

ATTACHMENT A

CAMPING ON CITY PROPERTY AND RIGHTS-OF-WAY

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10.700 Purpose.

The purpose of WC 10.700 through 10.780 is to regulate the time, place, and manner in which individuals may camp on City of Wilsonville property and rights-of-way. Furthermore, the purpose of WC 10.700 through 10.780 is to comply with Oregon House Bill 3115 (2021) and House Bill 3124 (2021), as well as current federal court decisions *Martin v. Boise*, 920 F.3d 584 (9th Cir., 2019) and *Johnson v. City of Grants Pass*, 50 F.4th 787 (9th Cir., 2022).

10.710 Definitions.

- (1) *To camp or camping* means to set up, or remain in or at, a campsite for the purpose of establishing or maintaining a temporary place to live.
- (2) *Camp materials* means tents, huts, awnings, lean-tos, chairs, tarps or tarpaulins, cots, beds, sleeping bags, blankets, mattresses, sleeping or bedding materials, 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.
- (3) *Campsite* means any place where any camp materials, 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 any vehicle or part thereof.
- (4) *City or Wilsonville* means the City of Wilsonville, Oregon.
- (5) *City Manager* means the City of Wilsonville City Manager or designee.
- (6) *City-owned property* means public real property, land, and premises owned by the City of Wilsonville.
- (7) *City right-of-way* means the space in, upon, along, across, over or under the City-owned streets, roads, highways, lanes, courts, ways, alleys, boulevards, sidewalks, bicycle lanes, and places used or intended to be used by the general public for travel as the same now or may hereafter exist, that the City has the right to allow the public to use.

Commented [GA1]: Current Wilsonville definition. Consistent with Portland, Salem, Beaverton, Pendleton. Similar to Medford, Tualatin, and Tigard

Commented [GA2]: Bend definition

Commented [GA3]: Current Wilsonville definition. Consistent with Portland, Tigard, and Beaverton. Similar to Tualatin.

Commented [GA4]: Definition from WC 3.310.

(8) *Individuals who are involuntarily homeless* means the circumstance when there is no available emergency or transitional housing for an individual experiencing homelessness and/or no transportation for such individual to available emergency or transitional housing within the county where the person is located.

(9) *Personal property* means any item that is reasonably recognizable as belonging to a person and has apparent value or utility.

(10) *Rest* means to pause from exertion by stopping, sitting, lying, or sleeping.

(11) *SROZ* means the City's Significant Resource Overlay Zone.

(12) *Store* means to put aside or accumulate for use when needed, to put for safekeeping, to place or leave in a location.

(13) *Vehicle* means every device in, upon, or by which any person or property is, or may be, transported or drawn upon any street or highway, and includes any hulk or component thereof, including, but not limited to campers, recreational vehicles, motor homes, pickup trucks, pickup truck canopies, and trailers, except devices:

- (a) Designed to be moved exclusively by human power; or
- (b) Designed to be used exclusively upon stationary rails or tracks.

10.720 Time Regulations.

(1) Except as authorized pursuant to WC 10.770, it is unlawful for any persons to camp on or establish a campsite on any City-owned property or City right-of-way during the hours of 9:00 pm to 7:00 am.

(2) Except as authorized pursuant to WC 10.770, it is unlawful for any persons to store any personal property on any City-owned property or City right-of-way during the hours of 9:00 pm to 7:00 am.

10.730 Place Regulations.

(1) Except as authorized pursuant to WC 10.770, at all times it is unlawful for any persons to camp or to establish, maintain, or occupy a campsite on the following City-owned property:

- (a) All City parks and City parking lots within City parks.
- (b) All City parking lots or other City property not listed in subsections (2) through (4) below.

Commented [GA5]: Partial definition from WC 6.400(1)(d). Regulatory part about discarding unsanitary/no utility personal property in later section.

Definition consistent with ORS 195.505 definition

Commented [GA6]: Pendleton definition.

