



ORDINANCE 2013-008

AN ORDINANCE AMENDING THE MUNICIPAL CODE TO ADD CHAPTER 9.54 REGULATING CAMPING IN AREAS OPEN TO THE PUBLIC

WHEREAS, Sherwood City Council established a special committee for the purpose of developing potential new ordinances to regulate the conduct of individuals and businesses in the City; and

WHEREAS, among the ordinances recommended by the special committee, the committee proposed regulations to address unauthorized camping in areas open to the public; and

WHEREAS, on August 6, 2013, the City Council conducted a public hearing on the proposed ordinances, including the proposed camping regulations, and

WHEREAS, at the August 6, hearing the Sherwood Chief of Police testified that the camping regulations would be a useful tool for law enforcement to protect public health and safety; and

WHEREAS, on October 1, 2013, the City Council further considered language for the proposed Ordinance and proposed additional language changes,

WHEREAS, after reviewing the revisions to the proposed camping regulations, the City Council agrees that the camping regulations are in the best interest of the City of Sherwood and the health, safety and welfare of its residence.

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

Section 1. Findings. After full and due consideration of the evidence presented, the Council finds that the text of the Sherwood Municipal Code shall be amended to create regulation of camping in Areas Open to the Public; therefore, the Council adopts the amendments contained in Exhibit 1.

Section 2. Approval. The proposed amendment for the Municipal Code Amendment identified in the attached Exhibit 1, is hereby **APPROVED**.

Section 3 - Manager Authorized. The City Manager is hereby directed and authorized to take such action as may be necessary to document this amendment, including necessary updates to Chapter 9 of the Municipal Code in accordance with applicable City ordinances and regulations.

Section 4 - Effective Date. This Ordinance shall take effect 30 days after its approval and adoption.

Duly passed by the City Council this 19th day of November 2013.

Bill Middleton
Bill Middleton, Mayor

Attest:

Sylvia Murphy
Sylvia Murphy, MMC, City Recorder

	<u>AYE</u>	<u>NAY</u>
Clark	<u>✓</u>	<u> </u>
Langer	<u>✓</u>	<u> </u>
Butterfield	<u>✓</u>	<u> </u>
Folsom	<u>absent</u>	<u> </u>
Grant	<u>✓</u>	<u> </u>
Henderson	<u>✓</u>	<u> </u>
Middleton	<u>✓</u>	<u> </u>

Exhibit 1:

Chapter 9.54 – Regulation of Camping in Areas Open to the Public

9.54.010 - Purpose.

This chapter is enacted to promote and protect the health, safety and welfare of the City's residents as well as property within the City through the regulation of Camping on or near Areas Open To The Public as well as on or near vacant lots in order to address the adverse impacts of such activities including crime victimization, littering, public urination, public defecation, public intoxication, theft of water and electricity, verbal and physical assaults, trespass onto adjacent public and private properties, vandalism, property damage, fire hazards, and harassment or intimidation of occupants, employees, and/or customers.

9.54.020 – Definitions

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

A. "Area Open To The Public" means an outdoor area on private property within the City and that is intended for public access including but not limited to private streets, alleyways and pedestrian ways, and common areas such as parking lots and picnic areas of schools, medical facilities, apartment houses, office and industrial buildings, service stations, churches and retail shopping centers. An "Area Open To The Public" also includes a vacant or unimproved lot or parcel that, while not intended for public access, is not fenced or otherwise restricts direct public access to the lot or parcel. "Area Open To The Public" does not include those areas of improved private real property that are not open to the public such as a residential property including the yard.

B. "Camp" or "Camping" means the use of an Area Open To The public as temporary quarters for the purposes of living, sleeping or residing. Such activities may include, but need not be limited to any of the following: (1) sleeping or making preparations to sleep, including the laying down of bedding for the purpose of sleeping; (2) the parking of any motor vehicle, including a motor home, recreational vehicle or trailer, for the apparent purpose of occupancy; (3) making any fire.

9.54.030 – Regulation of Camping

Except as otherwise provided in this chapter, a person shall not Camp in any Area Open To The Public. Nothing in this chapter prohibits a person from Camping in an area lawfully designated for Camping including campgrounds or recreational vehicle parks.

