

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) Administrative Rules means the regulations the City adopts pursuant to WC 10.770(3).

(2) 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 shelter for survival from the elements.

(3) 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 sheltering and/or sleeping accommodations, or to assist with sheltering for survival and/or sleeping activities.

(4) 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.

(5) City or Wilsonville means the City of Wilsonville, Oregon.

(6) City Manager means the City of Wilsonville City Manager or designee.

(7) City-owned property means public real property, land, and premises owned by the City of Wilsonville.

(8) 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.

(9) Designated Area(s) means the area(s) the City has identified where individuals who are involuntarily homeless may shelter for survival, as further identified in WC 10.730(2) herein.

~~(8)~~(10) 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)~~(11) Personal property means any item that is reasonably recognizable as belonging to a person and has apparent value or utility.

~~(10)~~(12) Rest means to pause from exertion by stopping, sitting, lying, or sleeping.

~~(11)~~(13) SROZ means the City's Significant Resource Overlay Zone.

~~(12)~~(14) Store means to put aside or accumulate for use when needed, to put for safekeeping, to place or leave in a location.

~~(13)~~(15) 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 cars, 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~~individuals who are involuntarily homeless may camp on or establish a campsite on any City owned property or City right of way in Designated Area(s) only 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~~individuals who are involuntarily homeless may store any personal property on any City owned property or City right of way during, pursuant to the regulations in WC 10.740, in Designated Area(s) only 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 not identified as a Designated Area, including, but not limited to:
- (a) All City parks and City parking lots within City parks.
 - (b) All City parking lots, City structures, or other City property not designated for camping in the Administrative Rules, as provided in subsection 2 below.
 - (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.~~
 - ~~(d) All City sidewalks, except as otherwise authorized under subsection (5) below.~~
 - (e) All public transit shelters.
 - (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).
 - (i) Stormwater treatment facilities, including, but not limited to swales, detention ponds, and drainage ways.
 - (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.

~~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. The exception for on-street parking does not apply to any on-street parking space that is an Americans with Disabilities Act (ADA) designated parking space.~~

- (1) 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.~~
- (2) ~~Persons~~ Designated Area(s). Individuals who are involuntarily homeless may occupy a campsite within the time regulations provided in WC 10.720 and pursuant to the manner regulations in WC 10.740 in the ~~location~~ Designated Area(s) identified in the Administrative Rules. For avoidance of doubt, camping is prohibited on all City-owned property and City rights-of-way not designated for camping in the Administrative Rules.

10.740 Manner Regulations.

Camping by individuals who are involuntarily homeless, when and where allowed (*see* WC 10.720 and 10.730), is subject to all of the following:

- (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 sheltering, 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,~~ in Designated Area(s), the campsite locations must comply with the spacing identified in the Administrative Rules.
- (4) 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.
- (11) All animals must be leashed, crated, or otherwise physically contained at all times.
- (12) Smoking, vaping, and/or the use or distribution of tobacco or cannabis products is prohibited in Designated Area(s). "Tobacco or cannabis products" includes, but is not limited to, any tobacco cigarette, cigar, pipe tobacco, smokeless tobacco, chewing tobacco, any part of the plant Cannabis family Cannabaceae, or any other form of tobacco or cannabis which may be used for smoking, chewing, inhalation, or other means of ingestion. This regulation does not prohibit the use of prescribed medication when used in accordance with the prescription instructions and when used in location(s) allowed under Oregon law.
- (13) Alcohol may not be consumed, used, or distributed in Designated Area(s).
- (14) Controlled substances, as defined in ORS 475.005, may not be consumed, used, manufactured, or distributed in Designated Area(s).
- (12)(15) Vehicle Camping. Individuals who are involuntarily homeless may use vehicles for shelter and/or sleeping in areas identified in WC 10.730(2) Designated Area(s) under the following circumstances and subject to the conditions and restrictions provided in subsections (1) through (11) above:
 - (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.

- (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.
- (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:~~
 - ~~(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.

- (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.
 - (a) When a 72-hour notice is posted, law enforcement officials must inform local agencies that deliver social services to unhoused 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.

10.760 Enforcement.

- (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.

10.770 Exceptions.

- (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. Such temporary action by the City Manager must be considered for ratification by the City Council at its next regularly scheduled meeting.

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.