



CITY COUNCIL MEETING STAFF REPORT

Meeting Date: April 17, 2023		Subject: Prohibited Camping Code Update Project	
		Staff Members: Amanda Guile-Hinman, City Attorney; Nick McCormick, Law Clerk	
		Department: Legal	
Action Required		Advisory Board/Commission Recommendation	
<input type="checkbox"/> Motion <input type="checkbox"/> Public Hearing Date: <input type="checkbox"/> Ordinance 1 st Reading Date: <input type="checkbox"/> Ordinance 2 nd Reading Date: <input type="checkbox"/> Resolution <input checked="" type="checkbox"/> Information or Direction <input type="checkbox"/> Information Only <input type="checkbox"/> Council Direction <input type="checkbox"/> Consent Agenda		<input type="checkbox"/> Approval <input type="checkbox"/> Denial <input type="checkbox"/> None Forwarded <input checked="" type="checkbox"/> Not Applicable	
		Comments: N/A	
Staff Recommendation: N/A			
Recommended Language for Motion: N/A			
Project / Issue Relates To:			
<input type="checkbox"/> Council Goals/Priorities:	<input type="checkbox"/> Adopted Master Plan(s):	<input checked="" type="checkbox"/> Not Applicable	

ISSUE BEFORE COUNCIL: Review draft Ordinance, including draft code, value statements, and findings (**Attachment 1**). Review draft Resolution, including draft Administrative Rules (**Attachment 2**). Provide guidance on alternative aerial maps (**Attachment 3**).

EXECUTIVE SUMMARY:

This is the sixth work session wherein the City Council has considered and reviewed updates to Wilsonville Code (WC) provisions regarding camping on city property in response to new state laws and federal court cases. This is state-mandated work that every city in Oregon is, or will be in the process of, doing. The goal of the City's camping code update project is to do so in a way that is humane, and complies with state and federal law, by establishing clear rules about where, when, and how camping is allowed or not allowed on City property and rights-of-way.

Based on the state laws and federal case law, community members' and stakeholders' feedback, Council's policy direction from its February 23, March 6, March 20, and April 3 work sessions, and code updates conducted by other jurisdictions based on the new state mandates, staff has prepared an updated draft of Wilsonville Code revisions regarding prohibited camping. Staff seeks feedback from the Council on the draft code and, assuming consensus from Council, will bring back a proposed Ordinance for a public hearing and first reading at the May 1, 2023 Council meeting and a proposed Resolution for consideration at the May 15, 2023 Council meeting.

For a comprehensive discussion of federal case law and state statutes that require the City to undertake this prohibited camping code update, see the Staff Reports provided for the February 23, 2023 and March 6, 2023 Council work sessions.

I. DRAFT ORDINANCE NO. 879

Attached as **Attachment 1** is a draft of Ordinance No. 879 with all anticipated Exhibits A-G, namely, new WC Sections 10.700-10.780 (Exhibit A), revisions to WC Section 3.000 (Exhibit B), revisions to WC 5.200 and 5.210 (Exhibit C), deletion of WC Section 6.400 (Exhibit D), deletion of WC Section 10.425 (Exhibit E), the City Value Statements (Exhibit F), and the Findings for Ordinance No. 879 (Exhibit G).

While Attachment 1 represents a proposed draft of Ordinance No. 879, staff has also prepared attachments to this staff report to demonstrate the revisions to certain documents since the April 3, 2023 work session. The revised documents are discussed below.

A. WC 10.700 through 10.780 – Camping Regulations

Attached as **Attachment 4** is an updated draft of WC 10.700 through 10.780 in response to Council feedback at its April 3, 2023 work session and further staff review. Attachment 4 shows the revisions made since the draft code that Council reviewed on April 3, 2023. The revisions include the following:

- Revised Section 10.730(1)(c) to reiterate that camping for survival is prohibited on rights-of-way in and adjacent to residentially zoned areas and schools
- Noted that Section 10.740(2) should be deleted if Council determines to designate the

City Hall parking lot for non-vehicle camping (see Section III below for this discussion item).

- Added in Section 10.740(3) the word “requirements” after spacing.

B. Value Statements

Staff developed draft value statements based on the Council’s discussion at the March 20, 2023 work session, and seek Council feedback on revisions discussed at and since the April 3, 2023 Council work session, which is reflected in **Attachment 6** attached hereto. The proposed revisions consist of the following:

- The first revision reflects Council’s discussion of the work to create a thriving community.
- The second revision examines the terminology of “respect” versus “valued” when expressing how all members of the community should be treated.
- The third revision clarifies that the County housing efforts seek to create safer, stable housing for currently unhoused individuals.

C. Findings

Staff created findings for Ordinance No. 879, which are included in Attachment 1 as Exhibit G. The findings follow the same order as proposed Sections 10.720, 10.730, and 10.740. In other words, the findings discuss each time, place, and manner regulation contained in Sections 10.720 through 10.740. Staff consulted with other City subject-matter experts for accuracy and also reviewed the findings/purpose statements by the Cities of Medford and Bend. The findings are to demonstrate that the regulations are “objectively reasonable” in compliance with HB 3115.

II. DRAFT RESOLUTION ADOPTING ADMINISTRATIVE RULES

Attached as **Attachment 2** is the draft of a proposed Resolution to adopt administrative rules regulating camping for survival on public property. Attachment 2 includes the current draft of the Administrative Rules as Exhibit 1. Staff also prepared **Attachment 5** that shows the revisions made to the draft Administrative Rules since the April 3, 2023 work session.

The proposed revisions to the Administrative Rules concern the location of non-vehicle camping. If the Council determines to keep non-vehicle camping on the property to the north of City Hall, then Section 3.2 should remain unchanged. Staff drafted an Alternative Section 3.2 if Council determines to designate a portion of the City Hall parking lot for non-vehicle camping.