9.54.040 - Enforcement Responsibility and Authority.

The Sherwood Police Department and the City Manager, or person designated by the City Manager, are jointly charged with the enforcement of this Chapter.

9.54.050 - Variances.

- A. Any person may apply for a:
1. Class A variance to Camp in an area open to the public for up to fourteen (14) days in duration; or
 2. Class B variance to Camp in an area open to the public for fifteen (15) or more days in duration.
- B. A person, entity or organization may apply for a variance under subsection (A) on behalf of multiple individuals or person(s).
- C. Notwithstanding any other provision of this chapter, the Chief of Police, the City Manager or the City Manager's designee may permit a person to Camp in Areas Open To The Public provided: (1) a situation exists that necessitates the need to camp in the Area Open To The Public; (2) the use of the Area Open To The Public for Camping purposes will not, on balance be unduly detrimental to the public health, safety or welfare; and (3) the owner or person or entity legally controlling occupancy of the Area Open To The Public has consented to the Camping.

9.54.060 - Variance Application.

- A. An applicant for a variance shall submit the following information on a form approved by the City:
1. A reference to the provision in this chapter from which the variance is sought;
 2. The reason(s) why the variance is necessary;
 3. A general description of the physical characteristics of the Area Open To The Public for which a variance is sought;
 4. The variance's time period;
 5. The signed consent from the owner or person or entity legally controlling occupancy of the Area Open To The Public for which the variance is sought;
 6. Any other supporting information the City Manager or City Council may reasonably require to allow consideration of the conditions set forth in Section 9.52.100.

B. The applicant for a Class A variance shall submit the application to the City Manager or the City Manager's designee. The applicant for a Class B variance shall submit the application to the City Recorder, who shall place the matter on the agenda for a forthcoming City Council meeting.

9.54.070 - Public Notification for Class B Variance.

The applicant for a Class B variance shall post notice along the nearest public road at the boundaries of the property containing the Area Open To The Public for which the variance is sought so that the notice is visible from the public road, publish notice thereof in a newspaper of general circulation in the city and post on the City's website. Posted notice on the property and website shall be at least seven days prior to the public hearing with published notice completed at least four days prior to the hearing. Notice under this section shall state the date the council will consider the application, the nature and substance of the variance to be considered, and that written comments on the application may be filed with the City Recorder before the meeting at which the application is to be considered.

9.54.080 - Variance Review.

The City Manager, City Manager's designee may grant a Class A variance.

City Council may grant a Class B variance.

If requested by the applicant the City Manager may extend a Class A variance by up to 15 calendar days if Council cannot consider a Class B variance because of scheduling issues.

The City Manager, City Manager's designee or City Council may grant a variance, after considering the written application for variance and any written comments submitted when it appears the following conditions exist:

- A. There are unnecessary or unreasonable hardships or practical difficulties which can be most effectively relieved by granting the variance, and;
- B. The granting of the application will not be unduly detrimental to the public health or safety or welfare.

9.54.090 - Variance Decision.

A. The City Manager or the Manager's designee shall grant or deny a Class A variance within five days of receipt of a complete variance application, excluding Saturdays, Sundays, and holidays.

B. The City Council shall grant or deny a Class B variance within thirty (30) days of receipt of the application, and may, on its own motion, hold a public hearing on the application before deciding to grant or deny the variance.

C. The City Manager, City manager's designee or City Council may impose such limitations, conditions and safeguards as deemed appropriate, so that the spirit of the chapter will be observed, and the public safety, health and welfare are secured. A violation of any such condition or limitation constitutes a violation of this chapter.

D. A decision to grant or deny the variance shall be in writing and state the reasons for the decision. The City Council or City Manager shall notify the applicant of the decision and shall make it available to any person who submitted written comments on the application.

9.54.100 - Review.

The decision of the City Manager, City Manager's designee or the City Council to grant or deny a variance is final. Such decisions may be reviewed pursuant to ORS 34.010 to 34.100 (writ of review).

9.54.110 – Civil Penalties.

A person who violates any provision of this Chapter is subject to a civil penalty (Class C violation) for each day a violation occurs.