

Agenda

Houselessness Town Hall Presentation – November 27, 2023

- Welcome & Introductions – (Kathy & Committee members)
- Why are we here? – Information (Kim)
 - Legal
 - House bills
- Lincoln County Houseless Advisory Committee - Information (Kathy)
- Review points from ordinance.
- Open for discussion.

Homelessness & Public Space

Following recent federal court decisions, cities and counties must reconsider local ordinances regulating public space and homelessness. In 2021, the Oregon Legislature enacted HB 3115, which created a state statutory standard based on federal court decisions in *Martin v. Boise* and *Blake v. Grants Pass* and directs cities to consider their local ordinances within the context of available local shelter services and public space.

Martin v. Boise

In the April 2019 *Martin v. City of Boise* decision, the U.S. 9th Circuit Court ruled that homeless persons cannot be punished for sleeping outside on public property in the absence of adequate alternatives, or unless the law imposes “reasonable time, place and manner” restrictions on the regulated activities in public space. For now, this is the law in Oregon, and as a result, Oregon cities have updated their ordinances following the 2019 *Martin* decision and the August 2020 federal district court in Oregon’s opinion in *Blake v. Grants Pass*. Check out the LOC conference session links to the right for more information on recent case law.

HB 3115 (2021): Local Camping Ordinances

HB 3115 is the product of a workgroup involving the League of Oregon Cities (LOC) and the Oregon Law Center (OLC) as well as individual cities and counties. The workgroup spent many hours crafting a concept that recognizes a key principle from the recent *Martin v. City of Boise* 9th circuit court decision and *Blake v. Grants Pass* federal district court decision.

HB 3115 requires that any city or county law regulating the acts of sitting, lying, sleeping or keeping warm and dry outside on public property must be “objectively reasonable” based on the totality of the circumstances as applied to all stakeholders, including persons experiencing homelessness. What is objectively reasonable may look different in different communities.

The bill retains cities’ ability to enact reasonable time, place and manner regulations, aiming to preserve the ability of cities to manage public spaces effectively for the benefit of an entire community.

HB 3115 includes a delayed implementation date of July 1, 2023, to allow local governments time to review and update ordinances and support intentional community conversations.

SOURCE: <https://www.orcities.org/resources/reference/homeless-solutions/homelessness-public-space>

Enrolled House Bill 3115

Sponsored by Representative KOTEK; Representatives DEXTER, MARSH, MCLAIN, POWER,
REYNOLDS, WILDE, Senators DEMBROW, MANNING JR, RILEY

CHAPTER

AN ACT

Relating to the regulation of public property with respect to persons experiencing homelessness; and
declaring an emergency.

Be It Enacted by the People of the State of Oregon:

SECTION 1. (1) As used in this section:

(a) “City or county law” does not include policies developed pursuant to ORS 203.077 or 203.079.

(b)(A) “Keeping warm and dry” means using measures necessary for an individual to survive outdoors given the environmental conditions.

(B) “Keeping warm and dry” does not include using any measure that involves fire or flame.

(c) “Public property” has the meaning given that term in ORS 131.705.

(2) Any city or county law that regulates the acts of sitting, lying, sleeping or keeping warm and dry outdoors on public property that is open to the public must be objectively reasonable as to time, place and manner with regards to persons experiencing homelessness.

(3) It is an affirmative defense to a charge of violating a city or county law described in subsection (2) of this section that the law is not objectively reasonable.

(4) A person experiencing homelessness may bring suit for injunctive or declaratory relief to challenge the objective reasonableness of a city or county law described in subsection (2) of this section. The action must be brought in the circuit court of the county that enacted the law or of the county in which the city that enacted the law is located.

(5) For purposes of subsections (2) and (3) of this section, reasonableness shall be determined based on the totality of the circumstances, including, but not limited to, the impact of the law on persons experiencing homelessness.

(6) In any suit brought pursuant to subsection (4) of this section, the court, in its discretion, may award reasonable attorney fees to a prevailing plaintiff if the plaintiff:

(a) Was not seeking to vindicate an interest unique to the plaintiff; and

(b) At least 90 days before the action was filed, provided written notice to the governing body of the city or county that enacted the law being challenged of an intent to bring the action and the notice provided the governing body with actual notice of the basis upon which the plaintiff intends to challenge the law.

(7) Nothing in this section creates a private right of action for monetary damages for any person.

SECTION 2. Section 1 of this 2021 Act becomes operative on July 1, 2023.

SECTION 3. This 2021 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2021 Act takes effect on its passage.

Passed by House April 15, 2021

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Timothy G. Sekerak, Chief Clerk of House

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Tina Kotek, Speaker of House

Passed by Senate June 9, 2021

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Peter Courtney, President of Senate

Received by Governor:

.....M,....., 2021

Approved:

.....M,....., 2021

.....
Kate Brown, Governor

Filed in Office of Secretary of State:

.....M,....., 2021

.....
Shemia Fagan, Secretary of State

Enrolled House Bill 3124

Sponsored by Representative LIVELY; Representatives POWER, WILDE, Senator GORSEK

CHAPTER

AN ACT

Relating to homelessness; amending ORS 203.079 and section 1, chapter 21, Oregon Laws 2018; and declaring an emergency.

