

City of St. Helens
ORDINANCE NO. 3296

AN ORDINANCE AMENDING THE ST. HELENS MUNICIPAL CODE CHAPTER 12.20,
AND ADDING CHAPTER 12.22 REGARDING CAMPING ON PUBLIC PROPERTY

WHEREAS, the St. Helens City Council recognizes that its current policies for camping on public property need to be amended given ORS 195.530 (Oregon HB 3115 from the 2021 legislative session), case law from the 9th Circuit Court of Appeals (e.g., *Martin v. Boise* and *Blake v. Grants Pass*) and other legal standards at the time of adoption.

NOW, THEREFORE, THE CITY OF ST. HELENS DOES ORDAIN AS FOLLOWS:

Section 1. The above recitations are true and correct and are incorporated herein by reference.

Section 2. The City of St. Helens Municipal Code is hereby amended, attached hereto as **Attachment "A"** and **Attachment "B"** and made part of this reference.

Section 3. Severability. If any section, provision, clause, sentence, or paragraph of this Ordinance or the application thereof to any person or circumstances shall be held invalid, such invalidity shall not affect the other sections, provisions, clauses or paragraphs of this Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared to be servable. This City Council hereby declares that it would have adopted this ordinance irrespective of the invalidity of any particular portion thereof and intends that the invalid portions should be severed and the balance of the ordinance be enforced.

Section 4. Provisions of this Ordinance shall be incorporated in the St. Helens Municipal Code and the word "ordinance" may be changed to "code," "article," "section," or another word, and the sections of this Ordinance may be renumbered, or re-lettered, provided however that Whereas clauses and boilerplate provisions need not be codified.

Section 5. Emergency. Conditions in the City of St. Helens are such that this Ordinance is necessary for the immediate preservation of the public health, peace, and safety. An emergency is hereby declared to exist by unanimous vote of the Council, and this Ordinance shall be in full force and effect after its passage and approval by the Mayor.

Read the first time: June 7, 2023
Read the second time: June 21, 2023

APPROVED AND ADOPTED this 21st day of June, 2023 by the following vote:

Ayes:

Nays:

Rick Scholl, Mayor

ATTEST:

Kathy Payne, City Recorder

underlined words are added
~~words-stricken~~ are deleted

[...] means skipping text as it reads in the code (e.g., to focus on text being edited in this document)

CHAPTER 12.20 RIGHT-OF-WAY REGULATIONS

[...]

12.20.010 Definitions.

For the purpose of this chapter, the following mean:

~~(1) “Campsite” means any place where bedding, sleeping bag, or other sleeping matter or any stove or fire is placed, established, or maintained, whether or not such place incorporates the use of any tent, lean-to, shack, or any other structure or shelter, or any vehicle or part thereof.~~

~~(2)~~(1) “City” means the city of St. Helens, Oregon.

~~(3)~~(2) “Person” means individual, corporation, association, firm, partnership, joint stock company, and similar entities.

~~(5)~~(3) “Public rights-of-way” include, but are not limited to, streets, roads, highways, bridges, alleys, sidewalks, trails, paths, public easements, and all other public ways or areas, including subsurface and air space over these areas.

~~(6) “To camp” means to set up, or to remain in or at, a campsite.~~

~~(7)~~(4) “Within the city” means territory over which the city now has or acquires jurisdiction for the exercise of its powers.

[...]

~~12.20.060 Camping in public rights-of-way or on public property.~~

~~(1) It is unlawful for any person to camp in or upon any public right-of-way or public property, unless otherwise specifically authorized by the city administrator.~~

~~(2) Violation of this section shall be punishable by a fine of not more than \$250.00.~~

CHAPTER 12.22

SLEEPING AND CAMPING ON PUBLIC PROPERTY

12.22.010 Findings and Purpose.

(1) The City of St. Helens hereby adopts the provisions of this Chapter regulating sleeping, lying, camping and keeping warm and dry on public property. Pursuant to ORS 195.530, and ORS 195.500, the City of St. Helens recognizes the social nature of the problem of homeless individuals camping on public property and implements the following laws as part of its policies to ensure the most humane treatment for removal of homeless individuals from camping sites on public property per ORS 195.500, 195.505, and 195.530.

(2) The City of St. Helens finds as follows:

(a) The use of public property for sleeping, keeping warm and dry that is within 100 yards of any privately owned or rented property that is not in conformance with places, manners, and time described herein necessarily affects the health and safety of the public, the quiet enjoyment of the persons owning or renting property, whether it be for residential or business purposes.

(b) Public places, roads, parks, trails, rights of way, the waterfront and public property being clean, and safe are vital for the health, safety, and wellbeing of the public.

(c) The dangers of unlawful use of public property to the public health, safety and welfare are the same regardless of the economic circumstances of the persons violating the law.

(d) Persons experiencing homelessness are homeless for wide a variety of reasons that include, but are not limited to:

- (i) Insufficient funds to afford stable housing;
- (ii) Mental illness;
- (iii) Addiction to drugs and/or alcohol;
- (iv) Personal preferences and lifestyle choices; and
- (v) Any and all of the above.

