

MEMORANDUM

TO: Mayor and City Council

FROM: Richard Meyers, City Manager

SUBJECT: AN ORDINANCE ADOPTING CHAPTER 8.40 OVERNIGHT CAMPING PROGRAM

DATE: July 6, 2022

Background

At the previous City Council meeting the Council discussed the draft of an Overnight Camping Program. The draft has been modified to include comments from the Council and the City Attorney and prepared as an ordinance for discussion and consideration.

The Overnight Camping Program would allow public or private property owners to apply for authorization to provide camping space for homeless individuals or families living in vehicles pursuant to ORS 195.520. Some of the changes to the draft include, a maximum size of 200 square feet for tents; tightening the definition of vehicle; establishing a term of 1 year for the authorization – with the possibility of annual renewals; a modification of the definition of family; elimination of time limits for revocation or removal of permission for camping and a variety of language clarifications for consistency and to match state law.


The Ordinance attached has been prepared for the City Council's consideration.

Recommendation

That the City Council hold the first vote on the attached Ordinance adopting Chapter 8.40 Overnight Camping Program. The Ordinance cannot be adopted at one meeting.

Cost

No Cost



Richard Meyers, City Manager

ORDINANCE NO.

AN ORDINANCE ADOPTING CHAPTER 8.40 OF THE COTTAGE GROVE MUNICIPAL CODE REGARDING OVERNIGHT CAMPING PROGRAM

WHEREAS, Oregon Revised Statutes 195.520 authorizes cities to allow any public or private entity to allow overnight camping by homeless individuals living in vehicles on the property of the entity; and

WHEREAS, the incidence of homelessness in Oregon and the City of Cottage Grove continues to increase; and

WHEREAS, the Oregon legislature has responded to the perceived crisis with multiple new statutes intended to assist Oregon cities in increasing shelter available to homeless individuals and families; and

WHEREAS, the Council finds that individuals are camping in vehicles throughout the community of Cottage Grove; and

WHEREAS, the City Council has investigated various options to address homeless campsites on public property; and

WHEREAS, one aspect of the Council's program involves authorizing public and private property owners to contribute to the solution; and

WHEREAS, the Council finds that an overnight camping program created pursuant to ORS 195.520 and ORS 197.746 should increase available alternative shelter and reduce the amount of homeless camping on public lands by providing transitional housing for those experiencing homelessness; and

WHEREAS, the overnight camping authorized by the proposed Overnight Camping Program constitutes transitional housing accommodations, as defined in ORS 197.746(2); and

WHEREAS, such transitional housing accommodations are not subject to ORS Chapter 90, Residential Landlord and Tenant laws, pursuant to ORS 197.746(3); and

WHEREAS, the Overnight Camping Program accomplishes the Council's goal of providing opportunities for other public and private individuals and entities to participate in addressing homelessness within the community of Cottage Grove.

THE CITY OF COTTAGE GROVE ORDAINS AS FOLLOWS:

Section 1. Title 8 is hereby amended to ADD a new Chapter 8.40 Overnight Camping Program to read as follows:

Chapter 8.40 Overnight Camping Program

8.40.010 Overnight Camping Program Implementation

Pursuant to ORS 195.520, the City hereby implements a program to allow any public or private property owners to offer overnight camping on their property to homeless individuals or families living in vehicles.

8.40.020 Voluntary Participation

All persons participating in the temporary 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.

8.40.030 Authorization Required to Allow Camping

(1) Any public or private property owner may apply for City authorization to provide camping sites to individuals or families experiencing homelessness for one year pursuant to a written agreement with City for the following:

- a). Persons may sleep overnight in a vehicle in a parking lot, with written permission of the property owner of a religious institution, place of worship, business or non-profit entity that owns property on which a parking lot and structure is located. The property owner may not grant permission for more than two vehicles used for sleeping at any one time. For purposes of this Chapter the term “vehicle” includes cars, trucks, tents (200 square feet or less), campers, trailers, motor homes and recreational vehicles.

- b). Persons experiencing homelessness may sleep overnight in the yard of a single-family residence in a residential zoned district, with written permission of the owner and any tenant of the residence. Such camping cannot be located on the property between the residence and any adjacent street. Not more than one family may sleep in any yard, and not more than one vehicle may be used for sleeping in the yard. As an alternative, but not in addition to sleeping overnight in the yard, not more than one family may sleep in a car, truck, camper, trailer, motor home or recreational vehicle parked in the driveway of a single family residence in a residential zoned district. For purposes of this subsection, “family” means up to two related, unrelated or married adults plus minors for whom one or both permitted adults are either a parent or legal guardian.

- c). Persons may sleep overnight in a vehicle on a paved or graveled surface located on a vacant or unoccupied parcel, with the written permission of the property owner. The property owner may not grant permission for more than two vehicles used for sleeping at any one time.

(2) The City may deny, further limit the camping spaces available, and/or impose any other reasonable condition, in City’s sole discretion, based upon, but not limited to available parking,

property size, condition, usage and geography, surrounding property usage, and property owner's experience and capabilities.

(3) A property owner with City authorized camping space must provide campers with access to sanitary facilities, including but not limited to toilet, hand washing, and trash disposal facilities.

8.40.040 Renewal of Authorization

A property owner may apply annually to renew City authorization to provide camping sites to homeless individuals or families under this Chapter.

8.40.050 Camping Location

Authorized camping under this Chapter must be located at least five feet from any side or rear property line.

8.40.060 Compensation Prohibited

A property owner with City authorized camping space shall not require or accept the payment of any monetary charge or performance of any valuable service in exchange for camping on their property under this Chapter. Nothing in this section prohibits a property owner from requiring campers to perform services necessary to maintain safe, sanitary and habitable conditions at the campsite.

8.40.070 Revocation

(1) A property owner who permits camping pursuant to this Chapter may revoke that permission from one or more campers at any time and for any reason.

(2) Notwithstanding any other provision of this Chapter, the City Manager or the City Manager's designee may revoke the City's authorization to provide camping sites to homeless individuals or families on property pursuant to this Chapter upon finding that such activity violates this Chapter, is incompatible with the uses of adjacent properties, or constitutes a nuisance or other threat to the public welfare.

8.40.080 Camping Closure Notice

Upon expiration or revocation of City authority to provide camping sites on private property the property owner shall post written notice to vacate the property at the campsite entrance.

PASSED BY THE COUNCIL AND APPROVED BY THE MAYOR THIS ___ DAY OF JULY 2022.

Jeffrey D. Gowing, Mayor

Dated: _____

ATTEST:

Richard Meyers, City Manager

Dated: _____