



CITY COUNCIL MEETING STAFF REPORT

Meeting Date: April 3, 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 updated draft code provisions regarding prohibited camping. The draft code provisions are attached hereto as **Attachments A and B**. Council will also review an updated aerial of the proposed designated overnight camping areas at/around City Hall (**Attachment C**), draft administrative rules (**Attachment D**), and draft value statements (**Attachment E**).

EXECUTIVE SUMMARY:

The City is undertaking a review and update to its local code provisions regarding camping on city property and city rights-of-way such as streets and sidewalks 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, and March 20 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. The updated draft has been reviewed by the City inter-departmental team (Legal, Parks & Recreation, Public Works, Library, Police, Code Enforcement, Administration) working on this project. Staff seeks feedback from the Council on the draft code and will bring back further revisions for Council review and discussion at its April 17, 2023 work session.

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. UPDATED DRAFT CODE LANGUAGE

A. WC 10.700 through 10.780 – Camping Regulations

Attached as **Attachment A** is an updated draft of WC 10.700 through 10.780 in response to Council feedback at its March 20, 2023 work session and further staff review. Attachment A shows the revisions made since the draft code that Council reviewed on March 20, 2023. The revisions include the following:

- Added definitions for the adoption of Administrative Rules
- Specified that the regulations apply to “individuals who are involuntarily homeless.” The federal case law particularly states that outright bans on camping on public property are unconstitutional if the jurisdiction has individuals who are involuntarily homeless.
- Updates throughout specifying that people may camp in “Designated Area(s),” which will be delineated in the Administrative Rules, rather than specifying areas in the code
- Revised the “Place Regulations” (WC 10.730) to reiterate that people cannot camp for survival on any City property and rights-of-way other than the Designated Areas
- Removed the use of cooking stoves

- Added regulations regarding smoking, tobacco, cannabis, alcohol, and controlled substances
- Removed any provisions that contemplated the use of the City rights-of-way or City sidewalks, based on Council's direction to focus on designating areas for camping
- Added that if the City Manager or designee needs to temporarily expand areas to camp for survival, the Council needs to consider the action at its next Council meeting, which is consistent with the City's Emergency Operations Plan.

B. WC 3.000 – Parks Regulations

For consistency regarding camping stoves and open flames in the proposed prohibited camping regulations, staff recommend updating the Parks Regulations to reflect the allowed use of open flames in City parks. Currently, fires are only allowed if approved as part of a park use permit. The proposed revision is reflected in **Attachment B** attached hereto.

II. UPDATED AERIAL MAP

Pursuant to the discussion at the Council's work session on March 20, 2023, the aerial of the City Hall parking lot and property to the north were modified as reflected in **Attachment C**, which modifications are described as follows:

- Staff walked the City Hall parking lot and recommends that Council designate nine (9) parking spots for overnight vehicle camping. Seven (7) will be the primary locations and two (2) will be overflow spaces. Staff recommends retaining a parking space in between each designated space to reduce the likelihood of congregation and allow staff, service providers, and/or law enforcement to more safely make contact with individuals utilizing the spaces. Staff measured that the vast majority of recreational vehicles could fit diagonally in three (3) spaces. If RVs are parked in these spaces, it is likely additional spaces will be necessary. However, staff recommends "ground truthing" the need before designated additional spaces.
- Staff recommend retaining the 100-foot distance between non-vehicle campsites and recommend initially only using the property to the north to avoid conflicts with commercial uses. The aerial map shows the current distance between the back property line of residences and the property line of the City property to the north of City Hall. The distance is 100 feet. No houses front Town Center Loop East across from the property to the north, and all have a fence along their back property lines. The aerial map shows additional 10-foot and 20-foot setbacks, if Council seeks to have an additional buffer between designated camping areas and the residences to the east. A 10-foot setback would allow for 10 campsites and a 20-foot setback would allow for 9 campsites.

- An additional option that can be explored as part of implementation is some screening along Town Center Loop East. Staff will also explore placing fencing between the northern edge of the property line to reduce the likelihood of individuals trespassing onto the adjacent private property further to the north.

