

ORDINANCE NO. 2108

AN ORDINANCE AMENDING IN PART TITLE 7, REGULATING CAMPING AT PUBLIC PROPERTIES

FINDINGS:

- A. Pursuant to CPMC, Chapter 1.01.040, the City Council, may from time to time make revisions to its municipal code which shall become part of the overall document and citation.
- B. ORS 195.500 requires cities and counties to develop a policy that recognizes the problem of homeless individuals camping on public property and implement the policy to ensure the most humane treatment for the removal of homeless individuals from camping sites on public property.
- C. On July 13, 2023, the City of Central Point adopted Ordinance No. 2103 which provided time place and manner regulations for camping on public property to comply with state law and federal case law.
- D. Based on the City's observations of the impacts of public camping on certain sensitive environments, and the City's desire to clarify or improve certain regulations, amendments to Title 7 have been determined to be in the public interest.

THE PEOPLE OF THE CITY OF CENTRAL POINT DO ORDAIN AS FOLLOWS:

SECTION 1. Central Point Municipal Code Title 7 is amended in part as shown on the attached Exhibit "A".

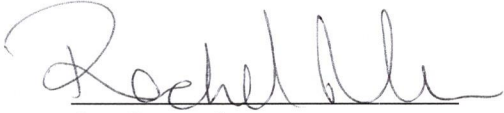
SECTION 2. Codification. Provisions of this Ordinance shall be incorporated in the City Code and the word "ordinance" may be changed to "code", "article", "section", "chapter" or another word, and the sections of this Ordinance may be renumbered, or re-lettered, provided however that any Whereas clauses and boilerplate provisions (i.e. Recitals A-C) need not be codified and the City Recorder is authorized to correct any cross-references and any typographical errors.

SECTION 3. Effective Date. The Central Point City Charter states that an ordinance enacted by the Council shall take effect on the thirtieth day after its enactment. The effective date of this ordinance will be the thirtieth day after the second reading.

PASSED by the Council and signed by me in authentication of its passage this 14 day of December 2023.


Mayor Hank Williams

ATTEST:

A handwritten signature in cursive script, appearing to read "Rochelle", written in black ink.

City Recorder

Exhibit A to Ordinance

Title 7

REGULATING CAMPING AT PUBLIC PROPERTIES

7.01.010 Findings and Purpose.

A. The City of Central Point finds that each community member of Central Point is entitled to a basic level of dignity, respect, and wellness, regardless of whether they are housed or unhoused. It is the official policy of the City that its responses to homelessness will be undertaken in accordance with these principles.

B. 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.

C. Public rights-of-way are generally intended for public use and travel. The City Council is the road authority for rights-of-way within the City; as such, the City must consider the safety of motorists and pedestrians travelling on roadways and sidewalks, including to and from neighboring properties, businesses, and residences. The City has had increasing concerns regarding safety due to camping on or in streets, alleys, bear creek greenway, sidewalks, parks, and public access points.

D. During high and extreme fire conditions, the Greenway poses a unique fire danger to persons and property due to dry brush and abundant fuel sources. Enforcing existing arson and burning prohibitions on an incident-by-incident basis during high and extreme fire conditions does not provide sufficient protection to public peace, health and safety under such conditions, because of increased fire ignition potential and the rapid rate at which fire spreads under such circumstances.

E. The negative effects of unsheltered homelessness along the Greenway is harmful to the environment. Litter and waste are deposited directly into Bear Creek and can easily be swept up by rising water levels. Such unsheltered homelessness fundamentally undermines the public's ability to use that property for recreational purposes as it is intended.

F. Camping, lying or sleeping on a playground or sport field fundamentally undermines the public's ability to use that public property for its intended purpose.

DG. It is the purpose and intent of the City Council to provide standards for survival sheltering on City rights-of-way and City Property which will address issues such as fire risk, unsanitary conditions, trash, and public safety hazards to people camping and neighboring

Exhibit A to Ordinance

businesses and community members, and environmental degradation, which have occurred with longer-term camping in the City.

H.E. It is the intent of the City to evaluate each removal of a camp in light of the criteria in CPMC Chapter 7.01.050 and with considerations of public health and safety, including for the people who are sheltering in the camps, potential user conflicts, and available resources.

7.01.020 Definitions.

For purposes of this Chapter, the following words and phrases shall mean:

- A. To "Camp" means to occupy a Campsite for over 24-hours.
- B. "Campsite" means a location upon City Property where Camping Materials are placed. "Camp," and "Camp Materials" do not include vehicles, automobiles, or recreational vehicles used for shelter and/or sleeping, which are regulated at CPMC Chapters 10.04, 10.12, 10.16 and 12.20.
- C. "Camping Materials" include, but are not limited to tents, huts, awnings, chairs, tarps, sleeping bags, blankets, mattresses, sleeping or bedding materials, collections of Personal Property and/or similar items that are, or reasonably appear to be, arranged and/or used as sleeping accommodations, or to assist with sleeping activities
- D. "City Property" includes but is not limited to parks, rights of way, city-owned parking lots, Bear Creek Greenway, easements, or other land owned, leased, controlled or managed by the City.
- E. **"Greenway" or "Bear Creek Greenway" refers to the Bear Creek Greenway as defined in CPMC 8.32.020.**
- F. "Personal Property" means any item that can be reasonably identified as belonging to an individual and that has apparent value or utility.
- G. "Relocate" means to move off of City Property or to a different City Property that is at least 600 feet or 3 blocks (whichever is greater) from the then current location. This definition does not include moving to another portion of the same City Property.
- H. **"Top of Bank" means the topographical break at the top of the streambank.**

