

ORDINANCE NO. 879

AN ORDINANCE OF THE CITY OF WILSONVILLE REGARDING REGULATION OF CAMPING ON PUBLIC PROPERTY BY ADDING SECTIONS 10.700 THROUGH 10.780 TO THE WILSONVILLE CODE; AMENDING WILSONVILLE CODE SECTIONS 3.000, 5.200, 5.210, AND 10.540; AND REPEALING WILSONVILLE CODE SECTIONS 6.400 AND 10.425.

WHEREAS, in 2019, the United States Ninth Circuit Court of Appeals (Ninth Circuit) issued its decision in *Martin v. Boise*, 920 F.3d 584 (9th Cir., 2019), holding that the Cruel and Unusual Punishments Clause of the Eighth Amendment “prohibits the imposition of criminal penalties for sitting, sleeping, or lying outside on public property for homeless individuals who cannot obtain shelter;” and

WHEREAS, in 2022, the Ninth Circuit issued its decision in *Johnson v. City of Grants Pass*, 50 F.4th 787 (9th Cir., 2022), further holding that certain local regulations violated the Eighth Amendment to the extent the ordinances prohibited individuals from taking minimal measures to keep warm and dry while sleeping, affirming, in part, the 2020 decision by the Oregon Federal District Court in *Blake v. Grants Pass*, No. 1:18-CV-01823-CL, 2020 WL 4209227 (D. Or. July 22, 2020); and

WHEREAS, while the Grants Pass litigation was pending, the State of Oregon enacted House Bill (HB) 3115 (2021) and HB 3124 (2021) regarding local jurisdictions’ regulation of camping on public property by individuals experiencing homelessness; and

WHEREAS, HB 3115 requires all jurisdictions that regulate acts of sitting, lying, sleeping, or keeping warm and dry outdoors on public property to have objectively reasonable time, place, and manner regulations with regards to persons experiencing homelessness; and

WHEREAS, HB 3115 becomes operative on July 1, 2023; and

WHEREAS, HB 3115 provides a private right of action for persons experiencing homelessness to seek injunctive or declaratory relief to challenge the objective reasonableness of any jurisdiction’s regulations regarding camping on public property; and

WHEREAS, HB 3124 requires jurisdictions to provide 72-hour notice, instead of 24-hour notice, before removing individuals experiencing homelessness from an established campsite and before confiscating any personal property left behind; and

WHEREAS, HB 3124 includes further requirements regarding the retention of personal property collected during clean-up of a campsite; and

WHEREAS, HB 3124 became operative on June 23, 2021; and

WHEREAS, the City of Wilsonville seeks to comply with HB 3115 and HB 3124, 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), which required the City to create objectively reasonable regulations related to public camping for survival by individuals experiencing homelessness; and

WHEREAS, the City engaged in extensive community outreach, including a community questionnaire with 437 responses, the largest in Let's Talk, Wilsonville! history, provided project information both via the Let's Talk, Wilsonville! project page and the Boones Ferry Messenger, and engaged in additional outreach with numerous other stakeholders within the community regarding the management of public camping, including public and private service providers; and

WHEREAS, the City Council has conducted 6 work sessions on public camping regulations, and the City has received additional input from the City's DEI Committee, Library Board, and Parks and Recreation Advisory Board; and

WHEREAS, the City coordinated distribution of and received several anonymous surveys from individuals experiencing homelessness; and

WHEREAS, the City resides in the Counties of Clackamas and Washington, which receive state and federal funding for housing and homelessness services, and currently have programs to provide such services to individuals within the counties who are experiencing homelessness; and

WHEREAS, in undertaking a review of City provisions related to camping for survival, adding and revising provisions related to the time, place, and manner of public camping became necessary to comply with state laws and current federal case law, which revisions are attached hereto and incorporated by reference herein as **Exhibits A-F**; and

WHEREAS, in undertaking a review of City provisions related to public camping, it became necessary to provide a safe place for individuals experiencing homelessness to rest and connect to service providers; and

WHEREAS, the City has created value statements, attached hereto and incorporated by reference herein as **Exhibit G**, regarding public camping regulations reaffirming the goal of providing equitable support and protection for the health, safety, and welfare of all members of the community, including residents, businesses, individuals experiencing homelessness, and other interests affected by these regulations; and

WHEREAS, the City has provided notice of public hearing, held a public hearing on May 1, 2023 regarding the proposed revisions to the Wilsonville Code, afforded all interested parties an opportunity to be heard, and duly considered the subject, including the staff recommendations and all the exhibits and testimony introduced and offered by all interested parties.

NOW, THEREFORE, THE CITY OF WILSONVILLE ORDAINS AS FOLLOWS:

Section 1. Value Statements. The City Council hereby adopts the statements attached hereto and incorporated by reference herein as **Exhibit G** as the City Council's Value Statements Regarding Housing and Homelessness.

Section 2. Findings. The City Council hereby adopts the above-stated recitals, the Staff Report accompanying this Ordinance, and the Findings attached hereto and incorporated by reference herein as **Exhibit H** as the City Council's findings demonstrating that the regulations adopted herein are in the public interest and promote the health, safety, and welfare of the City of Wilsonville community.

Section 3. Sections 10.700 through 10.780, as provided in **Exhibit A** attached hereto and incorporated by reference herein, are hereby added to the Wilsonville Code. Wilsonville Code Section 3.000 is hereby amended as provided in **Exhibit B** attached hereto and incorporated by reference herein. Wilsonville Code Sections 5.200 and 5.210 are hereby amended as provided in **Exhibit C** attached hereto and incorporated by reference herein. Wilsonville Code Section 10.540 is hereby amended as provided in **Exhibit D** attached hereto and incorporated by reference herein. Wilsonville Code section 6.400 is hereby repealed as provided in **Exhibit E** attached hereto and incorporated by reference herein. Wilsonville Code section 10.425 is hereby repealed as provided in **Exhibit F** attached hereto and incorporated by reference herein.

Section 4. The City Recorder is hereby authorized to correct any scrivener's errors and to conform the revisions to the Wilsonville Code with appropriate numbering.

Section 5. Effective Date. This Ordinance shall be declared to be in full force and effect beginning July 1, 2023.

SUBMITTED by the Wilsonville City Council at a regular meeting thereof this 1st day of May, 2023, and scheduled the second reading on May 15, 2023 commencing at the hour of 7:00 p.m. at the Wilsonville City Hall, 29799 SW Town Center Loop East, Wilsonville, Oregon.

