

ORDINANCE NO. 2348

AN ORDINANCE AMENDING THE HERMISTON MUNICIPAL CODE BY AMENDING CHAPTER 33, 93 AND 96 AND BY ADDING CHAPTER 97 ENTITLED “USE OF CITY PROPERTY FOR CAMPING”

WHEREAS, the court decisions *Martin v Boise* and *Johnson v Grants Pass* held that prohibiting camping in the absence of available shelter violates a person’s Eighth Amendment rights against cruel and unusual punishment, but that a municipality may adopt reasonable time, place, and manner regulations; and

WHEREAS, Oregon House Bill 3115 (2021) codified the *Martin v Boise* decision and required all local government regulation of sitting, lying, sleeping, or keeping warm and dry outdoors on public property that is open to the public must be objectively reasonable as to time, place, and manner; and

WHEREAS, ORS 195.500 requires cities to develop a policy that recognizes the social nature of the problem of homeless individuals camping on public property and implement the policy as developed, to ensure the most humane treatment for removal of homeless individuals from camping sites on public property; and

WHEREAS, the intent of this ordinance is to enhance the livability, including health and safety, for all community members as well as to protect the environment, community assets, and infrastructure of Hermiston; and

WHEREAS, camping in certain locations or infrastructure prevents the public’s ability to use those locations for their intended purpose and may result in imminent threats to life and safety; and

WHEREAS, when shelter or housing is not available, this ordinance allows a person to sleep protected from the elements and maintain the essentials for living, while still allowing others to use public spaces in a safe way, as designed and intended; and

WHEREAS, to comply with state law and current federal case law, additions and revisions related to time, place, and manner of the use of public property for camping are necessary.

THE CITY OF HERMISTON ORDAINS AS FOLLOWS:

(New language is in red and underlined and repealed language has ~~a line through it.~~)

Section 1. The Hermiston Municipal Code is amended by adding Chapter 97, “Use of City Property for Camping” as follows:

Section

97.01 Purpose

97.02 Definitions

97.03 Camping, Prohibited

97.04 Vehicle Camping in a Lawful Parking Space

97.05 Campsite Removal

97.06 Enforcement

97.07 Camping by Individuals Living in Vehicles

97.01 Purpose

The purpose of this chapter is to regulate the time, place, and manner in which individuals may use City of Hermiston property and rights-of-way. Furthermore, the purpose of this chapter is to comply with Oregon House Bill 3115(2021) and House Bill 3124(2021), as well as current federal court decisions *Martin v. Boise*, 920 F.3d 584 (9th Cir., 2019) and *Johnson v. City of Grants Pass*, 50 F.4th 787 (9th Cir., 2022).

97.02 Definitions

The following definitions may apply:

(A) “To camp or camping” means to set up or to remain in or at a campsite.

(B) “Campsite” means any place established or maintained for the purpose of maintaining a temporary place to lie, sleep, use bedding materials, or live, or where the use of any tent, lean-to, shack, or any other structure, or any vehicle or part thereof is placed, established or maintained for the purpose of maintaining a temporary place to live.

(C) “Bedding materials” means a sleeping bag, bedroll, or other material used for bedding purposes, including materials used to keep warm and dry while sleeping.

(D) “Individual Experiencing Homelessness” means the circumstance when there is no available emergency or transitional shelter or housing for a person and/or no transportation for such individual to available emergency or transitional shelter or housing within the county where the person is located.

(E) “Vehicle camping in a Lawful Parking Place” refers to a person experiencing homelessness utilizing a motor vehicle in a lawful parking space as a temporary place to live.

(F) “Personal property” means any item that can reasonably be identified as belonging to an individual and that has apparent value or utility.

(G) “Established Camping site” means a campsite that has been in its current location for at least five days. If law enforcement officials do not have evidence about the age of the campsite, law enforcement should presume it is an established camping site.

(H) “Rest” means to pause from exertion by stopping, sitting, lying, or sleeping.

