

## Ordinance 2023-04 | Frequently Asked Questions

**1. Q: WHAT DOES THE CURRENT CITY CODE SAY REGARDING CAMPING?**

**A:** Current city code prohibits camping in parks; however, it does not address other city property such as parking lots, city buildings, public rights of way (i.e., roads and sidewalks) and more.

**2. Q: WHAT DOES PROPOSED ORDINANCE 2023-04 SAY REGARDING CAMPING?**

**A:** Proposed Ordinance 2023-04 says that camping is only allowed on city property when there is no alternative shelter available to the person camping. If there is no alternative shelter, and the city opens a city-designated overnight camping area (camping area), a person who needs a place to sleep must use the camping area. If the city does not open a camping area, a person may camp elsewhere in the city, on city property, with the exception that camping is never allowed in the following areas:

- Residential zones
- City buildings
- City parking lots
- Public parks and facilities
- Real property donated or bequeathed to the city
- In environmentally sensitive areas
- Within 500' from schools
- Within 20' from storefronts
- Within 20' from transit stops
- In any land managed for the operation and regulatory compliance of water, storm/sewer, and electrical

These regulations, that restrict where someone can camp, are known as “place” regulations.

**3. Q: WHEN CAMPING IS ALLOWED, HOW LONG CAN A CAMP REMAIN?**

**A:** Camping on city property is only allowed at night. All camps on city property, no matter where they are located, must be taken down by 7am every morning. Camping is only allowed from 7pm to 7am. These regulations, that restrict when someone can camp, are known as “time” regulations.

**4. Q: WHEN CAMPING IS ALLOWED ARE THERE ADDITIONAL REGULATIONS?**

**A:** Yes. There are a variety of health and safety regulations that apply to all camps. Regulations that restrict how someone can camp are known as “manner” regulations. For example, “manner” regulations prohibit blockage of sidewalks and trails, accumulation of waste, open fires, damage to vegetation, and more.

**5. Q: CAN SHELTERS IN NEIGHBORING COMMUNITIES BE CONSIDERED “AVAILABLE”?**

**A:** Yes, shelters in other communities can be considered available if access to them is objectively reasonable.

**6. Q: DOES ORDINANCE 2023-04 ESTABLISH A CAMPING AREA?**

**A:** No. The ordinance authorizes the City Council to designate a camping area, however, the City Council has not designated such an area at this time. The City Council would have to pass a separate resolution to establish a camping area. Camping that occurs in the camping area would still be subject to the time and manner regulations. The Council considered several locations and has discussed using the East end of the city-owned gravel lot directly West of the Fire Station as a potential camping area.

**7. Q: WHEN WILL A CAMPING AREA BE CONSIDERED?**

**A:** Any consideration of this would likely occur in August or later which is after the proposed Ordinance would become effective.

**8. Q: IF A CAMPING AREA IS ESTABLISHED IN THE CITY-OWNED GRAVEL LOT, WILL PARKING STILL BE ALLOWED DURING THE DAY?**

**A:** Yes. Any camping that occurs on a city-designated camping area would still be subject to the daytime camping prohibition which prohibits camping between 7am and 7pm.

**9. Q: DOES THE PROPOSED ORDINANCE IMPACT THE HIGHWAY 47 ENCAMPMENT?**

**A:** No. The Highway 47 encampment is located on Washington County owned property outside of the city limits. Washington County has indicated they will close the HWY 47 encampment on June 26, 2023. For more information contact Washington County at <https://www.washingtoncountyor.gov/>

**10. Q: WHAT ABOUT THE USE OF DRUGS AND OTHER INTOXICANTS ON CITY PROPERTY?**

**A:** The City Council amended the ordinance to prohibit the consumption of intoxicants on public property. "Intoxicants" means liquors, controlled substances, inhalants, cannabis, psilocybin, that, when taken into the human body, can impair the person's mental or physical faculties to a noticeable and perceptible degree. Intoxicants does not include prescription medications.

**11. Q: CAN PEOPLE CAMP ON THE SIDEWALK IN FRONT OF MY HOUSE?**

**A:** No. The proposed ordinance prohibits camping on city property in residential areas including rights-of-way.

**12. Q: IS THE CITY FAILING TO FOLLOW ITS OWN DEVELOPMENT CODE IN DESIGNATING A PROPERTY TO BE USED FOR CAMPING?**

**A:** No. The decision to designate an area for camping by persons experiencing homelessness implements the city's obligations under HB 3115 (2021). The law requires the City, if it plans to prohibit people who are experiencing homelessness from camping in certain public areas (for example, parks and sidewalks), to provide a reasonable accommodation by way of an alternative place to rest and sleep. HB 3115 is not part of the state's land use laws and the obligations it imposes on the City are unrelated to zoning, therefore the decision to provide a temporary place for camping is not subject to the state's planning laws or City's development ordinances.

**13. Q: ARE THERE SERVICES FOR HOMELESS PERSONS AND WHO PROVIDES THEM?**

**A:** In May 2020, voters approved Metro's Measure 26-210 to help end homelessness in the Metro area. The measure includes a 1% marginal personal income tax on taxable income above \$125,000 for individuals and \$200,000 for those filing jointly and a 1% business income tax on net income for businesses with gross receipts above \$5 million. Unless renewed by voters, the tax will expire in 2031. Monies from the tax go to Washington County who administers the Supportive Housing Services program that delivers services to homeless persons such as housing vouchers, rental assistance, housing case management, encampment outreach, addiction recovery, and more. The city does not receive funds from this tax and relies on the County for these services.

**14. Q: WHAT ARE THE NEXT STEPS REGARDING THE ORDINANCE?**

**A:** Passage of an ordinance requires two public hearings at a City Council meeting. The first public hearing was on June 12 and the Ordinance was advanced to the second public hearing. The second public hearing will be at the City Council meeting on June 26, 2023, at the Community Auditorium, which starts at 7:00 p.m.