



AMENDED DIVERSITY, EQUITY AND INCLUSION COMMITTEE AGENDA

March 14, 2023 at 6:00 PM

Wilsonville City Council Chambers & Zoom (<https://us02web.zoom.us/j/83159324538>)

PARTICIPANTS MAY ATTEND THE MEETING AT:

City Hall, 29799 SW Town Center Loop East, Wilsonville, Oregon

Zoom: <https://us02web.zoom.us/j/83159324538>

TO PARTICIPATE REMOTELY OR PROVIDE PUBLIC COMMENT:

Register with Bill Evans:

Evans@ci.wilsonville.or.us or 503-570-1502

Individuals may submit comments by 12:00 PM on the day before the meeting date via email to the address above, or may mail written comments to:

Bill Evans - Wilsonville City Hall

29799 SW Town Center Loop East, Wilsonville, OR 97070

CALL TO ORDER

1. Roll Call
2. Community Comment

CONSENT AGENDA

3. [January 10, 2023 Diversity, Equity and Inclusion Committee Minutes](#)

COMMITTEE TRAINING

4. Providing Meaningful Public Input (Miranda Bateschell & Georgia McAlister, Planning)

COMMITTEE DISCUSSION & RECOMMENDATION

5. Wilsonville Police Department Behavioral Health Unit's Mental Health Clinician - Presentation by Brenda Evans, Behavioral Health Unit
6. [Progress on Prohibited Camping Code Review & Revisions - Amanda Guile-Hinman, City Attorney](#)

ADMINISTRATIVE BUSINESS

7. Juneteenth Subcommittee Updates

8. Lecture Series Subcommittee Updates
9. [Letter of Recommendation in Support of Memorial Park Restroom Upgrades](#)
10. Administrative Updates

ADJOURN

NEXT MEETING

Tuesday, April 11, 2023 6:00 PM

Time frames for agenda items are not time certain (i.e. agenda items may be considered earlier than indicated). The City will endeavor to provide the following services, without cost, if requested at least 48 hours prior to the meeting by contacting Bill Evans at 503-570-1502 or Evans@ci.wilsonville.or.us: assistive listening devices (ALD), sign language interpreter, and/or bilingual interpreter. Those who need accessibility assistance can contact the City by phone through the Federal Information Relay Service at 1-800-877-8339 for TTY/Voice communication.

Habr  interpretes disponibles para aqu llas personas que no hablan Ingl s, previo acuerdo. Comuniquese al 503-570-1503.



DIVERSITY, EQUITY AND INCLUSION COMMITTEE MINUTES

January 10, 2023 at 6:00 PM

Wilsonville City Council Chambers & Zoom (<https://us02web.zoom.us/j/83159324538>)

CALL TO ORDER – Meeting was called to order at 6:02 pm

1. ROLL CALL

COMMITTEE PRESENT

Imran Haider (Chair)
Jay Edwards (Vice-Chair)
Aasha Patel
Diane Imel
Fay Gyapong-Porter
George Luo
Joni McNeill
Karla Brashear
Luis Gonzalez
Tre Hester

COMMITTEE ABSENT

Erika Pham
Santiago Landazuri
Sudeep Taksali

STAFF PRESENT

Bill Evans
Jeanna Troha
Zoe Mombert

GUEST

Alisa Shiratori
Seji Shiratori
Kristin Thylen

2. COMMUNITY INPUT

Resident Alisa Shiratori provided public testimony about the importance of Jewish individuals being recognized and supported by the community and the DEI Committee. She noted the increase in antisemitism. Several members thanked her for her testimony and the committee pledged support.

3. WELCOME NEW MEMBERS

Chair Haider recognized the reappointment of members Erika Pham and Luis Gonzales, and welcomed the committee’s three new members, George Luo, Aasha Patel and Karla Brashear, who each gave brief introductions.

CONSENT AGENDA

- 4. December 13, 2022 Minutes – Vice Chair Jay Edwards made a motion to approve the December 13, 2022 Committee Minutes. Diane Imel seconded the motion. Two members were absent. Motion passed.**

COMMITTEE DISCUSSION & RECOMMENDATION

5. Juneteenth Subcommittee

Vice Chair Jay Edwards provided a brief update from the Juneteenth Subcommittee.

- DJ Wallace has been confirmed to provide music.
- Progress was made on possible theme/keynote speaker (author/photographer Dudley Edmonson, on how people of color interface with their national environment).

- Staff encouraged members to pursue any sponsorship opportunity that didn't come at the expense of an existing City sponsorship.
- Jay suggested that Wilsonville Alliance of Inclusive Communities (WAIC) could possibly provide donations to the event.

6. Lecture Series Subcommittee

Chair Imran Haider provided a brief update from the Lecture Series Subcommittee, which is scheduled to meet at the conclusion of this meeting.

