

Prohibition and Regulation of Camping on Public Property

City Council Work Session | June 12, 2023



Outline

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- ▲ Neighboring Jurisdictions
- ▲ Draft Ordinance
- ▲ Next Steps
- ▲ Questions and Discussion

Background

Case Law

- **Martin v. Boise**
 - Cities cannot punish a person who is experiencing homelessness for sitting, sleeping, or lying on public property when that person has no place else to go;
 - Cities are not required to build or provide shelters for persons experiencing homelessness;
 - Cities can continue to impose traditional sit, sleep, and lie prohibitions and regulations on persons who do have access to shelter; and
 - Cities are allowed to build or provide shelters for persons experiencing homelessness.
- **Johnson v. City of Grants Pass**
 - Whether a city's prohibition is a civil or criminal violation is irrelevant. If the prohibition punishes an unavoidable consequence of one's status as a person experiencing homelessness, then the prohibition, regardless of its form, is unconstitutional;
 - Persons experiencing homelessness who must sleep outside are entitled to take necessary minimal measures to keep themselves warm and dry while they are sleeping; and
 - The case defined when someone does not have access to shelter.

Oregon Law: HB 3115

- Any city or county law regulating the acts of sitting, lying, sleeping or keeping warm and dry outside on public property must be “objectively reasonable” based on the totality of the circumstances as applied to all stakeholders, including persons experiencing homelessness.
- Deadline of July 1, 2023.

Tualatin's Current Ordinance

Tualatin Municipal Code Chapter 6-12-030

No person shall camp in our upon any sidewalk, street, alley, lane, or public right-of-way, park or any other publicly owned property or under any bridge or viaduct, unless otherwise specifically authorized by this code or by declaration of the Mayor in emergency circumstances or authorized by a City permit for a special event.

Tualatin's ordinance is not in compliance with HB 3115 and must be repealed or modified.

Neighboring Jurisdictions

	Tigard	Sherwood	Washington County	Wilsonville
Time	<ul style="list-style-type: none"> 9am – 7pm 	<ul style="list-style-type: none"> 7am – 9pm 	<ul style="list-style-type: none"> Limited to 5 calendar days 	<ul style="list-style-type: none"> 7am – 9pm
Place	<ul style="list-style-type: none"> Sensitive lands City parks City parking lots 500 ft buffer from schools, freeway entrances/exits 	<ul style="list-style-type: none"> Sensitive areas Residential zones and structures 1000 ft buffer from schools Reduces sidewalk width below 4 ft 	<ul style="list-style-type: none"> Riparian corridor, etc. 500 ft buffer from schools, day care facilities 	<ul style="list-style-type: none"> Only on specific property designated for camping in the Administrative Rules
Manner	<ul style="list-style-type: none"> No fires Campsite limited to 12 x 12 ft 20 ft buffer between campsites 	<ul style="list-style-type: none"> No fires No structures No digging, removing vegetation 	<ul style="list-style-type: none"> No accumulation of waste Campsite limited to 12 x 12 ft Roadway/sidewalk clearance 	<ul style="list-style-type: none"> No fires Campsite limited to 10 x 10 ft 100 ft buffer between campsites No digging
Source	Tigard Business Meeting Agenda May 23, 2023	City of Sherwood Website	Washington County Website	Wilsonville City Council Agenda May 15, 2023

Draft Ordinance

Ordinance Goals

- Compliance with HB 3115;
- Clarity for City staff implementing and enforcing the time, place, and manner regulations;
- Consistency, where possible, with nearby jurisdictions; and
- Balance between the intended use of properties and compassion for people experiencing homelessness.

Time

Considerations

- When services are available for people experiencing homelessness
- Staff's ability to enforce time regulations
- When properties are in use
- Consistency with neighboring jurisdictions

Recommendation

- Camping prohibited between 7am and 7pm

Manner

Considerations

- Neighboring jurisdictions are largely consistent with manner regulations
- Discouraging large encampments
- Integrity and access to public infrastructure
- Environmental concerns

Recommendation

- May not accumulate, discard, or leave behind trash, etc.
- May not dig, excavate, erect/install fixtures, harm vegetation
- May not obstruct or attach camp materials to public infrastructure or private property structures
- Campsite is limited to 12x12 ft
- No unauthorized connections to electrical outlets or other utilities
- May not start or maintain a fire
- May not create a physical impairment to emergency ingress or egress

Place

Considerations

- Must have areas where camping is not prohibited
- Number of people estimated to be camping outdoors within City limits currently
- Neighboring jurisdictions have prohibited camping on sensitive lands, City/County property, parks, public right-of-way, and created buffers around services for people experiencing homelessness, schools, residential properties and zones, and freeway entrances/exits
- Protection of environment, City infrastructure, and intended use of the property