Be It Enacted by the People of the State of Oregon:

SECTION 1. ORS 203.079 is amended to read:

203.079. (1) A policy developed pursuant to ORS 203.077 shall *[include, but is not limited to,]* **conform, but is not limited, to the following[:] provisions.**

(2) As used in this section, “personal property” means any item that can reasonably be identified as belonging to an individual and that has apparent value or utility.

[(a)] (3) *[Prior to]* **Except as provided in subsection (9) of this section, at least 72 hours before** removing homeless individuals from an established camping site, law enforcement officials shall post a **written** notice, *[written]* in English and Spanish, *[24 hours in advance]* **at all entrances to the camping site to the extent that the entrances can reasonably be identified.**

[(b)] (4)(a) *[At the time that a 24-hour]* **When a 72-hour** notice is posted, law enforcement officials shall inform the local agency that delivers social services to homeless individuals **as to** where the notice has been posted.

[(c)] (b) The local agency may arrange for outreach workers to visit the camping site *[where a notice has been posted]* **that is subject to the notice** to assess the need for social service assistance in arranging shelter and other assistance.

[(d)] (5)(a) All *[unclaimed]* personal property **at the camping site that remains unclaimed after removal** shall be given to *[law enforcement officials whether 24-hour]* **a law enforcement official, a local agency that delivers social services to homeless individuals, an outreach worker, a local agency official or a person authorized to issue a citation described in subsection (10) of this section, whether notice is required under subsection (3) of this section or not.**

(b) **The unclaimed personal property must be stored:**

(A) **For property removed from camping sites in counties other than Multnomah County, in a facility located in the same community as the camping site from which it was removed.**

(B) **For property removed from camping sites in Multnomah County, in a facility located within six blocks of a public transit station.**

(c) **Items that have no apparent value or utility or are in an insanitary condition may be immediately discarded upon removal of the homeless individuals from the camping site.**

(d) **Weapons, controlled substances other than prescription medication and items that appear to be either stolen or evidence of a crime shall be given to or retained by law enforcement officials.**

(6) The written notice required under subsection (3) of this section must state, at a minimum:

(a) Where unclaimed personal property will be stored;

(b) A phone number that individuals may call to find out where the property will be stored; or

(c) If a permanent storage location has not yet been determined, the address and phone number of an agency that will have the information when available.

(7)(a) The unclaimed personal property shall be stored in an orderly fashion, keeping items that belong to an individual together to the extent that ownership can reasonably be determined.

(b) The property shall be stored for a minimum of 30 days during which it [will] **shall** be reasonably available to any individual claiming ownership. Any personal property that remains unclaimed [for] **after** 30 days may be disposed of **or donated to a corporation described in section 501(c)(3) of the Internal Revenue Code as amended and in effect on December 31, 2020.** [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 homeless individuals 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.]

[(e)] (8) Following the removal of homeless 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 the policy.

[(2)] (9)(a) The [24-hour] **72-hour** notice [required] **requirement** under subsection [(1)] (3) of this section [shall] **does** not apply:

[(a)] (A) When there are grounds for law enforcement officials to believe that illegal activities other than camping are occurring **at an established camping site.**

[(b)] (B) In the event of an exceptional emergency [such as] **at an established camping site, including, but not limited to,** possible site contamination by hazardous materials [or when there is], **a public health emergency or other** immediate danger to human life or safety.

(b) **If a funeral service is scheduled with less than 72 hours' notice at a cemetery at which there is a camping site, or a camping site is established at the cemetery less than 72 hours before the scheduled service, the written notice required under subsection (3) of this section may be posted at least 24 hours before removing homeless individuals from the camping site.**

[(3)] (10) A person authorized to issue a citation for unlawful camping under state law, administrative rule or city or county ordinance may not issue the citation if the citation would be issued within 200 feet of [the] **a notice [described in] required under subsection (3) of this section** and within two hours before or after the notice was posted.

(11) **Any law or policy of a city or county that is more specific or offers greater protections to homeless individuals subject to removal from an established camping site pre-empts contrary provisions of this section.**

SECTION 1a. If Senate Bill 410 becomes law, section 1 of this 2021 Act (amending ORS 203.079) is repealed and ORS 203.079, as amended by section 1, chapter __, Oregon Laws 2021 (Enrolled Senate Bill 410), is amended to read:

203.079. (1) A policy developed pursuant to ORS 203.077 shall [include, but is not limited to,] **conform, but is not limited, to the following[:] provisions.**

(2) **As used in this section, "personal property" means any item that can reasonably be identified as belonging to an individual and that has apparent value or utility.**

[(a)] (3) [Prior to] **Except as provided in subsection (9) of this section, at least 72 hours before removing homeless individuals from an established camping site, law enforcement officials**

shall post a **written** notice, *[written]* in English and Spanish, *[24 hours in advance]* **at all entrances to the camping site to the extent that the entrances can reasonably be identified.**

[(b)] (4)(a) [At the time that a 24-hour] **When a 72-hour** notice is posted, law enforcement officials shall inform the local agency that delivers social services to homeless individuals **as to** where the notice has been posted.