III. AERIAL MAP ALTERNATIVES

At the April 3, 2023 work session, Council asked staff to review the possibility of siting non-vehicle camping for survival on the City Hall parking lot. Staff prepared three (3) alternative

aerial maps. A description of each alternative is described below.

- Alternative Map 1:** Alternative Map 1 contemplates retaining the vehicle parking as previously sited in the west portion of the parking lot adjacent to Courtside Drive. It also considers placing non-vehicle camping across the stormwater facility in every other parking space to the south. This creates five (5) non-vehicle camp locations. This alternative provides the least number of non-vehicle camp locations, but seeks to retain some distance from the adjacent commercial, retail uses. Given the significant risk of vehicles injuring individuals who may be located in the area, at a minimum, semi-permanent barriers, such as jersey barriers (image below) would need to be placed for protection. The placement of such barriers would mean that these sites would be unusable during non-camping hours; in other words, the City Hall parking lot would lose nine (9) parking spaces full time. The use of the barriers may impact emergency service access to individuals who may need assistance.



Example of Jersey Barrier

- Alternative Map 2:** Alternative Map 2 reorients the vehicle parking to accommodate non-vehicle parking. The vehicle parking would move to the western edge of the City Hall parking lot directly adjacent to commercial, retail uses and also adjacent to the City Hall vehicle corral where City vehicles are parked overnight. The orientation also places a vehicle very close to the sanitation area, which may cause conflicts with use/perceptions of personal ownership over the sanitation area by those sleeping closest to the area. In order to better protect non-vehicle campers at night, but to ensure normal traffic flow during the day, this option contemplates the City installing a gate at each end of the designated non-vehicle camping area. This option provides more non-vehicle camp locations than Alternative Map 1. However, the gates and potential issues of vehicles parked in the designated area prior to closure make implementation and enforcement more challenging. The gates may require permit approval and coordination with emergency services not contemplated by the other alternatives. Staff would likely also need to remove all existing landscaping in that area for visibility and to

avoid conflicts with landscape maintenance (such as the running of sprinklers). It also places both vehicle and non-vehicle camping close to Town Center Park, particularly the basketball court.

Staff also notes that with both Alternative Map 1 and Map 2, accommodating RVs becomes more challenging, and would likely cause the City to have to expand the footprint of the designated area if individuals experiencing homelessness arrive in RVs.

- **Alternative Map 3:** Alternative Map 3 contemplates the same designation of vehicle and non-vehicle camping as identified in the April 3 work session, except to add an additional 187 feet (total of 287 feet minimum separation) between residential properties that back up to Town Center Loop East and to show where vegetative screening would occur. Staff hopes to provide a street view mock-up from the eastern sidewalk along Town Center Loop East so that Council can better visualize the vegetative screening. This option seeks to balance residential property owners' concerns with commercial property owners' concerns, the closeness of Town Center Park, ease of implementation and enforcement, and humanely siting where individuals experiencing homelessness may rest – particularly considering asphalt's extreme temperatures when exposed to heat or cold, and relief for those who may have no padding or other material to separate them from the ground. **After conducting the comparative analysis discussed below, the staff recommendation is to proceed with Alternative Map 3.**

Staff also prepared a comparative analysis of the three alternatives that is page 4 of **Attachment 3**. For each criteria considered, staff ranked them 1 to 3, with 1 being the best alternative for the specific criteria and 3 being the least desirable alternative. Alternative Map 3 had the best (lowest) score, and so represents staff's recommendation. As a summary of the comparative analysis, Alternative Map 3 ranked the highest for the following reasons:

- Sleeping on asphalt can be dangerous, particularly during extreme heat and cold. For example, the University of Georgia showed that when temperatures reach 95 degrees, asphalt can reach as high as 140 degrees, while grass in the sun can reach 105 degrees. While no alternative provides ideal protection from hot surfaces, grass is significantly better than asphalt.
- The modification of Alternative Map 3 balances proximity to all nearby uses – residential, commercial, and the Town Center Park, including the Korean War Memorial, the park shelter for community gathering, the water feature, and the basketball court. The modification contemplates a minimum of 287 feet from the properties that back up to Town Center Loop East.
- Implementation and enforcement is better with Alternative Map 3 – law enforcement can observe both vehicle and non-vehicle camping driving along Courtside Drive and the vegetative screening needed for Alternative Map 3 can easily be acquired as opposed to installing an electric gate or jersey barriers. Additionally, ongoing maintenance of jersey barriers, a gate, and further use of the parking lot is likely much higher than maintaining the grassy area to the north, coupled with the nine vehicle camping parking spaces in

the City Hall parking lot.

Based on the staff review and consideration of the proposed alternatives, Alternative Map 3 is staff's recommendation for inclusion in the proposed Administrative Rules.

EXPECTED RESULTS:

Council consideration for adopting code revisions and administrative rules planned for May 2023.

TIMELINE:

Approximate timeline of expected upcoming events:

1. May 1, 2023 – First Reading of Ordinance
2. May 15, 2023 – Second Reading of Ordinance
3. May 15, 2023 – Adopt Administrative Rules via Resolution
4. July 1, 2023 – New regulations become effective

CURRENT YEAR BUDGET IMPACTS:

None immediately, but there could be potential costs depending on the chosen system for managing prohibitions on camping. Cities are not required to provide facilities for those who are experiencing homelessness, but may be required to create additional procedures for regulating camping.

COMMUNITY INVOLVEMENT PROCESS:

Public involvement is a focal point of the city camping code revision process to ensure a diverse group of community members and stakeholders can provide their priorities, interests, and concerns related to the potential code revisions. The City provided a community survey through Let's Talk, Wilsonville! and staff have met and are meeting with stakeholders, including City advisory boards, private service providers, business and community groups, Clackamas County, the School District, TVF&R, and other government agencies.