III. **ADMINISTRATIVE RULES**

Attached as **Attachment D** is the initial draft of Administrative Rules providing further direction and specificity of the City's camping for survival regulations. Staff reviewed the Administrative Rules from the City of Bend, the feedback from Council at the March 20, 2023 work session, and discussed internally what matters should be covered by administrative rules as direction from Council versus administrative execution decisions that will be managed by City staff.

The key provisions of the draft Administrative Rules are as follows:

- Identification of the Designated Area(s) where overnight camping for survival will be allowed
- Development of resource materials and a commitment to coordinate with the County's on their responses to and resources for individuals experiencing homelessness
- Campsite clean-up and removal procedures for both vehicle and non-vehicle camping
- Enforcement procedures, and efforts to connect individuals to services both before and after enforcement

IV. **VALUE STATEMENTS**

Staff developed draft value statements based on the Council's discussion at the March 20, 2023 work session, which are attached hereto as **Attachment E**. Staff did not address Measure 110 in the value statements based on the incorporation of regulations concerning controlled substances in the manner regulations (WC 10.740(14)).

EXPECTED RESULTS:

Council consideration for adopting code revisions planned for May 2023.

TIMELINE:

Approximate timeline of expected upcoming events:

1. April 17, 2023 – Council Work Session for any last revisions
2. May 1, 2023 – First Reading of Ordinance
3. May 15, 2023 – Second Reading of Ordinance
4. Administrative Rules will be adopted via Resolution in either May or June 2023
5. 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. Staff also presented the draft code provisions to the Diversity, Equity and Inclusion Committee at its March 14, 2023 meeting.

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 A – Updated Draft WC 10.700-10.780
2. Attachment B – Updated Draft WC 3.000
3. Attachment C – Aerial for City Hall parking lot and property to the north
4. Attachment D – Draft Administrative Rules
5. Attachment E – Draft Value Statements

ATTACHMENT A

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).

(4)(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.

(2)(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.

(3)(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.

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

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

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

(7)(8) City right-of-way means the space in, upon, along, across, over or under the City-owned streets, roads, highways, lanes, courts, ways, alleys, boulevards, sidewalks, bicycle lanes,

and places used or intended to be used by the general public for travel as the same now or may hereafter exist, that the City has the right to allow the public to use.

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

~~(8)~~(10) *Individuals who are involuntarily homeless* means the circumstance when there is no available emergency or transitional housing for an individual experiencing homelessness and/or no transportation for such individual to available emergency or transitional housing within the county where the person is located.

~~(9)~~(11) *Personal property* means any item that is reasonably recognizable as belonging to a person and has apparent value or utility.

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

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

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

~~(13)~~(15) *Vehicle* means every device in, upon, or by which any person or property is, or may be, transported or drawn upon any street or highway, and includes any hulk or component thereof, including, but not limited to cars, campers, recreational vehicles, motor homes, pickup trucks, pickup truck canopies, and trailers, except devices:

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

10.720 Time Regulations.

- (1) Except as authorized pursuant to WC 10.770, ~~it is unlawful for any persons to~~individuals who are involuntarily homeless may camp ~~on or establish a campsite on any City owned property or City right of way~~in Designated Area(s) only during the hours of 9:00 pm to 7:00 am.
- (2) Except as authorized pursuant to WC 10.770, ~~it is unlawful for any persons to~~individuals who are involuntarily homeless may store ~~any personal property on any City owned property or City right of way during~~, pursuant to the regulations in WC 10.740, in Designated Area(s) only during the hours of 9:00 pm to 7:00 am.