[(c)] (b) The local agency may arrange for outreach workers to visit the camping site *[where a notice has been posted]* **that is subject to the notice** to assess the need for social service assistance in arranging shelter and other assistance.

[(d) Except as otherwise provided in paragraph (e) of this subsection:]

[(A)] (5)(a) All *[unclaimed]* personal property **at the camping site that remains unclaimed after removal** shall be given to *[law enforcement officials whether 24-hour]* **a law enforcement official, a local agency that delivers social services to homeless individuals, an outreach worker, a local agency official or a person authorized to issue a citation described in subsection (10) of this section, whether** notice is required **under subsection (3) of this section** or not.

(b) The unclaimed personal property must be stored:

(A) For property removed from camping sites in counties other than Multnomah County, in a facility located in the same community as the camping site from which it was removed.

(B) For property removed from camping sites in Multnomah County, in a facility located within six blocks of a public transit station.

(c) Items that have no apparent value or utility or are in an insanitary condition may be immediately discarded upon removal of the homeless individuals from the camping site.

(d) Weapons, controlled substances other than prescription medication and items that appear to be either stolen or evidence of a crime shall be given to or retained by law enforcement officials.

(6) The written notice required under subsection (3) of this section must state, at a minimum:

(a) Where unclaimed personal property will be stored;

(b) A phone number that individuals may call to find out where the property will be stored; or

(c) If a permanent storage location has not yet been determined, the address and phone number of an agency that will have the information when available.

(7)(a) The unclaimed personal property shall be stored in an orderly fashion, keeping items that belong to an individual together to the extent that ownership can reasonably be determined.

(b) The property shall be stored for a minimum of 30 days during which it *[will]* shall be reasonably available to any individual claiming ownership. Any personal property that remains unclaimed *[for]* after 30 days may be disposed of or donated to a corporation described in section 501(c)(3) of the Internal Revenue Code as amended and in effect on December 31, 2020.

[(B) 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 homeless individuals from the camping site.]

[(C) Weapons, drug paraphernalia and items that appear to be either stolen or evidence of a crime shall be given to or retained by law enforcement officials.]

[(e) For unclaimed personal property located in Multnomah County:]

[(A) All unclaimed personal property shall be given to a law enforcement official, a local agency that delivers social services to homeless individuals, an outreach worker, a local agency official or a person authorized to issue a citation described in subsection (3) of this section, whether 24-hour notice is required or not.]

[(B) Facilities for storage of personal property under paragraph (d) of this subsection must be located within six blocks of a public transit station.]

[(f)] (8) Following the removal of homeless 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 the policy.

[(2)] (9)(a) The [24-hour] **72-hour** notice [required] **requirement** under subsection [(1)] (3) of this section [shall] **does not** apply:

[(a)] (A) When there are grounds for law enforcement officials to believe that illegal activities other than camping are occurring **at an established camping site**.

[(b)] (B) In the event of an exceptional emergency [such as] **at an established camping site, including, but not limited to,** possible site contamination by hazardous materials [or when there is], **a public health emergency or other** immediate danger to human life or safety.

(b) **If a funeral service is scheduled with less than 72 hours' notice at a cemetery at which there is a camping site, or a camping site is established at the cemetery less than 72 hours before the scheduled service, the written notice required under subsection (3) of this section may be posted at least 24 hours before removing homeless individuals from the camping site.**

[(3)] (10) A person authorized to issue a citation for unlawful camping under state law, administrative rule or city or county ordinance may not issue the citation if the citation would be issued within 200 feet of [the] a notice [described in] **required under subsection (3) of this section** and within two hours before or after the notice was posted.

(11) **Any law or policy of a city or county that is more specific or offers greater protections to homeless individuals subject to removal from an established camping site pre-empts contrary provisions of this section.**

SECTION 2. Section 1, chapter 21, Oregon Laws 2018, is amended to read:

Sec. 1. (1) The Department of Transportation may enter into an intergovernmental agreement with a city that has a population of 500,000 or more for the removal, storage and disposition of personal property deposited, left or displayed on property that is owned by the department.

(2) Notwithstanding ORS 377.650, 377.653 and 377.655, an intergovernmental agreement entered into under this section may provide alternative provisions related to the removal, storage and disposition of personal property if the alternative provisions conform with the requirements for local government policy for removal of homeless individuals and personal property [described] under ORS 203.079[, except that under this section the notices described in ORS 203.079 must be posted 48 hours in advance].

(3) In addition to the requirements described in subsection (2) of this section, an intergovernmental agreement entered into under this section must include the following:

(a) Requirements for posting notice before the removal of personal property, including but not limited to the following:

(A) That the notice is created using durable materials and securely posted within 30 feet of the personal property to be removed;

(B) That the notice must provide the date the notice begins and the date upon which the city may begin removing personal property; and

(C) That the notice must provide a description of:

(i) How an individual may access personal property that is removed and stored; and

(ii) The length of time the city will store personal property before the city disposes of it.

