

ORDINANCE NO. 529

AN ORDINANCE OF CITY OF SISTERS ESTABLISHING CAMPING REGULATIONS AND A CAMPING REMOVAL POLICY.

WHEREAS, the City Council (the "Council") of City of Sisters ("City") recognizes the competing concerns surrounding homeless individuals camping on public property within City's incorporated limits and desires to implement regulations to address these concerns; and

WHEREAS, ORS 195.530 requires that any city law that regulates the acts of sitting, lying, sleeping, and/or keeping warm and dry outdoors on public property that is open to the public must be objectively reasonable as to time, place, and manner; and

WHEREAS, the Council and City staff solicited input concerning City camping regulations from members of the community, including interested stakeholders and organizations that assist low-income and/or homeless members of the community; and

WHEREAS, the Council has received valuable input from the community concerning the proposed camping regulations, including input from City's Public Works Advisory Board and Parks Advisory Board; and

WHEREAS, the Council held a work session concerning the proposed camping regulations on April 12, 2023, and May 10, 2023. A public hearing was held during the Council meeting on May 24, 2023, at the City Hall at 520 E Cascade, Sisters, Oregon at 6:30 p.m., at which time and place all persons had an opportunity to appear and comment on the camping regulations and camping removal policy; and

WHEREAS, the Council finds that the camping regulations and camping removal policy contained in the attached Exhibit A and its addition to Sisters Municipal Code ("SMC") Section 4.10 are in the public interest.

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

1. Findings. The above-stated findings are hereby adopted.
2. Purpose. The purpose of this Ordinance No.529 (this "Ordinance") is to minimize any adverse public safety and health impacts of camping on City property while providing some areas of City property, in the absence of alternative forms of shelter, where homeless persons may rest and/or sleep.
3. Adoption of Camping Regulations. The Council hereby adopts the camping regulations and camping removal policy contained in the attached Exhibit A.
4. Interpretation; Severability; Errors. All pronouns contained in this Ordinance and any variations thereof will be deemed to refer to the masculine, feminine, or neutral, singular or plural, as the identity of the parties may require. The singular includes the plural and the plural includes the singular. The word "or" is not exclusive. The words "include," "includes," and "including" are not limiting. The provisions of this Ordinance are hereby declared severable. If any section, subsection, sentence, clause, and/or portion of this Ordinance is for any reason held invalid, unenforceable, and/or unconstitutional, such invalid, unenforceable, and/or unconstitutional section, subsection, sentence, clause, and/or portion will (a) yield to a construction permitting enforcement to the maximum extent permitted by applicable law, and (b) not affect the validity, enforceability, and/or constitutionality of the remaining portion of this Ordinance. This Ordinance may be corrected by order of the Council to cure editorial and/or clerical errors.

APPROVED AND ADOPTED by the City Council of the City of Sisters and signed by the council president
this 14th day of June 2023. VOTE 3-1.



By: Andrea Blum, Council President

ATTEST:



By: Kerry Prosser, City Recorder

Exhibit A
Camping Regulations and Camping Removal Policy

1. Purpose. The purpose of this Ordinance is to (a) maintain streets, parks, and other public areas within City in a clean, sanitary, and accessible condition, and (b) adequately protect the health, safety, and public welfare of the community by imposing time, place, and manner regulations that identify when, where, and how camping on City property is allowed.

2. Definitions. For purposes of this Ordinance, the following terms and phrases have the meanings assigned to them below:

“Alley” means a narrow way providing a means of public or private access to the back or side of a property which is not intended for general traffic circulation.

“Camp” or “camping” means to pitch, erect, create, use, and/or occupy camp facilities for the purpose of habitation, as evidenced by use of camp paraphernalia.

“Camp facility(ies)” include, without limitation, tents, huts, temporary shelters, lean-tos, shacks, and/or any other structures (or parts thereof).

“Camp paraphernalia” includes, without limitation, tarpaulins, cots, beds, sleeping bags, blankets, mattresses, hammocks, outdoor cooking devices, and/or similar equipment.

“Campsite” means any place where one or more persons have established living accommodations by use of camp facilities and/or camp paraphernalia.

“Established campsite” means a campsite in place for more than 24 hours.

“City manager” means City’s then-appointed city manager and his or her designee.

“City property” means all real property, land, and public facilities owned, leased (either to City or by City), controlled, and/or managed by City.

“Fire District” means the Sisters-Camp Sherman Rural Fire Protection District.

“Personal property” means any item that can reasonably be identified as belonging to an individual and that has apparent value or utility.

“Public park” means all property owned or controlled by City which is operated for public use for recreational and/or open space purposes.

“Recreational fire” means a fire for the cooking of food, warmth, fellowship, and/or ceremonial purposes.

“Right-of-way” means streets, public utility easements, and/or other public rights-of-way.