Kimberly Veliz, City Recorder

ENACTED by the City Council on the ____ day of ____, 2023, by the following votes:

Yes: ____ No: ____

Kimberly Veliz, City Recorder

DATED and signed by the Mayor this ____ day of ____, 2023

JULIE FITZGERALD MAYOR

SUMMARY OF VOTES:

Mayor Fitzgerald

Council President Akervall

Councilor Linville

Councilor Berry

Councilor Dunwell

EXHIBITS:

- A. New WC Sections 10.700 through 10.780
- B. Revisions to WC Section 3.000
- C. Revisions to WC Sections 5.200 and 5.210
- D. Revisions to WC Section 10.540
- E. Deletion of WC Section 6.400
- F. Deletion of WC Section 10.425
- G. Value Statements
- H. Findings for Ordinance No. 879

CAMPING ON CITY PROPERTY AND RIGHTS-OF-WAY

10.700	Purpose
10.710	Definitions
10.720	Time Regulations
10.730	Place Regulations
10.740	Manner Regulations
10.750	Notice and Removal
10.760	Enforcement
10.770	Exceptions
10.780	Severability

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.
- (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.
- (11) *Personal property* means any item that is reasonably recognizable as belonging to a person and has apparent value or utility.
- (12) *Rest* means to pause from exertion by stopping, sitting, lying, or sleeping.
- (13) *SROZ* means the City's Significant Resource Overlay Zone.
- (14) *Store* means to put aside or accumulate for use when needed, to put for safekeeping, to place or leave in a location.
- (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, individuals who are involuntarily homeless may camp 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, individuals who are involuntarily homeless may store personal property, 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 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, including rights-of-way within and adjacent to areas zoned for residential uses and rights-of-way adjacent to public and private schools and child care facilities.
 - (d) All City sidewalks.
 - (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.
 - (l) 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.
- (2) 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 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, including shopping carts, 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 located in Designated Area(s), the campsite locations must comply with the spacing requirements identified in the Administrative Rules.
- (4) Open flames, recreational fires, burning of garbage, bonfires, or other fires, flames, or heating are prohibited.
- (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, shopping carts, 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).
- (15) Vehicle Camping. Individuals who are involuntarily homeless may use vehicles for shelter and/or sleeping in Designated Area(s) under the following circumstances and subject to the conditions and restrictions provided in subsections (1) through (14) 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.

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 will 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.

PARKS AND PLAYGROUNDS

3.000. Rules and Regulations.

- (1) The following rules and regulations are hereby adopted for the regulation and use of municipal parks in and for the City, and shall be observed at all times by all persons using any City park or park facilities. A summary of these rules are authorized to be posted at Parks and park facilities as determined by the City Manager or designee.
- (2) No fires and camp stoves so shall be allowed except when allowed pursuant to an approved parks and facilities rental application, in the following designated areas:
 - ~~(a) Park camp stoves or fireplaces provided for such purposes.~~
 - ~~(b) Portions of beaches designated as permitting fires, if any.~~
 - ~~(c) Portable stoves in established campsites, picnic areas, and designated beaches where fires are permitted.~~
 - ~~(d) No fire shall be left unattended and every fire shall be extinguished before user leaves the park area.~~
- (3) No person shall in any park area except under agreement or special regulations of the Council:
 - (a) Hunt, pursue, trap, kill, injure, molest, or disturb the habitat of any bird or animal.
 - (b) Discharge any firearm, pellet gun, bow and arrow, slingshot, or other weapon capable of injuring any person, bird or animal; or
 - (c) Possess any loaded firearm.
- (4) Flowers, shrubs, foliage, trees or plant life or products of any type shall not be picked, cut, mutilated or removed, from any park area without written permission from the Council.
- (5) No person shall mutilate, deface, damage or remove any table, bench, building, sign, marker, monument, fence, barrier, fountain, faucet, traffic recorder, or other structure or facility of any kind in a parked area.
- (6) No person shall, except under special regulations of the Council, dig up, deface, or remove any dirt, stones, rock, or other substance whatever, make any excavation, quarry any stone, or lay or set off any blast or roll any barrier stones or move any barriers, or cause or assist in doing any of the said things within a parked area.
- (7) No person shall, except in a designated area, erect signs, markers, or inscriptions of any type within a park without permission from the Council.
- (8) No person in a park may without written permission of the Council:
 - (a) Operate a concession, either fixed or mobile;
 - (b) Solicit, sell or offer for sale, peddle, hock, or vend any goods, wares, merchandise, food, liquids, or services;
 - (c) Advertise any goods or services by any means whatsoever; or
 - (d) Distribute any circulars, notices, leaflets, pamphlets, or written or printed information of any kind.
- (9) Motor vehicles shall be operated only on roads and in parking area constructed or designated for motor vehicle use. No motor vehicle shall be operated on any trail or in any part of a park area not constructed or

designated for motor vehicle use, or on any road or trail posted as closed to the public, or on any road or trail where signs have been placed or erected by authority of the Council prohibiting the driving of motor vehicles. Automobiles, trailers, or other vehicles shall be parked only in designated areas.

- (10) No animal of any kind shall be brought into or kept in a park area unless confined, or in a vehicle. Except that dogs must be kept on a leash at all times in all City parks and playgrounds. The leash shall be no more than eight feet in length, except that a retractable reel leash may extend up to 15 feet in length. The authority of the City park employee includes the authority to undertake any lawful measures (including removal of the animal from the park area) deemed by the park employee necessary to prevent the interference by the animal with the safety, comfort and well-being of the park users, or the appearance or sanitary condition of the park area. No animals other than seeing-eye dogs shall be allowed in any building."
- (11) No bottles, cans, ashes, waste, paper, garbage, sewage, or other rubbish or refuse shall be left in a park area, except in the receptacles designated for that purpose.
- (12) No person shall set up or use a public address system in a park without the written permission of the Council.
- (13) No person shall ride, drive, lead, or keep a saddle horse or riding animal in any park area, except on such roads, trails, or areas designated for that purpose. No horse or other animal shall be hitched to any tree or shrub in such a manner that may cause damage to such tree or shrub.
- (14) No person shall wash any clothing or other materials or clean any fish in a pond, stream or river in a park area.
- (15) No person shall use abusive, threatening, boisterous, vile, obscene or indecent language or gestures in a park area which interferes with another's peaceful enjoyment of the park and its facilities. Public demonstrations, public disturbances, or riotous behavior or indecent exposure will not be allowed in any City park area.
- (16) No ~~overnight~~ camping, as defined in WC 10.710, will be permitted unless authorized ~~in writing by the Council~~pursuant to WC 10.770.
 - (a) Individuals may rest, as defined in WC 10.710, during open park hours so long as the individual is not in, on, across, over, or under a play structure or playground area, water feature, trail, pathway, restroom, or sports field, is not violating any of the prohibitions described in WC 10.700 through 10.780, and is not violating any other subsection of this Section 3.000 through 3.030.
- (17) No person shall operate any motor vehicle within a park area at a speed in excess of posted limits.
- (18) No person shall operate or use any noise producing machine, vehicle, device, or instrument in such a manner that is disturbing to other park area visitors or neighboring houses.
- (19) Except for authorized overnight camping in accordance with the City rules and regulations, no person, other than law enforcement officers or authorized City personnel, shall enter or remain in any park area except during ~~posted hours as established by the Council~~the hours of 6:00 am to 10:00 pm.
- (20) A fenced and signed area on the east side of Memorial Park is hereby designated as dog off leash area in which dogs may be allowed to run off leash provided:
 - (a) The dog is properly licensed and has received required vaccinations (rabies);
 - (b) The dog's owner, or owner's designee:
 - 1. Removes any and all feces excreted by the dog;
 - 2. Keeps the dog within the designated area during all times it is off leash;
 - 3. Secures the dog by adequate leash when entering or leaving the designated area;