97.03 Camping Prohibited

(A) Except as set forth in subsection (B) of this section, no person shall camp in or upon any public right-of-way or City property, unless specifically authorized:

- (1) By any provision of the Hermiston Municipal Code;
 - (2) By declaration of the Mayor in emergency circumstances, if so authorized by the declaration;
 - (3) By declaration of the City Manager in the case of a severe event, if so authorized by the declaration; or
 - (4) If the City publishes on its website a written policy authorizing tent camping or vehicle camping on specific publicly owned properties, then tent camping or vehicle camping on such properties is lawful and permissible consistent with the time, place, and manner constraints contained within any such written- and-published City policy.
- (B) Notwithstanding the prohibitions in subsection (A), an individual experiencing homelessness may camp in or upon right-of-way or city property if all of the following time, place, and manner regulations are followed.
- (1) Time. An individual experiencing homelessness may only camp between the hours of 7 pm and 7 am. After 7am, an individual experiencing homelessness must dismantle the campsite, remove all personal property and materials from the site, and the camp and all associated camp materials must be moved at least one block or 600 feet.
 - (2) Place. An individual experiencing homelessness may not camp in the following places:
 - (a) On a playground or sports field.
 - (b) Within any City owned structure, including but not limited to gazebos, cook shacks, restroom facilities, or portable toilets.
 - (c) Within any City owned or maintained parking lot.
 - (d) On publicly owned property not open to the public, including but not limited to Public Works and park areas temporarily closed for construction, repairs, maintenance, cleaning and similar activities.
 - (e) On streets, including planter strips, medians and parking spaces.
 - (f) On sidewalks, if by doing so, the person obstructs pedestrian traffic along the sidewalk or into private property and businesses adjacent to the sidewalk. For purposes of this provision, an individual obstructs pedestrian traffic if that individual, by camping, lying, sleeping, or using bedding materials, reduces the path of travel to less than 36 inches.
 - (g) Within 750 feet from a public or private elementary school, secondary school, or career school attended primarily by minors.
 - (h) Within 20 feet of a building, including but not limited to, residences, commercial buildings, and City buildings.
 - (i) On areas underneath roadways or bridges that are not open to the public.

- (j) On railroad tracks or within 15 feet of railroad tracks.
 - (k) Within the Hermiston Cemetery, or any other cemetery, mortuary, memorial park, or similar property.
- (3) Manner. An individual experiencing homelessness may camp on City property if the person complies with all of the following regulations:
- (a) A person may not accumulate, discard, or leave behind in or around a campsite any rubbish, trash, garbage, debris, or other refuse, unsanitary or hazardous materials, or any animal or human urine and feces.
 - (b) Digging, excavating, terracing of soil or other alteration of City property, or causing environmental damage or damage to vegetation or trees is prohibited.
 - (c) Obstruction or attachment of camp materials to public infrastructure or private property structures, including bridges or bridge infrastructure, fire hydrants, utility poles, streetlights, traffic signals, signs, fences, trees, vegetation, vehicles, or buildings is prohibited.
 - (d) Erecting, installing, placing, leaving, or setting up any type of permanent or temporary fixture or structure of any material or materials in or around a campsite is prohibited. For purposes of this section, a “permanent or temporary fixture or structure” does not include a tent, tarpaulin, or other similar item used for shelter that is readily portable.
 - (e) A campsite must be limited within a spatial footprint of 10 feet by 10 feet, or 100 square feet, and a campsite may not be within 10 feet of another campsite. Multiple persons may camp together in a single campsite, subject to the limitations of this subsection.
 - (f) Unauthorized connections or taps to electrical or other utilities, or violations of building, fire, or other relevant codes or standards are prohibited.
 - (g) Dumping of gray water (i.e. wastewater from bathwater, sinks and cooking) or black water (sewage) on City property is prohibited.
 - (h) Open flames, recreational fires, burning of garbage, bonfires, or other fires, flames, or heating are prohibited.
 - (i) Camping materials may not create a physical impairment to emergency ingress or egress or emergency response including within 10 feet of any fire hydrant, utility pole, or other utility, fire gate/bollards, or public infrastructure used for emergency response.
 - (j) All animals must be leashed, crated, or otherwise physically contained at all times.
 - (k) Storage of personal property such as vehicle tires, bicycles or associated components (except as needed for an individual’s personal use), gasoline,

