

**ORDINANCE BILL NO. 2 FOR 2025**

**ORDINANCE NO. \_\_\_\_\_**

**SWEET HOME ORDINANCE AMENDING SWEET HOME MUNICIPAL CODE (SHMC) TITLE 9 BY ADDING A NEW CHAPTER 9.50 TITLED CAMPING REGULATIONS.**

**WHEREAS**, the City of Sweet Home is adding SHMC Chapter 9.50, Camping Regulations, to adhere to Oregon State House Bill 3115; and

**WHEREAS**, without such provision within our code, the City of Sweet Home would not be able to continue to address public concerns and complaints regarding camping on public property; and

**WHEREAS**, providing a designated space will provide a localized area for community partners to offer their services to those in need;

**NOW, THEREFORE, THE CITY OF SWEET HOME DOES ORDAIN AS FOLLOWS:**

Section 1. Amending SHMC Title 9, Public Peace, Morals, and Welfare. SHMC Title 9 is hereby amended to add Chapter 9.50 titled Camping Regulations:

**Article I. Administration**

- 9.50.005 Title.
- 9.50.010 Scope.
- 9.50.015 Interpretation.
- 9.50.020 Interchangeability.
- 9.50.025 Terms not defined.
- 9.50.030 Definitions.

**Article II. Camping**

- 9.50.035 Prohibited camping.
- 9.50.040 Permitted camping.
- 9.50.045 Fire safety.
- 9.50.050 Utilities.

**Article III. Compliance**

- 9.50.055 Storage of personal property.
- 9.50.060 Cleanup and posting.
- 9.50.065 Nonexclusive remedy.
- 9.50.070 Special permit.
- 9.50.075 Violation – Penalty.

**Article I. Administration**

- 9.50.005 Title.**

These provisions shall be known as the Sweet Home camping regulations and shall be cited as such and will be referred to herein as “this regulation.”

**9.50.010 Scope.**

- A. The provisions of this regulation apply to all public property and public rights-of-way located within the city of Sweet Home as defined herein.
- B. Motor Vehicle Camping is not within the scope of this section. Motor Vehicle Camping within public rights-of-way and in public parking lots is governed by Sweet Home Municipal Code §10.08.035.
- C. Recreational Vehicle Camping is not within the scope of this section. Recreational Vehicle Parking within public rights-of-way is governed by Sweet Home Municipal Code §10.28.020(A).

**9.50.015 Interpretation.**

This regulation is to be interpreted consistent with applicable state statutes and providing the protection required by state statutes.

**9.50.020 Interchangeability.**

Words used in the present tense include the future, words in the masculine gender include the feminine and neutral, the singular number includes the plural, and the plural, the singular.

**9.50.025 Terms not defined.**

Where terms are not defined through the methods authorized by this article, such terms shall have ordinarily accepted meanings such as the context implies. Words of common usage are given their plain, natural, and ordinary meanings. Words that have well-defined legal meanings are given those meanings.

**9.50.030 Definitions.**

- A. “Camp” or “camping” means to pitch, erect, create, use, or occupy camp facilities for the purpose of habitation, as evidenced by the use of camp paraphernalia.
- B. “Camp facilities” includes, but is not limited to, tents, huts, or temporary shelters. “Camp facilities” does not include motor vehicles or recreational vehicles.
- C. “Camp paraphernalia” includes, but is not limited to, tarpaulins, cots, beds, sleeping bags, blankets, mattresses, hammocks, outdoor cooking devices or utensils, food or food storage items, and/or similar items that are or appear to be used as living and/or sleeping accommodations, or to assist with living and/or sleeping activities.
- D. “Established camping site.” For purposes of ORS 195.500 through 195.530, an “established camping site” means any place where one or more persons have established temporary sleeping accommodations by use of temporary structures and materials, camp facilities, and/or camp paraphernalia for more than 72 consecutive hours.
- E. “Motor vehicle” means a vehicle that is self-propelled or designed for self-propulsion.
- F. “Public Emergency” means any community-wide human-made or natural event or circumstance causing or threatening loss of life, injury to person or property, human

suffering or financial loss, and includes, but is not limited to, fire, explosion, flood, severe weather, drought, earthquake, volcanic activity, spills or releases of oil or hazardous material, as defined in O.R.S. 466.605, contamination, utility or transportation emergencies, disease, blight, infestation, crisis influx of migrants unmanageable by the county, civil disturbance, riot, sabotage, terrorist actions (including employment of weapons of mass destruction), and war.