(b) A requirement that the notice expires 10 days after the city posts the notice.

(c) A severe weather protocol regarding the weather conditions under which the city will not remove personal property.

(d) Provisions related to inventorying and storing the personal property to be removed.

(e) Provisions related to the city relinquishing unclaimed personal property after the storage period to the city's designated agent.

(f) Provisions related to when the city will provide impact reduction services, including but not limited to trash collection.

(4) The [48-hour] **72-hour** notice **under ORS 203.079** required under subsection (2) of this section does not apply:

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

(b) Where there is an exceptional emergency, such as possible site contamination by hazardous materials; or

(c) When there is immediate danger to human life or safety.

(5) Before the city adopts an intergovernmental agreement under this section or changes to the agreement, the city shall invite public comment on the proposed agreement or the proposed changes to the agreement.

SECTION 3. This 2021 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2021 Act takes effect on its passage.

Passed by House April 19, 2021

Received by Governor:

Repassed by House June 9, 2021

.....M,....., 2021

Approved:

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Timothy G. Sekerak, Chief Clerk of House

.....M,....., 2021

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Tina Kotek, Speaker of House

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Kate Brown, Governor

Passed by Senate June 8, 2021

Filed in Office of Secretary of State:

.....M,....., 2021

.....
Peter Courtney, President of Senate

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Shemia Fagan, Secretary of State

2021 POINT IN TIME COUNT

THE ANNUAL
ONE NIGHT COUNT
OF THOSE
EXPERIENCING
HOMELESSNESS IN
CENTRAL OREGON

1099

unhoused adults
and children

824

living outside
or in a vehicle

13%



more people
than in 2020

154

youth ages
18-24

110

youth
under 18

89

Veterans

ORDINANCE NO. XXX-24

AN ORDINANCE AMENDING CHAPTER 72, SCHEDULE II, CHAPTER 70, SECTION 40 OF THE DEPOE BAY MUNICIPAL CODE, AND ADDING CHAPTER 97: CAMPING REGULATIONS TO THE CITY OF DEPOE BAY MUNICIPAL CODE REGULATING CAMPING IN PUBLIC PLACES, ENSURING PUBLIC SAEFTY, AND DECLARING AN EMERGENCY

WHEREAS, one of the requirements of House Bill 3115 is that cities adopt or modify their ordinances to address such requirements as addressing the “time, place & manner” where houseless individuals can sit, lie, sleep or keep warm and dry outdoors on public property; and,

WHEREAS, public rights-of-way are designed and intended for travel, transportation, and provision of utility services, among other uses. The City’s parks, trails, nature paths, and scenic lands were designed and intended for recreational uses and outdoor activities. Public rights-of-way and City parks were not designed or intended for overnight use in the same way as a recreational camp site. People living in makeshift camps in the rights-of-way, local parks, or vehicles often lack access to safe and sanitary restrooms and trash receptacles, resulting in unsanitary conditions from improper disposal of human waste and trash; and,

WHEREAS, the City has a responsibility as the road authority to manage its streets and sidewalks as safe, passable, and accessible; and,

WHEREAS, this Ordinance is intended to address health and safety concerns of both the travelling public and individuals residing or camping within the City, promote a safe environment, limit unsanitary conditions, allocate limited public resources effectively, and meet legal and humanitarian standards for all people within the City; and

WHEREAS, the City owns limited property where camping can or should be allowed. City utility properties (stormwater, water, sewer) and waterways within the City (streams, creeks, harbor) are sensitive and generally have limited access for safety, environmental, or security reasons; and

WHEREAS, the City finds that limitations on the locations of campsites on City property supports the safety of people in the campsites as well as the traveling public and community; and

WHEREAS, ORS 195.530 provides: “Any city or county law that regulates the acts of sitting, lying, sleeping or keeping warm and dry outdoors on public property that is open to the public must be objectively reasonable as to time, place and manner with regards to persons experiencing houselessness;” and

WHEREAS, this Ordinance is intended to establish objectively reasonable time, place, and

manner camping regulations, in compliance with ORS 195.530, that balance the statutory obligations placed upon the City with the City's obligation to manage public spaces to meet their intended uses and to maintain the health and safety for everyone in the City;

WHEREAS, certain sections of the Depoe Bay Municipal Code (DPMC) require amendment to satisfy the requirements of House Bill 3115; and

NOW THEREFORE, the City of Depoe Bay does ordain as follows:

Section 1. Chapter 72, Schedule II Prohibited Parking is hereby amended to read as follows:

(E) City parks. No vehicle shall be parked in any area of the City park other than in areas designated for vehicle parking. In those areas, the following restrictions shall apply.

- (1) No vehicle shall be parked in the City park areas between the hours of 10:00 PM and 7:00 AM. This does not include the area abutting the boat launch. Restrictions on those hours are from 10:00 PM and 4:00 AM.
- (2) No parking of empty boat trailers shall be permitted in excess of three (3) days without a permit from the City. The City may issue a permit for three (3) additional days at the harbor office.
- (3) No parking of boats, on or off of trailers, in excess of 24 hours shall be permitted without a permit from the City. The City may issue a permit for an additional 48 hours upon application at the harbor office.