generators, lumber, household furniture, extra propane tanks, combustible material, shopping carts, or other items or materials is prohibited, other than what is related to camping, sleeping, or keeping warm and dry.

97.04 Vehicle Camping in a Lawful Parking Space.

- (A) Individuals who are involuntarily homeless may use vehicles for shelter and/or sleeping in the following circumstances and subject to the conditions and restrictions provided in subsections above:
- (1) The vehicle is legally parked in compliance with the Hermiston Municipal Code.
 - (2) The vehicle must be moved every 24 hours.
 - (3) The parking space at issue cannot be adjacent to residences.
 - (4) Storage of material outside vehicles is prohibited, other than what is incidental to activities such as short-term (maximum 30 minutes) loading or unloading a vehicle.
 - (5) Vehicles must be operational, i.e., capable of being started and driven under their own power, or ready to be towed if designed to be towed and may not be discarded or left inoperable in public rights-of-way or on City property.
 - (6) Vehicles must be registered and insured, as required by the Oregon Vehicle Code.
 - (7) No building or erecting of any structures connecting or attaching to vehicles is permitted, including tents that are not designed and manufactured to be attached to a vehicle.
 - (8) Connections from vehicles to public or private stormwater, sewer, water, and electrical systems or to vehicles from public or private stormwater, sewer, water, and electrical systems are prohibited.

97.05 CAMPSITE REMOVAL

- (A) Upon a determination by enforcement personnel that a camp or camping is occurring in violation of this Chapter, an established campsite may be removed. Except as provided in subsection (I) of this section, at least 72 hours before removing homeless individuals from an established camping site, law enforcement officials shall post a written notice, in English and Spanish, at all entrances to the camping site to the extent that the entrances can reasonably be identified.
- (B) When a 72-hour notice is posted, law enforcement officials shall inform local agencies that deliver social services to homeless individuals as to where the notice has been posted. Any local agency, providing service within the city limits of Hermiston, desiring to be on this notification list must provide its name, address, telephone number, and name of contact person to the Hermiston Police Department, in writing, requesting notification.
- (C) The local agencies may arrange for outreach workers to visit the camping site that is subject

to the notice to assess the need for social service assistance in arranging shelter and other assistance.

- (D) All personal property at the camping site that remains unclaimed after removal shall be given to a law enforcement official, a local agency that delivers social services to homeless individuals, an outreach worker, a local agency official or a person authorized to issue a citation described in subsection 97.06 of this section, whether notice is required or not.
- (E) The unclaimed personal property must be stored in a facility located in the same community as the camping site from which it was removed. For purposes of this section, the City of Hermiston is considered a single community.
- (F) Items that have no apparent value or utility or are in an insanitary condition may be immediately discarded upon removal of the homeless individuals from the camping site.
- (G) Weapons, controlled substances other than prescription medication and items that appear to be either stolen or evidence of a crime shall be given to or retained by law enforcement officials.
- (H) The written notice required under this section must state, at a minimum:
 - (1) Where unclaimed personal property will be stored;
 - (2) A phone number that individuals may call to find out where the property will be stored;
or
 - (3) If a permanent storage location has not yet been determined, the address and phone number of an agency that will have the information when available.
 - (4) The unclaimed personal property shall be stored in an orderly fashion, keeping items that belong to an individual together to the extent that ownership can reasonably be determined.
 - (5) The property shall be stored for 30 days during which it shall be reasonably available to any individual claiming ownership. Any personal property that remains unclaimed after 30 days may be disposed of or donated to a corporation described in Section 501(c)(3) of the Internal Revenue Code.
- (I) The 72-hour notice requirement under this section does not apply:
 - (1) When there are grounds for law enforcement officials to believe that illegal activities other than camping are occurring at an established camping site;
 - (2) In the event of an exceptional emergency at an established camping site, including, but not limited to, possible site contamination by hazardous materials, a public health emergency or other immediate danger to human life or safety; or
 - (3) If a funeral service is scheduled with less than 72 hours' notice at a cemetery at which there is a camping site, or a camping site is established at the cemetery less than 72 hours before the scheduled service, the written notice required under subsection (A) of this section may be posted at least 24 hours before removing homeless individuals from

