



Where Life is Sweet

Mayor and Members of the City Council
STAFF REPORT
For the Meeting of September 11, 2023

Title/Subject

Ordinance No. 2348 – Amending Chapters 33, 93, and 96 and adding Chapter 97 of the Hermiston Municipal Code

Summary and Background

Oregon House Bill 3115 (2021) codified the Martin v. Boise decision out of the U.S. 9th Circuit Court of Appeals. This law allowed cities to have local ordinances to address time, place and manner restrictions on camping on public property. Staff has been reviewing a number of different city ordinances and has attempted to find provisions that match our community values and to comply with the law. This ordinance was developed with close collaboration of the Police and Parks and Recreation departments.

I will summarize the main provisions of the ordinance:

- Chapter 97 – Use of City Property for Camping – this chapter includes the new proposed language.
 - Establishes a number of definitions. I would highlight a couple of those definitions:
 - Individual Experiencing Homelessness applies when there are no shelter beds or transportation to those beds within our county
 - Established camping site comes into play after 5 days
 - Resting – is what we are required to allow according to the law
 - Time restrictions
 - Resting can happen between 7pm and 7am. Property must be removed from the site after 7am.
 - Must move at least one block or 600 feet after 12 hours.
 - Place restrictions
 - Not on playgrounds
 - Not in structures including temporary toilets
 - Not on city parking lots
 - Sidewalks only if leaving at least 36 inches

- Not within 750 feet from a public or private school (elementary to high school)
 - Not within 20 feet of a building
 - Not under roads/bridges, on or near railroad tracks, or at the cemetery
- Manner restrictions
 - May not accumulate or leave behind garbage etc. including human waste
 - May not dig or excavate
 - May not obstruct public or private property
 - May not erect permanent temporary or permanent structures (does not include a tent or tarp that is readily portable)
 - Campsite must be smaller than 10x10 and separated from other campsites by 10 feet
 - May not make unauthorized utility connections
 - No open flames
 - Animals must be leashed or otherwise physically contained
 - Storage limited to items for personal use
- Vehicle Camping
 - Must be legally parked outside of residential areas
 - Moved every 24 hours (operational and licensed)
 - No storage or items outside the vehicle
 - No utility connections
- Campsite Removal
 - Complies with legal requirements for removing a campsite (campsites are after 5 days)
- Enforcement – Makes violations a Class D violation
- Car Camping on Private Property
 - Allows private entities (businesses, churches, etc.) to establish car camping areas.
 - Requires city approval
 - Provide sanitary facilities (garbage and toilet)
 - Not allow tents or other property to be attached to the vehicle
 - Vehicles must be registered, operable or towable
- Chapter 33.03 Treatment of Found, Stolen or Seized Property
 - Moved provisions related to Homeless Camp clean-up to Chapter 97
- Chapter 93 – Parks and Recreation – Removed language related to camping in the parks
- Chapter 96 -Rules of Conduct for City Property – Removed language related to camping on city property

Tie-In to Council Goals

N/A

Fiscal Information

N/A

Alternatives and Recommendation

Alternatives

1. Adopt Ordinance 2348
2. Amend Ordinance 2348
3. Reject Ordinance 2348
4. Table and request more information.

Recommended Action/Motion

Motion to adopt Ordinance 2348 as proposed.

Submitted By:

Richard Tovey and Byron Smith