Commented [GA7]: Seaside definition

Commented [GA8]: From WC 5.035

Commented [GA9]: Consistent with WC 5.210 and consistent with general shift start times for various City departments.

Commented [GA10]: Consistent with subsection (1)

(c) All City rights-of-way or City-owned property located within or adjacent to the following zones:

- (i) Residential
- (ii) Planned Development Residential
- (iii) Village
- (iv) Residential Neighborhood
- (v) Old Town Residential
- (vi) Future Development Agricultural Holding Residential

(d) Within 20 feet of a property line of a property containing a residential structure regardless of zoning.

Commented [GA11]: Medford (modified)

(e) All City sidewalks, except as otherwise authorized under subsection (5) below.

Commented [GA12]: Based on Council feedback 3/6/23

(f) All City property located in the SROZ.

(g) All City property located within 20 feet of a tree designated as a heritage tree in the City's Heritage Tree program.

(h) The City property at the northeast corner of SW Barber Street and SW Kinsman Road (taxlot number 31W14B 00700).

Commented [GA13]: Where grove of oak tree grove is located.

(i) Stormwater treatment facilities, including, but not limited to swales, detention ponds, and drainage ways.

Commented [GA14]: PW working on description.

(j) On areas underneath City-owned rights-of-way or bridges that are not open to the public.

(k) On railroad tracks or within 15 feet of railroad tracks.

(l) Within any vehicle lane, bicycle lane, or roundabout within any City right-of-way, except as otherwise permitted under WC 10.740(12) where on-street parking is allowed.

(m) On any City property or City right-of-way that the City has closed to the public due to construction, heavy vehicle or machinery use, or other City or City-sanctioned work that is incompatible with camping in the City right-of-way. The City does not need to close City right-of-way to vehicle traffic to close the City right-of-way to camping under this subsection.

Commented [GA15]: Bend

(2) Persons may occupy a campsite within the time regulations provided in WC 10.720 and pursuant to the regulations in WC 10.740 in the following location:

- (a) The area of the Wilsonville City Hall parking lot and the City real property located to the north of Wilsonville City Hall identified in Illustration 10.1.

Illustration 10.1.

[insert aerial map]

- (b) The City-owned rights-of-way not otherwise prohibited in subsection (1).
- (3) In the event that the City Manager determines that the areas provided in subsection (2) above are not sufficient for the number of individuals who are involuntarily homeless, the City Manager may make available the following area of the Community Center parking lot identified in Illustration 10.2 for individuals occupy a campsite within the time regulations provided in WC 10.720 and pursuant to the regulations in WC 10.740.

Commented [GA16]: Based on Council feedback 3/6/23

Illustration 10.2.

[insert aerial map]

- (4) In the event that the City Manager determines that the areas provided in subsection (2) and subsection (3) above are not sufficient for the number of individuals who are involuntarily homeless, the City Manager may make available the following area of the Library parking lot identified in Illustration 10.3 for individuals occupy a campsite within the time regulations provided in WC 10.720 and pursuant to the regulations in WC 10.740.

Commented [GA17]: Based on Council feedback 3/6/23

Illustration 10.3.

[insert aerial map]

- (5) In the event that the City Manager determines that the areas provided in subsections (2), (3), and (4) above are not sufficient for the number of individuals who are involuntarily homeless and engaging in non-vehicle camping, the City Manager may make available sidewalks for non-vehicle camping; provided, however, that the person is not permitted to obstruct pedestrian traffic along the sidewalk or into private property and businesses adjacent to the sidewalk; may not utilize any sidewalk located in any area identified in (1)(c), (d), (e), (g), or (k) above; and must comply with the time regulations provided in WC 10.720 and the manner regulations in WC 10.740. For purposes of this provision, an individual obstructs pedestrian traffic if the campsite reduces the sidewalk clearance to no longer meet the Americans Disabilities Act Public Rights-of-Way Accessibility Guidelines.

Commented [GA18]: Added due to Council's preference to prohibit camping on sidewalks. Only authorize if not enough space elsewhere.