Place

Recommendation

Camping Prohibited in:

- City-owned or maintained parking lots
- Within 500 feet of schools, freeway entrances/exits
- Within 20 feet of a building
- Natural Resource Protection Overlay, Natural Areas, greenways, and landscaped areas
- Public rights-of-way and railroad right-of-way
- Municipal grounds and Library plaza
- City Parks



Hedges Creek

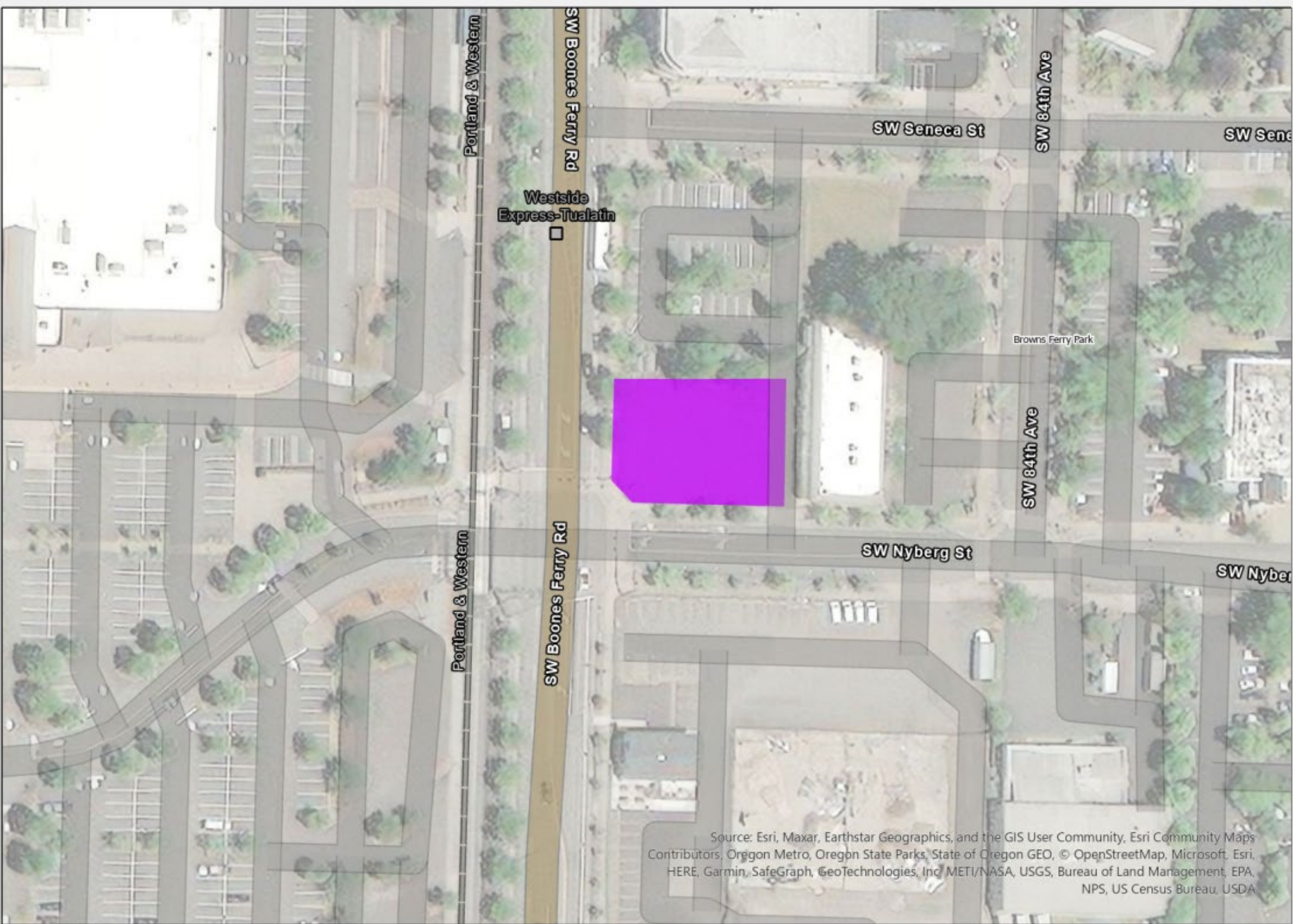
Portland & Western

SW Tualatin Rd

Hedges Creek

Hedges Creek

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Next Steps

- Adoption on June 26, 2023
- Ordinance Effective Date of July 1, 2023
- Check-In with City Council on Implementation in January 2024 (or before)

Questions and Discussion
