

**ORDINANCE NO.
941**

AN ORDINANCE PROHIBITING CAMPING ON PUBLIC PROPERTY

WHEREAS, pursuant to Article IX, Section 2 of the Oregon Constitution and the Oakridge Charter, the City of Oakridge is a home rule municipality with all the powers that the constitutions, statutes, and common law of the United States and the State of Oregon expressly or impliedly grant or allow the City; and

WHEREAS, in 2021, the Oregon Legislature passed HB 3115 (later codified as ORS 195.530) requiring any city or county law regulating the act of sitting, lying, sleeping or keeping warm and dry outdoors on public property that is open to the public to be objectively reasonable as to time, place and manner with regards to persons experiencing homelessness; and

WHEREAS, camping on public property like rights-of-way, parking lots and sidewalks is inconsistent with the intended use by creating unsafe conditions for pedestrians and motorists, increased trash and litter, fire risk through open burning and impeding access to adjacent properties; and

WHEREAS, like most communities in Oregon, Oakridge has experienced an increase in homelessness, resulting in many unhoused people living and sheltering outdoors including on public property; and

WHEREAS, the City of Oakridge desires to update the Oakridge Code to meet the statutory requirements outlined in ORS 195.530 by balancing the basic human need to sit, sleep and lie with the public's expectation to be able to utilize public property for its intended use.

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

Oakridge Oregon Municipal Code – Ordinance 941

Section I - Definitions:

As used in this Ordinance, the following definitions apply:

1. "Camp" or "Camping" means to establish a Campsite for more than 24 consecutive hours.
2. "Campsite" means a location where Camping Materials are placed.
3. "Camping Materials" include, but are not limited to, Personal Property, tarps, cots, tents, sleeping bags, blankets, mattresses, hammocks, or outdoor cooking devices and/or similar items that are, or reasonably appear to be, used as camping, sheltering, habitation and/or sleeping accommodations.
4. "City/Public Property" has the meaning given that term in ORS 131.705, and includes any real property, buildings, or structures owned, leased, or managed by the City, including parking lots and rights-of-way.
5. "Public Way" means any street, road, alley, right of way, pedestrian or bicycle easement, or utility easement for public use which is controlled by the City.
6. "Personal Property" means any item that can reasonably be identified as belonging to an individual and that has apparent value or utility.

Section II – Prohibitions on Camping on City Property:

Camping is prohibited in the following publicly owned properties and locations within the Oakridge city limits:

1. On or in any property intended for use as a Public Way, including but not limited to any property intended for vehicle use, parking, sidewalks, shared use paths, right of way, or utility easement;
2. Within 100 feet of schools;
3. On, in, or within 100 feet of established playgrounds or sports facilities;
4. Within 100 feet of a waterway's high-water mark;
5. On, in, or within 100 feet of any City-owned buildings used by the City;
6. On, in, or within 100 feet of any City-owned buildings or property leased or rented to others, unless camping is the intended purpose of the lease or rental agreement;

7. Within 100 feet of all City water reservoirs, wellfields, or water treatment facilities;
8. Within 100 feet of a park area being rented or used with a valid city-issued park permit; and
9. Any location that has been determined by the Fire Chief or Fire Marshal to constitute an elevated threat of fire for a temporary period of time.

Section III – Removal of Personal Property:

In the process of removing Personal Property owned by persons experiencing homelessness from a campsite, city officials will follow all applicable Oregon State laws, including the following provisions:

1. Items with no apparent value or utility may be discarded immediately;
2. Open or expired perishable items may be discarded immediately;
3. Items in an unsanitary condition may be discarded immediately;
4. Law enforcement officials may retain weapons, drugs, and stolen property;
5. Items reasonably identified as belonging to an individual and that have apparent value or utility must be preserved for at least 30 days so that the owner can reclaim them.

Section IV – Compliance with State and Federal Laws:

Nothing herein is intended to, nor acts herein, to conflict with any Federal or State laws (including ORS 195.500, *et seq*). If any section, subsection, sentence, clause phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any Court of competent jurisdiction, such portion constitutes a separate, distinct and independent provision, and such holding does not affect the validity of the remaining portions hereof.

Section V – Effective Date:

This Ordinance is necessary for the protection of public health, public safety, and public property and is effective immediately upon adoption.

Section VI - Penalties

Oakridge City Ordinance 941 as now enacted, is hereby adopted and violation thereof shall constitute a violation offense against the city, subject to a civil penalty of **\$250.00**.

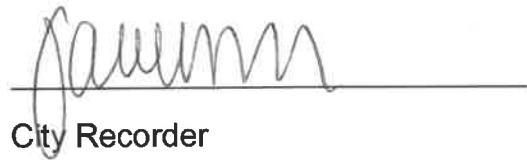
READ, PASSED AND ADOPTED by a vote of the Oakridge City Council this 1 day of June, 2023.

APPROVED AND SIGNED BY THE MAYOR of the City of Oakridge this 1 day of June, 2023.

Attest:



Mayor



City Recorder

Ayes: >

Nays: 0

Abstain: 0