POTENTIAL IMPACTS OR BENEFIT TO THE COMMUNITY:

There are several potential impacts on the residential, commercial, and related communities depending on the adopted code revisions. The project team will work with local residents and stakeholders to address concerns and provide equitable solutions that benefits both the community and other impacted individuals.

ATTACHMENTS:

1. Attachment 1 – Draft Ordinance No. 879 with Exhibits
 - a. Exhibit A – WC 10.700-10.780
 - b. Exhibit B – Revisions to WC 3.000
 - c. Exhibit C – Revisions to WC Sections 5.200 and 5.210
 - d. Exhibit D – Deletion of WC Section 6.400
 - e. Exhibit E – Deletion of WC 10.425

- f. Exhibit F – Value Statements
 - g. Exhibit G – Findings for Ordinance No. 879
- 2. Attachment 2 – Draft Resolution No. XXXX with Exhibit
 - a. Exhibit A – Administrative Rules
- 3. Attachment 3 – Alternative Aerial Maps and Comparative Analysis
- 4. Attachment 4 – Revisions to WC 10.700-10.780 since 4/3/23 Council Work Session
- 5. Attachment 5 – Revisions to Administrative Rules since 4/3/23 Council Work Session
- 6. Attachment 6 – Revisions to Value Statements since 4/3/23 Council Work Session

ATTACHMENT 1

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, AND 5.210; 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-E**; 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 F**, 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.

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 F** 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 G** 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 6.400 is hereby repealed as provided in **Exhibit D** attached hereto and incorporated by reference herein. Wilsonville Code section 10.425 is hereby repealed as provided in **Exhibit E** 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. Deletion of WC Section 6.400
- E. Deletion of WC Section 10.425
- F. Value Statements
- G. Findings for Ordinance No. 879

DRAFT

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 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, 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.

Commented [GA1]: Delete if non-vehicle camping designated in City Hall parking lot.

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 (13) 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 may arrange for outreach workers to visit the campsite that is subject to the notice to assess the need for social service assistance in arranging shelter and other assistance.
- (2) Personal Property Collection and Storage.

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

10.760 Enforcement.

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

10.770 Exceptions.

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

10.780 Severability.

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

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;

- 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 I.012, and upon a subsequent conviction for a Class C misdemeanor pursuant to Wilsonville Code, Section I.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)

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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.~~

- ~~(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)

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.

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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 and City rights-of-way with the understanding that accessing stable, safe, and healthy housing, rather than camping on public property, is ideal.

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 find 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 Council 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.

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ATTACHMENT 2

RESOLUTION NO. XXXX

A RESOLUTION OF THE CITY OF WILSONVILLE ADOPTING ADMINISTRATIVE RULES RELATED TO REGULATION OF CAMPING FOR SURVIVAL ON PUBLIC PROPERTY.

WHEREAS, the purpose of these administrative rules is to ensure the humane treatment and appropriate response by the City to individuals experiencing homelessness when applying provisions within Sections 10.700 through 10.780 of Wilsonville Code, and other applicable provisions of Wilsonville Code, including but not limited to, Sections 3.000 and 5.200 through 5.210; and

WHEREAS, the City of Wilsonville seeks to create rules and procedures that provide flexibility and allow the City to nimbly, efficiently, and effectively comply with requirements of Oregon House Bill (HB) 3115 (2021) and HB 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; and

WHEREAS, the City has engaged in extensive community outreach, including a community questionnaire with 437 responses, anonymous surveys from individuals experiencing homelessness, additional outreach to public and private service providers, and discussions with other local stakeholders to create a comprehensive and adaptable response strategy for individuals experiencing homelessness; and

WHEREAS, the City Council 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 on creating and implementing nimble public camping regulations; and

WHEREAS, the City seeks to create versatile policies and systems to access and obtain services provided by the Counties of Clackamas and Washington, which receive state and federal funding for housing and homelessness services for those within their respective jurisdictions; and

WHEREAS, in undertaking a review of City provisions related to public camping for survival, creating administrative rules related to the implementation of time, place, and manner restrictions on public camping became necessary to provide guidance and direction to City

employees regarding compliance with state laws and current federal case law in the enforcement of the provisions of Wilsonville Code related to public camping.

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

Section 1. Findings. The City Council hereby adopts the above-stated recitals and the Staff Report accompanying this Resolution 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 2. The City Council hereby adopts the Administrative Rules regarding the City's regulation of camping on public property attached hereto and incorporated by reference herein at **Exhibit A**.

Section 3. Effective Date. This Resolution is effective beginning July 1, 2023.

ADOPTED by the Wilsonville City Council at a regular meeting thereof this 15th day of May, 2023, and filed with the Wilsonville City Recorder this date.

JULIE FITZGERALD, MAYOR

ATTEST:

Kimberly Veliz, City Recorder

SUMMARY OF VOTES:

Mayor Fitzgerald

Council President Akervall

Councilor Linville

Councilor Berry

Councilor Dunwell

EXHIBITS:

A. Administrative Rules

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CITY OF WILSONVILLE ADMINISTRATIVE RULES IMPLEMENTING ORDINANCE NO. 879

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1. Purpose.

- 1.1. The purpose of these Administrative Rules is to: (1) refine and provide specificity to the regulations in WC 10.700 through 10.780; (2) provide City personnel direction on implementing WC 10.700 through 10.780; and (3) identify area(s) where individuals who are involuntarily homeless may camp in accordance with the time, place, and manner regulations stated in WC 10.720 through 10.740.
- 1.2. These Administrative Rules are intended to provide guidance and direction for implementing WC 10.700 through 10.780 to ensure citation and removal of individuals and clean-up of campsites comply with Oregon law.
- 1.3. The regulations in WC 10.700 through 10.780 are objectively reasonable with regard to individuals who are involuntarily homeless, as required by HB 3115 (2021), and will be implemented as described in these Administrative Rules in an objectively reasonable manner, based on the totality of circumstances, including the impact of these Administrative Rules on the person experiencing homelessness.
- 1.4. These Administrative Rules are authorized under WC 10.760(3) and may be amended from time to time via resolution adopted by the City Council.