“School” means public or private preschool, elementary school, middle school, high school, and/or other school attended primarily by children under 18 years of age.

“Street” means any highway, lane, road, street, right-of-way, alley, and every way or place in City that is publicly owned or maintained for vehicular travel (whether improved or unimproved).

“Sidewalk” means the portion of the street between the curblin and adjacent property line intended for use of pedestrians and includes multi-use pathways (i.e., pathways for bicycles and pedestrians).

3. Time, Place and Manner Regulations. Camping is permitted on City property subject to the time, place, and manner regulations contained in this Ordinance.

3.1 Time Regulations. Except as expressly authorized by City’s municipal code, camping is prohibited on any City property between the hours of 7:00 am to 8:30 pm.

3.2 Place Regulations. Unless otherwise specifically authorized by City’s municipal code or by declaration of the mayor and/or city manager in emergency circumstances, camping is prohibited on City property (a) not open to the public, (b) within or upon any alley, right-of-way, parking lot/space, public park, and/or school property, (c) within 100 feet of any street in which it is lawful for vehicular travel to exceed 25 miles per hour, (d) within 25 feet of the public entrance to a business, (e) within 10 feet of a public or private driveway, (f) within 100 feet of City property located within the following zones: (i) R Residential District; (ii) MFR Multi-Family Residential; (iii) SRR Sun Ranch Residential District; and (iv) DC Downtown Commercial, (g) all City property located at the following addresses: (i) 308 East Sun Ranch Drive, Sisters, Oregon 97759; (ii) 460 West Highway 20, Sisters, Oregon 97759 (Tax Lot 151005d000400); and (iii) Tax Lot 151005DA02100; (h) within 500 feet of any permitted shelter use authorized by City, and/or (i) any other City property designated by the city manager from time to time.

3.3 Manner Regulations. At times and locations where camping is permitted under this Ordinance, the following regulations apply: (a) camping in a manner that reduces the clear, continuous sidewalk width to less than four feet is prohibited; (b) at no time may camp facilities, whether constructed with plywood, wood materials, pallets, and/or other materials, be built or placed on City property by anyone other than, or as authorized by, the public entity that owns or controls the City property in question (tents and similar items used for shelter that are readily portable are not prohibited by this subsection); (c) individuals engaged in camping are allowed to use a sleeping bag, bedroll, and/or other material used for bedding purposes (e.g., materials used to keep warm and dry while sleeping are permitted provided any tent or tarpaulin used to keep warm and dry may not exceed 50 square feet in surface area); (d) a camp or camping must be limited within a spatial footprint of 150 square feet in surface area (the intent of this subsection is to permit a person to sleep and maintain the essentials for living, while still maintaining the ability of everyone to use public spaces as designed and intended); (e) individuals may not accumulate, discard, and/or leave behind garbage, debris, unsanitary or hazardous materials, and/or other items of no apparent utility in a right-of-way, on City property, and/or on any adjacent public or private property; (f) open flames, recreational fires, burning of garbage, bonfires, and/or other fires, flames, and/or heating deemed unsafe by Fire District are prohibited (some cooking stoves and other means of keeping warm may be allowed if permitted by Fire District); (g) 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, without limitation, storm drains which are not intended for disposal of gray water or black water); (h) unauthorized connections or taps to electrical or other utilities, or violations of building,

fire, and/or other relevant codes or standards, are prohibited; (i) obstruction or attachment of camp materials or personal property to fire hydrants, utility poles, and/or other utility or public infrastructure, fences, trees, vegetation, vehicles, and/or buildings is prohibited; (j) storage of personal property, including, without limitation, vehicle tires, bicycles, and/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); (k) digging, excavation, terracing of soil, alteration of property or infrastructure, and/or damage to vegetation or trees is prohibited; and (l) except as expressly authorized by City's municipal code, all persons are prohibited from leaving personal property, including, without limitation, camp facilities and camp paraphernalia, unattended on any City property for more than 24 hours. Notwithstanding anything contained in this Ordinance to the contrary, the city manager may temporarily authorize storage of personal property on City property by written order that specifies the period of time and location for the storage under the following circumstances: (x) emergency circumstances; (y) in conjunction with a special event permit; and/or (z) upon finding it to be in the public interest and consistent with the Council's goals and policies.

4. Health and Safety Fee; Fines.

4.1 Health and Safety Fee. Any person who violates Section 3 of this Ordinance will first be subject to a health and safety fee in an amount not to exceed \$35.00. The purpose of the health and safety fee is to reimburse City for the expense of maintaining a healthy, safe, and organized community for the public.

