



ORDINANCE NO. 2819-2023

AN ORDINANCE OF CITY OF ONTARIO ESTABLISHING CAMPING REGULATIONS AND A CAMPSITE REMOVAL POLICY

- WHEREAS,** the City Council (the “Council”) of City of Ontario (“City”) recognizes the competing concerns surrounding homeless individuals camping on public property within City’s incorporated limits and desires to implement regulations to address these concerns; and
- WHEREAS,** ORS 195.530 requires that any city law that regulates the acts of sitting, lying, sleeping, and/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; and
- WHEREAS,** the Council and City staff solicited input concerning City camping regulations from members of the community, including interested stakeholders and organizations that assist low-income and/or homeless members of the community; and
- WHEREAS,** the Council has received valuable input from the community concerning the proposed camping regulations, including, without limitation, input from City’s Homelessness Time, Place, and Manner Ad-Hoc Committee; and
- WHEREAS,** the Council finds that the camping regulations and camping removal policy contained in the attached [Exhibit A](#) are in the public interest.

NOW, THEREFORE, THE CITY OF ONTARIO ORDAINS AS FOLLOWS:

1. Findings. The above-stated findings are hereby adopted.
2. Purpose. The purpose of this Ordinance No. 2819-2023 (this “Ordinance”) is to minimize any adverse public safety and health impacts of camping on City property while providing some areas of City property, in the absence of alternative forms of shelter, where homeless persons may rest and/or sleep.
3. Adoption of Camping Regulations. The Council hereby adopts the camping regulations and camping removal policy contained in the attached [Exhibit A](#).
4. Interpretation; Severability; Errors. All pronouns contained in this Ordinance and any variations thereof will be deemed to refer to the masculine, feminine, or neutral, singular or plural, as the identity of the parties may require. The singular includes the plural and the plural includes the singular. The word “or” is not exclusive. The words “include,” “includes,” and “including” are not limiting. The provisions of this Ordinance are hereby declared severable. If any section, subsection, sentence, clause, and/or portion of this Ordinance is for any reason held invalid, unenforceable, and/or unconstitutional, such invalid, unenforceable, and/or unconstitutional section, subsection, sentence, clause, and/or portion will (a) yield to a construction permitting enforcement to the maximum extent permitted by applicable law, and (b) not affect the validity, enforceability, and/or constitutionality of the remaining portion of this Ordinance. This Ordinance may be corrected by order of the Council to cure editorial and/or clerical errors.

APPROVED AND ADOPTED by the City Council of the City of Ontario this ____ day of _____, 2023,
by the following vote:

Ayes:
Nays:
Absent:

SIGNED by the Mayor this ____ day of _____, 2023.

Deborah K. Folden, Mayor

ATTEST:

Tori Barnett, MMC, City Recorder

Exhibit A
Camping Regulations

1. Purpose. The purpose of this ordinance is to (a) maintain streets, parks, and other public areas within City in a clean, sanitary, and accessible condition, (b) allow persons to sleep and maintain the essentials for living while still maintaining the ability of everyone to use public spaces as designed and intended, and (c) adequately protect the health, safety, and public welfare of the community by imposing time, place, and manner regulations that identify when, where, and how camping on City property is allowed.

2. Definitions. For purposes of this ordinance, the following terms and phrases have the meanings assigned to them below:

“Alley” means a narrow way providing a means of public or private access to the back or side of a property which is not intended for general traffic circulation.

“Camp” or “Camping” means to pitch, erect, create, use, and/or occupy camp facilities for the purpose of habitation, as evidenced by use of camp paraphernalia.

“Camp Facility(ies)” include, without limitation, tents, huts, temporary shelters, lean-tos, shacks, and/or any other structures (or parts thereof).

“Camp Paraphernalia” includes, without limitation, tarpaulins, cots, beds, sleeping bags, blankets, mattresses, hammocks, outdoor cooking devices, and/or similar equipment.

“Campsite(s)” means any place where one or more persons have established living accommodations by use of camp facilities and/or camp paraphernalia.

“Established Campsite(s)” means a campsite in place for more than 24 hours.

“City Manager” means City’s then-appointed City Manager and his or her designee.

“City Property” means all real property, land, and public facilities owned, leased (either to City or by City), controlled, and/or managed by City.

“Fire Department” means City’s Fire Department.

