

ORDINANCE NO. 19-1020

AN ORDINANCE OF THE CITY OF OREGON CITY AMENDING TITLE 12, STREETS, SIDEWALKS AND PUBLIC PLACES, CITY OF OREGON CITY MUNICIPAL CODE, SECTION 12.16.040, CAMPING PROHIBITED

WHEREAS, The City of Oregon City currently prohibits camping in public places, including in or upon any sidewalk, street, alley, lane, public right-of-way, public park, or other public place; and

WHEREAS, Camping on public, as well as private, property continues to be a concern for the City and the City desires to address the health and safety issues created by continued camping within the City; and

WHEREAS, The City also recognizes the social nature of the problem of individuals camping on public property and the need to develop a policy for the removal of camps; and

WHEREAS, The City wishes to create a process to ensure the humane treatment of individuals during removal from camping sites on public property and the proper storage and disposal of property from unauthorized camps; and

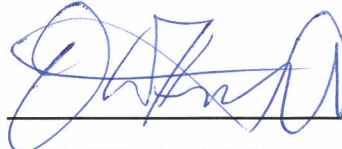
WHEREAS, The creation of such a process requires amendment of the City's ordinances regarding camping in the City.

NOW, THEREFORE, OREGON CITY ORDAINS AS FOLLOWS:

Section 1. Adoption. Oregon City Municipal Code Chapter 12.16.040 is amended as shown in Exhibit A to this Ordinance, with additions shown in underline and deletions shown as ~~strikethrough~~.

Section 2. Severability. If any provision of this Ordinance, or its application to any person or circumstances is held to be unconstitutional or invalid for any reason, the remainder of this Ordinance or the application of the provisions to other persons or circumstances shall not be affected.

Read for the first time at a regular meeting of the City Commission held on the 4th day of December 2019, and the City Commission finally enacted the foregoing ordinance this 18th day of December 2019.



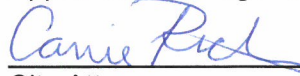
DAN HOLLADAY, Mayor

Attested to this 18th day of December, 2019:



Kattie Riggs, City Recorder

Approved as to legal sufficiency:



City Attorney

Exhibits:

Exhibit A – Redline Version of 12.16.040 – Camping Prohibited Code

Exhibit B – Clean Version of Clean-Up of Unauthorized Campsites on Public Property Policy

Exhibit A – Redline Version of 12.16.040 Camping Prohibited Code

12.16.040 - Camping prohibited.

~~A. It is unlawful to camp in or upon any sidewalk, street, alley, lane, public right-of-way, public park or any other place to which the general public has access.~~

~~B. "To camp" is defined as setting up or remaining at a campsite.~~

~~C. "Campsite" is defined as 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 other structure, or any vehicle or part thereof, for the purpose of maintaining a temporary place to live.~~

~~D. It shall be an affirmative defense to this section that the individual charged had written consent of the person or other authority owning or entitled to possession of the location where the campsite was located.~~

A. Definitions.

(1) "Camp" or "Camping". To live, cook, sleep, or take overnight shelter in a temporary, motorized vehicle, or non-permanent structure or location, including but not limited to a shack, lean-to, storage shed, tent, travel trailer, recreational vehicle, boat, utility trailer or vehicle of any kind.

B. Unauthorized Camping.

(1) No person shall camp in or upon any sidewalk, street, alley, lane, public right-of-way, public park, or other public place, other than an area approved by the city for the permitted use and built for the purpose of camp grounds or overnight parks.

(2) No person in charge of property shall permit camping on such property unless it is occupied and approved as a residential use and the property owner has given written permission to camp, and in no event for more than 72 hours in a 30 day period. Exceptions may be granted under emergency conditions as determined by the manager.

(3) Violation of any provision of this section may be subject to a fine or penalty in the maximum amount of \$1,000.