Section 2. Section 70.40 City Parks of the DPMC is hereby amended to read as follows:

Outside City staff or emergency services, no person shall drive or operate a vehicle on any portion of the City Park.

Section 3. Section 70.99 Penalty of the DPMC is hereby amended to read as follows:

(A) This chapter shall be enforced in accordance with the provisions of Chapter 11 of this code of ordinances.

(B) Any person violating a provision of this chapter shall be deemed guilty of an infraction, and shall be subject to a fine in an amount not to exceed \$200 for parking violations, and \$500 for non-parking violations. Each violation of a separate provision of this chapter shall constitute a separate infraction, and each day that a violation of this chapter is committed or permitted to continue shall constitute a separate infraction.

Section 4. Chapter 97 Camping Regulations is added in full as shown in the attached Exhibit A.

Introduced and passed the first reading in a regular meeting of the City Council of the City of Depoe Bay, Oregon, on this ____ day of _____, 2024.

Passed at the second reading, placed on final passage, and adopted by the City Council of

the City of Depoe Bay, Oregon, on this ____ day of _____, 2024.

Approved by the Mayor of the City of Depoe Bay, Oregon, this ____ day of _____, 2024.

Kathy Short, Mayor

ATTEST

Kimberly Wollenburg, City Recorder

DRAFT

Exhibit A

Chapter 97: Time, Manner, and Place Regulations

97.001	Title and Purpose
97.002	Definitions
97.003	Recreational Vehicles
97.004	Prohibited Camping Locations
97.005	Overnight Camping Program
97.006	Campsite Cleanup
97.007	Penalties and Enforcement

97.001 Title and Purpose

The title of this chapter shall be known as the “Depoe Bay Time, Manner, and Place Regulations.” The purpose of this chapter is to protect the safety of citizens and regulate the use of public and private property by establishing time, manner, and place guidelines. Furthermore, the purpose of this chapter is to comply with all current State of Oregon laws and court decisions regarding persons experiencing houselessness.

97.002 Definitions

- (A) “Available” means a shelter that has space for a particular person. A shelter is not available to a person if the shelter:
- 1) Has excluded the person from the shelter for any lawful reason;
 - 2) Cannot reasonably accommodate the person’s mental health or physical needs;
 - 3) Is unavailable due to shelter policies regarding a person’s family status, age, gender, gender identity, sexual orientation, or other status;
 - 4) Excluding general rules that prohibit alcohol or drug use in the shelter or on shelter grounds, is unavailable to the person because the shelter has rules about alcohol or drug use that the person does not meet;
 - 5) Prohibits a minor child to be housed in the same facility with at least one parent or legal guardian;
 - 6) Requires participation in religious activity or receipt of religious information or religious teaching the person does not wish to participate in or receive; or
 - 7) Requires a person to leave their pet(s) unattended in order to stay at the shelter. This section does not apply to service animals under the Americans with Disabilities Act.
- (B) “Boat launch parking” means the parking area that abuts the boat launch ramp at the south end of the harbor.

- (C) To “camp” or the act of “camping” means to pitch, erect, create, use, or occupy camp materials for the purposes of occupancy, habitation, or sheltering for survival, and in such a way as will facilitate sleeping or storage of personal belongings, carrying on cooking activities, taking measures to keep protected from the elements, including heat and cold, or any of these activities in combination with one another or in combination with either sleeping or making preparations to sleep.
- (D) A “camp facilities” or “camp” is a location where people camp or are camping and includes, but is not limited to, tents, huts, temporary shelters, motor vehicles, or recreational vehicles subject to section 97.004.
- (E) “Camp paraphernalia” or “camp materials” includes, but is not limited to, tarpaulins, cots, lean-tos, chairs, beds, sleeping bags, blankets, mattresses, hammocks, food or food storage items, or outdoor cooking devices or utensils and similar equipment that are or appear to be used as living or sleeping accommodations, or to assist with living or sleeping activities.
- (F) “City property” is any real property or structures owned, leased, or managed by the City, including rights-of-way.
- (G) “City Recorder” means the Depoe Bay City Recorder or the City Recorder’s designee.
- (H) “Established campsite” or “campsite” means any place where one or more persons have established temporary sleeping accommodations by use of camp facilities and/or camp paraphernalia for more than 24 consecutive hours.
- (I) “Family” means two or more persons related by blood, marriage, adoption, legal guardianship, or other duly authorized custodial relationship, or not more than two unrelated adults.
- (J) “Motor vehicle” has the meaning given that term in ORS 801.360 and does not include recreational vehicles (RVs).
- (K) “Parking lot” means a developed location that is designated for parking motor vehicles, whether developed with asphalt, concrete, gravel, or other material.
- (L) “Recreational fire” means a fire for the cooking of food, warmth, fellowship, or ceremonial purposes.
- (M) “Recreational vehicle” has the meaning given that term in ORS 174.101.
- (N) “Rights-of-way” means all property dedicated to the public for transportation purposes and administered by the City, including streets, roads, bridges, alleys, sidewalks, trails, paths, and all other public ways and areas managed by the City. “Rights-of-way” also includes public utility easements to the extent that the easement allows use by the permittee planning to use or using the public utility easement. “Rights-of-way” includes the subsurface under and airspace over these areas.

