



COBURG CITY COUNCIL ACTION/ISSUE ITEM

**TOPIC: Ordinance A-171-C, An Ordinance Amending A-171, as Amended By A-171-A and A-171-B, An Ordinance Establishing City Park Regulations;
And
Ordinance A-246-A, An Ordinance Amending Ordinance A-246, An Ordinance Controlling Vehicular and Pedestrian Traffic.**

Meeting Date: May 9, 2023

Staff Contact: Anne Heath, City Administration/Budget Officer

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REQUESTED COUNCIL ACTION

Public Hearing and First Reading of Both Ordinances

POLICIES OR CITY COUNCIL GOAL(S) ADDRESSED

2023-24 City Council Goals:

- Livability, Health and Vitality
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BACKGROUND

On September 29, 2022, the Federal Court of Appeals for the Ninth Circuit issued its decision in Johnson v. Grants Pass. The Johnson Case applies the earlier ruling made in Martin v Boise (9th Cir., 2019). These rulings made it unconstitutional to punish someone for sleeping on public property if that person has no where else to sleep.

In 2021 the Oregon legislature attempted to codify this constitutional law in ORS 195.520, which becomes operative on July 1, 2023. In addition, HB 3124 expanded prior statutes regarding how to disband established homeless campsites.

Each City in Oregon must look at their ordinances and make sure that they are operating lawfully, amend or appeal their ordinances, or choose to follow the state law.

The City of Coburg contracted with Local Government Law Group to review our ordinances and come up with recommended amendments in order for Coburg to be in compliance. They reviewed several of the City Ordinances and made recommendation for amendment of two.

The recommendations were presented to the City Council at their April 25, 2023 work session

and are reflected in the attached memo. This is time sensitive as the City should adopt the recommended changes by June 30, 2023.

RECOMMENDATION OF LOCAL LAW GROUP

The recommendation provides for an amendment to both Ordinances A-171 as amended by A-171-A, and A-171-B Establishing City Park Rules and Ordinance A-246 Controlling Vehicular and Pedestrian Traffic.

RECOMMENDATION

Staff recommends the Council adopt Ordinance A-171-C, and A-246-A as presented.

PUBLIC INVOLVEMENT

- **1st Reading and Public Hearing, 2nd reading before adoption. Public Comment is available at both meetings and during the public hearing.**
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NEXT STEPS

- Establish a Management Plan for the location and approval of sites that may be used for both temporary camping, and parking of vehicles.
 - Continue to notify and educate the public
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ATTACHMENTS

1. Memo from Local Government Law Group dated April 4, 2023
 2. Ordinance A-171-C
 3. Ordinance A-171 as amended
 4. Ordinance A-246-A
 5. Ordinance A-246 as amended
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REVEIWED THROUGH

Carrie Connelly, Attorney
Sammy Egbert, City Recorder