2. Definitions.

- 2.1. *To camp or camping* means to set up, or remain in or at, a campsite for the purpose of establishing or maintaining a temporary place to shelter for survival from the elements.
- 2.2. *Camp materials* means tents, huts, awnings, lean-tos, chairs, tarps or tarpaulins, cots, beds, sleeping bags, blankets, mattresses, sleeping or bedding materials, food or food storage items, and/or similar items that are or appear to be used as sheltering and/or sleeping accommodations, or to assist with sheltering for survival and/or sleeping activities.
- 2.3. *Campsite* means any place where any camp materials, bedding, sleeping bag, or other sleeping matter, or any stove or fire is placed, established, or maintained, whether or not such place incorporates the use of any tent, lean-to, shack, or any other structure or any vehicle or part thereof.
- 2.4. *City or Wilsonville* means the City of Wilsonville, Oregon.
- 2.5. *City Manager* means the City of Wilsonville City Manager or designee.
- 2.6. *City-owned property* means public real property, land, and premises owned by the City of Wilsonville.

- 2.7. *City right-of-way* means the space in, upon, along, across, over or under the City-owned streets, roads, highways, lanes, courts, ways, alleys, boulevards, sidewalks, bicycle lanes, and places used or intended to be used by the general public for travel as the same now or may hereafter exist, that the City has the right to allow the public to use.
- 2.8. *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 Section 3 herein.
- 2.9. *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.
- 2.10. *Personal property* means any item that is reasonably recognizable as belonging to a person and has apparent value or utility.
- 2.11. *Rest* means to pause from exertion by stopping, sitting, lying, or sleeping.
- 2.12. *SROZ* means the City's Significant Resource Overlay Zone.
- 2.13. *Store* means to put aside or accumulate for use when needed, to put for safekeeping, to place or leave in a location.
- 2.14. *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:
- 2.14.1. Designed to be moved exclusively by human power; or
- 2.14.2. Designed to be used exclusively upon stationary rails or tracks.
3. **Designated Area(s).** It is prohibited at all times for any person to use City property or City rights-of-way to camp for survival, except at the following location(s). The City designates the following specific locations on the Wilsonville City Hall property located at 29799 SW Town Center Loop East, Wilsonville, Oregon for individuals who are involuntarily homeless to camp, pursuant to the time and manner regulations outlined in WC 10.720 and WC 10.740:
- 3.1. Vehicle Camping Locations. An individual who is involuntarily homeless may camp in their vehicle in one of the primary parking spaces shown in **Illustration 1** below. The vehicle must be fully confined within the parking space and the individual may not place any camping materials or other materials outside of their

vehicle. If all primary parking spaces are full, an individual who is involuntarily homeless may camp in their vehicle in one of the designated overflow parking spaces. The parking spaces in between each designated parking space may not be used for camping or storage of personal property. Vehicle camping may not occupy designated non-vehicle camping locations.

3.1.1. If an individual who is involuntarily homeless is utilizing a recreational vehicle, the recreational vehicle may park diagonally in the primary parking spaces, but may not occupy more than three (3) spaces.

3.2. Non-Vehicle Camping Locations. An individual who is involuntarily homeless may camp in the spaces shown in **Illustration 1** below. The size of the campsite may not exceed 10 feet x 10 feet or 100 square feet. Each individual non-vehicle campsite must be at least 100 feet away from another non-vehicle campsite and at least 20 feet setback from property lines, as shown in Illustration 1. Individuals may not place any camping materials or other materials outside of their campsite.

Alternative 3.2. Non-Vehicle Camping Locations. An individual who is involuntarily homeless may camp in the spaces shown in **Illustration 1** below. The size of the campsite may not exceed one designated parking space. Individuals may not place any camping materials or other materials outside of the one parking space they occupy. The parking spaces in between each designated parking space may not be used for camping or storage of personal property. Non-vehicle camping may not occupy designated vehicle camping locations.

Illustration 1

[Insert Aerial Map]

3.3. Other Temporary Circumstances. In the event that the areas and spaces identified in Illustration 1 above are at capacity and an individual who is involuntarily homeless needs a location to shelter for survival, the City Manager may designate additional location(s) as may be necessary pursuant to WC 10.770(2). Such temporary action by the City Manager must be considered for ratification by the City Council at its next regularly scheduled meeting.

3.3.1. In the event the City Manager must exercise authority pursuant to Section 3.3, the City Manager will consider areas and spaces that are in the best interest of the community and that best meet the purpose and intent of WC 10.700 through 10.780, including considering the following:

3.3.1.1. Whether circumstances indicate that such need is temporary or longer-term;

3.3.1.2. The feasibility of additional space in the City Hall parking lot;

- 3.3.1.3. The compatibility with surrounding uses and zoning of any other locations; and
- 3.3.1.4. Feasibility of obtaining regulatory approval for temporary use on vacant city properties.

4. Outreach and Education

- 4.1. Resource Materials. The City will develop resource material(s), including, but not limited to, Washington County and Clackamas County resources for individuals who are involuntarily homeless and information of the City's camping for survival regulations. The City will have these educational materials printed in English and Spanish and available to employees, individuals who are involuntarily homeless, service providers, and community members at City facilities commonly utilized by the public. The information will also be provided on the City's website.
- 4.2. County Coordination. The City will coordinate with Clackamas County and Washington County regarding each County's response to and resources for individuals who are involuntarily homeless. City personnel will provide regular updates to the City Council and community of each County's resources and projects to address homelessness.