(e) The City of St. Helens cannot reasonably supply areas of public property for people to sleep and keep warm and dry who are experiencing homelessness other than on a temporary basis.

12.22.020 Definitions.

For the purpose of this Chapter, the following mean:

(1) "Camping" or "To Camp" means to establish a Campsite either through occupation or storage of personal property on any location of City Property for more than 24 consecutive hours.

(2) "Campsite" means a location upon City Property where Camping Materials are placed. Resting or sleeping in a vehicle is not a campsite. Resting or sleeping in a vessel in a waterway pursuant to Chapter 8.28 SHMC is not a campsite.

(3) "Camping Materials" include, but are not limited to, tents, huts, awnings, lean-tos, chairs, tarps, collections of personal property and/or similar items that are, or reasonably appear to be,

arranged and/or used as camping accommodations.

(4) “City Property” includes, but is not limited to, parks, rights of way, parking lots, easements, or other land owned, leased, controlled, or managed by the City of St. Helens.

(5) “Public rights-of-way” include, but are not limited to, streets, roads, highways, bridges, alleys, sidewalks, trails, paths, public easements, and all other public ways or areas, including subsurface and air space over these areas.

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

(7) “Relocated” or “To relocate” means to move off of City Property or to a different City Property. This definition does not include moving to another portion of the same City Property.

12.22.030 Camping and Storage of Personal Property Upon City Property Prohibited.

(1) It is unlawful for any person To Camp upon City Property unless otherwise specifically authorized by law or by declaration of the City Manager. In no event shall a City Manager’s declaration exceed 30 days unless expressly approved by the City Council.

(2) Notwithstanding subsection (1) of this Section, it is unlawful to establish a Campsite for any period of time at the following locations, unless otherwise authorized by law or by declaration of the City Manager:

(a) City Parks, except as provided by Chapter 8.24 SHMC for recreation purposes and based on properly obtained permits and paid fees as opposed to this Chapter which is based on no permit or fee per subsection (4)(a) of this Section;

(b) City Property within 100 yards of any ground floor entrance of any building lawfully used as a residence or business;

(c) City Property within 100 yards of any school property occupied by a lawfully existing school or school related use;

(d) Within any publicly owned building that is not established or maintained for the purpose of sleeping, resting, shelter, camping, or other similar activities;

(e) Within 50’ of any part of the shore to McNulty Creek and Milton Creek and any docks thereto;

(f) Within 75’ of the shore to the Columbia River, Multnomah Channel and Scappoose Bay and any docks thereto;

(g) All residential zoning districts and the Riverfront District zoning district per Chapter 17.32 SHMC, including the sidewalks therein; and

(h) Any Public right-of-way, with the exception of sidewalks not otherwise specifically regulated. As to sidewalks not otherwise specifically regulated, a Campsite that does not restrict the free movement of pedestrian travel, including those pedestrians that require the use of a wheelchair or other assistive device to navigate the sidewalks does not violate this ordinance until it becomes Camping per SHMC 12.20.020(1). A campsite that restricts pedestrian travel is a violation of this Section in all areas of the City.

(3) Notwithstanding subsections (1) and (2) of this Section, it is unlawful to store Personal Property, including but not limited to, Camping Materials and Campsites, on any City Property for any purpose that:

(a) Occupies more than a 12 foot x 12 foot area;

(b) Obstructs any passageway, including but not limited to a street, roadway, sidewalk, pedestrian way, bikeway, and trail;

(c) Remains in any location without being removed or Relocated at least once every 24 hours; and

(d) Results in any removal, mutilation or clearing of vegetation, or ground disturbance including but not limited to digging, burrowing, tunneling, excavating, and quarrying.

(4) In addition to the provisions of subsections (1), (2), and (3) of this Section, Camp sites and Camping engaged in under this Section shall:

(a) Not require a permit or fee;

(b) Be maintained in an orderly fashion; shall not include littering; shall not include the spreading of rubbish;

(c) Maintain the Campsite in a clean, sanitary, and nonpolluting condition during use of and upon vacating the Campsite; and

(d) Comply with all applicable provisions of the St. Helens Municipal Code, and State and Federal Law, in addition to this Chapter.

(5) The City shall remove individuals and unclaimed Personal Property from a Campsite as provided by ORS 195.500 and 195.505.

12.22.040 Violation.

(1) Upon encountering a person who seeks to sleep, camp, or keep warm and dry upon City Property or Public rights-of-way in a place, manner, or time that is inconsistent with this Chapter, law enforcement personnel and/or public services personnel shall use their best judgment concerning the individual circumstances of such person and direct them to available city services, county services, state services, or non-profit service agencies, and locations within and/or outside the City of St. Helens where a person may find services to help them.

(2) Violation of this Chapter is punishable by a fine not to exceed \$50. The amount imposed shall be at the discretion of the judge. The judge may reduce or eliminate the fine if the person cited demonstrates they have meaningfully engaged with a local social services provider within 14 days of receiving a citation under any provision of SHMC 12.20.030.