EXHIBIT B

CLEAN-UP OF UNAUTHORIZED CAMPSITES ON PUBLIC PROPERTY POLICY

PURPOSE AND SCOPE

ORS 203.077 requires all municipalities to develop and implement policies that address unauthorized camping on public property. The City recognizes the social nature of the problem of individuals camping on public property and the need to develop a policy for the removal of camps. This policy outlines a process to ensure the humane treatment of individuals during removal from camping sites on public property and the proper storage and disposal of property from unauthorized camps. These procedures shall apply to all public property where camping is prohibited. City officials shall incorporate this procedure for departmental guidance in dealing with such circumstances. These procedures, including the summary at the end of this document, may be updated as needed with contact information, designated representatives, or minor revisions to timing to improve interdepartmental coordination, with approval by the City Manager or his/her designee.

AFFECTED PARTIES

This policy affects the following personnel performing work for the City:

- o City employees (permanent, temporary, limited term)
- o City volunteers, agents and contractors working on behalf of the City.

CITY CODE

12.16.040 - Camping prohibited.

A. It is unlawful to camp in or upon any sidewalk, street, alley, lane, public right-of-way, public park or any other place to which the general public has access.

B. "To camp" is defined as setting up or remaining at a campsite.

C. "Campsite" is defined as 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 other structure, or any vehicle or part thereof, for the purpose of maintaining a temporary place to live.

D. It shall be an affirmative defense to this section that the individual charged had written consent of the person or other authority owning or entitled to possession of the location where the campsite was located. (Prior code §6-9-4)

(Ord. No. 13-1008, § 1, 7-17-2013)

DEFINITIONS

For purposes of this policy, the below list of activities and circumstances may be considered in determining whether a person has "camped" or is "camping" in violation of the City code.

1. Sleeping or making preparations to sleep, including the lying down of bedding for the purpose of sleeping.
2. Occupying a shelter out of doors. "Shelter" shall mean any cover or protection from the elements other than clothing, such as a tent, shack, sleeping bag, or other structure or material.
3. The presence or use of a campfire, camp stove or other heating source or cooking device.
4. Keeping or storing personal property.

Personal property: Items that are reasonably recognized as belonging to a person and that have apparent utility. Items with no apparent utility or are in an unsanitary condition shall be deemed debris.

Debris: For purposes of this policy, debris is any item that has no apparent utility or is in an unsanitary condition, including, but not limited to, camp structures, camping paraphernalia, and personal property that has no apparent utility or is in an unsanitary condition.

Unauthorized Camps: A location on public property where persons are camping in violation of the City code.

IDENTIFICATION AND CLEAN-UP OF UNAUTHORIZED CAMPS POLICY

The procedure developed below is established pursuant to ORS 203 .077-081. It is intended to address the identification, notification and removal of unauthorized camps on public property other than City-owned property not open to the public, while preserving as much as possible the dignity and respect all persons deserve.

I. Identification of Unauthorized Campsites; Notification to Designated City Officials

Upon notification that there may be an unauthorized campsite on City property subject to this Policy, the City shall forward the notification to the designated City official identified in the Summary- Unauthorized Camping Clean Up Procedures, set out below.

II. Post-Notification Procedures

1. The City shall verify whether an unauthorized camp is occupied and whether personal property or debris are present. If verified, the City shall notify occupants that they are not permitted to camp on public property and that the unauthorized camp will be removed. A designated City official shall then post a Notice of Unauthorized Campsite, written in English and Spanish.
2. The Notice shall state:
 - a) The activity is in violation of OCMC 12.16.040 and the City's unlawful camping policy.
 - b) Personal property and debris at the unauthorized camp will be removed not less than 24-hours after posting of the Notice, and personal property may be reclaimed at the place, dates and times designated on the Notice. The Notice shall include contact information for the storage facility; including, but not limited to its address and phone number.
 - c) Unclaimed personal property shall be disposed of after 30 days of retention.
3. After a Notice has been posted, the local agency and/or city department designated to deliver social services to homeless individuals may visit the camping site at their discretion to assess the need for social service assistance in arranging shelter and other assistance.

Nothing in this Policy shall preclude the designated agency or department from contacting and assisting homeless individuals before a Notice is posted.