- (O) “Solid waste” means any garbage, trash, debris, yard waste, food waste, or other discarded materials.
- (P) “Store” or “storage” means to put aside or accumulate for use when needed, to put for safekeeping, to place or leave in a location.
- (Q) “Street” means any highway, lane, road, street, right-of-way, alley, and every way or place in the City of Depoe Bay that is publicly owned or maintained for public vehicular travel.

97.003 Recreational Vehicles

Owners of residential, commercial, or industrial land may authorize the placement of a recreational vehicle on their property for the purpose of providing a place for persons experiencing houselessness given the following:

- (A) Approval by the City Recorder, or designee, of a completed City authorized contract and compliance form.
- (B) A limit of one (1) recreational vehicle per property. RVs must maintain legal licensing through the state of Oregon and be fit for travel along Oregon roads (i.e. current vehicle tags must be maintained).
- (C) On a temporary basis limited to ninety (90) days with an additional ninety (90) days after approval of the City Council.
- (D) Recreational vehicles shall be five (5) feet or more from any property line and not within 500 feet of a residential structure.
- (E) Provide a sanitary sewer connection and hard parking surface (concrete, asphalt pad, or adequately compacted gravel).
- (F) Generators shall not be used between the hours of 10:00 PM and 7:00 AM.

97.004 Time, Manner & Place

- (A) Persons experiencing houselessness are prohibited from sleeping and resting on public property and within public rights-of-way (ROW) except when and where posted and in a manner that creates a camp or constitutes camping, so long as such use does not obstruct the public rights-of-way or access to other City property for its usual and customary purposes and the below “Time, Manner, and Place” requirements are followed:
 - 1) Time.
 - i. Camping, where permitted and signed, may only occur between 10:00 PM and 7:00 AM. All camp materials and personal property must be removed from the camp by 7:00 AM.
 - ii. Enforcement of time restrictions may be suspended by order of the City Recorder, or designee, for severe weather events or when necessary to respond to an

individual's unique circumstances.

- 2) Place. Camping is prohibited at all times in the following locations:
 - i. Anywhere within 100 feet of a school or day care facility.
 - ii. Any place where camping, a camp, or camp materials create as physical impediment to emergency or nonemergency ingress, egress, or access to property, whether private or public, or on public sidewalks or the public rights-of-way, including but not limited to driveways providing access to vehicles, and entrances or exits from buildings and/or other real property.
 - iii. Within 20 feet of a public entrance to a business.
 - iv. Within 20 feet of a transit stop.
 - v. Any vehicle lane, bicycle lane, or roundabout within any public right-of-way.
 - vi. Immediately adjacent to any City-owned buildings or anywhere on or adjacent to water reservoir sites.
 - vii. Anywhere along or adjacent to the harbor or City park or scenic lands along Hwy 101 (within a distance of 20 feet from Highway 101) or nature trails in the City Park or on scenic lands.
 - viii. The Community Hall, the parking lot or adjacent parking lot (Steelhead Lot).
 - ix. All City-owned parking lots as signed.
 - x. Any location that is or has been determined by Depoe Bay Fire Chief, Fire Marshal, or designee to constitute an elevated threat of fire at a particular time of year.
- 3) Manner. Camping, when and where not prohibited, must comply with all of the following:
 - i. Individuals, camp materials, camps, or personal property may not obstruct sidewalk accessibility or passage, clear vision areas, fire hydrants, City or other public utility infrastructure, must remain at least five (5) feet from a roadway, and must not otherwise interfere with the use of the right-of-way for vehicular, pedestrian, bicycle, or other passage.
 - ii. A camp and all associated camp materials must be contained within a spatial footprint of no more than 10 feet by 10 feet or 100 square feet. The intent of this limitation is to allow a person to sleep protected from the elements and maintain the essentials for living, while still allowing the use of public spaces as designed and intended.
 - iii. Individuals may not build or erect structures, whether by using plywood, wood materials, pallets, or other materials. Items such as free-standing tents and similar items used for shelter that are readily portable are not structures for purposes of this section.
 - iv. Individuals may not obstruct or attach camp materials or personal property to fire hydrants, utility poles or other utility or public infrastructure, fences, trees, vegetation, vehicles, buildings, or structures.
 - v. All camp materials and personal property must be contained within the tent or tent like structure except for one (1) mobility device (bike, wheelchair, etc.) per person may be stored outside. For the purpose of this section, a bike with an attached bike trailer is considered one (1) mobility device.