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- 4. Does not take a female dog in estrus into a designated area when other dogs are present, or, if already within a designated area, removes such female dog in estrus when other dogs enter the area; and
 - 5. Is present in the designated area and has voice control of his or her dog.
- (c) No dog shall be permitted to fight, bite, or bark excessively while in a designated dog off leash area, and the owner of a dog fighting, biting, or barking excessively may be cited therefore and/or required to remove his or her dog from the area.
- (21) A dog owner or owner's designee is required to remove and properly dispose of any and all feces excreted by said dog or dogs in all City parks.
- (22) Smoking or the use of tobacco products is prohibited on all City park property, park facilities and buildings. "Tobacco products" includes any tobacco cigarette, cigar, pipe tobacco, smokeless tobacco, chewing tobacco, or any other form of tobacco which may be used for smoking, chewing, inhalation, or other means of ingestion.
- (Ord. No. 425, 4-4-1994; Ord. No. 712, 1-7-2013)

3.010. Facility Reservation.

- (1) In order to provide for the convenience of advance reservation of park facilities the following procedures are hereby adopted:
 - (a) Formal application must be made at City Hall to reserve any public park and recreation facility for the exclusive use of any particular group.
 - (b) All applications must be made at least two weeks in advance of the date of facility use and shall include the name of the organization/group, the facility requested, date and time and requested, name, address and phone number of person in charge, type of activity and any special requests.
 - (c) Reservation fee shall be paid in advance to assure reservation.
 - (d) The person in charge must sign the application.
 - (e) All applicant for park reservations shall be aware of the fact that reservations for park facilities are on a first-come, first-serve basis.

3.020. Use and Consumption of Alcoholic Beverages.

- (1) Alcohol may not be consumed or used in Wilsonville City parks under the following conditions:
 - (a) Alcoholic beverages or their consumption shall be limited to wines or beer only.
 - (b) In those areas designated by the City for which a reservation has been permitted and the applicant indicated on the application form that alcoholic beverages would be served. This does not in any way eliminate the reservation applicant from those rules and regulations administered under the Oregon Liquor Control Commission (OLCC).

(Ord. No. 425, 4-4-1994)

3.022. Water Safety Regulations.

- (1) No person shall swim, dive, or fish ,on or from the Memorial Park dock.

(2) The ordinance will sunset on the date of the conclusion of the described grant agreement.

(Ord. No. 752, 12-1-2014)

3.030. Enforcement and Penalty.

- (1) In addition to City Police, all City park employees or Council persons in charge of City parks or any park area are authorized and directed to enforce by all lawful means full compliance by the public with the foregoing rules and regulations.
- (2) Any person violating any park rule or regulation as delineated by Sections 3.000 and 3.020 of this Code, except those involving theft or damage over \$50.00, shall be punished upon a first conviction for a violation pursuant to Section 1.012, and upon a subsequent conviction for a Class C misdemeanor pursuant to Wilsonville Code, Section 1.012. Provided, however, a violation of a park rule which involves theft or damage to property [greater] than \$50.00 shall be treated as a crime under state criminal laws. Provided further a conviction for violation of Section 3.000(31) shall only be punished as a violation pursuant to Section 1.012.

(Ord. No. 253, 2-21-1984; Ord. No. 425, 4-4-1994; Ord. No. 712, 1-7-2013)

PARKING AND STORAGE REGULATIONS ENFORCEABLE BY CITATION AND FINE

5.200. Storage of Motor Vehicles and Other Property on the Street.

Except as further limited by WC 10.700 through 10.780, No person shall store or permit to be stored on a street or other public property, without permission of the Council, a motor vehicle, boat, trailer, camper, mobile home, travel trailer, or other personal property, including portable storage containers, for a period in excess of 72 hours, without moving at least three vehicle lengths away.

5.205. Method of Parking.

- (1) No vehicle shall be parked upon any street in a manner other than parallel to the roadway and facing in the direction of travel of the nearest travel lane unless specifically designated by signs or markings which are authorized by the City Manager or designee.
- (2) Where parking space markings are placed on a street, no person shall stand or park a vehicle other than in the indicated direction or the direction of travel if no direction is indicated, and, unless the size or shape of the vehicle makes compliance impossible, within a single marked space.
- (3) The operator who first begins maneuvering a motor vehicle into a vacant parking space on a street shall have priority to park in that space, and no other vehicle operator shall attempt to interfere.
- (4) Whenever the operator of a vehicle discovers the vehicle is parked close to a building to which the fire department has been summoned, the operator shall immediately remove the vehicle from the area, unless otherwise directed by police or fire officers.

5.210. Prohibited Parking or Standing.

In addition to the state motor vehicle laws, the following regulations regarding parking or standing of the below-described vehicles apply:

- (1) A vehicle in an alley other than for the expeditious loading or unloading of persons or materials, and in no case for a period in excess of 30 consecutive minutes.
- (2) Except as further limited by WC 10.700 through 10.780, No motor truck with a gross vehicle weight of more than 8,000 pounds, truck trailer, motor bus, recreational vehicle, or utility trailer shall be parked on a street between the hours of 9:00 p.m. and 7:00 a.m. of the following day in front of or adjacent to a residence, motel, apartment, hotel or other sleeping accommodation, except
 - (a) as may otherwise be specifically adopted by action of the City Council, or
 - (b) to accommodate only the loading/unloading of property belonging to the occupants of or performing a service on the adjacent residence and in such case, no sleeping is allowed at any time and the maximum period allowed to accomplish performance of the service or such loading, unloading, or a combination of both, shall not exceed 48 hours, thereafter subject to ticketing and/or towing in accordance with Code requirements for any time beyond this maximum service, loading/unloading period.
- (3) No trailer as defined in ORS 801.560 shall be parked upon any City street unless it is attached to a motor vehicle by which it may be propelled or drawn, save and except such streets within Industrial

Zones that the City Engineer reasonably determines that parking of unattached trailers would not constitute a safety hazard. This subsection shall not apply to trailers which are disabled to such extent that the driver cannot avoid temporarily leaving the disabled trailer on the street, provided that the trailer must be removed within 24 hours of becoming disabled.