5. Clean-Up Procedures

- 5.1. Procedure for Removing Campsites and Personal Property.
 - 5.1.1. If people are present when City personnel or contractors return following a posted notice to remove the personal property or campsite that was subject to the notice, people apparently in charge of the campsite, personal property, or vehicle should be given another verbal and/or written warning to move their own campsite, property, or vehicle.
 - 5.1.2. When removing individuals from an established campsite, the City will make reasonable efforts to remove individuals without the use of force, arrest, or citation.
 - 5.1.3. Following removal of a campsite or personal property, the City must post a notice stating the location where removed personal property is being stored, and how individuals can contact the City to retrieve their personal property. When practicable and when the person or people responsible for the personal property are present, the notice should also be personally delivered to the individual(s).
 - 5.1.4. When removing personal property, the City will make reasonable efforts to determine if property belongs to an individual and has any apparent utility.

The City will make reasonable efforts to identify which campsite property was removed from, to aid in connecting people with their property removed by the City. Items that are of no apparent use or are in an unsanitary condition due to saturation or contamination from bodily fluids, whether human or animal, or other contamination, will be considered garbage, and discarded as part of any cleanup efforts by the City.

- 5.1.5. Weapons, controlled substances other than prescription medication, and items that appear to be either stolen or evidence of a crime shall be given to law enforcement officials.

- 5.2. Removal of Vehicles. The provisions of this Subsection are in addition to existing processes for towing of hazardous vehicles or vehicles eligible for towing under state law.

- 5.2.1. A vehicle may be towed from City right-of-way as an abandoned vehicle under ORS 819.110 and WC 5.400 through 5.460, if it has been parked or left standing in a location or for a duration that is in violation of the Wilsonville Code and is not being used for shelter. ("Abandoned" for purposes of this Subsection means that the vehicle has been parked or left standing in excess of allowed time, even if people are using the vehicle in its parked location without moving it.) State and local regulations regarding notice and hearing for towed vehicles must be followed.

- 5.2.2. Vehicles that are disabled or left standing in a location as to constitute a hazard or obstruction on City rights-of-way may be immediately towed in accordance with the provisions of ORS 819.120 and WC 5.415. Notice shall be given as described under ORS 819.180 and WC 5.420, and, if requested, a hearing described under ORS 819.190 and WC 5.430.

- 5.3. Storage of Personal Property.

- 5.3.1. Personal property removed from campsites and unclaimed at the time of removal will be stored by the City, or its contractor(s), within the City limits, as identified on the notice posted at the time of removal, where people can reasonably access to retrieve belongings. Stored personal property will be reasonably available for any individual claiming ownership.

- 5.3.2. The City will not store, and will discard, items that have no apparent use or are in an unsanitary condition due to saturation or contamination from bodily fluids, whether human or animal, or other contamination. The City will not store perishable food items or other items that, if left in storage for up to 30 days, could contaminate other stored property.

- 5.3.3. The City, or its contractor(s), will keep records of the date property was received, a general description of the location the property was recovered from, the date the property must be stored until, and if known, a description or identification of the presumed owner of the property.
- 5.3.4. The City, or its contractor(s), will make reasonable efforts to provide a range of times the storage location will be available for people to collect property.
- 5.3.5. The City, or its contractor(s), will take reasonable precautions to secure stored property, including vehicles, but will not be responsible for loss or damage to stored property.
- 5.3.6. The City may dispose of any personal property that remains unclaimed after thirty (30) days, or such duration as required by statute.
- 5.3.7. Property held by the Clackamas County Sheriff's Office shall be disposed of in accordance with its policies and all applicable state laws.

5.4. Storage of Vehicles.

- 5.4.1. Towed or removed vehicles in which people are camping or sheltering should be stored as personal property removed from an established campsite in accordance with this Policy.
- 5.4.2. The City, or its contractor(s), will store vehicles in a reasonably secure location, consistent with practices for storing other removed personal property. Other than as required to facilitate tow or removal of a vehicle, or as may be required for other valid or law enforcement purpose in extraordinary circumstances, City personnel will not enter vehicles or perform any search, including an inventory search, of vehicle contents.
- 5.4.3. The City will release vehicles to a person entitled to lawful possession with proof of valid license for the person driving the vehicle away. A person must provide proof of ownership or other indicia of ownership, or written authorization from registered owner.
- 5.4.4. If not retrieved after thirty (30) days, the vehicle will be considered unlawfully parked or abandoned pursuant to ORS 98.810 or other applicable statutes, and can be towed and impounded to a towing lot subject to storage and other lawful fees, liens, and disposal.

6. Enforcement

- 6.1. Violation of Administrative Rules. Any violation of these Administrative Rules may be enforced in accordance with WC 10.750 and 10.760.

- 6.2. Humane Implementation and Enforcement. In accordance with state law, the regulations in WC 10.700 through 10.780 and these Administrative Rules should be implemented and enforced in ways to ensure humane treatment of individuals who are involuntarily homeless when citing and/or removing them from campsites when violation(s) occurs.
- 6.3. Methods of Enforcement. Enforcement pursuant to WC 10.750 and 10.760 may be by the following ways:
- 6.3.1. Notice and removal and/or clean-up of a campsite pursuant to WC 10.750;
 - 6.3.2. When circumstances warrant, emergency removal pursuant to WC 10.750(4); or
 - 6.3.3. Citation for violation pursuant to WC 10.760. Citations will be issued when other means of achieving compliance have been unsuccessful or are not practicable for the particular situation.
- 6.4. Pre-Citation Process.
- 6.4.1. Except in emergencies or when not practicable for the particular situation, before a citation is issued, City personnel will contact, or will cause to be contacted, the person and provide opportunity to cure or remedy the alleged violation. City personnel should consider contacting Clackamas County or Washington County homeless response services (depending on the location). Communication with the person should be done in a manner designed to help the person understand the alleged violation and how to cure the violation.
 - 6.4.2. The City will provide to persons allegedly violating the City's camping regulations any relevant resource material(s) developed pursuant to Section 4.1 above.
- 6.5. Enforcement Suspension and/or Dismissal.
- 6.5.1. Enforcement of time restrictions may be suspended or modified in the event of a declared emergency, weather conditions, or for any other reason within the City Manager's authority, pursuant to WC 10.770(1).
 - 6.5.2. The City may elect to dismiss a citation when an individual does not have access to shelter and is engaged in case management, housing, and/or behavioral health services, or when necessary or appropriate to respond to an individual's disability. Currently approved engagement includes:

- 6.5.2.1. Clackamas County, including the Clackamas County Coordinated Housing Access Program
- 6.5.2.2. Washington County, including the Washington County Community Connect Program
- 6.5.2.3. Heart of the City
- 6.5.2.4. Others?

