

City of Shady Cove

Ordinance No. _____

AN ORDINANCE OF THE CITY OF SHADY COVE, OREGON AMENDING CHAPTER 90 OF THE CITY OF SHADY COVE CODE OF ORDINANCES IN ORDER TO; AMEND THE CITY'S CAMPING STANDARDS, CREATE A PROCESS TO ALLOW RELIGIOUS INSTITUTIONS AND PLACES OF WORSHIP TO PROVIDE PERMITTED OVERNIGHT SLEEPING IN A VEHICLE, AND CLARIFY LAW ENFORCEMENT REQUIREMENTS FOR DEALING WITH ILLEGAL CAMPING IN CONFORMANCE WITH STATE LAW

Whereas, the City of Shady Cove is working to adopt more detailed camping standards; and,

Whereas, the City of Shady Cove intends to provide standards and permitting processes for overnight sleeping in vehicles on religious institution or place of worship parking lots; and,

Whereas, it has been identified that current state law has specific measures that law enforcement officers must take when enforcing camping standards; and,

Whereas, The Shady Cove Planning Commission, after providing proper public notice, met in Public Hearing on _____, 2020, to consider amendments to the Shady Cove Code of Ordinances to include revisions to the camping standards of the City of Shady Cove, after which a motion was made, duly seconded, and passed by a roll call vote of _ - _ to recommend that the City Council approve amendment of the City Camping Standards in the Shady Cove Code of Ordinances; and,

Whereas, On _____, 2020, following the close of the public hearing, the City Council deliberated on the record of the proceedings, after which a motion was made and duly seconded, to approve Planning File No. CPA 20-01. The motion passed by a roll call vote of ___ to ___.

Now, therefore, COUNCIL OF THE CITY OF SHADY COVE ORDAINS AS FOLLOWS:

The Shady Cove Code of Ordinances is amended as follows:

Section 1: Title	This Ordinance shall be known as an amendment to the Camping Standards of the City of Shady Cove Code of Ordinances.
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Section 2: Description The amendment more accurately provides standards for camping, methods for abating illegal camping, and a limited permitting process for overnight sleeping in vehicles on property owned by religious institutions or places of worship.

Section 3: Amendment

The Shady Cove Comprehensive Plan is amended;

Section 90.02, Definitions... Lodging in Recreational Vehicles is amended to read;

(1) The following regulations pertain to recreational vehicles parked outside of recreational vehicle parks, mobile home or manufactured home parks or other areas that are specifically designated for the vehicles.

(2) No person shall occupy a recreational vehicle for sleeping or living purposes on a public street or right-of-way.

(3) No person having ownership, or other responsibility for property in the city, shall occupy or allow the occupancy of any recreational vehicle upon the premises as a permanent living quarters, unless approved for the use by the City Council.

(4) A recreational vehicle may be parked on residentially zoned private property and used for sleeping and cooking purposes by guests of the residents of the premises for a period not to exceed 30 days within any three-month period of the year; provided, the vehicle has self contained sewage facilities or the vehicle's occupants are utilizing the facilities in their host's residence, unless approved for a longer period in advance, by the City Council.

(5) Any unoccupied recreational vehicle shall not be stored on any roadway or within any public right-of-way.

(6) ~~A recreational vehicle shall not occupy a space within an approved mobile home park unless that space has been specifically approved by the city for short-term recreational vehicle use.~~ A recreational vehicle may not be parked on private property and used for sleeping and cooking purposes on any vacant lot, unless approved for the use by the City Council. This standard does not apply to residential lots with approved building permits.

(7) Recreational vehicles may be parked on private property and used for sleeping and cooking purposes for up to six months during on-site construction on residentially zoned lots with approved building permits upon application and administrative approval.

(8) A recreational vehicle may not be parked and used for sleeping and cooking purposes on any General Commercial, Airpark Commercial, or Public zoned property, unless approved for the use by the City Council.

Section 90.20, Prohibited Camping is added to include;

(A) As used in this section:

(1) “To Camp” means to set up or to remain in or at a campsite.

(2) “Campsite” means any place where any bedding, sleeping bag, or other material used for bedding purposes, or any stove or fire is placed, established or maintained for the purpose of maintaining a temporary place to live, whether or not such place incorporates the use of any tent, lean-to, shack, or any other structure or part thereof.

(B) It is found and declared that:

(1) From time to time persons establish campsites on sidewalks, public right of ways, under bridges and so forth.

(2) Such persons by such actions create unsafe and unsanitary living conditions which pose a threat to the peace, health and safety of themselves and the community; and

(3) The enactment of this provision is necessary to protect the peace, health and safety of the city and its inhabitants.