the camping site.

97.06 Enforcement.

- (A) A person authorized to issue a citation for unlawful camping may not issue the citation if the citation would be issued within 200 feet of a notice required under 97.05 of this section and within two hours before or after the notice was posted.
- (B) Violation of 97.03 of this section constitutes a “Class D” violation. Violation of subsection 97.04 of this section consisting of vehicle camping in a lawful parking space constitutes a “Class D” violation. Every day in which such violations occur constitutes a separate violation.
- (C) Before a violation citation is issued, the enforcement personnel will contact the person and provide a reasonable opportunity to cure or remedy the alleged violation.

97.07 Camping by Individuals Living in Vehicles.

- (A) Notwithstanding any other provision of the Hermiston Municipal Code, any public or private entity may provide parking spaces for up to and not exceeding three vehicles for overnight sleeping in a vehicle on their parking lot if the public or private entity owns or leases real property on which a structure and an associated parking lot are located. City authorization is not a land use decision.
- (B) A public or private entity that allows a person or persons to sleep overnight in a vehicle on the premises pursuant to subsection (A) of this section shall:
 - (1) Agree to abide by all conditions, including acceptance of liability and demonstration of insurance coverage in amounts acceptable to the city;
 - (2) Provide, or make available on the premises, sanitary facilities including, but not limited to, toilet, hand washing, and trash disposal facilities;
 - (3) Not allow tents or other personal property to be attached to the vehicle as a means to expand the capacity of the vehicle for additional camping or to establish long term campsites; and
 - (4) Ensure vehicles maintain a minimum distance of 20 feet from other overnight camping vehicles; and
 - (5) Ensure that all vehicles are operable; and
 - (6) Vehicles must be registered and insured, as required by the Oregon Vehicle Code; and
 - (7) Ensure that all recreational vehicles are operable or towable; and
 - (8) Obtain a cost-free permit from the City of Hermiston to allow overnight vehicle camping on property owned or leased by the organization, which may set a maximum number of spaces used for this purpose as set forth in subsection (C) of this section; and

- (9) Not require payment of any fee, rent, or other monetary charge for overnight sleeping in a vehicle as authorized by this section.
- (C) If the public or private entity seeks to allow more than three vehicles to park on its property for this purpose, the entity must obtain preapproval from the City Manager or the City Manager's designee for a maximum number of vehicles. The City Manager or the City Manager's designee may designate the maximum number of vehicles used for sleeping for a property and may subsequently modify that maximum number based upon the totality of the circumstances, including performance of the entity's operation to date and impacts on surrounding properties.
- (D) A public or private entity that permits overnight sleeping in a vehicle pursuant to subsection (A) of this section may revoke that permission at any time and for any reason. Any person who receives permission to sleep on a premises as provided in subsection (A) of this section shall leave the premises immediately after permission has been revoked.
- (E) Notwithstanding any other provision of this section, the City Manager or the City Manager's designee may prohibit overnight sleeping in a vehicle at a premises as provided in subsection (A) of this section if the City Manager or the City Manager's designee finds that such activity does not meet the requirements of this section or constitutes a nuisance or other threat to public health, safety, or welfare.
- (F) In addition to any other penalties that may be imposed, any premises used for overnight sleeping in a manner not authorized by this section or other provisions of this code shall constitute a nuisance and may be abated as such.
- (G) Nothing in this chapter creates any duty on the part of the City, its employees, or its agents to ensure the protection of persons or property with regard to overnight sleeping in vehicles.