- (4) No operator shall park and no owner shall allow a vehicle to be parked upon a street for the principal purpose of:
 - (a) Displaying the vehicle for sale.
 - (b) Repairing or servicing the vehicle, except repairs necessitated by an emergency.
 - (c) Displaying advertising from the vehicle. Incidental parking of a vehicle with such advertising that is permanently or semi-permanently attached to the vehicle and would normally be construed as routine self-promotion, including name, logo, slogan, or product description of the vehicle is not intended to be prohibited.
 - (d) Selling merchandise from the vehicle, except when authorized.
- (5) No vehicle shall be parked upon any City street in a location within 12 feet of any mailbox used for pickup or delivery of the United States mail.
- (6) No vehicle shall be parked upon any City street or highway in violation of "No Parking" signs or markings, where the City Manager or designee authorizes such signs or markings.
- (7) No vehicle shall be parked upon any City street adjacent to any yellow curb, where the City Manager or designee authorizes such curb.
- (8) No vehicle shall be parked upon any City street in a manner such that less than 18 feet of unobstructed roadway width is left available for the passage of other vehicles. Where roadways are less than 18 feet wide, such width as necessary to allow two vehicles to pass, shall remain unobstructed.
- (9) Except as further limited by WC 10.700 through 10.780, No vehicle shall be parked on any street for more than 72 hours without moving at least three vehicle lengths away.
- (10) No vehicle shall be parked where it is impeding or likely to impede the normal flow of vehicular, bicycle, or pedestrian traffic; where it is a hazard or is likely to be a hazard to vehicular, bicycle, or pedestrian traffic; or where it is obstructing the required width of a fire apparatus access road.
- (11) No vehicle shall be parked or operated on a highway when the vehicle registration as indicated by registration stickers or registration card has been expired for 90 days or more, the vehicle is required to be registered when operated on a street, and the vehicle is parked or being operated on a City street.
- ~~(12) Unless in a designated area for camping, no person shall, for a period of more than two hours, use any vehicle or trailer to camp in, sleep in, or live in while parked upon any City property, City right-of-way, City easement, or City street.~~
- ~~(a) For the purposes of this Section,~~
 - ~~1. The term "camp" has the same meaning given it in Code Section 10.425.~~
 - ~~2. The term "sleep" means the natural periodic suspension of consciousness, during which the powers of the body are restored, or resting or meditating in a manner which leads a reasonable person to conclude that consciousness is suspended.~~
 - ~~3. The term "live" means the use of a vehicle or trailer for a home, dwelling place, residence, or domicile. Engaging in or the presence of items used for cooking, sleeping, bathing, or other activities normally associated with home life may serve as evidence that a person is living in a vehicle.~~

~~(b) It shall be an affirmative defense to "sleep in" if the sleeping was caused by a medical condition and not induced by alcohol, controlled substances, or medication that warns of causing drowsiness or sleepiness, or warnings to that effect.~~

~~(c) It shall be an affirmative defense to "live in," if a legally permissible explanation is provided of the items present or the activity engaged in that a reasonable person could find plausible under the circumstances then and there present.~~

~~(1312)~~ No vehicle shall be parked in any Residential Permit Parking Zone without a residential parking permit clearly displayed in the window for that Residential Parking Zone, as more particularly described in Chapter 5, Section 5.245.

(Ord. No. 722, 9-5-2013; Ord. No. 750, 12-1-2014; Ord. No. 804, 2-7-2017)

10.540. Civil Exclusion.

- (1) *Definitions.* For purposes of this provision:
 - (a) *Applicable provision of law* includes any applicable provision of this Code, or any City ordinance, or of any rule or regulation promulgated by the Council under this Title, any applicable criminal or traffic law of the State of Oregon, any law regarding controlled substances or alcoholic beverages, or any applicable County ordinance or regulation.
 - (b) *Excluding officer* means any police officer or City employee authorized by the City Manager to issue exclusions.
 - (c) *City property* means any property including, but not limited to, parks, greenways, buildings, parking lots, or other land or physical structures owned or managed by the City.
- (2) *Exclusion.* In addition to other remedies provided for violation of this Code, or of any laws of the State of Oregon, any excluding officer may exclude any person who violates any applicable provision of law or regulation in or on any City Property from that City Property in accordance with the provisions of this Section. Provided, further, the removal of a person for disturbing a City Council or other public meeting shall not be the basis for exclusion from future City Council or other public meetings under this ordinance; but may be used as evidence in any other civil or criminal proceeding that may result in a future exclusion.
- (3) *Period of Exclusion.* An exclusion issued under the provisions of this Section shall be for 30 days. If the person to be excluded has been excluded from any City property at any time within two years before the date of the present exclusion, the exclusion shall be for 90 days. If the person to be excluded has been excluded from City property on two or more occasions within two years before the date of the present exclusion, the exclusion shall be for 180 days.
- (4) *Warning Prior to Exclusion.* Before issuing an exclusion under this Section, the excluding officer shall first give the person a warning and a reasonable opportunity to desist from the violation. An exclusion shall not be issued if the person promptly complies with the direction and desists from the violation. Notwithstanding the provisions of this Subsection, no warning shall be required if the person is to be excluded for engaging in conduct that:
 - (a) Is classified as a felony or misdemeanor under the following Chapters of the Oregon Revised Statutes, or is an attempt, solicitation, or conspiracy to commit any such felony or misdemeanor defined in ORS.
 1. Chapter 162—Offenses Against the State and Public Justice;
 2. Chapter 163—Offenses Against Persons;
 3. Chapter 164—Offenses Against Property, except for ORS 164.805, Offensive Littering;
 4. Chapter 165—Offenses Involving Fraud or Deception;
 5. Chapter 166—Offenses Against Public Order; Firearms and Other Weapons; Racketeering;
 6. Chapter 177—Offenses Against Public Health, Decency and Animals;
 7. Chapter 475—Controlled Substances; Illegal Drug Cleanup; Paraphernalia; Precursors; or
 - (b) Otherwise involves a controlled substance or alcoholic beverage; or
 - (c) Has resulted in injury to any person or damage to any property; or
 - (d) Constitutes a violation of any of the following provisions of this Code:
 1. 10.130 Minor—Purchase or Possession of Liquor.
 2. 10.230 Killing of Birds or Animals Prohibited.