“Personal Property” means any item that can reasonably be identified as belonging to an individual that has apparent value or utility.

“Public Park(s)” means all property owned or controlled by City which is operated for public use for recreational and/or open space purposes.

“Recreational Fire” means a fire for the cooking of food, warmth, fellowship, and/or ceremonial purposes.

“Right-of-way(s)” means streets, public utility easements, and/or other public right-of-way.

“Street(s)” means any highway, lane, road, street, alley, right-of-way, and every way or place in City that is publicly owned and/or maintained for vehicular travel (whether improved or unimproved).

“Sidewalk(s)” means the portion of the street between the curb line and adjacent property line intended for use of pedestrians and includes multi-use pathways (i.e., pathways for bicycles and pedestrians).

“Vehicle(s)” means either a “motor vehicle” as defined in ORS 801.360 including a motor vehicle with an attached “camper” as defined in ORS 801.180, or a “motor home” as defined in ORS 801.350.

3. Time, Place, and Manner Regulations. Camping is permitted on City property subject to the time, place, and manner regulations contained in this ordinance.

3.1 Time Regulations. Except as expressly authorized by City’s municipal code, camping is prohibited on any City property between the hours of 7:00 a.m. to 10:00 p.m.; provided, however, the time regulations identified in this Section 3.1 will not apply to camping in the City-designated camping area identified in Section 3.2.

3.2 Place Regulations. Unless otherwise specifically authorized by City’s municipal code or declaration of the Mayor and/or City Manager due to emergency circumstances, camping is prohibited on all City property except the City-designated camping area located at 1142 SE 13th Avenue and more particularly described and depicted on the attached Exhibit B. City may change and/or modify any permissible camping locations (including, without limitation, the camping area designated in this Section 3.2) from time to time and at any time via Council resolution.

3.2.1 City may require that persons camping within any camping area relocate within the applicable camping area to permit cleaning, maintenance, rehabilitation, and/or repair of City-identified camping area(s). Persons camping within a camping area must comply with all lawful City orders to relocate and must not interfere, impede, and/or obstruct any cleaning, maintenance, rehabilitation, and/or repair activities.

3.2.2 No person may sit, rest, sleep, lie down, and/or otherwise occupy any pavilion and/or gazebo within a public park for more than two hours in any one day without first obtaining a special event permit from City. Notwithstanding the foregoing, if a person has obtained a City-issued special event permit for exclusive use of a pavilion and/or gazebo in a public park, any uninvited person occupying the pavilion and/or gazebo subject to the permit must vacate the pavilion and/or gazebo for the duration of time of which exclusive use is provided under the subject special event permit.

3.3 Manner Regulations. At times and locations where camping is permitted under this ordinance, the following regulations apply: (a) at no time may camp facilities, whether constructed with plywood, wood materials, pallets, and/or other materials, be built or placed on City property by anyone other than, or as authorized by, the public entity that owns or controls the City property in question (tents and similar items used for shelter that are readily portable are not prohibited by this subsection); (b) individuals engaged in camping are allowed to use a sleeping bag, bedroll, and/or other material used for bedding purposes (e.g., materials used to keep warm and dry while sleeping are permitted provided any tent or tarpaulin used to keep warm and dry may not exceed 50 square feet in surface area); (c) a camp or camping must be limited within a spatial footprint of 150 square feet in surface area (the intent of this subsection is to permit a person to sleep and maintain the essentials for living, while still maintaining the ability of everyone to use public spaces as designed and intended); (d) individuals may not accumulate, discard, and/or leave behind garbage, debris, fecal matter, biohazardous, unsanitary or hazardous