Section 2. Section 33.03 of the Hermiston Municipal Code is amended to read:

33.03 TREATMENT OF FOUND, STOLEN OR SEIZED PROPERTY.

- (A) Any officer or employee of the city who has, for any reason, custody of found, stolen or seized property, shall deliver the property to the employee's department head or designee, or the Police Department. If the department head or designee deems the property to be of such value that more secure storage is advisable, the property shall be delivered to the custody of the Police Department.
- (B) Within ten days of found or stolen property coming into the custody of the city, the city shall make reasonable efforts to discover the name and address of the owner, or any person(s) with an interest therein.
- (C) If the owner or other interested person(s) is ascertained the city shall provide written notice to the owner or interested persons that the property may be claimed within 30 days of the date on which the notice is sent. Property shall be held for at least 30 days following the notice to the

owner or other interested person(s), if any, during which time the owner or interested person may redeem the property by satisfactorily establishing their ownership thereof or right thereto and payment of costs as provided herein. Thereafter the City Manager or designee may deem the property abandoned or surplus.

(D) Property seized by the Police Department as the removing authority under ORS [98.245](#), or for other law enforcement purposes may be held by the city or transferred to the District Attorney or other law enforcement agency. If returned to the city, property seized by the city Police Department as the removing authority shall be disposed of as provided in ORS [98.245](#). Any other property shall be disposed of as provided in subsections (A) through (C) of this section.

~~(E) Seizure of property from homeless camps on private property, such as in conjunction with a clean-up, shall be carried out as required by state law but at a minimum:~~

~~(1) Posted notice shall be provided in English and Spanish at least 24 hours in advance;~~

~~(2) Notice of the posting shall be provided to appropriate social service agencies;~~

~~(3) Seized property shall be stored for a minimum of 30 days and be reasonably available to any individual claiming ownership. Any personal property that remains unclaimed for 30 days may be disposed of. For purposes of this section, "personal property" means any item that is reasonably recognizable as belonging to a person and that has apparent utility. Items that have no apparent utility or are in an insanitary condition may be immediately discarded upon removal of the homeless individuals from the camping site. Weapons, drug paraphernalia and items that appear to be either stolen or evidence of a crime shall be given to the Police Department or County Sheriff;~~

~~(4) The 24 hour notice shall not apply when there are grounds for law enforcement officials to believe that illegal activities, other than camping, are occurring, or in the event of an exceptional emergency such as possible site contamination by hazardous materials or when there is immediate danger to human life or safety.~~

~~(5) A person authorized to issue a citation for unlawful camping under state law, administrative rule or city or county ordinance may not issue the citation if the citation would be issued within 200 feet of the notice described in this section and within two hours before or after the notice was posted.~~

(F) ~~(E)~~ The city shall have no obligation to return property deemed by law to be contraband or otherwise illegal to possess and may dispose of or destroy such property as the Chief of Police deems appropriate, consistent with any applicable laws.

(G) ~~(F)~~ The Chief of Police, whenever deemed necessary, shall transmit to the Evidence/Property Manager a list of all found, seized or unclaimed property in their possession. After this transmittal, the property shall come into the custody and control of the Evidence/Property Manager.

