

Chapter 9.30 TRANSITIONAL HOUSING AND OVERNIGHT CAMPING

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9.30.010 Purpose.

The purpose of this chapter is to implement programs that provide transitional housing and overnight camping for people who lack permanent shelter and cannot be placed in other low-income housing.

9.30.020 Definitions.

For purposes of this chapter, the following terms will have the following meaning:

- (1) "Campsite" means any place where any bedding, sleeping bag, or other sleeping matter, or any stove or fire is placed, established, or maintained, whether or not such place incorporates the use of any tent, lean-to, shack, or any other structure, or any vehicle or part thereof.
- (2) "Family" means living units of adult(s) legally related to and with one or more children under the age of 18.
- (3) "Managing agency" means any public or private organization designated by the city to organize and manage transitional housing accommodations or overnight camping at an approved site.
- (4) "To camp" means to set up, or to remain in or at a campsite, for the purpose of establishing or maintaining a transitional place to live.
- (5) "Transitional" means temporary in nature, not permanent.
- (6) "Transitional housing accommodations" means accommodations intended to be used by individuals or families on a limited basis for seasonal, emergency or transitional housing purposes and may include yurts, huts, cabins, fabric structures, tents and similar accommodations, as well as areas in parking lots or facilities for individuals or families to reside overnight in a motor vehicle, without regard to whether the motor vehicle was designed for use as temporary living quarters
- (7) "Vehicle" means any device in, upon, or by which any person or property is or may be transported or drawn upon a public highway and includes vehicles that are propelled or powered by any means. Vehicle does not mean manufactured structure (Oregon State Vehicle Code).
- (8) "Walkway" means any sidewalk, path, or shoulder available for pedestrians (Oregon Bicycle and Pedestrian Design Guide).
- (9) "Youth" means an individual under the age of 18.

9.30.030 Transitional housing accommodations.

ORS [197.746](#) authorizes the city to approve the establishment of transitional housing accommodations on public or private property. Such applications are not subject to ORS Chapter 90. Transitional housing accommodations are only available to people who lack permanent shelter and cannot be placed in other low-income housing. Transitional housing accommodations must comply with any public health best practices the Oregon Health Authority adopts that apply to shared health and sanitation facilities at transitional housing accommodations.

- (1) Any public or private entity may request city council approval to manage a transitional housing program by contacting city staff. The city manager will review all requests to operate a transitional housing program at an accommodation site and decide whether authorization is appropriate. The city manager's decision will become effective upon execution of an agreement between the city and the person or entity approved to operate the transitional housing accommodations.
- (2) (a) The agreement referenced in subsection (1) of this Section shall be customized to each transitional housing accommodation site and must address, at a minimum:
 - i) Types of accommodation and behavior allowed and/or prohibited;
 - ii) Sanitation measures;
 - iii) Water supply and distribution methods;
 - iv) Access and parking;
 - v) Allowed structures;
 - vi) Maintenance responsibilities;
 - vii) Indemnification;
 - viii) Insurance;
 - ix) Exclusionremoval process; and
 - x) Conditions for agreement termination.
- (b) The agreement referenced in subsection (1) of this Section may include additional requirements, including, but not limited to, the maximum amount of time that an individual or a family may use the accommodations.
- (3) Any person who lacks permanent shelter is eligible to apply for transitional housing accommodations in accordance with ORS [197.746](#) unless otherwise specifically authorized by this code or by declaration by the city manager in emergency circumstances.
- (4) Family or youth transitional housing are allowed as stand-alone uses on allowed on an approved site, and neither shall be mixed together or with single transitional housing sites, unless circumstances prevent more suitable accommodations. The city or a managing agency will make all efforts to find more suitable accommodations for youth and families.
- (5) The city, or managing agency operating a transitional housing site subject to an agreement as referenced in subsection (1) of this Section, will provide a written code of conduct for individuals who use the site to sign and abide by. The code of conduct will provide for the health, safety and welfare of site residents, as well as mitigate impacts of the site on adjacent property owners and the overall community.
- (6) The city, or managing agency operating a transitional housing site subject to an agreement as referenced in subsection (1) of this Section, will provide and maintain sufficient trash receptacles and sanitary portable toilets to safely and cleanly serve the transitional housing accommodations.
- (7) Site residents are responsible for adhering to the code of conduct. Violations of the code of conduct may result in exclusion from the site by the Cottage Grove Police Department or the city's designee.
- (8) Site amenities must include parking facilities and walkways connecting parking to accommodations.

