

MEMORANDUM

TO: Mayor and City Council

FROM: Richard Meyers, City Manager

SUBJECT: FIRST VOTE ON AN ORDINANCE AMENDING TITLE 10 VEHICLES AND TRAFFIC

DATE: September 7, 2022

Background

A part of the discussion surrounding homelessness was cleaning up language surrounding camping in vehicles in the public right of way. Staff reviewed the City Code and found only one reference to unlawful lodging in 9.24.070 which states:

No person shall lodge in a car, outbuilding or other place not intended for that purpose without permission of the owner or person entitled to possession.

There is no need to amend this section of the code to comply with court cases or legislation regarding homelessness. The section above is not intended to impact the homeless but to essentially prohibit trespassing in the property of others.

Since camping in a vehicle is not prohibited in City Code we do not have to amend the code. However, Council has expressed an interest in establishing regulations for camping in vehicles in order protect the safety of the users of the right of way and balance the variety of uses. The attached ordinance was prepared to establish the regulations into the code. The proposed ordinance does not prohibit camping in vehicles but provides reasonable limitations to protect other uses of the right of way.

In the ordinance, the regulations for camping in a vehicle in the right of way is found in Section 6 of the attached ordinance and would add the new language to Chapter 10.30 Roadway Use. Staff reviewed other chapters in Title 10 and identified some issues with language or references that needed to be cleaned up to properly incorporate the new language in Chapter 10.30.


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 amending Title 10 Vehicles and Traffic. The Ordinance cannot be adopted at one meeting.

Cost

No Cost



Richard Meyers, City Manager

ORDINANCE NO.

AN ORDINANCE AMENDING TITLE 10 OF THE COTTAGE GROVE MUNICIPAL CODE REGARDING VEHICLES AND TRAFFIC

WHEREAS, the incidence of homelessness in Oregon and the City of Cottage Grove continues to increase; 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, the Council has authorized the development of an emergency shelter location to provide alternative shelters for those experiencing homelessness; and

WHEREAS, the Council has established an overnight camping program to provide opportunities for public and private individuals and entities to participate in addressing homelessness within the community of Cottage Grove; and

WHEREAS, the Council desires to establish regulations to allow camping in vehicles in the public right of way while balancing the need for shelter and ensuring safe and efficient transportation facilities for motorists, cyclists and pedestrians; and

WHEREAS, the authorization to camp in vehicles in the public right of way continues to accomplish the Council's goal of addressing homelessness within the community.

THE CITY OF COTTAGE GROVE ORDAINS AS FOLLOWS:

Section 1. Section 10.040.010 is hereby amended to read as follows:

10.04.010 Title.

The ordinance codified in Chapters 10.04, 10.12, 10.20, 10.24, 10.28, 10.30, 10.32 and 10.40 may be cited as the "Cottage Grove Traffic Ordinance."

Section 2. Section 10.040.020 is hereby amended to read as follows:

10.04.020 Definitions.

In addition to those definitions contained in the Oregon Vehicle Code, the following words and phrases shall apply in this title, except where the context clearly indicates a different meaning:

A. "Bus stop" means a space on the edge of a roadway designated by sign for use by buses loading or unloading passengers.

B. "Holiday" means New Year's Day, Independence Day, Labor Day, Thanksgiving Day, Christmas Day, and any other day proclaimed by the council to be a holiday.

C. "Loading zone" means a space on the edge of a roadway designated by sign for the purpose of loading or unloading passengers or materials during specified hours of specified days.

D. "Motor vehicle" means every vehicle that is self-propelled, including tractors, fork-lift trucks, motorcycles, road-building equipment, street-cleaning equipment, and any other vehicle capable of moving under its own power, notwithstanding that the vehicle may be exempt from licensing under the motor vehicle laws of Oregon.

E. "Person" means a natural person, firm, partnership, association or corporation.

F. "Street" means highway, road, street or alley, as defined in ORS 801.110, 801.305, 801.450 and 801.535, including the entire width of the right-of-way.

G. "Taxicab stand" means a space on the edge of a roadway designated by sign for use by taxicabs.

H. "Traffic lane" means that area of the roadway used for the movement of a single line of traffic.

Section 3. Subsection 10.04.030 (A.) is hereby amended to read as follows:

- A. Subject to state laws, the City Council shall exercise all municipal traffic authority for the city except those powers specifically and expressly delegated in Chapters 10.04, 10.12, 10.20, 10.24, 10.28, 10.30, 10.32 and 10.40 or by another ordinance.

Section 4. Section 10.04.070 is hereby amended to read as follows:

10.04.070 Administration--Authority of police and fire officers.

- A. It shall be the duty of the police department to enforce the provisions of Chapters 10.04, 10.12, 10.20, 10.24, 10.28, 10.30, 10.32 and 10.40.
- B. In the event of a fire or other public emergency, police and fire personnel may direct traffic as conditions require, notwithstanding the provisions of Chapters 10.04, 10.12, 10.20, 10.24, 10.28, 10.30, 10.32 and 10.40.

Section 5. Section 10.04.090 is hereby amended to read as follows:

10.04.090 Citation on illegally parked vehicle.

Whenever a vehicle without an operator is found parked in violation of a restriction imposed by Chapters 10.04, 10.12, 10.20, 10.24, 10.28, 10.30, 10.32 and 10.40 or state law, the officer finding the vehicle shall take its license number and any other information displayed on the vehicle which may identify its owner, and shall conspicuously affix to the vehicle a traffic citation instructing the operator to answer to the charge at the location and time specified in the citation, or pay the presumptive fine as provided in Section 10.04.100(D) and (E).

Section 6. Chapter 10.30 is hereby amended to add a new section to read as follows:

10.30.20 Camping in right of way.

- A. A person may camp in a vehicle on city right of way if:
 - 1. The vehicle is parked in conformance with all established parking regulations.
 - 2. Vehicle is not parked within 100 feet of a public or private school, established licensed daycare or public playground.
 - 3. The vehicle is operational and can legally operate on the street.
 - 4. No material, items, supplies or waste are on the street, sidewalk, bike lane or planting strip.
- B. No camping in a tent, structure, shelter or other non-vehicle is allowed in the right of way including bike lanes, sidewalks and planting strips.

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

Jeffrey D. Gowing, Mayor

Dated: _____

ATTEST:

Richard Meyers, City Manager

Dated: _____