- vi. Individuals may not accumulate, discard, or leave behind garbage, debris, unsanitary or hazardous materials, or other items of no apparent utility in public rights-of-way, on City property, or on any adjacent public or private property.
- vii. Open flames, recreational fires, burning of garbage, bonfires, or other fires, flames, or heating deemed unsafe by the Depoe Bay Fire Department are prohibited. Types of cooking stoves and other devices for keeping warm are permitted, as allowed by adopted City policies.
- viii. Dumping of gray water (i.e., wastewater from baths, sinks, and the like) or black water (i.e., sewage) into any facilities or places not intended for gray water or black water disposal is prohibited. This includes but is not limited to storm drains, directly into waterways, or onto the ground.
- ix. Connections or taps to electrical or other utilities, or violations of building, fire, or other relevant codes or standards, are prohibited.
- x. Digging, excavation, alteration of ground or infrastructure, or damage to vegetation or trees is prohibited.
- xi. The City's noise regulations in DPMC Chapter 93 apply to all individuals.
- xii. Nudity as defined in ORS 167.060 is prohibited.
- xiii. Sexual conduct as defined in ORS 167.051 is prohibited.
- xiv. Illegal drugs are prohibited.
- xv. Dogs must be in compliance with state rabies vaccination requirements and owners must present proof of vaccination to any code enforcement officer or peace officer requesting such proof.
- xvi. Animals shall not be left unattended. Aggressive or harassing animals are prohibited.
- xvii. Possession of an unlawful weapon is prohibited.
- xviii. Minors must be accompanied by a parent or guardian.

(B) Further restrictions:

- 1) Except as expressly authorized by the Depoe Bay Municipal Code, it shall be unlawful for any person to store unattended personal property within public rights-of-way.
- 2) Any person camping in a motor vehicle or recreational vehicle must adhere to the parking regulations outlined in DPMC Chapter 72.
- 3) Notwithstanding the provisions of this section, the City Recorder or designee may temporarily authorize camping or storage of personal property on public property by written order that specifies the period of time and location upon finding it to be in the public interest and consistent with City Council goals and policies.
- 4) Camping on any property in which solid waste has accumulated without collection.

97.005 Overnight Camping

- (A) Pursuant to ORS 195.520 the City hereby grants permission to allow a private property owner to offer overnight camping on their property to individuals or families experiencing houselessness.
- (B) All persons experiencing houselessness participating in temporary camping 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.
- (C) Authorization Required to Allow Camping
 - 1) Any private property owner must apply for City authorization to provide camping sites to individuals or families experiencing houselessness pursuant to a written agreement with the City for the following:
 - i. Persons may sleep overnight in a vehicle, tent, or shelter constructed to meet temporary housing standards approved by the City in a parking lot, within written permission of the property owner of a business or non-profit entity that owns or leases property on which a parking lot or occupied structure are located. The property owner may not grant permission for more than two (2) vehicles, tents, or shelters (or any combination of) constructed to meet temporary housing standards approved by the City used for sleeping at any one time.
 - ii. Persons experiencing houselessness may sleep overnight in the yard of a single-family residence in a residentially zoned district, with written permission of the owner and tenant of the residence. Such camping cannot be located on the property between the residence and any adjacent street and must not be more than one (1) tent or shelter to meet temporary housing standards.
 - iii. Persons experiencing houselessness may sleep overnight in a vehicle, tents, or shelter constructed to meet temporary housing standards approved by the City 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 (2) (or any combination of) vehicles, tents, or shelters used for sleeping at anyone (1) time.
 - 2) The City may impose any other reasonable condition, in the 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) The approved property owner must provide campers with access to sanitary facilities, including but not limited to toilet, hand washing, and trash disposal facilities.
- (D) Any vehicle, tent, or shelter used for camping under this section must be at least five (5) feet from any side or rear property lines.
- (E) No property owner may require or accept the payment of any monetary charge or

performance of any valuable service in exchange for providing camping on the property. Nothing in this section will prohibit the property owner from requiring campers to perform services necessary to maintain safe, sanitary, and habitable conditions of the campsite.

(F) Revocation

- 1) A property owner who permits camping pursuant to this section may revoke that permission at any time and for any reason.
- 2) Any person whose authorization to camp on property has been revoked pursuant to this subsection must vacate and remove all belongings from the property within twenty-four (24) hours of receiving such notice.
- 3) Notwithstanding any other provision of this chapter, the City Recorder or designee may revoke the right of any person to authorize camping on property pursuant to this chapter upon finding that any activity occurring on that property by the property owner, guest, or camper is in violation of any provision of this chapter, incompatible with the uses of adjacent properties or constitutes a nuisance or other threat to public welfare. Property owners must provide notice within twenty-four (24) hours of receiving the notice.

- (G) The property owner providing a twenty-four (24) hour notice to vacate the property must provide the notice in writing and post the notice at the entrance to the campsite.

