

ORDINANCE NO. 410

AN ORDINANCE PROHIBITING CAMPING ON PUBLIC PROPERTY

RECITALS:

WHEREAS, Drain's current ordinance prohibiting camping on public property does not satisfy the requirements of state law; and

WHEREAS, from time to time persons establish campsites on sidewalks, public rights of way, under bridges and so forth and such persons by those actions create unsafe and unsanitary living conditions which pose a threat to the peace, health and safety of themselves and the community; and

WHEREAS, it is the policy of the State of Oregon and the City of Drain to recognize the social nature of the problem of homeless individuals camping on public property and to ensure humane treatment for removal of homeless individuals from camping sites on public property;

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

1. Definitions.

- a. Camping means to set up or to remain in or on a campsite.
- b. Campsite means any place where any bedding, sleeping bag, or other material is 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 other structure, recreational vehicle, or any vehicle or part thereof. A campsite does not include property that is a designated campground and is occupied pursuant to established campground policies and rules.
- c. Personal property means any item that is reasonably recognizable as belonging to a person and that has apparent utility.

2. Prohibited Camping.

No person shall camp in or upon any sidewalk, street, alley, lane, public right-of-way, park, or any other publicly owned property or under any bridge or viaduct, unless otherwise specifically authorized by this Ordinance, by other ordinances enacted by the City of Drain, or by declaration of the Mayor in emergency circumstances. No person shall be issued a citation for unlawful camping within 200 feet of the notice described in Section 3 of this ordinance and within two hours before or after the notice was posted.

3. Notices Required.

- a. Prior to removing homeless individuals from an established campsite, law enforcement officials shall post a notice of the intended removal, written in English and Spanish, twenty four (24) hours in advance, except as otherwise provided in Section 4 of this ordinance.
- b. At the time the notice is posted, law enforcement officials shall inform the local agency that delivers social services to homeless individuals that the notice has been posted. In the event that law enforcement officials cannot identify such a local agency, they shall provide the notice to a regional agency that delivers social services to homeless individuals. The agency may arrange for outreach workers to visit the campsite where a notice has been posted to assess the need for social service assistance in arranging shelter and other assistance.
- c. Following the removal of homeless individuals from a campsite on public property, the law enforcement officials, city 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 the policy.

4. Exceptions to Notice Requirement.

The 24-hour notice requirement set forth in Section 3 shall not apply:

- a. When there are grounds for law enforcement officials to believe that illegal activities other than camping are occurring; or
- b. In the event of an exceptional emergency such as possible site contamination by hazardous materials or when there is immediate danger to human life or safety.

5. Personal Property.

- a. All unclaimed personal property located at a campsite shall be given to law enforcement officials whether or not 24-hour notice is required. The property shall be stored by the city for 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.
- b. Items that have no apparent utility or are in an unsanitary condition may be immediately discarded upon removal of the homeless individuals from the campsite.
- c. Weapons, drug paraphernalia and items that appear to be either stolen or evidence of a crime shall be given to law enforcement officials.

6. **Camping in Railroad Right-of-Way.**

The City may abate illegal camping located in a railroad right-of-way on the same terms set forth in this ordinance provided that the City has been given such authority by the owner of the railroad.

7. **Camping by Homeless on Property of Religious Institutions.**

Any church, synagogue or similar religious institution located in the City of Drain may offer overnight camping on institution property to homeless persons living in vehicles. The following conditions apply:

- a. Camping at each institution is limited to three or fewer vehicles at any one time; and
- b. Campers must be provided access to sanitary facilities, including but not limited to toilet, hand washing and trash disposal facilities.

8. **Temporary Occupancy of Recreational Vehicles.**

This Ordinance is not intended to prohibit the temporary occupancy of recreational vehicles for construction projects, emergencies, or special community events that are authorized by permit, nor is it intended to prohibit the temporary occupancy of recreational vehicles on private property that is authorized in accord with the Drain Development Ordinance.

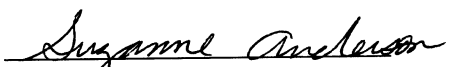
9. **Penalty.**

Any person who continues to violate Section 2 of this Ordinance 24 hours after the posting of notice of intent to remove unlawful campers shall be punished by a fine not to exceed two hundred fifty dollars (\$250). Each day the violation continues shall be considered a separate offense.


10. **Severability.**

Should any section, provision, clause or portion of this Ordinance be declared by the Courts to be invalid, the same shall not affect the validity of the Ordinance as a whole, or any part thereof, other than the part so declared to be invalid.

**PASSED BY CITY COUNCIL OF THE CITY OF DRAIN, DOUGLAS COUNTY,
OREGON, THIS 13TH DAY OF APRIL, 2009.**


Suzanne Anderson, Mayor

ATTEST:


Carl A. Patenode, City Administrator