

AGENDA ITEM FOR ADMINISTRATIVE MEETING

() Discussion only
(X) Action

FROM (DEPT/ DIVISION): Douglas R. Olsen
County Counsel

SUBJECT: Use of Public Property for Camping

<p>Background: A draft ordinance for the regulation for use of public property for camping is before the Board for review. The ordinance was based on other county and city regulations.</p>	<p>Requested Action:</p> <ol style="list-style-type: none"> 1. First Reading of Ordinance No. 2025-05 2. Conduct Public Hearing
--	---

ATTACHMENTS: Proposed Ordinance

*****For Internal Use Only*****

Checkoffs:

- () Dept. Head (copy)
- () Human Resources (copy)
- () Fiscal
- (X) Legal (copy)
- () (Other - List:)

To be notified of Meeting:

Needed at Meeting:

Scheduled for meeting on: May 7, 2025

Action taken:

Follow-up:

CHAPTER xx: USE OF PUBLIC PROPERTY FOR CAMPING
Ordinance No. 2025-05

Section

- xx.01 Purpose
- xx.02 Authority
- xx.03 Definitions
- xx.04 Camping Prohibited
- xx.05 Regulation of Public Property with Respect to Camps or Camping
- xx.06 Vehicle Camping in Lawful Parking Space
- xx.07 Campsite Removal
- xx.08 Enforcement
- xx.09 Severability
- xx.10 Other Remedies

§xx.01 PURPOSE

(1) The Umatilla County Board of Commissioners has determined it is necessary to regulate the time, place and manner in which individuals may use Umatilla County property and rights of way in order to protect the health and safety of community members, including individuals experiencing homelessness.

(2) The Umatilla County Board of Commissioners has also determined by regulating time, place and manner of Umatilla County property and rights of way, it is necessary to increase opportunities to provide outreach to individuals experiencing homelessness and to connect those individuals to supportive services including shelter and housing.

§xx.02 AUTHORITY

This ordinance is adopted pursuant to the authority granted by Oregon Revised Statute (ORS) Chapter 195.

§xx.03 DEFINITIONS

(1) **CAMP.** To set up or remain in or at a campsite. This includes pitching, erecting, creating, using, or occupying camp materials for the purposes of habitation.

(2) **CAMP MATERIALS.** Includes, but is not limited to tents, huts, awnings, lean-tos, shacks, or other structures, or parts thereof, tarps or tarpaulin, chairs, cots, beds, sleeping bags, bedrolls, blankets, sleeping or bedding materials, food or food storage items, and/or similar items that are or appear to be used for and aid living and/or sleeping outdoors.

(3) **CAMPSITE.** Any place established or maintained for the purpose of maintaining a temporary place to lie, sleep, use camp materials, or live, including any vehicle or part thereof that is placed, established or maintained for the purpose of maintaining a temporary place to live.

(4) **COUNTY PROPERTY.** All real property owned, leased, rented, contracted, used, managed or controlled by Umatilla County and located in unincorporated Umatilla County.

(5) **ESTABLISHED CAMPING SITE.** A campsite that has been in its current location for at least five days. If law enforcement officials do not have evidence about the age of the campsite, law enforcement should presume it is an established camping site.

(6) **INDIVIDUALS EXPERIENCING HOMELESSNESS.** The circumstance when

there is no available emergency or transitional shelter or housing for a person.

(7) **PERSONAL PROPERTY.** Any item that can reasonably be identified as belonging to an individual and that has apparent value or utility.

(8) **PUBLIC RIGHT-OF-WAY.** All interests in real property subject to the jurisdiction and control of Umatilla County, and located in unincorporated Umatilla County, used, operated, and managed for customary roadway purposes and appurtenant uses and which provides or supports public access for vehicles, pedestrians and other modes of travel between places. Public right-of-way includes, but is not limited to, public roads, streets, sidewalks, highways, thoroughways, alleys, road related structures in the right-of-way, including tunnels, culverts, landscape areas or planter strips, and similar structures, and structures that provide for continuity of the right-of way- such as bridges.

(9) **REST.** To pause from exertion by stopping, sitting, lying, or sleeping.

(10) **SHELTER.** A developed or legally established public or private facility for people experiencing homelessness that does not charge for shelter or services.

(11) **VEHICLE CAMPING IN A LAWFUL SPACE.** Refers to a person experiencing homelessness utilizing a motor vehicle in a lawful parking space as a temporary place to live.

§xx.04 CAMPING PROHIBITED

(1) No person shall camp on county property when shelter is available to the person in the camp, unless specifically authorized:

- a. By any provision of the Umatilla County Code of Ordinances;
- b. By declaration of the Umatilla County Board of Commissioners in an emergency, if so authorized by the declaration;
- c. If the county publishes on its website a written policy authorizing tent camping or vehicle camping on specific publicly owned properties, then tent camping or vehicle camping on such properties is lawful and permissible consistent with time, place and manner constraints contained within any such written and published county policy.