- G. "Public property" means any real property or structures owned, leased, or managed by the city, including public rights-of-way.
- H. "Public rights-of-way" means all property dedicated to the public for transportation purposes and administered by the city, including streets, roads, alleys, lanes, sidewalks, trails, paths, bridges, viaducts, and all other public ways and areas managed by the city.
- I. Includes public utility easements to the extent that the easement allows use by the permittee planning to use or using the public utility easement. "Right-of-way" includes the subsurface under and airspace over these areas.
- J. "Right-of-way" does not include the airwaves for purposes of commercial mobile radio services, broadcast television, direct broadcast satellite and other wireless providers, or easements or other property interests owned by a single utility or entity.
- K. "Reasonable" shall be determined based on the totality of the circumstances.
- L. "Recreational vehicle" or "RV" means a vehicle with or without motive power that is designed for use as temporary living quarters and as further defined by the Oregon Department of Transportation in OAR Chapter 735, Division 022.
- M. "Store" or "storage" means to put aside or accumulate for use when needed, to put for safekeeping, or to place or leave in a location.
- N. "Vehicle" means a motor vehicle or recreational vehicle.

## **Article II. Camping**

### **9.50.035 Prohibited camping.**

It is unlawful for any person to camp in or upon any public property or public right-of-way if the person has access to reasonable alternate shelter, has means to acquire reasonable alternate shelter, or has otherwise been offered, rejected, and/or been disqualified from reasonable alternate shelter.

### **9.50.040 Permitted camping.**

Camping in or upon any public property or public right-of-way within the city of Sweet Home shall be permitted as follows:

- A. In accordance with a duly executed emergency declaration by the Sweet Home City Manager, or
- B. On publicly owned property, designated by the Sweet Home City Manager, when there is no alternate shelter available.
  - 1. Camping in designated areas is permitted only between the hours of six p.m. and seven a.m.
  - 2. Enforcement of time restrictions may be suspended by the city manager, police chief, or designee for severe weather events or public emergencies, however in

no circumstances shall such suspension allow for camping for a duration longer than 72 hours without express approval of the City Council.

3. Enforcement of time restrictions may also be suspended by the city manager, police chief, or designee at the request of an individual when necessary or appropriate to respond to an individual's medical condition, disability or unique circumstances.
  - a. If denied, such requests may be appealed through the City's Americans with Disabilities Act (ADA) complaint process.
4. Permitted camping in designated areas shall not include occupying a recreational vehicle.
5. Each occupant shall follow all posted rules in addition to the rules set herein.
6. Each occupant shall store all items and materials within their camping facility.
7. Each camp may occupy a space no greater than 8 feet by 8 feet.
8. Any individual may only occupy and/or control a single camp at any time.
9. Each camp shall be maintained so as not to violate SHMC §8.04.020.

C. Notwithstanding subsections A and B of this section, camping permitted under this section shall not have a duration longer than 72 hours and is not considered an established camping site for the purposes of ORS 195.500 through 195.530.

#### **9.50.045 Fire safety.**

At no time shall there be any of the following at campsites without prior approval by the Sweet Home fire chief or their designee:

- A. Open flame;
- B. Propane;
- C. Flammable/combustible liquid;
- D. Heat producing appliance; or
- E. Smoking.

#### **9.50.050 Utilities.**

No utilities shall be connected or supplied to any camping facility.

### **Article III. Compliance**

#### **9.50.055 Storage of personal property.**

Except as expressly authorized by SHMC, it shall be unlawful for any person to store personal property on public property or within the public right-of-way.

#### **9.50.060 Cleanup and posting.**

- A. The cleanup of permitted campsites may be scheduled by the City Manager or their designee.
  1. Occasional cleanup of permitted public property campsites may be necessary to ensure the health and safety of the community.
    - a. Prior to such cleanups, the property shall be posted consistent with ORS 195.505.
  2. This subsection (1) does not release individuals of the requirement to maintain a clean, sanitary, and safe area around their camp nor negate the conditions of any other SHMC titles and/or chapters.

- B. No posting is required prior to removing debris, garbage, or items that are clearly discarded on public property or within the right-of-way. The City Manager or their designee is expected to use objectively reasonable discretion in determining whether advanced notice should be provided when it cannot be clearly determined that items were discarded and are not personal property.

**9.50.065 Nonexclusive remedy.**

The remedies described in this chapter shall not be the exclusive remedies of the City for violations of this chapter.

**9.50.070 Special permit.**

Upon finding it to be in the public interest and consistent with City goals and policies, the City Manager or their designee, in the instance of park events, may exempt a special event from the prohibitions of this chapter through permit or other decree and shall specify the period and location covered by the exemption.

**9.50.075 Violation – Penalty.**

Violations of SHMC 9.50.035, 9.50.040, and/or 9.50.045 are punishable as follows:

- A. By a fine of not more than \$100 upon first offense.
- B. By a fine of not more than \$100 and/or community service upon second offense.
- C. The Sweet Home Municipal Court Judge is encouraged to use diversion with individuals willing to engage with housing, mental health, alcohol, drug, and other service providers as appropriate. Fines may be reduced for violators who are actively working with local service providers to address the causes of their lack of permanent housing.

PASSED by the Council and approved by the Mayor this \_\_\_\_ day of \_\_\_\_\_, 2025.

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Mayor

ATTEST:

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City Manager Pro Tem - Ex Officio City Recorder