III. Removal of Unauthorized Campsites from City Property; Clean Up of Personal Property and Debris

1. On the date designated by the City to remove personal property and/or debris from a posted unauthorized campsite, a designated City official or designee shall inspect the site to ensure the site is unoccupied.
2. If the site is occupied, the designated City official or designee shall contact the Oregon City Police Department for assistance. People who remain at the unauthorized campsite shall be asked to leave. People who decline to leave and who violate any other state or city code may be subject to applicable sanctions of Oregon Revised Statutes and Oregon City Municipal Codes.
3. The City or its designee shall collect personal property and store it for not less than 30 days. Personal property shall be made available to the person claiming ownership. Upon making a claim of ownership, the personal property shall be released to the person at no cost. Any personal property that remains unclaimed for over 30 days shall be disposed of. The term "shall be made available" includes providing a person transportation to the storage facility and

back to a requested location within City limits upon request, if the personal property is stored outside of City limits.

4. During the process of clean up, any presence of weapons or firearms shall be immediately reported to the Oregon City Police Department and left undisturbed.
5. Any City employee or contractor designated to remove personal property and debris shall be trained in the use of Personal Protective Equipment and the handling of Hazardous Waste.
6. Following the removal of the campsite, designated City officials, local agency officials and outreach workers may meet to assess the notice and removal policy, discuss whether the removals are occurring in a humane and just manner, and to determine if any changes are needed in the policy.

IV. When 24-Hour Notice is Not Required

The 24-hour Notice required above shall not apply:

- a) When there are grounds for law enforcement officials to believe that illegal activities other than camping are occurring;
- b) In the event of an emergency, such as possible site contamination by hazardous or bio-hazardous materials or when there is immediate danger to human life, welfare or safety;
- c) To any unauthorized campsite located on public property designated as a day use recreational area or any Park (OCMC 12.16 – PUBLIC PARKS)

Note:

- 1) Personal property removed from an unauthorized campsite pursuant to this section shall be stored at a City or designee storage facility. A designated City official or its designee shall post a notice in a conspicuous spot stating that removed personal property may be reclaimed at the place, dates and times designated on the notice. The procedures set out in Section III(3) of this Policy shall apply to this section.
- 2) Unclaimed personal property shall be disposed of not less than 30 days after removal. Debris may be immediately discarded.
- 3) Following the removal of the unauthorized camp, designated city officials, local agency officials and outreach workers may meet to assess the notice and removal policy, discuss whether the removals are occurring in a humane and just manner, and to determine if any changes are needed in the policy.

V. Issuing Citations for Non-Compliance

1. Below are some of the state laws and City codes that, when violated, may result in a citation:

OCMC 9.12.030 - Obscene conduct.

OCMC 9.12.010 - Drinking in public places.

OCMC 12.16.020 – Park Regulations.

OCMC 12.16.070 - Park exclusions.

ORS 164.805 Offensive littering.

SUMMARY

Unauthorized Camping Clean Up Procedures

1. Complaint is Received

- A City representative receives a complaint or notice of unauthorized camping on Parks, Trails, Open Space, Property Open to Public, Private Property, or City owned property marked "No Trespassing"

2. Property Categories

- If private property, refer to Code Enforcement
- If City-owned property marked no trespassing, refer to Code Enforcement and/or Oregon City Police Department. Unauthorized persons can be excluded and arrested for trespass if they do not comply
- If Parks, Trails, or Open Space, Property open to the public, follow below procedures

3. Posting of Unauthorized Camp Notice

- Code Enforcement or Oregon City Police Department will visit the location, attempt to contact occupants, and post "Notice of Unauthorized Campsite"
- OCPD Homeless Liaison Officer (HLO) will offer available resources

4. Coordination of Clean Up

- Once the 24hr posting requirement has been met, Code Enforcement or HLO will arrange for Metro RID or a private contractor to clean up unauthorized campsite

- Clean up will be scheduled after the 24hr "Unlawful Camping" posting requirement has been met.

5. Clean Up

- Code Enforcement, designated city employee, or HLO will arrive at the site at the scheduled date and time to ensure the site is unoccupied.
- If the occupants of the camp are refusing to leave or become verbally or physically aggressive, OCPD will be contacted and will respond to the scene
- Metro RID or private contractor will arrive at the site to initiate clean up
- Personal property of value must be stored
- City employees or third-party contractors shall be trained in the use of Personal Protective Equipment and the handling of hazardous waste
- Metro or private contractor will notify Code Enforcement when the site is cleaned up