§xx.05 REGULATION OF PUBLIC PROPERTY IN RELATION TO CAMPS AND CAMPING.

(1) **TIME.** Unless otherwise specified, an individual experiencing homelessness may only camp between the hours of 7:00 p.m. and 7:00 a.m. After 7:00 a.m., an individual experiencing homelessness must dismantle the campsite, and remove all personal property and materials from the site. An individual experiencing homelessness may not camp in the same campsite for more than five (5) consecutive days, at which time they are required to move at least 1,000 feet from the vacated campsite. Individuals experiencing homelessness may not return to campsites they previously occupied for at least 180 days.

(2) **PLACE.** Unless otherwise specified (including Chapter 92 of the Umatilla County Code of Ordinances), camps or camping is not allowed at any time in the following places:

- a. On a playground or sports field;
- b. Within any county owned structure, including but not limited to gazebos, cook shacks, restroom facilities, or portable toilets, unless within county owned park and ;
- c. Within any county-owned or maintained parking lot;
- d. On publicly owned property not open to the public, including but not limited to Public Works and park areas temporarily closed for construction, repairs, maintenance, cleaning and similar activities;
- e. On streets or roads, including planter strips, medians, and parking spaces;
- f. On sidewalks, if by doing so, the person obstructs pedestrian traffic along the sidewalk or into private property and businesses adjacent to the sidewalk. For purposes of this provision, an individual obstructs pedestrian traffic if that individual, by camping, lying, sleeping, or using camping material, reduces the path of travel to less than 36 inches
- g. Within or on any real property transferred to the County as a result of real property tax foreclosure under ORS 312 or by dedication, donation, or bequeathment;
- h. Any school building or school owned property;

- i. Within 1,000 feet of a public or private elementary, secondary school, or career school attended primarily by minors;
- j. Within 20 feet of a building, including but not limited to residences, commercial buildings, and county buildings;
- k. On areas underneath roadways or bridges that are not open to the public;
- l. On railroad tracks, or within 15 feet of railroad tracks;
- m. Within any cemetery, mortuary, memorial park, or similar property;
- n. Within 1,000 feet of a location approved for or operated as a shelter or providing shelter services to persons experiencing homelessness, or within 1,000 feet of any facility providing emergency or temporary shelter;
- o. Within any tax lot designated or operated by Umatilla County or any agency of the State of Oregon as a riparian corridor, flood plain, drainage area, water quality sensitive area, vegetated corridor, or significant natural area;
- p. Within 1,000 feet of any camp or camping location that has been removed pursuant to Section **§xx.07** of this ordinance;

(3) **MANNER.** An individual experiencing homelessness may camp on County property if the person complies with all of the following regulations:

- a. A camp or camping must be limited to materials necessary to protect an individual from the elements. This section is intended to allow a camping individual to sleep and maintain essentials for living, but prohibits storage of personal property not essential to living while camping, including but not limited to: vehicle tires, lawn mowers, scrap metal, more than one operable bicycle per camper, bicycle components not associated with an individual bicycle, gasoline generators, lumber, household furniture, more than one propane tank, or other combustible materials;
- b. A person may not accumulate, discard, or leave behind in or around a campsite any rubbish, trash, garbage, debris, or other refuse, unsanitary or hazardous materials, or any animal or human urine or feces.
- c. Digging, excavating, terracing of soil or other alteration of county property, or causing environmental damage or damage to vegetation or trees is prohibited;
- d. Obstruction or attachment of camp materials to public infrastructure or private property structures, including bridges or bridge infrastructure, fire hydrants, utility poles, streetlights, traffic signals, signs, fences, trees, vegetation, vehicles, or buildings is prohibited;
- e. Erecting, installing, placing, leaving, or setting up any type of permanent or temporary fixture or structure of any material or materials in or around a campsite is prohibited. For purpose of this section, a “permanent or temporary fixture or structure” does not include a tent, tarpaulin, or other similar item used for shelter that is readily portable;
- f. A campsite must be limited within a spatial footprint of twelve feet by twelve feet, or 144 square feet, and a campsite may not be within ten feet of another campsite. Multiple persons may camp together in a single campsite, subject to the limitations of this subsection;
- g. Unauthorized connections or taps to electrical or other utilities, or violations of building, fire, or other relevant codes or standards are prohibited;
- h. Open flames, recreational fires, burning of garbage, and bonfires are prohibited. Contained flames for cooking and other means of keeping warm and dry as permitted by Umatilla County or any urban or rural fire agency or district in which the camp is located, may be allowed as necessary to protect individuals from the elements;
- i. Camping materials may not create a physical impairment to emergency ingress or egress or emergency response including within 10 feet of any fire hydrant, utility pole, other utility, fire gate/bollards, or public infrastructure used for emergency response;
- j. Items presenting a danger to others, including uncontained sharps, and

uncontained human waste are prohibited;

- k. Dumping of gray water (i.e. wastewater from bathwater, sinks, and cooking) or black water (sewage) on County property is prohibited;
- l. All animals must be leashed, crated, or otherwise physically contained and under control at all times.