Section 3. Section 93.04 of the Hermiston Municipal Code is amended to read:

93.04 RULES AND REGULATIONS.

For the conduct of persons using or frequenting the public parks of the city, the following rules and regulations to be observed and enforced within the public parks are hereby established:

- (A) Cutting, removing or damaging any flowers, trees, or shrubs or otherwise disturbing the surface of any public park is prohibited.
- (B) Defacing, mutilating or damaging any buildings, equipment, tables, benches, signs or other public property in any public park is prohibited. The use of metal detectors, digging or driving stakes in the ground is prohibited.
- (C) Motorized vehicles or remote-controlled devices shall not be operated in any city park except by authorized city personnel or contractors. No drones, remote controlled aircraft or similar devices may take off or land on any city park, except by authorized law enforcement.
- (D) Bicycles, skateboards or skates shall not be operated on park sidewalks in any manner so as to be a safety threat or hazard to pedestrians, or operated at any time on any tennis or basketball courts.
- (E) Riding or driving any horse or animal upon any portion of any public park is prohibited unless designated otherwise by Council rule or order.
- (F) Dogs shall not be permitted to run at large within any public park and all dogs shall be kept in control on a leash, cord, chain or otherwise at all times, except in designated areas. Owners or persons responsible for dogs or other animals destroying or damaging park property will be held liable for the full value of the property damaged or destroyed in addition to any fees or penalties imposed pursuant to Chapter [90](#). This prohibition shall not apply to any city-designated and posted off-leash area but the owner or person responsible for the dog shall comply with all rules and regulations governing off-leash areas.
- (G) All trash, garbage and litter shall be disposed of in the receptacles provided. Rummaging through or removing items from garbage receptacles is prohibited.
- (H) Fires and fireworks are prohibited.
- (I) Operation or playing of any amplified musical instrument or any equipment manufactured primarily for the purpose of amplifying sound in any public park which disturbs the repose of others is prohibited.
- (J) Park hours shall be from sunrise to 10:00 p.m. unless otherwise posted or as otherwise provided in a city approval for a community event. Lights at athletic facilities in a city park shall be off at 11:00 p.m. Loitering after hours ~~or overnight camping~~ is prohibited in any city park or associated public parking lot.
- (K) Sales of goods or services are prohibited in any city park unless a vendor permit or approval is obtained, in writing, by the city.

(L) Artwork, displays, or performances shall be located so as to minimize congestion and use of the park by others. To minimize such impacts, the city may designate reasonable areas for such use and the duration of displays provided that such limitations shall be without regard to content.

(M) The consumption of alcoholic beverages is prohibited in city parks; provided, however, that the consumption of alcoholic beverages may be permitted for special events on a case by case basis. Special events that include the consumption of alcohol must apply to the City Manager or designee 60 days in advance of the event. The application must include all required OLCC approvals. The City Manager or designee may impose reasonable requirements regarding fees, security, law enforcement and liability insurance or other requirements provided in park rules and regulations.

(N) Requests for reserving any park facility or entire park shall be made with the Parks and Recreation Department. The fees for reserving any park facility or an entire city park shall be as established by resolution of the City Council.

(O) Using any buildings, equipment, tables, benches, signs or other property provided by the city in any manner other than its intended use or design in any city park is prohibited.

(P) The City Council may adopt rules and regulations governing use of city parks, violation of which constitutes a violation of this chapter. This may include, but is not limited to, requiring a permit for and imposing regulations on organized activities or events making use of city parks.

Section 4. Section 96.04 of the Hermiston Municipal Code is amended to read:

96.04 RULES OF CONDUCT AT CITY PROPERTY.

(A) To maintain an environment that promotes orderly administrative and business operations, and to take reasonable and prudent actions to protect the health, welfare, and safety of all persons at city property, the rules of conduct in this section apply and are to be enforced at all city property except where specific rules of conduct or prohibitions have been adopted for designated real property the city owns or has a property interest or property management responsibilities.

(B) The rules of conduct for city property are as follows:

(1) No person shall engage in any activity that would constitute a violation of federal, state, or local law or regulation.

(2) No person may deface, damage, or destroy city property or city-owned personal property.

(3) No person shall enter, attempt to enter, or remain in any areas of city property designated as secured or restricted, or closed to public access.

(4) No person shall engage in activity that disrupts or interferes with the normal operation or administration of city business at city property; lawful use by city employees and authorized users at city property; or city-permitted activities.