10.730 Place Regulations.

- (1) Except as authorized pursuant to WC 10.770, at all times it is unlawful for any persons to camp or to establish, maintain, or occupy a campsite on the following City-owned property not identified as a Designated Area, including, but not limited to:
- (a) All City parks and City parking lots within City parks.
 - (b) All City parking lots, City structures, or other City property not designated for camping in the Administrative Rules, as provided in subsection 2 below.
 - (c) All City rights-of-way ~~or City-owned property located within or adjacent to the following zones:~~
 - ~~(i) Residential~~
 - ~~(ii) Planned Development Residential~~
 - ~~(iii) Village~~
 - ~~(iv) Residential Neighborhood~~
 - ~~(v) Old Town Residential~~
 - ~~(vi) Future Development Agricultural Holding Residential~~
 - ~~(d) Within 20 feet of a property line of a property containing a residential structure regardless of zoning.~~
 - ~~(d) All City sidewalks, except as otherwise authorized under subsection (5) below.~~
 - (e) All public transit shelters.
 - (f) All City property located in the SROZ.
 - (g) All City property located within 20 feet of a tree designated as a heritage tree in the City's Heritage Tree program.
 - (h) The City property at the northeast corner of SW Barber Street and SW Kinsman Road (taxlot number 31W14B 00700).
 - (i) Stormwater treatment facilities, including, but not limited to swales, detention ponds, and drainage ways.
 - (j) On areas underneath City-owned rights-of-way or bridges that are not open to the public.
 - (k) On railroad tracks or within 15 feet of railroad tracks.

~~Within any vehicle lane, bicycle lane, or roundabout within any City right-of-way, except as otherwise permitted under WC 10.740(12) where on-street parking is allowed. The exception for on-street parking does not apply to any on-street parking space that is an Americans with Disabilities Act (ADA) designated parking space.~~

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

10.740 Manner Regulations.

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

- (1) Individuals, camp materials, camps, or personal property may not obstruct sidewalk accessibility or passage, clear vision, fire hydrants, City or other public utility infrastructure, or otherwise interfere with the use of the right-of-way for vehicular, pedestrian, bicycle, or other passage.
- (2) For campsites other than those contained within a vehicle, the campsite must be limited within a spatial footprint of **10 feet by 10 feet, or 100 square feet**. For campsites including a vehicle, the campsite and camp materials must be self-contained within the vehicle. The intent of this section is to allow a person to sleep protected from the elements and maintain the essentials for sheltering, while still allowing others to use public spaces as designed and intended.
- (3) ~~For campsites within the City rights-of-way, each campsite must be at least 100 feet apart from any other campsite.~~ For campsites located on City property, in Designated Area(s), the campsite locations must comply with the spacing identified in the Administrative Rules.
- (4) Open flames, recreational fires, burning of garbage, bonfires, or other fires, flames, or heating are prohibited. ~~Portable cooking stoves fueled by commercially available fuel are permitted so long as they are utilized in accordance with manufacturer instructions and do not violate any manufacturer warnings.~~
- (5) Individuals may not accumulate, discard, or leave behind garbage, debris, unsanitary or hazardous materials, human or animal waste, or other items of no apparent utility in public rights-of-way, on City property, or on any adjacent public or private property.

- (6) Dumping of gray water (i.e., wastewater from baths, sinks, and the like) or black water (i.e., sewage) into any facilities or places not intended for gray water or black water disposal is prohibited. This includes but is not limited to storm drains, which are not intended for disposal of gray water or black water.
- (7) Unauthorized connections or taps to electrical or other utilities, or violations of building, fire, or other relevant codes or standards, are prohibited.
- (8) Obstruction or attachment of camp materials or personal property to fire hydrants, utility poles or other utility or public infrastructure, fences, trees, vegetation, vehicles, buildings, or structures is prohibited.
- (9) Storage of personal property such as vehicle tires, bicycles or associated components (except as needed for an individual's personal use), gasoline, generators, lumber, household furniture, extra propane tanks, combustible material, or other items or materials is prohibited, other than what is related to camping, sleeping, or keeping warm and dry.
- (10) Digging, excavation, terracing of soil, alteration of ground or infrastructure, or damage to vegetation or trees is prohibited.
- (11) All animals must be leashed, crated, or otherwise physically contained at all times.
- (12) Smoking, vaping, and/or the use or distribution of tobacco or cannabis products is prohibited in Designated Area(s). "Tobacco or cannabis products" includes, but is not limited to, any tobacco cigarette, cigar, pipe tobacco, smokeless tobacco, chewing tobacco, any part of the plant Cannabis family Cannabaceae, or any other form of tobacco or cannabis which may be used for smoking, chewing, inhalation, or other means of ingestion. This regulation does not prohibit the use of prescribed medication when used in accordance with the prescription instructions and when used in location(s) allowed under Oregon law.
- (13) Alcohol may not be consumed, used, or distributed in Designated Area(s).
- (14) Controlled substances, as defined in ORS 475.005, may not be consumed, used, manufactured, or distributed in Designated Area(s).
- (12)(15) Vehicle Camping. Individuals who are involuntarily homeless may use vehicles for shelter and/or sleeping in areas identified in WC 10.730(2) Designated Area(s) under the following circumstances and subject to the conditions and restrictions provided in subsections (1) through (14) above:
 - (a) The vehicle is legally parked in compliance with the Wilsonville Code.
 - (b) Storage of material outside vehicles is prohibited, other than what is incidental to activities such as short-term (maximum 30 minutes) loading or unloading a vehicle.