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3. 10.300 Public Intoxication and Drinking.
 4. 10.310 Panhandling.
 5. 10.320 Public Kept in Decency.
 6. 10.350 City Property, Destruction.
 7. 10.390 Posted Notices, Defacement.
 8. 10.410 Diving from Public Pilings.
 9. 10.410 Unlawful Operating or Riding a Skateboard in a Prohibited Area.
 10. 10.420 Intentionally Causing Damage to Town Center Park Properties by or for Skateboarding.
 - ~~11. 10.425 Camping on Public Property and Rights of Way.~~
 - ~~12~~11. 10.510 Attempt to Commit Offenses.
- (e) Is conduct for which the person previously has been warned or excluded for committing on any City Property.
- (5) *Written Notice.* Written notice signed by the excluding officer shall be given to any person excluded from any City property under this Section. The notice shall specify:
- (a) The date of the exclusion's issuance;
 - (b) Length of exclusion;
 - (c) City property from which the person is excluded;
 - (d) Identify the provision of law the person has violated and shall contain a brief description of the offending conduct;
 - (e) Inform the excluded person of the right to appeal, including the time limit and the place of delivering the appeal;
 - (f) Inform the excluded person of the right to petition for a waiver of all or any portion of the exclusion; and
 - (g) The consequences for failure to comply shall be prominently displayed on the notice.
- (6) *Appeal of Exclusion.* A person receiving such notice of exclusion may appeal, in writing, to the Wilsonville Municipal Court Clerk.
- (a) A hearing shall be held at the next regularly scheduled session of the Wilsonville Municipal Court.
 1. The excluded individual may request, in writing, setting forth the reason therefor, that the hearing be postponed, and the Clerk shall grant such a postponement upon a showing of necessity.
 - (b) The municipal judge shall dissolve the exclusion upon a showing that:
 1. The excluding officer lacked probable cause; or
 2. The excluded individual was engaged in the lawful exercise of any right or privilege guaranteed under the United States Constitution, Constitution of the State of Oregon, or any other law.
- (7) *Waiver of Exclusion.* At any time within the period of exclusion, a person receiving such notice of exclusion may apply, in writing, to the Municipal Judge for waiver of some or all of the effects of the exclusion for good reason. If the Municipal Judge grants a waiver under this Subsection, the Municipal Judge shall promptly notify the excluding officer. In exercising discretion under this Subsection, the Municipal Judge shall consider

the seriousness of the violation for which the person has been excluded, the particular need of the person to be within the area from which they are excluded during some or all of the period of exclusion, such as for work or to attend or participate in a particular event (without regard to the content of any speech associated with that event), and any other criterion the Municipal Judge determines to be relevant to the determination of whether or not to grant a waiver. The decision of the Municipal Judge to grant or deny, in whole or in part, a waiver under this Subsection is committed to the sole discretion of the Municipal Judge and is not subject to appeal or review.

- (a) The Municipal Judge shall grant the waiver if the excluded individual wishes to participate in any free speech activity protected by the Constitution of the United States or the Oregon Constitution.
- (8) *Stay During Appeal.* If an appeal of the exclusion is timely filed under Section 6, the effectiveness of the exclusion shall be stayed, pending the outcome of the appeal. If the exclusion is affirmed, the remaining period of exclusion from the time of the stay shall be effective immediately upon the issuance of the Municipal Judge's decision, unless the Municipal Judge specifies a later effective date.
- (9) *Appropriate Length of Exclusion.* If a person is issued a subsequent exclusion while a previous exclusion is stayed pending appeal (or pending judicial review, should a court stay the exclusion), the stayed exclusion shall be counted in determining the appropriate length of the subsequent exclusion under Subsection (3). If the predicate exclusion is set aside, the term of the subsequent exclusion shall be reduced as if the predicate exclusion had not been issued. If multiple exclusions issued to a single person or a single facility are simultaneously stayed pending appeal, the effective periods of those which are affirmed shall run consecutively.
- (10) *Violation of Exclusion.* No person shall enter or remain on City property at any time during which there is in effect a notice of exclusion issued under this Section excluding the person from that property.
 - (a) If a person who received notice of exclusion from City property subsequently remains or returns to that building or property, that person may be arrested on criminal trespass charges.
 - (b) A prosecution for criminal trespass is not an exclusive remedy. The person violating an exclusion order may also be liable for civil trespass and any other charge or liability under common, local, state, or federal law.

6.400. Removal of Individuals, their Property and Campsites on Public Property.

- ~~(1) Prior to the removal of any individual and/or their personal property from an established camping site on public property, law enforcement officials shall post a removal notice at the campsite, written in English and Spanish, 24 hours in advance of removal, provided however, that law enforcement officials are encouraged to determine if the circumstances warrant an extension of time for removal to ensure humane treatment, in which instance the law enforcement officials may extend the notice time up to 72 hours in advance of removal;~~
 - ~~(a) At the time the notice is posted, law enforcement officials shall inform a local agency that delivers social services to homeless individuals where the notice has been posted.~~
 - ~~(b) This local agency may arrange for outreach workers to visit the camping site where a notice has been posted to assess the need for social service assistance in arranging shelter and other assistance.~~
 - ~~(c) All unclaimed personal property shall be given to law enforcement officials whether 24 hour notice is required or not. Subject to approval of the City Manager, the City's Public Works Director shall develop a protocol to aid such law enforcement officials in the custody, removal, storage, and destruction of the unclaimed personal property. A notice shall be posted, written in English and Spanish, providing a phone number to call during the business hours of 8:00 a.m. to 4:00 p.m., Monday to Friday, to arrange an appointment to pick up the unclaimed personal property. This notice shall be posted in a conspicuous place in the general vicinity, but not greater than 30 feet, of the personal property to be removed, and shall be laminated or otherwise made to be weather resistant. The notice shall not be posted on or attached to personal property in the area. The property shall be stored for 30 days from the removal date and will be available to any individual claiming ownership. Property that remains unclaimed for 30 days will be disposed of and the notice removed.~~
 - ~~(d) *Personal property* means any item that is reasonably recognizable as belonging to a person and has apparent utility. Items that have no apparent utility or are in an unsanitary condition will be immediately discarded upon removal of the homeless individuals from the camping site.~~
 - ~~(e) City officials or law enforcement personnel shall photograph the site prior to the removal of property and provide a general description of items disposed of due to their lack of apparent utility or unsanitary condition.~~
 - ~~(f) Weapons, drug paraphernalia and items that appear to be either stolen or evidence of a crime shall be turned over to the appropriate law enforcement officials.~~
- ~~(2) Following the removal of homeless individuals from a campsite on public property, the law enforcement officials, local agency officials and outreach workers may meet to assess the notice and removal policy, to discuss whether removals are occurring in a humane and just manner and to determine if any changes are needed in the policy.~~
- ~~(3) The 24 hour notice under subsection (1)(c) of this section shall not apply:~~
 - ~~(a) When there are grounds for law enforcement officials to believe that illegal activities other than camping are occurring.~~
 - ~~(b) In the event of an exceptional emergency such as possible site contamination by hazardous materials or when there is immediate danger to human life or safety.~~
- ~~(4) Sleeping or sleeping in a vehicle on public property in a manner that establishes a camping area or that results in personal property or trash being stored on public property shall be considered an established camp for the purposes of this Section.~~

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- ~~(a) Vehicles used for camping on public property shall be impounded according to Wilsonville Code Sections 5.400—5.460. The contents of impounded vehicles will be inventoried according to Wilsonville Code Section 5.425.~~
- ~~(b) Sleeping in a vehicle on a public right of way shall still be governed by Wilsonville Code Section 5.210(12).~~
- ~~(c) Illegal parking, stopping or standing of vehicles are governed by Wilsonville Code Sections 5.200 et seq.~~
- ~~(5) A person authorized to issue a citation for unlawful camping under state law, administrative rule or city or county ordinance may not issue the citation if the citation would be issued within 200 feet of the notice described in this section and within two hours before or after the notice was posted.~~

(Ord. No. 716, 4-15-2013)

GENERAL

10.400. Diving From Public Pilings.

- (1) No person shall dive or jump from, or climb or sit on, public pilings at the boat dock or at the swimming dock in Wilsonville Memorial Park or Boone's Ferry Park.
- (2) Violation of this section is punishable as a violation pursuant to Section 1.012.