- (5) No person shall refuse or fail to obey any reasonable direction of a person-in-charge of a city property. A direction of a person-in-charge is reasonable: if it directs a person to obey or to cease a violation of any rule of conduct, law, or regulation; if it is otherwise reasonably related to the protection of the health, welfare or safety of the person or any other person at the city property, or to the prevention of damage to property; or if it is reasonably necessary to preserve the peace or to prevent the disruption of city operations or permitted activities, including dangerous or threatening behavior as defined in this Code.
- (6) No person shall smoke or carry any lighted smoking instrument at city property. Smoking instrument additionally includes inhalant delivery system that delivers nicotine in the form of vapor or aerosol, and electronic cigarette, personal vaporizer, or electronic nicotine delivery system. Smoking additionally includes inhaling or exhaling from a smoking instrument.
- (7) No person shall make use of facility materials, equipment, furniture, or fixtures of a city property in a manner inconsistent with their customary or designated uses, or in a manner likely to cause property damage or personal injury to the actor or others.
- (8) No person shall interfere with or obstruct free passage of city employees or authorized visitors in or on city property, including but not limited to placing objects that impede free passage.
- (9) No person shall use city property for unauthorized storage of personal property or leave personal property unattended.
- (10) No person shall make or continue a noise disturbance as defined under § [92.23](#) or operate sound-producing devices or sound-producing equipment except as permitted by the City Manager or designee. Bullhorns and megaphones are not permitted in the interior of any building on city property, or within the loggia or portico of any structure on city property, except as permitted by the City Manager or designee.
- (11) No person shall use, sell, distribute or deliver any alcoholic beverage on city property, except as permitted by the City Manager or designee.
- (12) No person shall use, sell, distribute or deliver any controlled substances on city property. This does not prohibit a person from providing caretaking functions or assisting another in taking legally prescribed medication. Controlled substance shall have the meaning provided in ORS Chapter [475](#).
- (13) No person may bring animals onto city property, or leave animals tethered or unattended at city property, except as permitted by the City Manager or designee. This does not preclude entry by service animals defined under the Americans with Disabilities Act while performing services or tasks the animals are trained to do, animals employed in official performance of police or rescue activities, or animals authorized for entry by the property manager for the city property.
- (14) No person shall solicit for or conduct business at city property except as permitted by the City Manager or designee.

(15) No person shall use any wheeled devices, including but not limited to unicycles, bicycles, skateboards, roller skates, motorized or nonmotorized scooters, inside the property boundary of city property. All persons must dismount at city property boundary. No bicycles and motorized wheel devices are allowed in the interior of any building on city property except as permitted by the City Manager or designee. The prohibition in this subsection does not apply to persons with mobility devices for mobility disability or medical purposes, child strollers or baby carriages.

~~(16) No person shall use city property for housing or camping except as permitted by the City Manager or designee, and provided such use conforms with land use, zoning, building and other property regulations.~~

(17) ~~(16)~~ No person shall misuse or damage the city's technology systems or network, including its telecommunication equipment and data.

~~(18)~~ (17) No person shall enter, attempt to enter, or remain in any areas of city property for purposes other than to conduct legitimate business with city offices or tenants located at city property, to enjoy the publicly accessible amenities at a city property when the city property is open to the public, or to lawfully assemble for social or public interaction at portions of city property specifically designated for such assembly.

Section 5. All other provisions of the Hermiston Municipal Code remain unchanged and in full effect.

Section 6. The City Recorder is hereby authorized to correct any scrivener's errors and to conform the revisions to the Hermiston Municipal Code with appropriate numbering.

Section 7. Effective Date. This ordinance shall take effect on the 30th day after its adoption.

ADOPTED by the Common Council this 11th day of September 2023.

SIGNED by the Mayor this 11th day of September 2023.

Dr. David Drotzmann, Mayor

ATTEST:

Lilly Alarcon-Strong, CMC City Recorder