



City of Tualatin

CITY OF TUALATIN Staff Report

TO: Honorable Mayor and Members of the City Council
THROUGH: Sherilyn Lombos, City Manager
FROM: Megan George, Deputy City Manager
DATE: January 22, 2024

SUBJECT:

Prohibition and Regulation of Camping on Public Property Ordinance Check-In

EXECUTIVE SUMMARY:

Last June, the City Council adopted Ordinance 1475-23, which prohibited and regulated camping on public property in Tualatin. As part of the City Council's discussion, they requested an update on implementation of the ordinance after approximately six months' time.

Thus far, staff have not observed changes locally in the level of activity or the behaviors related to outdoor camping since the ordinance was adopted. In addition, there has been no change to the legal landscape related to the prohibition and regulation of camping on public property in Oregon.

Staff is looking for direction from the City Council as to whether they would like to make changes to the ordinance.

BACKGROUND:

Two recent decisions out of the Ninth Circuit Court of Appeals (*Martin v. Boise* and *Johnson v. City of Grants Pass*) held that a governmental entity cannot "criminalize conduct that is an unavoidable consequence of being homeless – namely sitting, lying, or sleeping" under the Eighth Amendment to the Constitution. In addition, individuals similarly must be permitted to take minimal measures to keep warm and dry while sleeping.

In 2021, the Oregon Legislature passed HB 3115 (codified as ORS 195.530), which requires any regulation of sitting, lying, sleeping, or keeping warm and dry outdoors on public property that is open to the public to be objectively reasonable as to time, place, and manner prior to July 1, 2023.

On June 26, 2023, the Tualatin City Council adopted Ordinance 1475-23, immediately repealing and replacing Tualatin Municipal Code Chapter 6-12-030 and amending Tualatin Municipal Code Chapter 6-12-010. The key components of the ordinance are summarized below.

Time

Camping prohibited between 7am and 7pm.

Place

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, Wetland Protected Areas, Natural Areas, greenways, and landscaped areas.
- Public right-of-way and railroad right-of-way.
- Municipal grounds and the Library Plaza.
- City Parks.

Manner

- 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 feet and may not be within 10 feet of another campsite.
- 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.

ATTACHMENTS:

- Presentation
- Ordinance No. 1475-23
- Attachment – Camping Allowed Areas Map