Exhibit A to Ordinance

7.01.030 Campsites Prohibited on Certain City Property.

- A. It is unlawful for any person to Camp upon City Property unless otherwise authorized by law or by declaration of the City Manager.
- B. Unless otherwise authorized by law or by declaration of the City Manager, it is unlawful to sleep or store Camping Materials or similar Personal Property for any period of time at the following locations:
1. City Hall/Central Point Police and adjacent sidewalks, 140 S. 3rd St and 155 S. 2nd Street;
 2. Bear Creek Greenway (~~as defined in CPMC Chapter 8.32~~);
 3. Don Jones Memorial Park and adjacent sidewalks 223 W. Vilas Road;
 4. Mae Richardson Elementary school playground and ballfields, 200 W. Pine Street;
 5. Twin Creeks Park, 555 Twin Creeks Crossing;
 6. Any place where a Campsite, or Camp Materials create a physical impediment to emergency or nonemergency **vehicular, pedestrian, bicycle or other** ingress, egress or access to property, whether private or public, or on public sidewalks or other public rights-of-way, including but not limited to driveways providing access to vehicles, and entrances or exits from buildings and/or other real property.
 7. Any vehicle lane, bicycle lane, or roundabout within any public right-of-way.
 8. On any street or public right-of-way, the City has closed to Campsites or placement of Camp Materials due to construction, heavy vehicle use, or other use of the roadway that is incompatible with placement of Campsites in the right-of-way. The City does not need to close a street to vehicle traffic in order to close a street to sleeping or storing Camping Materials or similar Personal Property in the right-of-way under this section.
 9. **On a playground or sports field during hours of closure, or during hours of operation when the conduct disrupts or interferes with the intended purpose of the playground or sports field. Notwithstanding this Section 7.01.030(10), lying or sleeping in a City-owned park during hours of closure is not prohibited so long as the individual is experiencing homelessness, is not on a playground or sports field, is not on a "school park" associated with a school, and is not violating any other subsection of this Chapter.**

Exhibit A to Ordinance

10. **Within 50 feet of the nearest edge (measured from top of bank) of any stream, creek, river, wetland or other waterway, and upon any land managed for the operation of regulatory compliance of the municipal water supply system, stormwater systems and associated natural outlets, and including bridges or paved surfaces within this designated area.**
11. **On public right-of-way or public property within 500 feet of a school, including preschools and K-12 schools.**

7.01.040 Time Place Manner Restrictions for Campsites.

- A. At least once every 24 hours an individual that has placed a Campsite, Camping Materials or Personal Property on City Property must Relocate.
- B. A Campsite, when and where allowed, is subject to all of the following:
 1. Individuals, Camp Materials, Campsites, 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. For purposes of this section, an **individual obstructs or interferes with the use of the right-of-way, sidewalk or pathway if the area of the right-of-way, sidewalk or pathway outside of where the individual is lying, sleeping or using Camp Materials is less than 36-inches wide.** ~~sidewalks must retain minimum unobstructed clearance required by the Americans with Disabilities Act.~~
 2. Any Campsite must be limited within a spatial footprint of 12 feet by 12 feet, or 144 square feet. The intent of this section is to allow a person to sleep protected from the elements and maintain the essentials for living, while still allowing others to use public spaces as designed and intended.
 3. Individuals may not accumulate, discard, or leave behind garbage, debris, unsanitary or hazardous materials, or other items of no apparent utility in public rights-of-way, on City property, or on any adjacent public or private property.
 4. Open flames, recreational fires, burning of garbage, bonfires, fires, or cooking stoves are prohibited from being used on City Property unless the location and use is expressly authorized by Fire District No. 3 and the City.
 5. 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

Exhibit A to Ordinance

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.

6. Unauthorized connections or taps to electrical or other utilities, or violations of building, fire, or other relevant codes or standards, are prohibited.
7. Obstruction or attachment of Camp Materials or Personal Property to fire hydrants, utility poles or other utility or public infrastructure, fences, trees, vegetation, vehicles, or buildings is prohibited.
8. Individuals may not build or erect structures, whether by using plywood, wood materials, pallets, or other materials. Items such as tents and similar items used for shelter that are readily portable are not structures for purposes of this section.
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, propane tanks, combustible material, or other items or materials are prohibited from being stored for any amount of time on City Property.
10. Digging, excavation, terracing of soil, alteration of ground or infrastructure, or damage to vegetation or trees is prohibited.
11. Use of power generators on City Property is prohibited.
12. All animals on City Property must be leashed or crated at all times.
13. Placement of extension or electrical cords across streets and alleys is prohibited.