10.740 Manner Regulations.

Camping, when and where allowed (*see* WC 10.720 and 10.730), is subject to all of the following:

Commented [GA19]: Generally taken from Bend, with modifications

- (1) Individuals, camp materials, camps, or personal property may not obstruct sidewalk accessibility or passage, clear vision, fire hydrants, City or other public utility infrastructure, or otherwise interfere with the use of the right-of-way for vehicular, pedestrian, bicycle, or other passage.
- (2) For campsites other than those contained within a vehicle, the campsite must be limited within a spatial footprint of 10 feet by 10 feet, or 100 square feet. For campsites including a vehicle, the campsite and camp materials must be self-contained within the vehicle. The intent of this section is to allow a person to sleep protected from the elements and maintain the essentials for living, while still allowing others to use public spaces as designed and intended.
- (3) For campsites within the City rights-of-way, each campsite must be at least 100 feet apart from any other campsite. For campsites located on City property, the campsite locations must comply with the spacing identified in Illustration 10.1 above, and also Illustrations 10.2 and 10.3 if those parking lots become available for camping overnight.
- (4) Except as otherwise allowed herein, open flames, recreational fires, burning of garbage, bonfires, or other fires, flames, or heating are prohibited. Portable cooking stoves fueled by commercially available fuel are permitted so long as they are utilized in accordance with manufacturer instructions and do not violate any manufacturer warnings.
- (5) Individuals may not accumulate, discard, or leave behind garbage, debris, unsanitary or hazardous materials, human or animal waste, or other items of no apparent utility in public rights-of-way, on City property, or on any adjacent public or private property.
- (6) Dumping of gray water (i.e., wastewater from baths, sinks, and the like) or black water (i.e., sewage) into any facilities or places not intended for gray water or black water disposal is prohibited. This includes but is not limited to storm drains, which are not intended for disposal of gray water or black water.
- (7) Unauthorized connections or taps to electrical or other utilities, or violations of building, fire, or other relevant codes or standards, are prohibited.
- (8) Obstruction or attachment of camp materials or personal property to fire hydrants, utility poles or other utility or public infrastructure, fences, trees, vegetation, vehicles, buildings, or structures is prohibited.
- (9) Storage of personal property such as vehicle tires, bicycles or associated components (except as needed for an individual's personal use), gasoline, generators, lumber, household furniture, extra propane tanks, combustible material, or other items or materials is prohibited, other than what is related to camping, sleeping, or keeping warm and dry.
- (10) Digging, excavation, terracing of soil, alteration of ground or infrastructure, or damage to vegetation or trees is prohibited.

Commented [GA20]: Further refine based on future Council feedback

(11) All animals must be leashed, crated, or otherwise physically contained at all times.

(12) **Vehicle Camping.** Individuals may use vehicles for shelter and/or sleeping in areas identified in WC 10.730(2) under the following circumstances and subject to the conditions and restrictions provided in subsections (1) through (11) above:

Commented [GA21]: Generally pulled from Bend

(a) The vehicle is legally parked in compliance with the Wilsonville Code.

(b) Storage of material outside vehicles is prohibited, other than what is incidental to activities such as short-term (maximum 30 minutes) loading or unloading a vehicle.

Commented [GA22]: Consistent with loading/unloading time specified in WC 5.215

(c) Vehicles must be operational, i.e., capable of being started and driven under their own power, or ready to be towed if designed to be towed and may not be discarded or left inoperable in public rights-of-way or on City property.

(d) Vehicles must be registered and insured, as required by the Oregon Vehicle Code.

Commented [GA23]: Added this.

(e) No building or erecting of any structures connecting or attaching to vehicles is permitted, including tents that are not designed and manufactured to be attached to a vehicle.

(f) Connections from vehicles to public or private stormwater, sewer, water, and electrical systems or to vehicles from public or private stormwater, sewer, water, and electrical systems are prohibited unless:

Commented [GA24]: Added

(i) The property owner provides written authorization to connect;

(ii) Any and all applicable federal, state, and local laws, regulations, and permits allow such connection; and

(iii) Any and all applicable federal, state, and local approvals required for such connection have been obtained.

