

**CITY OF BOARDMAN
ORDINANCE NO. 1-2023**

AN ORDINANCE AMENDING THE CITY OF BOARDMAN MUNICIPAL CODE, CREATING TITLE 9, CHAPTER 9.42, CAMPING ACTIVITIES ON CITY-OWNED PUBLIC PROPERTY FOR THOSE EXPERIENCING HOMELESSNESS

WHEREAS, The City of Boardman desires to allow individuals and families that are temporarily experiencing the effects of homelessness to camp in relatively safe and sanitary locations while they are actively seeking access to stable and affordable housing, consistent with Oregon HB 3115 2021, *Martin v. Boise*, *Blake v. Grants Pass*, and other legal standards at the time of adoption; and,

WHEREAS, The City desires to establish codes related to camping in the City to allow for legal camping during reasonable time periods, while protecting sensitive areas of the City that are disproportionately impacted by the negative effects of such activity; and,

WHEREAS, The City desires to discourage camping in areas where such activities fundamentally undermine the public's ability to use that City-owned public property for its intended purpose and create unsafe and unsanitary living conditions, which can threaten the general health, welfare and safety of the City and its inhabitants; and,

WHEREAS, The City encourages the active participation of all concerned persons, organizations, businesses and public agencies to work in partnership with the City and the homeless community to address the short- and long-term impacts of homelessness in the community.

NOW THEREFORE, THE PEOPLE OF BOARDMAN DO ORDAIN AS FOLLOWS:

Section 1. Title 9, Chapter 9.42 of the Boardman Municipal Code is hereby created as written in Exhibit A, attached hereto and hereby incorporated by reference.

Section 2. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions hereof.

Section 3. This ordinance is necessary for the immediate protection of the public health, safety, and general welfare; therefore, an emergency is declared to exist, and this ordinance shall be effective upon the date of its adoption after being read by title at two meetings of the Council.

First Reading: June 6, 2023
Second Reading: June X, 2023

PASSED AND ADOPTED by the City Council this 6th day of June 2023 and signed by the Mayor and City Manager in authentication of its passage.

Passed by the Council and approved by the Mayor this XTH day of June, 2023.

City of Boardman:

Paul Keefer, Mayor

Attest:

Jackie McCauley, Acting City Recorder

Exhibit A

Chapter 9.42

CAMPING ACTIVITIES ON CITY-OWNED PUBLIC PROPERTY FOR THOSE EXPERIENCING HOMELESSNESS

Sections:

- 9.42.010 Purpose
- 9.42.020 Definitions
- 9.42.030 Camping on City Property
- 9.42.040 Violation

9.24.010 Purpose

This Chapter applies only to individuals experiencing homelessness, and their ability to sit, lie, and sleep on City-owned public property with the minimal amount of camping materials necessary to protect them from the elements in order to keep warm and dry.

9.42.020 Definitions

For purposes of this section, the following words and phrases shall mean:

- A. "Camp" means to occupy a Campsite for over 24 hours.
- B. "Camping" means sitting, lying, or sleeping overnight.
- C. "Campsite" means a location upon City Property where Camping Materials are placed.
- D. "Camping Materials" include, but are not limited to, tents, tarps, motor vehicles in a licensed, legal, and drivable condition, other materials used to keep campers dry and warm. "Camping Materials" does not include shanties, lean-tos, temporary structures, other built structures for the purposes of keeping warm and dry, or collections of personal property and/or similar items that are, or reasonably could be arranged or used as camping accommodations, or anything of a similar nature.
- E. "City Facilities" includes but is not limited to the following properties: City Hall; Miller Road Water Treatment Plant; well fields; the Public Works campus; Keys Road Water Treatment Plant; and similar locations. "City Facilities" does not include City Parks.
- F. "City Property" includes, but is not limited to, parks, rights of way, parking lots, easements, or other land owned, leased, controlled, or managed by the City. "City Property" does not include City Parks.
- G. "Fire" includes, but is not limited to, open flames, recreational fires, burning of garbage, bonfires, or other fires, flames, or other sources of heat including gas heaters.
- H. "Personal Property" means any item that can reasonably be identified as belonging to an individual and that has apparent value or utility.

- I. "Relocate" means to move off of City Property or to a different City Property. This definition does not include moving to another portion of the same City Property.