(4) In addition to the limitations set forth in section **§xx.05(3)**, camping when allowed in the public right-of-way shall be subject to the following:

- a. A camp, camping or camp materials may not obstruct any portion of any street, bike lane, bike path intended for travel for vehicles, bicycle, pedestrian or other legal mode of travel or impair unobstructed use thereof;
- b. A camp, camping, or camp materials may not be located in the right-of-way in any location that does not have a curb or other physical barrier separating the camp or camp materials from the area intended for vehicular use;
- c. A camp, camping, or camp materials may not occupy any portion of the public right of way under or within a bridge, culvert or viaduct, or within 10 feet of a bridge, culvert or viaduct.

(1) Individuals who are experiencing homelessness may use vehicles for shelter and/or sleeping in the following circumstances and subject to the conditions and restrictions provided in subsections above:

(a) The vehicle is legally parked in compliance with the Umatilla County Code of Ordinances and Oregon Revised Statutes;

(b) The vehicle must be moved at least 1,000 feet every 24 hours, and cannot return to a parking space previously occupied for at least 60 days;

(c) The parking space at issue shall not be within 1,000 feet of any residences;

(d) 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;

(e) 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 county property;

**§xx.06 VEHICLE CAMPING IN
LAWFUL PARKING SPACE.**

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

(g) 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;

(h) 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;

(i) The parking space shall not be within 1,000 feet from a public or private elementary school, secondary school, or career school attended primarily by minors.

§xx.07 CAMPSITE REMOVAL

(1) Upon a determination by enforcement personnel that a camp or camping is occurring in violation of this chapter, an established campsite may be removed. Except as provided in subsection (9) of this section, at least 72 hours before removing homeless individuals from an established camping site, law enforcement officials shall post a written notice, in English, at all entrances to the camping site

to the extent that the entrances can reasonably be identified.

(2) When a 72-hour notice is posted, law enforcement officials shall inform local agencies that deliver social services to homeless individuals as to where the notice has been posted. Any local agency, providing service within Umatilla County, desiring to be on this notification list must provide its name, address, telephone number, and name of contact person to the Umatilla County Sheriff's Office, in writing, requesting notification.

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

(4) All personal property at the camping site that remains unclaimed after removal shall be given to a law enforcement official, a local agency that delivers social services to homeless individuals, an outreach worker, a local agency official or a person authorized to issue a citation described in §xx09 whether notice is required or not.

(5) The unclaimed personal property must be stored at a Sheriff's Office facility or other County facility near the community from where the camping site was removed.

(6) Items that have no apparent value or utility or are in an insanitary condition may be immediately discarded upon removal of the homeless individuals from the camping site.

(7) Weapons, controlled substances other than prescription medication and items that appear to be either stolen or evidence of a crime shall be given to or retained by law enforcement officials.

(8) The written notice required under this section 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 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.

(d) The unclaimed personal property shall be stored in an orderly fashion, keeping items that belong to an individual together to the extent that ownership can reasonably be determined.

(e) The property shall be stored for 30 days during which it shall be reasonably available to any individual

claiming ownership. Any personal property that remains unclaimed after 30 days may be disposed of or donated to a corporation described in Section 501(c)(3) of the Internal Revenue Code.

(9) The 72-hour notice requirement under this section does not apply:

(a) When there are grounds for law enforcement officials to believe that illegal activities other than camping are occurring at an established camping site;

(b) In the event of an exceptional emergency at an established camping site, including, but not limited to, possible site contamination by hazardous materials, a public health emergency or other immediate danger to human life or safety.

(10) Nothing in this section is intended to prevent enforcement of any other section of the Umatilla County Code of Ordinances, or the Oregon state law, and shall not be the basis for non-enforcement thereof because shelter is not available to the person.

§xx.08 ENFORCEMENT

(1) 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 §xx.07 and within two hours before or after the notice was posted.

(2) Violation of §xx.05 constitutes a "Class D" violation. Violation of §xx.06 consisting of vehicle camping in a lawful parking space constitutes a "Class D" violation. Every day in which such violations occur constitutes a separate violation.

(3) Before a violation citation is issued, the enforcement personnel will contact the person and provide a reasonable opportunity to cure or remedy the alleged violation.

§xx.09 SEVERABILITY

If any provision of this chapter is held to be invalid for any reason by a court of competent jurisdiction, the remainder shall not in any way be affected.

§xx.10 OTHER REMEDIES

Nothing in this chapter shall limit the authority of Umatilla County and its public officials from taking any other action to restrain or enjoin a nuisance which may be provided by state or local law.