(Ord. No. 287, 1-21-1986)

10.410. Unlawful Operating or Riding a Skateboard in a Prohibited Area.

- (1) It shall be unlawful for any person or persons to operate or ride a skateboard in any of the following prohibited areas:
 - (a) Town Center Park.
 - (b) Other property posted "No Skateboarding".

10.420. Intentionally Causing Damage to Town Center Park Properties by or for Skateboarding.

- (1) It shall be unlawful for any person or persons with intent to damage Town Center Park property to damage Town Center Park property by:
 - (a) Operation or riding of a skateboard; or
 - (b) Destroying, altering, denting, breaking, impairing, mutilating, harming, or injuring Town Center property to make it usable for skateboard operation and riding.

~~10.425. Camping on Public Property and Rights-of-Way.~~

- ~~(1) It shall be unlawful for any person or persons to camp on public property or right-of-way without prior approval of the City, except that unauthorized overnight camping on City parks or park facilities is governed by WC 3.000(16).~~

- ~~(a) (2) To camp means to set up, or remain in or at, a campsite for the purpose of establishing or maintaining a temporary place to live.~~

- ~~(3) Campsite means any place where any 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.~~

~~(Ord. No. 715, 4-15-2013)~~

10.430. Penalties.

Except as set forth in 10.250 and 10.400, violations of any provision of Chapter 10 shall be punished as follows:

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- (1) First Offence, a fine not to exceed \$250.00.
 - (2) Second Offence within one year, shall be subject to punishment of a Class C misdemeanor (not to exceed \$500.00 fine, not to exceed 30 days imprisonment).
 - (3) Any person who violates the provisions of WC 10.420 shall be punishable as a Class A misdemeanor (not to exceed \$2,500 fine, not to exceed one year imprisonment).
 - (4) Upon conviction of WC 10.410 or WC 10.420, the Court may in addition to any other penalty order that the skateboard that was used be impounded until such times as may appear just and reasonable or may be ordered forfeiture of the skateboard. Provided, however, it shall be a defense to forfeiture if it is proven to the Court by the preponderance of the evidence that the defendant is not the owner of the skateboard and the owner did not know or could not have reasonably known that the skateboard would be ridden in violation of the provisions of this ordinance.
 - (5) Any person who is convicted of violating the provisions of WC 10.305 shall be punished as a violation pursuant to Section 1.012.

(Ord. No. 777, 11-16-2015)

CITY OF WILSONVILLE

VALUE STATEMENTS REGARDING HOUSING STATUS

The City of Wilsonville recognizes the regional and statewide homelessness crisis and understands that the City must play an active role in responding to the related humanitarian and livability concerns. The City makes the following statements to declare its commitment to coordinate with other government entities, service providers, and community members in responding to this crisis.

1. The City reaffirms its declaration as a welcoming and inclusive city, as described in Resolution No. 2626, adopted by the City Council on May 1, 2017.
2. The City reaffirms its efforts and adopted policies to continue building a thriving, vibrant community that provides a variety of employment to promote a robust workforce and housing opportunities across income levels. Such efforts and policies include, but are not limited to, the Equitable Housing Strategic Plan, the Town Center Master Plan, the Frog Pond East and South Master Plan, the transit-oriented development (TOD) affordable housing project, the Coffee Creek Master Plan, the Basalt Creek Concept Plan, the Urban Renewal Strategic Plan, the Economic Development Strategy, the Parks & Recreation Comprehensive Master Plan, and the South Metro Area Regional Transit (SMART) department that provides free in-town transit services.
3. All community members are entitled to be valued and treated with dignity regardless of their housing status. The City values community and individual wellbeing and will coordinate with state, regional, county, and local service providers to promote measures and services that are designed to increase community and individual wellbeing.
4. The City's role is to formulate policy and rules to best protect community safety, health, welfare, livability, and the environment.
5. Recognizing limited City resources, the City will utilize all existing and potential sources of funding made available from federal, state, regional, county, or other local funds specifically designated for addressing homelessness.
6. The City will coordinate with state, regional, county, and local service resources, and particularly Clackamas County housing initiatives, including Homelessness Prevention, Rapid-Rehousing, Coordinated Housing Access, and Built for Zero, with the goal that all unhoused people be afforded options for safer, stable housing.
7. The City's obligation and role is to regulate camping as survival sheltering in places not generally intended for living or habitation.
8. The City believes that camping for survival sheltering outside is not a solution for individuals experiencing homelessness.

9. The City's camping for survival regulations are designed to ensure that all community members feel that they are in a safe, orderly environment, including individuals who are sheltering for survival.

FINDINGS FOR ORDINANCE NO. 879

I. GENERAL FINDINGS

The general purpose of Ordinance No. 879 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 Ordinance No. 879 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). The City makes the following general findings regarding the camping regulations contemplated in Ordinance No. 879.

Finding 1.1. The City Council acknowledges the lack of nightly shelter beds and housing currently available regionally and recognizes the systemic lack of state and federal investment in shelter and public health services for individuals experiencing homelessness.

Finding 1.2. The City Council acknowledges that it is currently unavoidable that some people will live or shelter for survival outdoors until they are able to access affordable or free shelter or housing. In Wilsonville, this has typically meant sheltering on City rights-of-way and City property.

Finding 1.3. Public rights-of-way are generally intended for public use and travel. The City Council is the road authority for most roads within the City; as such, the City must consider the safety of all modes of transportation travelling on roadways and sidewalks, including to and from neighboring properties, businesses, and residences.

Finding 1.4. The City owns extremely limited property where camping can or should be allowed. City utilities (stormwater, water, and sewer) are sensitive and generally closed to the public or have limited access for safety, environmental, and security reasons.

Finding 1.5. It is the intent of the City Council to provide standards for camping and survival sheltering on City property as mandated by state and federal law. However, camping for survival is not an alternative to stable, safe housing that is necessary for the sustainable health of the individual.

Finding 1.6. It is the intent of the City Council to provide standards for camping and survival sheltering on City property and City rights-of-way that will address issues such as fire risk, unsanitary conditions, trash, and public safety hazards to people camping and neighboring businesses and community members, and environmental degradation, which have occurred with longer-term camping in the City.