10.750 Notice and Removal.

Commented [GA25]: Provisions taken from Medford code.

(1) Except as provided in subsection (4) below, at least 72 hours before removing individuals from an established campsite, law enforcement officials must post a written notice in English and Spanish at all entrances to the campsite to the extent that entrances can reasonably be identified.

Verified and modified to ensure consistency with ORS 195.505

(a) When a 72-hour notice is posted, law enforcement officials must inform local agencies that deliver social services to unsheltered individuals as to where the notice has been posted.

- (b) The local agencies may arrange for outreach workers to visit the campsite that is subject to the notice to assess the need for social service assistance in arranging shelter and other assistance.

(2) Personal Property Collection and Storage.

- (a) All personal property at the campsite that remains unclaimed after removal will be given to law enforcement official(s), a local agency that delivers social services to unhoused individuals, an outreach worker, a local agency official, or a person authorized to issue a citation described in WC 10.760, whether notice under subsection (1) is required or not.
 - (b) The unclaimed personal property must be stored in a facility located in the City of Wilsonville.
 - (c) The unclaimed personal property will be stored in an orderly fashion, keeping items that belong to an individual together, to the extent that ownership can reasonably be determined.
 - (d) The personal property must be stored for a minimum of 30 days during which it must be reasonably available to any individual claiming ownership. Any personal property that remains unclaimed after 30 days may be disposed of or donated to an Internal Revenue Code Section 501(c)(3) non-profit corporation.
 - (e) Items that have no apparent value or utility or are in an unsanitary condition may be immediately discarded upon removal of the individuals from the campsite.
 - (f) Weapons, controlled substances other than prescription medication, and items that appear to be either stolen or evidence of a crime will be given to or retained by law enforcement officials.
- (3) The written notice required in subsection (1) must state, at a minimum:
- (a) Where unclaimed personal property will be stored;
 - (b) A phone number that individuals may call to find out where the personal property will be stored; or
 - (c) If a permanent storage location has not yet been determined, the address and phone number of an agency that will have the information when available.
- (4) The 72-hour notice requirement under subsection (1) does not apply:
- (a) When there are grounds for law enforcement officials to believe that illegal activities other than camping are occurring at a campsite; or

(b) In the event of an emergency at a campsite, including, but not limited to, possible site contamination by hazardous materials, a public health emergency, substantial and immediate risk or harm to public infrastructure, or other immediate danger to human life or safety.

Commented [GA26]: Added

10.760 Enforcement.

Commented [GA27]: Medford

- (1) Violation of any regulations stated in WC 10.720, 10.730, or 10.740 constitutes a violation of the Wilsonville Code and is subject to fine(s) as contemplated in WC Chapter 1. Every day in which such violations occur constitutes a separate violation.
- (2) A person authorized to issue a citation for unlawful camping may not issue the citation if the citation would be issued within 200 feet of a notice required under WC 10.750 and within two hours before or after the notice was posted.
- (3) The City may adopt administrative rules via resolution to support and guide the implementation of and compliance with WC 10.700 through 10.780.

Commented [GA28]: Requirement under ORS 195.505(10)

Commented [GA29]: Based on Council feedback – 3/6/23

10.770 Exceptions.

Commented [GA30]: Medford (modified)

- (1) Emergencies. In the event of emergency circumstances, the City Manager may authorize camping or storage of personal property on City-owned property and City rights-of-way by written order that specifies the period of time and location.
- (2) Other Temporary Circumstances. The City Manager may temporarily authorize camping or storage of personal property on City-owned property and City rights-of-way by written order that specifies the period of time and location upon finding it to be in the public interest and consistent with Council goals and policies.

10.780 Severability.

If any section, paragraph, subdivision, clause, sentence, or provision of this title shall be adjudged by any court of competent jurisdiction to be unconstitutional or invalid, such judgment shall not affect, impair, invalidate, or nullify the validity of the remaining portions of the title.