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ATTACHMENT 3 - Map 2



ATTACHMENT 3 - Map 3

**DESIGNATED AREAS FOR CAMPING FOR SURVIVAL
COMPARATIVE ANALYSIS OF MAP ALTERNATIVES**

	Humane Siting	Risk of Liability	Conflict with Adjacent Uses	Ease of Implementation	Enforcement	Maintenance	Total
Map 1	2 – there is no shade cover which will make the asphalt extremely hot during the summer; asphalt can also become extremely cold during the winter	3 – conflict with vehicle traffic; must provide some barrier, such as jersey barrier, but may still have vehicle/non-vehicle conflict occur	2 – Places more camp locations near commercial uses and Town Center Park, but not directly adjacent to commercial uses	2 – Placing barriers does require ordering and delivery issues, but manageable; risk of liability more significant than other options, but aided with barrier placement	3 – Requires law enforcement to enter into parking lot to observe; potential traffic flow issues and conflict with use as non-vehicle camp location; barriers may inhibit appropriate emergency response	2 – Increased potential for damage to stormwater swale; maintenance, vandalism costs related to barriers; increased potential for City vehicle damage due to increased number of people and proximity to City car corral	14
Map 2	2 – same as above	2 – conflicts with vehicle traffic reduced with gates; however, vehicles may be parked in designated area prior to gate closure	3 – Directly adjacent to commercial uses and closest siting to Town Center Park	3 – Implementation is significant for gating, but balanced with reducing risk of liability compared to Map 1	2 – same as above, but emergency services would have access to open gate	2 – Increased potential for damage to landscaped area to the west; significant maintenance costs, particularly if gate is damaged; increased potential for City vehicle damage due to increased number of people and proximity to City car corral	14

Map 3	1 – grassy area means the ground will provide a more moderate temperature than asphalt pavement	1 – no conflicts with vehicle traffic	1 – Balances proximity to residential uses (287 feet minimum) and commercial uses; on average, furthest siting from Town Center Park	1 – Implementation requires vegetative planting and cyclone fencing along northern edge; shorter turnaround time than other options	1 – Visibility from Courtside Drive for all sites	1 – bare field with currently minimal maintenance requirements; ongoing maintenance of vegetative screen and periodic mowing (City does not currently water the land)	6 (Best Overall Option)	Item B.
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ATTACHMENT 4

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 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, 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.

Commented [GA1]: Delete if non-vehicle camping designated in City Hall parking lot.

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 (13) 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 may arrange for outreach workers to visit the campsite that is subject to the notice to assess the need for social service assistance in arranging shelter and other assistance.
- (2) Personal Property Collection and Storage.

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

10.760 Enforcement.

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

10.770 Exceptions.

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

10.780 Severability.

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

ATTACHMENT 5

CITY OF WILSONVILLE ADMINISTRATIVE RULES IMPLEMENTING ORDINANCE NO. ~~XXX~~879

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1. Purpose.

- 1.1. The purpose of these Administrative Rules is to: (1) refine and provide specificity to the regulations in WC 10.700 through 10.780; (2) provide City personnel direction on implementing WC 10.700 through 10.780; and (3) identify area(s) where individuals who are involuntarily homeless may camp in accordance with the time, place, and manner regulations stated in WC 10.720 through 10.740.
- 1.2. These Administrative Rules are intended to provide guidance and direction for implementing WC 10.700 through 10.780 to ensure citation and removal of individuals and clean-up of campsites comply with Oregon law.
- 1.3. The regulations in WC 10.700 through 10.780 are objectively reasonable with regard to individuals who are involuntarily homeless, as required by HB 3115 (2021), and will be implemented as described in these Administrative Rules in an objectively reasonable manner, based on the totality of circumstances, including the impact of these Administrative Rules on the person experiencing homelessness.
- 1.4. These Administrative Rules are authorized under WC 10.760(3) and may be amended from time to time via resolution adopted by the City Council.

2. Definitions.

- 2.1. *To camp or camping* means to set up, or remain in or at, a campsite for the purpose of establishing or maintaining a temporary place to shelter for survival from the elements.
- 2.2. *Camp materials* means tents, huts, awnings, lean-tos, chairs, tarps or tarpaulins, cots, beds, sleeping bags, blankets, mattresses, sleeping or bedding materials, food or food storage items, and/or similar items that are or appear to be used as sheltering and/or sleeping accommodations, or to assist with sheltering for survival and/or sleeping activities.
- 2.3. *Campsite* means any place where any camp materials, bedding, sleeping bag, or other sleeping matter, or any stove or fire is placed, established, or maintained, whether or not such place incorporates the use of any tent, lean-to, shack, or any other structure or any vehicle or part thereof.
- 2.4. *City or Wilsonville* means the City of Wilsonville, Oregon.
- 2.5. *City Manager* means the City of Wilsonville City Manager or designee.
- 2.6. *City-owned property* means public real property, land, and premises owned by the City of Wilsonville.