II. FINDINGS REGARDING TIME REGULATIONS

Finding 2.1. The City Council finds that restricting the time for camping on public property is necessary to increase public safety and ensure the equal and orderly administration of these regulations. The chosen time period for permitted camping is consistent with current City parking regulations. Additionally, the City of Wilsonville contracts with Clackamas County for

law enforcement services. Due to the limited availability of law enforcement services, the City must have firm time regulations that ensure proper administration within the designated areas for camping. The City Council also finds that the chosen ten (10) hour period is longer than similar time regulations, and provides additional time for individuals experiencing homelessness to set up and take down their camping materials, as well as obtain sufficient rest.

Finding 2.2. The City Council finds that individuals experiencing homelessness can store and use personal property in designated areas when reasonably necessary for camping, sleeping, or staying warm and dry from the elements. The time limits on the storage of personal property in designated areas ensure a lack of obstructions for City rights-of-way and on other public property, as well as protecting the health and safety of residents and other individuals experiencing homelessness from harm to persons or property. The City Council also finds that the City has an interest in ensuring the aesthetic and healthy vision for the City through effective and orderly administration of regulations.

III. FINDINGS REGARDING PLACE REGULATIONS

Finding 3.1. The City Council finds that City parks are a vital part of the Wilsonville community and represent significant City assets as real property owned by the City; public improvements and infrastructure built, controlled, maintained, and owned by the City; and sites necessary for the health and wellbeing of the community. In the 2022 biennial National Community Survey, City parks received the highest rating out of 10 characteristics at 91% of those surveyed rating the quality of City parks as excellent or good. The City has intentionally invested significant resources to the development, maintenance, and expansion of its parks system, with plans to continue to do so, as outlined by the City's 2018 Parks and Recreation Comprehensive Master Plan ("Parks Master Plan"). The City Council relies on the Parks Master Plan and supporting documents to substantiate continuing to prohibit camping in City parks. In the public outreach conducted as part of the City's project to update its public property camping regulations, community members completed a forced-ranking of suitability as space to allow overnight camping and City parks was ranked the third least suitable locations, only above residential areas and areas around schools.

Many City parks, including Memorial Park (the City's largest park), Boones Ferry Park, and Arrowhead Creek Park, have areas within the City's Significant Resource Overlay Zone (SROZ), which limits development and uses that may occur in those areas in order to protect wildlife habitat, wetlands, riparian corridors, and other environmentally sensitive areas. In order to protect the significant resources dedicated to the City's high-quality parks, the City Council finds that City parks should continue to remain closed to all community members between 10:00 pm until 5:00 am, unless appropriate authorizations are obtained. The City Council further finds that other designated City-owned property offers sufficient space for individuals who are involuntarily homeless to camp overnight.

Finding 3.2. The City Council finds that City parking lots or other City property not listed as designated areas for camping must be protected for the benefit and use of City staff and the public. City staff utilize City parking lots to safely store City vehicles, as well as for the parking of City employees' personal vehicles during the work day. The City also hosts numerous events

and activities throughout the year for the public, which often utilize City parking lots and City property for attendance. The City Council has specifically created certain designated areas where individuals experiencing homelessness may safely camp overnight and access essential sanitary facilities.

Finding 3.3. The City Council finds that the City's South Metro Area Regional Transit (SMART) system is an integral service to the Wilsonville community. SMART provides transportation services for a wide range of Wilsonville residents, employees, and visitors. These individuals access these services through the use of City bus shelters throughout the area. Many of the frequent users of SMART services are elderly or disabled residents, and often require use of the bus shelter while awaiting transportation services. The City Council further finds that other designated City-owned property offers sufficient space for individuals who are involuntarily homeless to rest and camp overnight, while also preserving the facilities necessary for residents accessing local public transportation services.

Finding 3.4. The City Council finds that the Significant Resource Overlay Zone (SROZ) serves to protect natural resources, open space, flood hazard areas, the Willamette River Greenway, and, generally, the environment. The City Council adopted the SROZ as part of the City of Wilsonville Zoning Map to achieve compliance with the requirements of the Metro Urban Growth Management Functional Plan (UGMFP), relating to Title 3 Water Quality Resource Areas and Title 13 Habitat Conservation Areas, as well as the portion of Statewide Planning Goal 5 relating to significant natural resources. The SROZ limits the types of uses and development that may occur in order to preserve the natural areas, riparian corridors, wetlands, for animal and plant life. Such preservation will be significantly damaged and undermined if individuals camp or shelter within the SROZ.

The City Council further finds that the City's Significant Resource Overlay Zone (SROZ) poses a unique fire danger during high and extreme fire conditions due to the abundance of dry brush and other fuel sources. It is difficult for emergency personnel to evacuate individuals from the SROZ during a fire event, and difficult to enforce arson laws and burning prohibitions on an incident-by-incident basis due to the rapid rate of fire spreading under such conditions. Wildfires in the SROZ, as well as other densely forested areas within the City, pose a severe threat to persons and property, including residents and property owners near those areas, as well as parks and public lands.

Finding 3.5. The City Councils finds that the City of Wilsonville takes great pride in its urban forests and recognizes the benefits that trees provide to quality of life, economic development, and livability. The City's Heritage Tree program recognizes and fosters the appreciation and awareness of trees that represent and promote the history and values of the community. Camping near these historical markers, or other sensitive tree areas, would undermine the goals of the program, as well as pose a potential threat to the health and preservation of protected trees within the community.

Finding 3.6. The City Council finds that effectively managing City stormwater facilities is imperative to ensuring enhanced water quality, preserving natural features, providing aesthetic value to the community, and protecting wildlife habitats. Pursuant to the 2012 Stormwater Master

Plan, the City is committed to achieving these goals, while also complying with local, state, and federal regulatory requirements. Camping near areas designated as stormwater facilities potentially pose a significant risk to water quality through the contribution of pollutants and toxins that are related to human activity. Additionally, the City must maintain regular access to these facilities to comply with all applicable regulations and make necessary repairs and improvements. The City must also ensure continued compliance with its National Pollutant Discharge Elimination System (NPDES) Municipal Separate Storm Sewer System (MS4) Permit that is regulated through the Oregon Department of Environmental Quality by protecting its stormwater system from hazards and water pollution.

Finding 3.7. The City Council finds that camping, lying, or sleeping on or near railroad tracks, or in a manner that obstructs rights-of-way, vehicle lanes, bicycle lanes, or roundabouts prevents the public's ability to use that public property for its intended purpose and in some situations can result in imminent threats to life.

Finding 3.8. The City Council finds that as the road authority for the City, the City is responsible for ensuring the safety of any street or right-of-way undergoing construction, heavy vehicle use, or other similar uses where camping would be incompatible for purposes of avoiding imminent threats to life, or delays in necessary public improvements.