97.006 Campsite Cleanup

Campsites must be maintained in a clean and orderly fashion, with no accumulation of trash or debris around the site; failing this or failing to adhere to this chapter will make the campsite deemed unlawful. If a campsite is determined to be unlawful:

- (A) Signs may be posted advising that camping is prohibited. Whether or not a sign is posted, a specific dated and timed notice will be posted and distributed in the area of a scheduled cleanup at least 72 hours before the cleanup.
- 1) Notwithstanding previous of this section, cleanup of campsites may occur immediately and without notice if the Lincoln County Sheriff's Office or designee determine that either of the following conditions exist:
 - i. An emergency such as possible site contamination by hazardous materials or where there is an immediate danger to human life or safety;
 - ii. Illegal activity other than camping.
- (B) It is unreasonable for the City to determine whether items are of a personal nature or solid waste, as such, at the end of the notice period, all items left at the campsite will be considered waste and discarded.
- (C) Written notices will be in both English and Spanish.

- (D) Copies of all notices shall be provided to the Oregon Department of Human Services and/or the Lincoln County Health and Human Services Department.
- (E) Weapons, drug paraphernalia, and items which reasonably appear to be either stolen or evidence of a crime may be retained and/or disposed of by the Lincoln County Sheriff's Office in accordance with their department's written policies and procedures.

97.007 Penalties and Enforcement

- (A) Enforcement personnel may impose a violation of this chapter in the following manner:
 - 1) Enforcement personnel may, as appropriate, use a progressive enforcement process to encourage and compel compliance with this chapter.
 - 2) Methods of enforcement for violations of this chapter are not exclusive and may consist of multiple enforcement mechanisms where legally authorized and appropriate.
 - 3) Nothing in this section is intended to supersede or prevent enforcement personnel's discretion to enforce laws and mitigate hazards as necessary and without progressive enforcement.
- (B) The City Recorder, or their designee(s), is authorized to modify or suspend enforcement of any section or element of this chapter in the event of a City Council declared emergency, pursuant to administrative rules or policies, severe weather condition, or for any other reason within the City Recorder's authority.
- (C) Nothing in this chapter is intended to prevent enforcement of any other section of this code of ordinances or the Oregon State law and shall not be the basis for non-enforcement of violations thereof because shelter is not available to the person.
- (D) Violations of this chapter:
 - 1) Are a civil infraction, subject to a class B civil penalty enforced under the rules of the DPMC, in addition to state laws.
 - 2) Repeated violations of this title will result in trespassing from those City properties.

Myth #1

“Camps are responsible for all the trash cluttering public land.”

About two-thirds of illegal waste cleaned up by Metro came from businesses or people living in homes who have garbage service

[-Metro Dashboard](#)

Myth #2

“People experiencing homelessness are flocking to Portland for the services.”

Only 18% of those living unsheltered report coming to Multnomah County for services. Family or friends were the most popular reasons.

[-Multnomah County's 2019 Point in Time Count](#)

Myth #3

“It’s the opioid epidemic and mental illness.”

Only 17% report a serious mental illness and 15% report a substance use disorder. The rates are higher for those living unsheltered. Studies show that housing helps improve recovery rates for both.

[-2020 U.S. Department of Housing and Urban Development report](#)

Myth #4

“You can see the scope of the homelessness problem by the number of tents in the city.”

About half of those experiencing homelessness sleep at shelters or transitional housing. That doesn’t include those living doubled up with friends and family, which means the issue is larger than what you see.

[-Multnomah County's 2019 Point in Time Count](#)

Myth #5

“The county has invested millions into the homelessness crisis with nothing to show for it.”

From July 2020 through June 2021, more than 11,000 people previously experiencing homelessness were served in permanent housing in Multnomah County , and nearly 27,000 people at risk of homelessness were kept in their home

[-A Home for Everyone 2021 2021 Q4 Report](#)

Myth #6

“The West Coast faces higher rates of homelessness due to their lax laws”

The West Coast faces one of the largest affordable housing shortages in the country.

-2018 Gap Report from the National Low Income Housing Coalition

Myth #7

“There are plenty of shelter beds available for those who sleep on the streets.”

There are enough year-round, emergency beds to serve fewer than half of those experiencing unsheltered homelessness in Oregon.

- [2019 report by Technical Assistance Collaborative](#)

Myth #8

“Providing services makes the problem worse.”

If we do nothing to fix systemic problems including access to affordable housing, the rate of homelessness will continue to climb.

-2018 report by ECONorthwest

Myth #9

“People of color are less likely to experience homelessness.”

African Americans are twice as likely and Native Americans are five times as likely to experience homelessness.

-Multnomah County's 2019 Point in Time Count

Myth #10

“University students don't experience homelessness.”

One in seven university students experience homelessness.

-2021 College and University Basic Needs Insecurity: A National #RealCollege Survey

Myth #11

“They just need to get a job.”

A job doesn't protect you from homelessness. Approximately 75% of low-income households in the Portland area pay more than half of their income on rent, putting them at extreme risk of homelessness.

-The Gap: A Shortage of Affordable Rental Housing by the National Low Income Housing Coalition

Myth #12

"Homelessness is difficult to predict."

Economists use housing affordability to predict the severity of homelessness. One formula shows a 10% increase in rent leads to a 6.5% increase in the rate of homelessness.

-Economists John Quigley and Steven Raphael