



## Staff Report – Ordinance

Month Day, Year Council Regular Meeting

Ordinance No. 25-015

Unlawful Camping and Storage of Personal Property on Public Property

Presenter: Doug Quinn, City Administrator and Steve Hogan, Mayor

Time Estimate: 20 minutes

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**BACKGROUND:** The City of Camas needs to update this ordinance to comply with court decisions, including *City of Grants Pass v. Johnson*. Previously, the Ninth Circuit Court of Appeals decision of *Martin V. City of Boise* was the standing case law precedent under which the City of Camas ordinance was based. This updated ordinance considers the newer court ruling.

**SUMMARY:** In *City of Grants Pass v. Johnson*, the United States Supreme Court ruled local ordinances that impose restrictions and penalties on acts such as camping on public property do not violate the 8<sup>th</sup> Amendment, in contravention to the ruling in the 9<sup>th</sup> Circuit Court of Appeals *Martin v. Boise* case. This ordinance provides updated language taking into consideration the newer legal precedent.

**BENEFITS TO THE COMMUNITY:** There have been several complaints regarding camping on public property where the police department has not had the tools with the current ordinance to address the issues. This has frustrated community members and decreased public safety. Many community members have expressed fear and have avoided using city amenities, such as parks, where camps have been in the area. This ordinance provides updated language that will help provide the police department with more options for enforcing unlawful camping in public spaces.

Some of the camps are in densely wooded areas or near sensitive areas, and there are human waste, garbage, fires, and substances that are close to waterways which create a public safety risk. Additionally, the new ordinance addresses keeping sidewalks and doorways clear of camps, which supports ADA compliance. It also incorporates parks and other city or publicly owned properties.

**STRATEGIC PLAN:** This ordinance is aligned with the Strategic Plan priorities of Safe and Accessible Community, Stewardship of City Assets, and Vibrant Community Amenities. Camping in sensitive areas or areas that infringe on rights of way decreases safety by increasing fire danger, damaging critical habitats, and pushing foot traffic out

into vehicular lanes of travel, which is unsafe. This updated ordinance provides language that helps support the listed strategic plan priorities.

**POTENTIAL CHALLENGES:** Clark County still lacks resources for individuals who are experiencing homelessness and/or mental health and/or drug and alcohol addiction. This is an underlying issue that still presents challenges for assisting individuals in these situations. Lack of affordable housing is another area in Clark County and regionally that presents challenges.

**BUDGET IMPACT:** There are substantial costs to clean up camps, especially when there are hazardous materials involved. Costs include cleanup, which often must be contracted to companies that specialize in hazardous clean ups, as well as staff time for Public Works and Police Department staff. Being able to interdict camps sooner will help decrease the costs of major clean ups, which will save money and overall staff time.

**RECOMMENDATION:** Staff recommends adoption of the new ordinance language.