

Frequently Asked Questions

Question: Why did the City of Central Point adopt the Camping Code?

In response to recent federal court decisions and the enactment of Oregon House Bill 3115 (HB 3115) by the Oregon legislature, our City has been working diligently to update and revise our local ordinances concerning public spaces and homelessness. This is an important process that balances the "small-town" feel our residents expect against the need for compliance with federal and state laws.

Federal Court Decisions

The U.S. 9th Circuit Court ruled in *Martin v. City of Boise* that cities cannot criminalize sleeping outside on public property if no adequate alternatives are available. In *Johnson v. City of Grants Pass*, the court expanded this decision, stating that cities violate the Eighth Amendment of the U.S. Constitution if they punish a person for sleeping outside when there are no alternative places to sleep.

HB 3115

The Oregon legislature passed HB 3115 in 2021, which mandates that any city or county law regulating sitting, lying, or sleeping in public must be "objectively reasonable" based on the totality of the circumstances. This law took effect on July 1, 2023.

As a result of these decisions/legislation, the City adopted rules about where, when and how camping is allowed or not allowed on City property, in a way that is humane and complies with these state and federal laws.

Question: Does the Camping Code apply to land within the City that is owned by other public or private entities?

The Camping Code only governs City-owned property and City rights-of-way, like public streets, sidewalks and landscape strips. Even if camping falls within City limits, the City does not control land owned by other private or public entities, such as the Oregon Department of Transportation, Jackson County, or private properties.

Question: What types of camping are covered by the Camping Code?

The Camping Code covers sleeping, resting or lying with or without camping materials on the City's public property. Camping materials include tents, sleeping bags, tarps, or other portable shelters. Such camping is governed by reasonable time, place and manner restrictions set forth in the code.

Parking overnight in vehicles on public property continues to be regulated under other sections of the code such as Title 10 and Title 12.

Question: What are time, place, and manner regulations?

Time, place, and manner regulations help make the City's public property accessible and safe to unhoused and housed individuals. These regulations describe "where, when and how" an individual may camp on City property. They also allow for clearer management by the City.

More specifically:

- Time restrictions are when a person may camp, such as up to 24 hours.
- Place regulations establish where an individual may camp, such as certain parks. They also define types of public property where camping is not allowed such as on designated public properties and the greenway.
- Manner regulations establish how an individual may camp on City property, such as the size of a camp, or items in and around a camp, or not allowing open fires or unauthorized electrical hookups or sewage discharge onto streets.

Question: Are there locations where camping is outright prohibited?

Camping or placement of camping materials is prohibited in the following locations:

- City Hall/Central Point Police and adjacent sidewalks, 140 S. 3rd St and 155 S. 2nd Street;
- Bear Creek Greenway;
- Don Jones Memorial Park and adjacent sidewalks 223 W. Vilas Road;
- Mae Richardson Elementary School playground and ballfields, 200 W. Pine Street;
- Twin Creeks Park, 555 Twin Creeks Crossing;
- Areas that obstruct emergency or non-emergency ingress, egress, or access;
- Vehicle lanes, bicycle lanes, or roundabouts;
- Streets closed for construction or other specific uses.

Question: Why is the City of Central Point allowing camping in public property at all?

It is unconstitutional to punish a person for sleeping or resting outside on public property when they do not have shelter space available. A city can't punish someone for engaging in unavoidable human behavior, such as sleeping in public if they have no other place to live – but, cities do not have to allow sleeping anywhere at any time in any manner. Governments cannot generally force someone to accept services or shelter, and cities cannot exclude someone from a city or require them to leave the city because a person is homeless or does not have shelter available. The City has been diligently working to increase the shelter capacity by contracting with Rogue Retreat to make shelter beds available, as well as having City police and community service officers offering to assist individuals locate or access available services.

Question: How will the Camping Code be enforced?

The code directs staff to issue citations only when other means of achieving compliance have been unsuccessful or are not practicable for the particular situation. If a camp must be removed, it will be done in compliance with ORS 195.505. If a Campsite is located within an area of the Greenway that has been closed, it will be relocated to a nearby area where such use is permitted for less than 24-hours.

Individuals that are issued a citation will have an opportunity to have the fine eliminated or reduced by a judge if that individual demonstrates that they were referred to service provider and they meaningfully engaged with that, or a similar service provider.

Question: When the Camping Code is enforced, will those who are camping be connected with services?

Strict enforcement of the Camping Code is not the preferred response to people needing to shelter on City property due to houselessness.

The City's first response will be to work with service providers to primarily connect people to services and resources, before taking an enforcement approach. The exception to this approach is when enforcement officials need to act due to emergencies or violations of other codes or laws.