



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: June 13, 2023

Staff Contact: Anne Heath, City Administration/Budget Officer

Contact: 541-682-7871, anne.heath@ci.coburg.or.us

REQUESTED COUNCIL ACTION

Second Reading and adoption of Ordinance A-171-C and A-246-A

Suggested Motion:

Ordinance A-171-C

"I move that the Coburg City Council adopt Ordinance A-171-C amending A-171, as amended by A-171-A and A-171-B, an ordinance establishing City Park Regulations."

Ordinance A-246-A

"I move that the Coburg City Council adopt Ordinance A-246-A, an ordinance amending Ordinance A-246, an ordinance controlling vehicular and pedestrian traffic."

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 nowhere 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.

The Council held a first reading of both ordinances and held public hearings on May 9, 2023.

Council Smith requested a map showing the public owned space in the City Limits which is attached to this report.

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

- **2nd reading before adoption. Public Hearing was held at the May 9, 2023 City Council Meeting. Comments will be taken at this meeting during Citizen Testimony.**

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

ATTACHMENTS

1. Memo from Local Government Law Group dated April 4, 2023
 2. Ordinance A-171-C
 3. Ordinance A-171 showing proposed changes
 4. Ordinance A-246-A
 5. Ordinance A-246 showing proposed changes
 6. Public owned spaces map in Coburg.
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REVEIWED THROUGH

**Carrie Connelly, Attorney
Sammy Egbert, City Recorder**