9.42.030 Camping On City Property

- A. It is unlawful for any person to Camp upon City properties, facilities, sidewalks, rights of way, parks, and similar locations, unless otherwise authorized by law or by declaration of the City Manager.
- B. Unless otherwise authorized by law or by declaration of the City Manager, it is unlawful to establish a Campsite for any period of time at the following locations:
 - 1. City Facilities;
 - 2. Sidewalks;
 - 3. Rights of Way;
 - 4. City Properties;
 - 5. City Parks within City Limits.
 - 6. Any property posted no trespassing or fenced and gated.
- C. Regulated Camping locations are available from 9:00pm to 6:00am. If you cannot comply with this, you can call law enforcement, and a designated official can give you an alternate location for the night.
- D. Individuals experiencing homelessness who are engaged in camping on City-owned public property shall use the minimal amount of camping materials necessary to protect them from the elements in order to keep warm and dry.
- E. RV's, cars, trucks, and other motor vehicles, in licensed, legal and operable condition, are allowed to be parked in camping locations for the purposes of this Boardman Municipal Code Chapter, regardless of other Boardman Municipal Code Chapters, unless they are in violation of non-Boardman local laws or rules, or state or federal laws or rules, that preempts City of Boardman authority.
 - 1. Motor vehicles must remain in area's intended for parking and driving vehicles, unless explicitly specified. This allowance for parking motor vehicles in camping locations does not allow for parking outside of designated parking areas.
- F. Individuals experiencing homelessness who are engaged in camping on City-owned public property may maintain the essentials for living but may not store their personal property on City-owned public property while engaged in camping unless storage is essential to living while camping.
- G. Items, behavior, and/or conduct presenting a public health concern or other danger to the camper or others, including but not limited to uncontained sharps, uncontained human waste, unauthorized connections or taps to private or public utilities are prohibited.
- H. Tents, tarps, and other minimal measures allowed under this Chapter for the purposes of keeping warm and dry may not exceed 100 square feet in combined surface or covered area.
- I. Obstruction or attachment of camping materials or paraphernalia to public infrastructure or private property structures, including bridges or bridge infrastructure, fire hydrants, utility poles,

streetlights, traffic signals, signs, fences, trees, vegetation, vehicles, buildings, or impairment to emergency response—including within 10 feet of any fire hydrant, utility pole, or other utility, fire gate/bollards, or public infrastructure used for emergency response—is prohibited.

- J. At no time may fire be used to keep warm and dry under this subsection.
- K. Dumping of detritus, waste, gray water, garbage, black water, and similar items, is prohibited on City-owned public property.
- L. No alterations, including digging, excavation, terracing of soil, or alteration of City-owned public property or damage to vegetation or trees is prohibited.
- M. Camping is not allowed within 1000 feet of any public, private, pre-, middle, elementary, high, secondary, or career school, childcare facility or bus stop licensed by the City of Boardman.
- N. At least once every 24 hours an individual that has placed a Campsite, Camping Materials or Personal Property on City Property must Relocate.
- O. Persons participating in camping as allowed by this Chapter 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 (including destruction).
- P. Animals. Individuals experiencing temporary homelessness while camping, and being in charge of any animal, shall keep animals in compliance with Boardman Municipal Code, and applicable local, state and federal laws.
 - 1. Animals must be kept confined or on a leash and shall be kept under supervision at all times; and are not allowed to run at large or to commit any nuisance. All animal fecal matter shall be picked up by the owner or person in charge of the animal, placed in an appropriate container, and removed and disposed of properly.
 - 2. No owner or person in charge of an animal shall permit an animal, which is dangerous to the public health or safety, to be exposed in public.
- Q. Notwithstanding the provisions of this Chapter, the City Manager or designee may temporarily authorize camping or storage of personal property on city property by written order that specifies the period of time and location:
 - 1. In the event of emergency circumstances;
 - 2. In conjunction with a special event permit; or
 - 3. Upon finding it to be in the public interest and consistent with Council goals and policies.

9.24.040 Violation

- A. Each violation of this Chapter is a class B violation. The amount of the fine imposed shall be based on Chapter 1.16 of this Code.
- B. When the City refers a service provider to an individual who is cited for a violation(s) of this Chapter and the individual demonstrates they meaningfully engaged with that or another similar service provider after receiving the citation and before the hearing, the fine is eligible to be reduced or eliminated at the discretion of the judge.