4.2 Fines. A willful violation of Section 3 of this Ordinance is a Class B violation under City's municipal code. A Class B violation carries a penalty of no more than \$250.00; the actual fine imposed will be determined at the discretion of the city manager, hearings officer, or municipal court judge. A violation is "willful" if the prohibited act or omission under Section 3 of this Ordinance occurs or continues after issuance of the health and safety fee. Each violation will constitute a separate offense. Continuing violations of the same offense will not constitute a separate offense for each day the violation occurs.

5. Campsite Removal – ORS 195.500-195.505.

5.1 Campsite Removal Policy. City recognizes the social nature of the problem of homeless individuals camping on City property. In accordance with ORS 195.500 – ORS 195.505, City has developed the campsite removal policy contained in this Section 5 to ensure the most humane treatment for the removal of homeless individuals from campsites on City property. Any City law and/or policy that offers greater protections to homeless individuals subject to removal from an established campsite supersedes contrary provisions of this Section 5.

5.2 Campsite Removal. Upon determination by enforcement personnel that a camp or camping in violation of this Ordinance has become an established campsite, or enforcement personnel determine a campsite otherwise in compliance with this Ordinance endangers the public health and safety, the campsite may be removed consistent with this Section 5. Upon a determination by enforcement personnel that a camp or camping in violation of this Ordinance is not an established campsite, the campsite may be removed without complying with the notice requirements under Section 5.3.

5.3 Notice Required. The following notice requirements apply to the removal and clearing of campsites: (a) notice is not required prior to removal and clearance of a campsite that is not an established

campsite; and (b) at least 72 hours before removing individuals and personal property from an established campsite, law enforcement officials must post written notice, in English and Spanish, at all entrances to the campsite to the extent that the entrances can reasonably be identified. The written notice required under Section 5.3(b) must state or contain, at a minimum, the following: (x) where unclaimed personal property will be stored; (y) the telephone number that individual(s) may call to find out where personal property will be stored; or (z) if a permanent storage location has not yet been determined, the address and telephone number of an agency that will have the information when available. If a funeral service is scheduled with less than 72-hours' notice at a cemetery at which there is a campsite, or a campsite is established at a cemetery less than 72 hours before the scheduled service, the written notice required under Section 5.3(b) may be posted at least 24 hours before removing homeless individuals from the campsite.

5.4 Exceptions to Notice Requirements. Notwithstanding anything contained in this Ordinance to the contrary, the 72-hour notice required under Section 5.3(b) will not be applicable (i.e., will not be required) under the following circumstances: (a) when there are grounds for law enforcement officials to reasonably believe that illegal activities other than camping are occurring at an established campsite; and/or (b) an exceptional emergency at an established campsite, including, without limitation, possible site contamination by hazardous materials, a public health emergency, and/or other immediate danger to human life or safety.

5.5 Local Agencies. When a 72-hour notice is posted under Section 5.3(b), law enforcement officials must inform the local agency that delivers social services to homeless individuals as to where the notice has been posted. The local agency 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.

5.6 Personal Property.

5.6.1 All personal property at a campsite that remains unclaimed after removal/clearing, whether notice is required under this policy or not, must be given to (a) law enforcement official, (b) local agency that delivers social services to homeless individuals, (c) outreach worker, (d) local agency official, or (e) person authorized to issue a citation for unlawful camping under state law, administrative rule, or city or county ordinance.

5.6.2 Unclaimed personal property must be stored in a facility located in the same community as the campsite from which it was removed. Items that have no apparent value or utility or are in an unsanitary condition may be immediately discarded upon removal of the homeless individuals from the campsite. Weapons, controlled substances other than prescription medication, and items that appear to be either stolen or evidence of a crime must be given to or retained by law enforcement officials.

5.6.3 Unclaimed personal property removed from a campsite must be stored in an orderly fashion, keeping items that belong to an individual together to the extent that ownership can reasonably be determined. Unclaimed personal property will be stored in a manner in which it is possible to identify the date the property was removed and location where the property was removed. Unclaimed personal property will 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 a corporation described in section 501(c)(3) of the Internal Revenue Code as amended and in effect on December 31, 2020.

5.7 Policy Evaluation. Following the removal of homeless individuals from a campsite on City property, law enforcement officials, local agency officials, and outreach workers may meet to assess the notice and removal policy, to discuss whether the removals are occurring in a humane and just manner, and to determine if any changes to this policy are needed.

5.8 Prohibition on Citations in Limited Circumstances. A person authorized to issue a citation for unlawful camping under state law, administrative rule, and/or city or county ordinance may not issue the citation if the citation would be issued within 200 feet of a notice required under Section 5.3(b) and within two hours before or after the notice was posted.

6. City Manager Authority. The city manager may adopt administrative rules to implement any of the provisions of this Ordinance.

7. Preemption. If and to the extent any provisions of City's municipal code conflict with any provisions of this Ordinance, the provisions of this Ordinance will control and supersede the conflicting provisions contained in City's municipal code.