

CITY OF TUALATIN
ORDINANCE NO. XXXX-23
AN ORDINANCE PROHIBITING AND REGULATING CAMPING IN THE CITY OF TUALATIN

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 prior to July 1, 2023; 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 Tualatin; and

WHEREAS, camping in certain sensitive or high-risk areas creates a danger to the environment, the public, and the persons experiencing homelessness; 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 safety; and

WHEREAS, when shelter 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.

NOW THEREFORE, THE CITY OF TUALATIN ORDAINS AS FOLLOWS:

- SECTION 1: Tualatin Municipal Code Chapter 6-12-030, Camping Prohibited on Public Property, is hereby repealed in its entirety and replaced with the attached Exhibit A.
- SECTION 2: Tualatin Municipal Code Chapter 6-12-010, Definitions, is hereby amended as provided in Exhibit B.
- SECTION 3: If any provision of this ordinance or the application thereof to any person or circumstance is held invalid, such invalidity does not affect the other provisions or applications of the ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are severable. This City Council hereby declares that it would have adopted this ordinance irrespective of the invalidity of any particular portion therefore and intends that the invalid portions should be severed and the balance of the ordinance be enforced.

SECTION 4: This ordinance being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this ordinance takes effect immediately on its passage.

ADOPTED by the City Council this ____ day of June, 2023.

CITY OF TUALATIN, OREGON

By _____

Mayor

ATTEST:

By _____

City Recorder

DRAFT