- 2.7. *City right-of-way* means the space in, upon, along, across, over or under the City-owned streets, roads, highways, lanes, courts, ways, alleys, boulevards, sidewalks, bicycle lanes, and places used or intended to be used by the general public for travel as the same now or may hereafter exist, that the City has the right to allow the public to use.
- 2.8. *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 Section 3 herein.
- 2.9. *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.
- 2.10. *Personal property* means any item that is reasonably recognizable as belonging to a person and has apparent value or utility.
- 2.11. *Rest* means to pause from exertion by stopping, sitting, lying, or sleeping.
- 2.12. *SROZ* means the City's Significant Resource Overlay Zone.
- 2.13. *Store* means to put aside or accumulate for use when needed, to put for safekeeping, to place or leave in a location.
- 2.14. *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:
- 2.14.1. Designed to be moved exclusively by human power; or
- 2.14.2. Designed to be used exclusively upon stationary rails or tracks.
3. **Designated Area(s).** It is prohibited at all times for any person to use City property or City rights-of-way to camp for survival, except at the following location(s). The City designates the following specific locations on the Wilsonville City Hall property located at 29799 SW Town Center Loop East, Wilsonville, Oregon for individuals who are involuntarily homeless to camp, pursuant to the time and manner regulations outlined in WC 10.720 and WC 10.740:
- 3.1. Vehicle Camping Locations. An individual who is involuntarily homeless may camp in their vehicle in one of the primary parking spaces shown in **Illustration 1** below. The vehicle must be fully confined within the parking space and the individual may not place any camping materials or other materials outside of their

vehicle. If all primary parking spaces are full, an individual who is involuntarily homeless may camp in their vehicle in one of the designated overflow parking spaces. The parking spaces in between each designated parking space may not be used for camping or storage of personal property. Vehicle camping may not occupy designated non-vehicle camping locations.

3.1.1. If an individual who is involuntarily homeless is utilizing a recreational vehicle, the recreational vehicle may park diagonally in the primary parking spaces, but may not occupy more than three (3) spaces.

3.2. Non-Vehicle Camping Locations. An individual who is involuntarily homeless may camp in the spaces shown in **Illustration 1** below. The size of the campsite may not exceed 10 feet x 10 feet or 100 square feet. Each individual non-vehicle campsite must be at least 100 feet away from another non-vehicle campsite and at least 20 feet setback from property lines, as shown in Illustration 1. Individuals may not place any camping materials or other materials outside of their campsite.

Alternative 3.2. Non-Vehicle Camping Locations. An individual who is involuntarily homeless may camp in the spaces shown in **Illustration 1** below. The size of the campsite may not exceed one designated parking space. Individuals may not place any camping materials or other materials outside of the one parking space they occupy. The parking spaces in between each designated parking space may not be used for camping or storage of personal property. Non-vehicle camping may not occupy designated vehicle camping locations.

Illustration 1

[Insert Aerial Map]

3.3. Other Temporary Circumstances. In the event that the areas and spaces identified in Illustration 1 above are at capacity and an individual who is involuntarily homeless needs a location to shelter for survival, the City Manager may designate additional location(s) as may be necessary pursuant to WC 10.770(2). Such temporary action by the City Manager must be considered for ratification by the City Council at its next regularly scheduled meeting.

3.3.1. In the event the City Manager must exercise authority pursuant to Section 3.3, the City Manager will consider areas and spaces that are in the best interest of the community and that best meet the purpose and intent of WC 10.700 through 10.780, including considering the following:

3.3.1.1. Whether circumstances indicate that such need is temporary or longer-term;

3.3.1.2. The feasibility of additional space in the City Hall parking lot;

- 3.3.1.3. The compatibility with surrounding uses and zoning of any other locations; and
- 3.3.1.4. Feasibility of obtaining regulatory approval for temporary use on vacant city properties.

4. Outreach and Education

- 4.1. Resource Materials. The City will develop resource material(s), including, but not limited to, Washington County and Clackamas County resources for individuals who are involuntarily homeless and information of the City's camping for survival regulations. The City will have these educational materials printed in English and Spanish and available to employees, individuals who are involuntarily homeless, service providers, and community members at City facilities commonly utilized by the public. The information will also be provided on the City's website.
- 4.2. County Coordination. The City will coordinate with Clackamas County and Washington County regarding each County's response to and resources for individuals who are involuntarily homeless. City personnel will provide regular updates to the City Council and community of each County's resources and projects to address homelessness.

5. Clean-Up Procedures

- 5.1. Procedure for Removing Campsites and Personal Property.
 - 5.1.1. If people are present when City personnel or contractors return following a posted notice to remove the personal property or campsite that was subject to the notice, people apparently in charge of the campsite, personal property, or vehicle should be given another verbal and/or written warning to move their own campsite, property, or vehicle.
 - 5.1.2. When removing individuals from an established campsite, the City will make reasonable efforts to remove individuals without the use of force, arrest, or citation.
 - 5.1.3. Following removal of a campsite or personal property, the City must post a notice stating the location where removed personal property is being stored, and how individuals can contact the City to retrieve their personal property. When practicable and when the person or people responsible for the personal property are present, the notice should also be personally delivered to the individual(s).
 - 5.1.4. When removing personal property, the City will make reasonable efforts to determine if property belongs to an individual and has any apparent utility.

The City will make reasonable efforts to identify which campsite property was removed from, to aid in connecting people with their property removed by the City. Items that are of no apparent use or are in an unsanitary condition due to saturation or contamination from bodily fluids, whether human or animal, or other contamination, will be considered garbage, and discarded as part of any cleanup efforts by the City.

- 5.1.5. Weapons, controlled substances other than prescription medication, and items that appear to be either stolen or evidence of a crime shall be given to law enforcement officials.

- 5.2. Removal of Vehicles. The provisions of this Subsection are in addition to existing processes for towing of hazardous vehicles or vehicles eligible for towing under state law.