materials, and/or other items of no apparent utility in a right-of-way, on City property, and/or on any adjacent public or private property; (e) open flames, recreational fires, burning of garbage, bonfires, and/or other fires, flames, and/or heating deemed unsafe by Fire Department are prohibited (some cooking stoves and other means of keeping warm may be allowed if permitted by Fire Department); (f) 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, without limitation, storm drains which are not intended for disposal of gray water or black water); (g) unauthorized connections or taps to electrical or other utilities, and/or violations of building, fire, and/or other relevant codes or standards, are prohibited; (h) obstruction or attachment of camp materials or personal property to fire hydrants, utility poles, and/or other utility or public infrastructure, fences, trees, vegetation, vehicles, and/or buildings is prohibited; (i) storage of personal property, including, without limitation, vehicle tires, bicycles, and/or associated components (except as needed for an individual's personal use), gasoline, generators, lumber, household furniture, extra propane tanks, combustible material, and/or other items or materials, is prohibited (other than what is related to camping, sleeping, and/or keeping warm and dry); (j) digging, excavation, terracing of soil, alteration of property or infrastructure, and/or damage to vegetation or trees is prohibited; and (k) except as expressly authorized by City's municipal code, all persons are prohibited from leaving personal property, including, without limitation, camp facilities and camp paraphernalia, unattended on any City property for more than 24 hours. Notwithstanding anything contained in this Ordinance to the contrary, the city manager may temporarily authorize camping or storage of personal property on City property by written order that specifies the period of time and location for the camping or storage under the following circumstances: (x) emergency circumstances; (y) in conjunction with a special event permit; and/or (z) upon finding it to be in the public interest and consistent with the Council's goals and policies.

4. Vehicle Camping. Title 9, Chapters 3 and 4 of City's municipal code provide acceptable methods, prohibitions, and restrictions concerning the parking of vehicles on streets within City. Title 4, Chapter 8 of City's municipal code prohibits automobile trailer, trailer coach, and trailer parking within City except in limited circumstances. Except as otherwise provided in this Section 4, those regulations are applicable to all individuals, including those using vehicles for habitation and/or sleeping on streets within City. The following regulations apply to the use of vehicles for habitation and/or sleeping purposes on streets within City where City's municipal code does not otherwise prohibit such activity:

4.1 The use of a vehicle for habitation and/or sleeping is prohibited on any street on which extended parking is prohibited under City's municipal code.

4.2 The use of a vehicle for habitation and/or sleeping on any street may not exceed 24 hours in any 30-day period.

4.3 A vehicle must be legally parked in compliance with City's municipal code and all other policies.

4.4 Open flames, recreational fires, burning of garbage, bonfires, and/or other fires, flames, and/or heating deemed unsafe by the Fire Department are prohibited in, on, and/or around vehicles. The safe and lawful operation of cooking stoves and other devices for keeping warm are permitted, subject to City's municipal code and policies.

4.5 Dumping of gray water (i.e., wastewater from baths, sinks, and the like) or black water (i.e., sewage) into any facilities and/or places not intended for gray water and/or black water disposal is prohibited. This includes, without limitation, storm drains which are not intended for disposal of gray water and/or black water.

4.6 Storage of material outside a vehicle is prohibited other than what is incidental to short-term loading or unloading the vehicle.

4.7 Vehicles must be operational (i.e., capable of being started and driven under their own power, or ready to be towed if designed to be towed) and may not be discarded or left inoperable in the right-of-way and/or on City property.

4.8 No building and/or erecting of any structures connecting and/or attaching to vehicles is permitted, including, without limitation, tents that are not designed and manufactured to be attached to a vehicle.

4.9 Persons may not accumulate, discard, and/or leave behind garbage, debris, fecal matter, unsanitary and/or hazardous materials, and/or other items of no apparent utility in the right-of way, on City property, and/or on any adjacent public or private property.

5. Health and Safety Fee; Fines, Enforcement.

5.1 Health and Safety Fee. Any person who violates Sections 3 or 4 of this ordinance will first be subject to a health and safety fee in an amount not to exceed \$35.00. The purpose of the health and safety fee is to reimburse City for the expense of maintaining a healthy, safe, and organized community for the public.

5.2 Fines. A willful violation of Sections 3 or 4 of this ordinance is a Class D violation under City's municipal code. A Class D violation carries a penalty of no more than \$250.00; the actual fine imposed will be determined at the discretion of the Code Enforcement Officer, City Manager, Hearings Officer, or Municipal Court Judge. A violation is "willful" if the prohibited act or omission under Sections 3 or 4 of this ordinance occurs or continues after issuance of the health and safety fee. Each violation will constitute a separate offense. Continuing violations of the same offense will not constitute a separate offense for each day the violation occurs.