- (c) Vehicles must be operational, i.e., capable of being started and driven under their own power, or ready to be towed if designed to be towed and may not be discarded or left inoperable in public rights-of-way or on City property.
- (d) Vehicles must be registered and insured, as required by the Oregon Vehicle Code.
- (e) No building or erecting of any structures connecting or attaching to vehicles is permitted, including tents that are not designed and manufactured to be attached to a vehicle.
- (f) Connections from vehicles to public or private stormwater, sewer, water, and electrical systems or to vehicles from public or private stormwater, sewer, water, and electrical systems are prohibited ~~unless:~~
 - ~~(i) The property owner provides written authorization to connect;~~
 - ~~(ii) Any and all applicable federal, state, and local laws, regulations, and permits allow such connection; and~~
 - ~~(iii) Any and all applicable federal, state, and local approvals required for such connection have been obtained.~~

10.750 Notice and Removal.

- (1) Except as provided in subsection (4) below, at least 72 hours before removing individuals from an established campsite, law enforcement officials must post a written notice in English and Spanish at all entrances to the campsite to the extent that entrances can reasonably be identified.
 - (a) When a 72-hour notice is posted, law enforcement officials must inform local agencies that deliver social services to unhoused individuals as to where the notice has been posted.
 - (b) The local agencies may arrange for outreach workers to visit the campsite that is subject to the notice to assess the need for social service assistance in arranging shelter and other assistance.
- (2) Personal Property Collection and Storage.
 - (a) All personal property at the campsite that remains unclaimed after removal will be given to law enforcement official(s), a local agency that delivers social services to unhoused individuals, an outreach worker, a local agency official, or a person authorized to issue a citation described in WC 10.760, whether notice under subsection (1) is required or not.
 - (b) The unclaimed personal property must be stored in a facility located in the City of Wilsonville.

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

10.760 Enforcement.

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

- (3) The City may adopt administrative rules via resolution to support and guide the implementation of and compliance with WC 10.700 through 10.780.

10.770 Exceptions.

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

10.780 Severability.

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

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.