- 5.2.1. A vehicle may be towed from City right-of-way as an abandoned vehicle under ORS 819.110 and WC 5.400 through 5.460, if it has been parked or left standing in a location or for a duration that is in violation of the Wilsonville Code and is not being used for shelter. ("Abandoned" for purposes of this Subsection means that the vehicle has been parked or left standing in excess of allowed time, even if people are using the vehicle in its parked location without moving it.) State and local regulations regarding notice and hearing for towed vehicles must be followed.

- 5.2.2. Vehicles that are disabled or left standing in a location as to constitute a hazard or obstruction on City rights-of-way may be immediately towed in accordance with the provisions of ORS 819.120 and WC 5.415. Notice shall be given as described under ORS 819.180 and WC 5.420, and, if requested, a hearing described under ORS 819.190 and WC 5.430.

- 5.3. Storage of Personal Property.

- 5.3.1. Personal property removed from campsites and unclaimed at the time of removal will be stored by the City, or its contractor(s), within the City limits, as identified on the notice posted at the time of removal, where people can reasonably access to retrieve belongings. Stored personal property will be reasonably available for any individual claiming ownership.

- 5.3.2. The City will not store, and will discard, items that have no apparent use or are in an unsanitary condition due to saturation or contamination from bodily fluids, whether human or animal, or other contamination. The City will not store perishable food items or other items that, if left in storage for up to 30 days, could contaminate other stored property.

- 5.3.3. The City, or its contractor(s), will keep records of the date property was received, a general description of the location the property was recovered from, the date the property must be stored until, and if known, a description or identification of the presumed owner of the property.
- 5.3.4. The City, or its contractor(s), will make reasonable efforts to provide a range of times the storage location will be available for people to collect property.
- 5.3.5. The City, or its contractor(s), will take reasonable precautions to secure stored property, including vehicles, but will not be responsible for loss or damage to stored property.
- 5.3.6. The City may dispose of any personal property that remains unclaimed after thirty (30) days, or such duration as required by statute.
- 5.3.7. Property held by the Clackamas County Sheriff's Office shall be disposed of in accordance with its policies and all applicable state laws.

5.4. Storage of Vehicles.

- 5.4.1. Towed or removed vehicles in which people are camping or sheltering should be stored as personal property removed from an established campsite in accordance with this Policy.
- 5.4.2. The City, or its contractor(s), will store vehicles in a reasonably secure location, consistent with practices for storing other removed personal property. Other than as required to facilitate tow or removal of a vehicle, or as may be required for other valid or law enforcement purpose in extraordinary circumstances, City personnel will not enter vehicles or perform any search, including an inventory search, of vehicle contents.
- 5.4.3. The City will release vehicles to a person entitled to lawful possession with proof of valid license for the person driving the vehicle away. A person must provide proof of ownership or other indicia of ownership, or written authorization from registered owner.
- 5.4.4. If not retrieved after thirty (30) days, the vehicle will be considered unlawfully parked or abandoned pursuant to ORS 98.810 or other applicable statutes, and can be towed and impounded to a towing lot subject to storage and other lawful fees, liens, and disposal.

6. Enforcement

- 6.1. Violation of Administrative Rules. Any violation of these Administrative Rules may be enforced in accordance with WC 10.750 and 10.760.

- 6.2. Humane Implementation and Enforcement. In accordance with state law, the regulations in WC 10.700 through 10.780 and these Administrative Rules should be implemented and enforced in ways to ensure humane treatment of individuals who are involuntarily homeless when citing and/or removing them from campsites when violation(s) occurs.
- 6.3. Methods of Enforcement. Enforcement pursuant to WC 10.750 and 10.760 may be by the following ways:
- 6.3.1. Notice and removal and/or clean-up of a campsite pursuant to WC 10.750;
 - 6.3.2. When circumstances warrant, emergency removal pursuant to WC 10.750(4); or
 - 6.3.3. Citation for violation pursuant to WC 10.760. Citations will be issued when other means of achieving compliance have been unsuccessful or are not practicable for the particular situation.
- 6.4. Pre-Citation Process.
- 6.4.1. Except in emergencies or when not practicable for the particular situation, before a citation is issued, City personnel will contact, or will cause to be contacted, the person and provide opportunity to cure or remedy the alleged violation. City personnel should consider contacting Clackamas County or Washington County homeless response services (depending on the location). Communication with the person should be done in a manner designed to help the person understand the alleged violation and how to cure the violation.
 - 6.4.2. The City will provide to persons allegedly violating the City's camping regulations any relevant resource material(s) developed pursuant to Section 4.1 above.
- 6.5. Enforcement Suspension and/or Dismissal.
- 6.5.1. Enforcement of time restrictions may be suspended or modified in the event of a declared emergency, weather conditions, or for any other reason within the City Manager's authority, pursuant to WC 10.770(1).
 - 6.5.2. The City may elect to dismiss a citation when an individual does not have access to shelter and is engaged in case management, housing, and/or behavioral health services, or when necessary or appropriate to respond to an individual's disability. Currently approved engagement includes:

- 6.5.2.1. Clackamas County, including the Clackamas County Coordinated Housing Access Program
- 6.5.2.2. Washington County, including the Washington County Community Connect Program
- 6.5.2.3. Heart of the City
- 6.5.2.4. Others?

ATTACHMENT 6

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.
- 2.3. All community members are entitled to be valued and treated with dignity ~~and respect~~ 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.
- 3.4. The City's role is to formulate policy and rules to best protect community safety, health, welfare, livability, and the environment.
- 4.5. 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.
- 5.6. 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.
- 6.7. The City's obligation and role is to regulate camping as survival sheltering in places not generally intended for living or habitation.
- 7.8. The City believes that camping for survival sheltering outside is not a solution for individuals experiencing homelessness.

[8.9.](#) 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.

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