6. Campsite Removal – ORS 195.500-195.505.

6.1 Campsite Removal Policy. City recognizes the social nature of the problem of homeless individuals camping on City property. In accordance with ORS 195.500 – ORS 195.505, City has developed the campsite removal policy contained in this Section 6 to ensure the most humane treatment for the removal of homeless individuals from campsites on City property. This Section 6 supersedes any contrary City law and/or policy that offers lesser protections to homeless individuals subject to removal from an established campsite.

6.2 Campsite Removal. Upon determination by enforcement personnel that a camp or camping in violation of this Ordinance has become an established campsite, or enforcement personnel determine a campsite otherwise in compliance with this Ordinance endangers the public health and safety, the campsite may be removed consistent with this Section 6. Upon a determination by enforcement personnel that a camp or camping in violation of this Ordinance is not an established campsite, the campsite may be removed without complying with the notice requirements under Section 6.3.

6.3 Notice Required. The following notice requirements apply to the removal and clearing of campsites: (a) notice is not required prior to removal and clearance of a campsite that is not an established campsite; and (b) at least 72 hours before removing individuals and personal property from an established campsite, law enforcement officials must post written notice, in English and Spanish, at all entrances to the campsite if the entrances can reasonably be identified. The written notice required under Section 6.3(b) must state or contain, at

a minimum, the following information: (x) where unclaimed personal property will be stored; (y) the telephone number that individual(s) may call to find out where personal property will be stored; or (z) if a permanent storage location has not yet been determined, the address and telephone number of an agency that will have the information when available. If a funeral service is scheduled with less than 72-hours' notice at a cemetery at which there is a campsite, or a campsite is established at a cemetery less than 72 hours before the scheduled service, the written notice required under Section 6.3(b) may be posted at least 24 hours before removing homeless individuals from the campsite.

6.4 Exceptions to Notice Requirements. Notwithstanding anything contained in this ordinance to the contrary, the 72-hour notice required under Section 6.3(b) will not be applicable (i.e., will not be required) under the following circumstances: (a) when there are grounds for law enforcement officials to reasonably believe that illegal activities other than camping are occurring at an established campsite; and/or (b) an exceptional emergency at an established campsite, including, without limitation, possible site contamination by hazardous materials, a public health emergency, and/or other immediate danger to human life or safety.

6.5 Local Agencies. When a 72-hour notice is posted under Section 6.3(b), law enforcement officials must inform the local agency that delivers social services to homeless individuals as to where the notice has been posted. The local agency may arrange for outreach workers to visit the campsite that is subject to the notice to assess the need for social service assistance in arranging shelter and other assistance.

6.6 Personal Property.

6.6.1 All personal property at a campsite that remains unclaimed after removal/clearing, whether notice is required under this policy or not, must be given to (a) law enforcement official, (b) local agency that delivers social services to homeless individuals, (c) outreach worker, (d) local agency official, or (e) person authorized to issue a citation for unlawful camping under state law, administrative rule, or city or county ordinance.

6.6.2 Unclaimed personal property must be stored in a facility located in the same community as the campsite from which it was removed. Items that have no apparent value or utility or are in an unsanitary condition may be immediately discarded upon removal of the homeless individuals from the campsite. Weapons, controlled substances other than prescription medication, and items that appear to be either stolen or evidence of a crime must be given to or retained by law enforcement officials.

6.6.3 Unclaimed personal property removed from a campsite must be stored in an orderly fashion, keeping items that belong to an individual together to the extent that ownership can reasonably be determined. Unclaimed personal property will be stored in a manner in which it is possible to identify the date the property was removed and location where the property was removed. Unclaimed personal property will be stored for a minimum of 30 days during which it must be reasonably available to any individual claiming ownership. Any personal property that remains unclaimed 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.

6.7 Policy Evaluation. Following the removal of homeless individuals from a campsite on City property, 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 to this policy are needed.

6.8 Prohibition on Citations in Limited Circumstances. A person authorized to issue a citation for unlawful camping under state law, administrative rule, and/or city or county ordinance may not issue the citation if the citation would be issued within 200 feet of a notice required under Section 6.3(b) and within two hours before or after the notice was posted.

4. City Manager Authority. The City Manager may adopt administrative rules to implement any of the provisions of this ordinance.

5. Preemption. If and to the extent any provisions of City's municipal code conflict with any provisions of this ordinance, the provisions of this ordinance will control and supersede the conflicting provisions contained in City's municipal code.

Exhibit B
1142 SE 13th Avenue

