police, any law enforcement officer of the city or any other person designated by the city manager in writing. If the violation occurred on a sidewalk, or other right-of-way, the "property where the violation occurred" shall include one full city block in each direction from the spot where the violation occurred. The trespass shall be for 72 hours but shall not restrict a person from
 - (a) Passing through the described area;
 - (b) Obtaining social, medical, or like services;
 - (c) Seeking employment or performing lawful employment;
 - (d) Attending a public meeting;
 - (e) Attending a court hearing, or meeting with an attorney;
 - (f) Attending religious services or otherwise exercising a constitutional right.

PASSED AND ADOPTED BY THE CITY OF ASTORIA CITY COUNCIL

June 15, 2026

	AYE	NAY	ABSENT	ABSTAIN
Adams	<u>X</u>	<u> </u>	<u> </u>	<u> </u>
Davis	<u>X</u>	<u> </u>	<u> </u>	<u> </u>
Mazzarella	<u>X</u>	<u> </u>	<u> </u>	<u> </u>
Conklin	<u>X</u>	<u> </u>	<u> </u>	<u> </u>
Mayor Fitzpatrick	<u>X</u>	<u> </u>	<u> </u>	<u> </u>

Presiding Officer



Sean Fitzpatrick, Mayor, City of
Astoria

Attest



Scott Spence, City Manager, City of
Astoria