IV. FINDINGS REGARDING MANNER REGULATIONS

Finding 4.1. The City Council finds that City rights-of-way are generally to serve multi-modal transportation, including, but not limited to, vehicle, bicycle, and pedestrian traffic. Obstructing sidewalk accessibility is not only potentially a violation of the Americans with Disabilities Act (ADA), obstructions can also prevent access to and repair and maintenance of fire hydrants, mailboxes, crosswalk call buttons, and other critical public utility infrastructure.

Finding 4.2. The City Council finds that close congregation of campsites together often leads to campsites growing to a point of causing significant sanitary, health, safety, and welfare issues. The City Council also finds that allowing close congregation of campsites limits the ability to enforce other camping regulations.

Finding 4.3. The City Council finds that recreational fires and other sources of open flames pose a risk to the health and safety of the community. During dry seasons, open flames can create a fire danger that poses a severe threat to surrounding persons and property within the City. Additionally, open flames and recreational fires pose a health risk to individuals camping within the vicinity, as well as serve as a source of potential airborne pollutants and toxins. The City currently contains service providers that distribute meals to individuals experiencing homelessness that do not require heating by flame or other forms of heating that pose fire threats.

Finding 4.4. The City Council finds that it must continue to prohibit any uses that may cause violations of the City's NPDES MS4 permit and/or jeopardize the City's sanitary sewer and stormwater systems. The City Council further finds that the City takes great pride in its excellent aesthetic and healthy appearance. The storage or discarding of garbage, debris, or other various forms of unsanitary materials or substances such as black or grey water within the City may be

harmful to the health and safety of persons or property, including residents and individuals experiencing homelessness, as well as detract from the aesthetic vision for the City. Additionally, storage of certain combustible materials can pose a significant fire threat when located near structures or other individuals. The City Council further states that individuals experiencing homelessness can store and use personal property that is reasonably necessary for camping, sleeping, or staying warm and dry from the elements.

Finding 4.5. The City Council finds that unauthorized utility connections, attachments of personal property to public property or structures, or otherwise altering public property in any unauthorized manner poses a risk to the effective management, use, and enjoyment of such property by residents, public employees, or other individuals. The City and other public employees must maintain regular access to these public utility structures and additional public property to comply with all applicable local, state, and federal regulations, make necessary repairs and improvements, and provide essential services to protect persons and property during emergencies. Additionally, the City Council finds that residents and visitors regularly use and rely on public property, such as facilities, structures, and open areas for the provision of services and personal enjoyment. The City Council further finds that any unauthorized connections or attachments likely violate federal, state, and/or local laws, regulations, and policies, including, but not limited to, the Clean Water Act, the Americans with Disabilities Act, building codes, and land use regulations.

Finding 4.6. The City Council finds that unleashed animals pose a risk to the health and safety of community members, City employees, and other individuals. The City currently requires that dogs must be on leash if on public property, unless is a designated off-leash dog park. The City also currently prohibits animals of any kind from entering the park unless confined or, for dogs, if on-leash, unless in a designated off-leash dog park. Additionally, the presence of animal feces presents a public health hazard to water quality and an impediment to the enjoyment of public property. The City Council also finds that unleashed animals can stress local mammals and destroy habitats in sensitive areas such as those used for ground-nesting birds.

Finding 4.7. The City Council finds that the use, manufacture, or distribution of tobacco, alcohol, or cannabis products, or other illicit substances pose a risk to the health, safety, and welfare of residents, individuals experiencing homelessness, and other individuals impacted by the use of such substances. The use of these substances can contribute to health problems for those that use such substances, as well as surrounding residents, community members, and property where these substances are consumed, manufactured, or distributed. Additionally, the use, manufacture, or distribution of these substances is a violation of other applicable local, state, and federal regulations. The City Council further finds that exceptions should be made where an individual experiencing homeless can demonstrate a legitimate need for the use of certain substances for medical purposes.

Finding 4.8. The City Council recognizes that vehicles are often used by individuals who are involuntarily homeless for shelter and/or sleeping. The City Council also recognizes the need to protect the health and safety of persons and property in designated areas for camping. Potential harms from improper vehicle camping including environmental harm to stormwater facilities and surrounding habitats or structures, imposing barriers or impediments that can obstruct travel by

residents or public employees, and other actions that violate applicable local, state, or federal laws related to the ownership and operation of vehicles.

V. FINDINGS REGARDING NOTICE AND REMOVAL REGULATIONS

Finding 5.1. The City Council finds that when removing a camp or closing a location where people are camping on public property in a non-designated area the City will provide at least 72-hour notice to all impacted individuals. These provisions are subject to exceptions in cases of emergencies or criminal activity, as allowed by State law, or as necessary to protect the health, safety, and welfare of persons or property. The City Council further states that notice and removal efforts will be focused on working with service providers and community resources to provide reasonable support to individuals experiencing homelessness. The City will assess personal property remaining at closed campsites and determine the proper disposition of such property based on reasonable interpretations regarding the apparent nature and use of the property, and the relative impact of such property on the health and safety of the community.

Finding 5.2. The City Council finds that City officials must have the discretion to suspend notice provisions when necessary to provide essential services to protect persons and property during emergencies. Pursuant to state law and the needs of the community, designated public officials must have the authority to enforce removal regulations where there is a reasonable and legitimate threat to the health, safety, and welfare of persons or property relating to activities on public property occupied by individuals experiencing homelessness.

VI. FINDINGS REGARDING ENFORCEMENT REGULATIONS

Finding 6.1. The City Council finds that the City has an interest in enforcing local, state, and federal regulations. Pursuant to Article IV, Section 1(5), and Article XI, Section 2 of the Oregon Constitution, each municipal government has the authority to establish regulations and regulate the conduct of those within its boundaries where not pre-empted by state or federal law for the protection of public health, safety, and welfare. The Wilsonville City Charter imposes certain duties on City officials to enforce the provisions of all City regulations. It is the intent of the City Council to promote the amicable and efficient enforcement of these regulations, while ensuring equitable compliance to protect the health and safety of City property, residents, and individuals experiencing homelessness. The City Council further finds that pursuant to state laws regarding enforcement of camping regulations, public officials will not issue citations to individuals experiencing homelessness within two hundred (200) feet of removal notice posted within two (2) hours before or after the notice was posted. These limits are subject to City authority that is necessary for public employees to provide essential services to protect persons and property during emergencies.

VII. FINDINGS RELATED TO EXCEPTIONS TO REGULATIONS

Finding 7.1. The City Council finds that the City Manager or their designee must have the discretion to authorize additional camping and storage of personal property when reasonably necessary during periods of public emergencies. This provision will ensure swift and

comprehensive measures to protect the health and safety of individuals experiencing homelessness. Additionally, the City Manager or designee can make temporary accommodations for camping and the storage of personal property where there are reasonable grounds that are approved by City Council at the next regularly scheduled meeting. These provisions provide sufficient discretion for the City Manager or designee to act within their best judgment to make temporary accommodations where necessary and consistent with the goals of the City and the community, as well as providing expeditious review of the decision for compliance with relevant goals and policies.