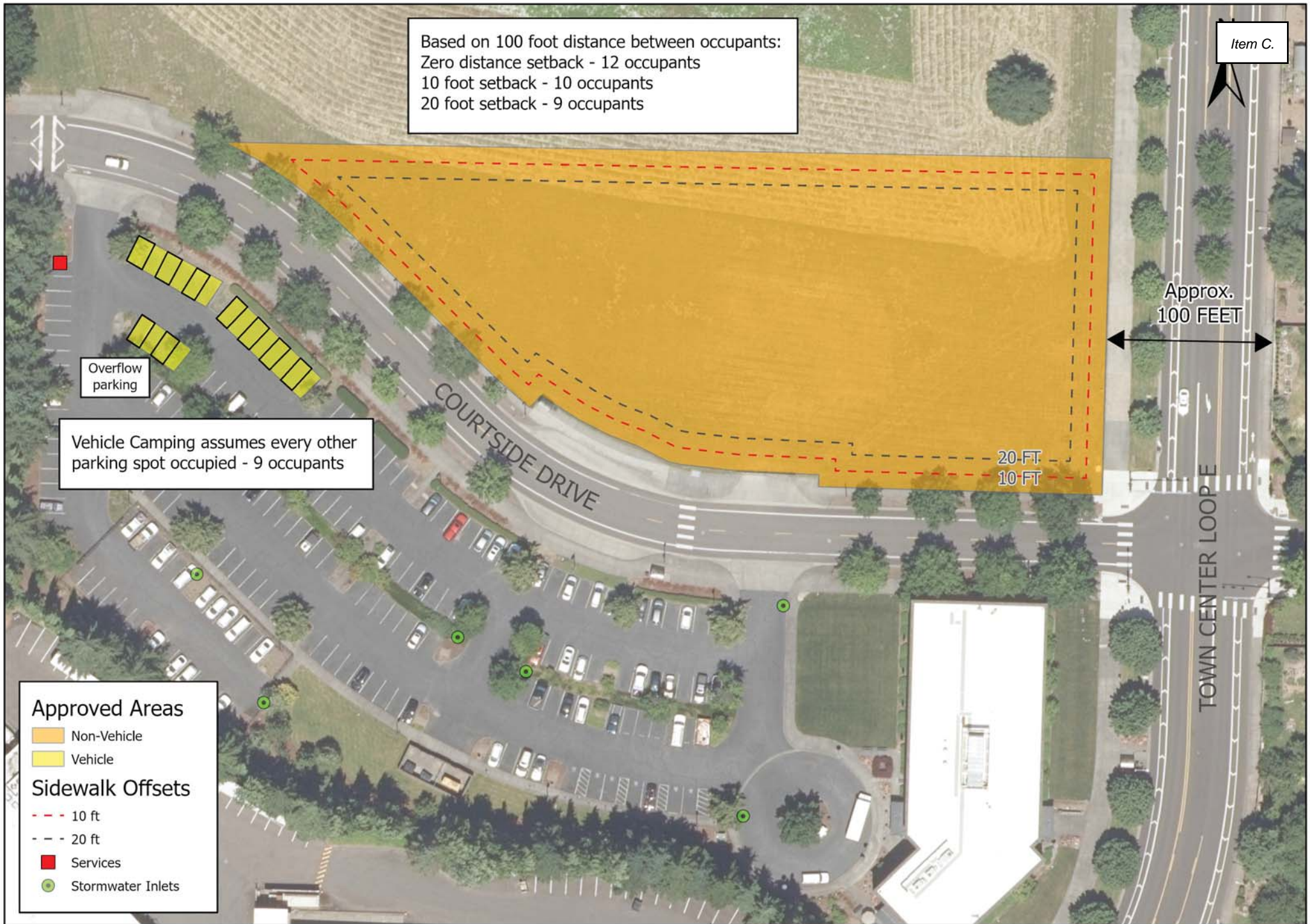
(2) The ordinance will sunset on the date of the conclusion of the described grant agreement.

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

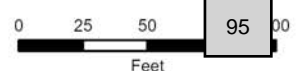
3.030. Enforcement and Penalty.

- (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 1.012, and upon a subsequent conviction for a Class C misdemeanor pursuant to Wilsonville Code, Section 1.012. Provided, however, a violation of a park rule which involves theft or damage to property [greater] than \$50.00 shall be treated as a crime under state criminal laws. Provided further a conviction for violation of Section 3.000(31) shall only be punished as a violation pursuant to Section 1.012.

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



ATTACHMENT C



CITY OF WILSONVILLE ADMINISTRATIVE RULES IMPLEMENTING ORDINANCE NO. XXX

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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.

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.

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?

DRAFT

ATTACHMENT E

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. All community members are entitled to 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. The City's role is to formulate policy and rules to best protect community safety, health, welfare, livability, and the environment.
4. 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. 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 people be afforded options for safer, stable housing.
6. The City's obligation and role is to regulate camping as survival sheltering in places not generally intended for living or habitation.
7. The City believes that camping for survival sheltering outside is not a solution for individuals experiencing homelessness.
8. 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.