Commented [RLM1]: Approval is administrative with an appeal to council.

9.30.040 Overnight camping program

- (1) Pursuant to ORS [195.520](#) the city hereby implements a program to allow any public or private property owners to offer overnight camping to individuals or families experiencing homelessness on owner's property.
- (2) Any public or private property owner may apply for city authorization to provide camping space subject to the following:

a) Persons may sleep overnight in a vehicle in a parking lot with written permission of the owner of property on which a parking lot is located. The property owner may not grant permission for more than two vehicles to be used for sleeping at any one time. For purposes of this subsection the term “vehicle” includes car, tent, camper, trailer, and Conestoga hut.

b) Families experiencing homelessness may sleep overnight in the back yard of a single-family residence in a residential zoned district, with written permission of the owner and tenant of the residence. Not more than one family may sleep in any back yard, and not more than one tent or camping shelter may be used for sleeping in the back yard. As an alternative, but not in addition to sleeping overnight in the back yard, not more than one family may sleep in a vehicle, camper or trailer parked in the driveway of a single family residence in a residential zoned district, with written permission of the owner and tenant of the residence.

c) Persons may sleep overnight in a vehicle, on a paved or graveled surface located on a vacant or unoccupied parcel, with the permission of the property owner, if the owner registers the site with the city or its agent. The city may require the site to be part of a supervised program operated by the city or its agent. The property owner may not grant permission for more than two vehicles used for sleeping at any one time.

Commented [CC2]: Should this “vehicle” have the same definition as under 9.30.050(2)(a) or as under 9.30.010(7)?

(3) The city may further limit the camping spaces available and impose any other reasonable conditions, as determined by the city based upon available parking, property size, property usage and geography, surrounding property usage, and an entity’s experience and capabilities.

(4) A property owner with City approved camping space:

- a) must provide campers with access to sanitary facilities, including but not limited to toilet, hand washing, and trash disposal facilities;
- b) must ensure that all permitted camping is at least five feet from any side or rear property line and twenty feet from any property line facing a public street;
- c) must not require or accept the payment of any fee, rent or monetary charge, nor performance of any valuable service in exchange for providing the authorization to camp the property. Nothing in this section prohibits the property owner from requiring campers to perform services necessary to maintain safe, sanitary and habitable conditions at the campsite.
- d) may revoke permission for any camper to remain on owner’s property at any time and for any reason.

(5) Notwithstanding any other provision of this section, the city manager or the city manager’s designee may:

- A Prohibit overnight sleeping on a property upon finding that such activity is incompatible with the uses of adjacent properties or constitutes a nuisance or other threat to the public welfare; or
- B Revoke permission for a person or family to camp overnight on city-owned property upon finding that the person or family member has violated any applicable law, ordinance, rule, guideline or agreement, or that such activity is incompatible with the use of the property or adjacent properties.

Commented [CC3]: Not sure we want to get into camping on City property, which is going to be governed by other provisions/agreements? Seems to invoke “established camping” as noted in my next comment.

(6) Any person whose authorization to camp on property has been revoked pursuant to subsection 5 of this section must vacate and remove all belongings from the property within four hours of receiving such notice.

Commented [CC4]: How does this segue with 72-hour requirement, if camping is established on City property?

(11). All persons participating in an overnight camping program described in this section do so at their own risk, and nothing in this code creates or establishes any duty or liability for the city or its officers, employees or

agents, with respect to any loss related to bodily injury (including death) or property damage.

9.30.060 Prohibited camping-related activity.

Prohibited camping activity includes behaviors or activity codified in Code Chapter XX, Nuisances, and shall be abated, including exclusion, in accordance with Nuisance Code Section XX.

9.30.070 Appeals to City Council.

Any person aggrieved by any decision of the city manager may appeal to the city council by filing a written appeal with the city manager within 10 business days of the serving or mailing of the decision being appealed. The city manager shall schedule the hearing on a city council agenda and provide the appellant notice of the hearing at least 10 business days before the hearing. The city council's determination shall be the final determination of the approval requested.

Commented [RLM5]: All section-subsection designations will be fixed after review and modifications. Code numbering is only draft and does not reflect the final title or chapter.

Commented [CC6]: Reference the City's camp removal policies (which were recently increased from 24 to 72 hours per ORS 195.505.)

SAMPLE