(C) No person shall camp in or upon any sidewalk, street, alley lane, public right of way, park on any other publicly owned property or under any bridge or viaduct, unless otherwise specifically authorized by this code or by declaration of the mayor in emergency circumstances.

(D) This policy is developed pursuant to ORS 203.077.

(E) Prior to removing individuals from an established camping site, law enforcement officials shall post a notice, written in English and Spanish, 24 hours in advance.

(1) At the time that a 24 hours’ notice is posted, law enforcement officials may inform the local agency that delivers social services to individuals where the notice has been posted.

(2) The local agency may arrange for outreach workers to visit the camping site where a notice has been posted to assess the need for social service assistance in arranging shelter and other assistance.

(3) All unclaimed personal property shall be given to law enforcement officials whether 24-hour notice is required or not. The property shall be stored a minimum of 30 days during which it will be reasonably available to any individual claiming ownership. Any personal property that remains unclaimed for 30 days may be disposed of. For purposes of this paragraph, “personal property” means any item that is reasonably recognizable as belonging to a person and that has apparent utility. Items that have no apparent utility or are in an insanitary condition may be immediately discarded upon removal of the individual from the camping site.

Weapons, drug paraphernalia and items that appear to be either stolen or evidence of a crime shall be given to law enforcement officials.

(4) Following the removal of individuals from a camping site on public property, the 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 are needed in this policy.

(F) The 24 hour notice required under subsection (E) of this policy shall not apply:

(1) When there are grounds for law enforcement officials to believe that illegal activities other than camping are occurring.

(2) In the event of an exceptional emergency such as possible contamination by hazardous material or when there is immediate danger to human life or safety.

(G) A person authorized to issue a citation for unlawful camping under state law, administrative rule or city or county ordinance may not issue a citation if the citation would be issued within 200 feet of the notice described in this section and within two hours before or after the notice was posted.

Section 90.23, Overnight Sleeping in Vehicles is added to include;

(A) Notwithstanding any other provision of the Shady Cove Code of Ordinances, religious institutions or places of worship may provide up to and not exceed three (3) parking spaces for up to and not exceed three (3) vehicles for overnight sleeping in a vehicle on their parking lot if the religious institution or place of worship owns or leases real property on which a structure and an associated parking lot are located.

(B) A religious institution or place of worship that allows a person or persons to sleep overnight in a vehicle on the premises pursuant to subsection A of this section shall:

(1) Provide, or make available on the premises, sanitary facilities including, but not limited to, toilet, hand washing, and trash disposal facilities.

(2) Not allow tents or other personal property to be attached to the vehicle as a means to expand the capacity of the vehicle for additional camping or to establish long term campsites.

(3) Ensure vehicles maintain a minimum distance of 20 feet from other overnight camping vehicles.

(4) Ensure that all vehicles are operable and leave the property on a daily basis.

(5) Obtain a cost-free permit from the City of Shady Cove to allow overnight vehicle camping on property owned or leased by the organization.

(6) Not require payment of any fee, rent, or other monetary charge for overnight sleeping in a vehicle as authorized by this section.

(C) A religious institution or place of worship that permits overnight sleeping in a vehicle pursuant to subsection A of this section may revoke that permission at any time and for any reason. Any person who receives permission to sleep on a premises as provided in subsection A of this section shall leave the premises immediately after permission has been revoked.

(D) Notwithstanding any other provision of this section, the City Administrator or City Administrator's designee may prohibit overnight sleeping in a vehicle at a premises as provided in subsection A of this section if the City Administrator or the City Administrator's designee finds that such activity does not meet the requirements of this section or constitutes a nuisance or other threat to public health, safety, or welfare.

(E) In addition to any other penalties that may be imposed, any premises used for overnight sleeping in a manner not authorized by this section or other provisions of this Code shall constitute a nuisance and may be abated as such.

(F) Nothing in this chapter creates any duty on the part of the City, its employees, or its agents to ensure the protection of persons or property with regard to overnight sleeping in vehicles.

Section 4: The City Council adopts as its own, and incorporates by reference, the Planning Commission recommendation attached as Exhibit A.

PASSED AND APPROVED by the City Council of the City of Shady Cove this ____ day of _____, 20__.

Approved:

Lena Richardson
Mayor

Attest:

Thomas J. Corrigan
City Administrator

Council Vote:

Mayor Richardson _____
Councilor Mitchell _____
Councilor McGregor _____
Councilor Tarvin _____
Councilor Hohenstein _____