- The \$3000 in grant funds could fund venues, speakers and/or food.
- Multiple venues were being considered.

ADMINISTRATIVE BUSINESS

Chair Haider noted the WLWV School District's upcoming [March 11 Equity Summit](#) at West Linn HS. Members interested in attending should RSVP with Caitlin Sullivan at sullivac@wlwv.k12.or.us.

Vice Chair noted the January 18 WAIC Event to be held from 6:30-8:00 pm at Clackamas Community College. The event is [a moderated discussion of how to get along](#) as a community. RSVP required.

Staff and members discussed upcoming columns for the *Boones Ferry Messenger*. Vice Chair Edwards to contribute a column for Black History Month. Future columns, if possible, can be tied to dates in the recently adopted cultural calendar.

Staff noted that the cultural calendar was adopted by City Council, and [is available on DEI page](#) of city's website.

Staff noted the collaboration with Parks & Recreation for a [free screening of the movie Hidden Figures](#), to take place on Saturday, February 4 at 7:00 pm at the Community Center. Future partnership with the Library for a similar event geared toward children was discussed.

ADJOURN – Meeting adjourned at 6:37 pm.

NEXT MEETING

Tuesday, February 14, 2023 6:00 pm.



**DIVERSITY, EQUITY AND INCLUSION COMMITTEE MEETING
STAFF REPORT**

Meeting Date: March 14, 2023		Subject: Prohibited Camping Code Update Project	
		Staff Members: Amanda Guile-Hinman, City Attorney; Nick McCormick, Law Clerk	
		Department: Legal	
Action Required		Advisory Board/Commission Recommendation	
<input type="checkbox"/> Motion <input type="checkbox"/> Public Hearing Date: <input type="checkbox"/> Ordinance 1 st Reading Date: <input type="checkbox"/> Ordinance 2 nd Reading Date: <input type="checkbox"/> Resolution <input checked="" type="checkbox"/> Information or Direction <input type="checkbox"/> Information Only <input type="checkbox"/> Council Direction <input type="checkbox"/> Consent Agenda		<input type="checkbox"/> Approval <input type="checkbox"/> Denial <input type="checkbox"/> None Forwarded <input checked="" type="checkbox"/> Not Applicable	
		Comments: N/A	
Staff Recommendation: N/A			
Recommended Language for Motion: N/A			
Project / Issue Relates To:			
<input type="checkbox"/> Council Goals/Priorities:	<input type="checkbox"/> Adopted Master Plan(s):	<input checked="" type="checkbox"/> Not Applicable	

ISSUE BEFORE COMMITTEE: Review initial draft code provisions regarding prohibited camping. The draft code provisions are attached hereto as **Attachment A**.

EXECUTIVE SUMMARY:

The City is undertaking a review and update to its local code provisions regarding camping on city property and city rights-of-way such as streets and sidewalks in response to new state laws and federal court cases. This is state-mandated work that every city in Oregon is or will be in the process of doing. The goal of the City's camping code update project is to do so in a way that is humane, and complies with state and federal law, by establishing clear rules about where, when, and how camping is allowed or not allowed on City property and rights-of-way.

Based on the state laws and federal case law, community members' and stakeholders' feedback, Council's policy direction from its February 23 and March 6 meetings, and code updates conducted by other jurisdictions based on the new state mandates, staff has prepared an initial draft of Wilsonville Code updates regarding prohibited camping. The initial draft has been reviewed by the City inter-departmental team (Legal, Parks & Recreation, Public Works, Library, Police, Code Enforcement, Administration) working on this project. Staff seeks feedback from the DEI Committee on the draft code and will bring back further revisions for Council review and discussion at its March 20, 2023 and April 17, 2023 work sessions.

This staff report will provide (1) a brief background of the federal case law and state laws that provide the basis for this project; (2) an overview of the City project; and (3) an explanation of the various draft code provisions.

I. BACKGROUND

A. Federal Cases on Camping Ban Enforcement

Two key lawsuits out of the Ninth Circuit Court of Appeals are the impetus for both the later state legislation and this City code update project. A more in-depth discussion of the nuances of these lawsuits may be found in the February 23 and March 6, 2023 staff reports.

The decisions in *Martin v. Boise* and *Johnson v. City of Grants Pass*¹ held the following: (1) that the Eighth Amendment prohibition against cruel and unusual punishment does not allow jurisdictions to penalize individuals who cannot obtain shelter for sitting, sleeping, or lying outside on public property; and (2) that such individuals similarly must be permitted to take minimal measures to keep warm and dry while sleeping.

¹ The originating trial court decision that the Ninth Circuit reviewed in its decision in *Johnson v. City of Grants Pass* came out of the US Federal District Court for the District of Oregon and the name of that trial court case is *Blake v. City of Grants Pass*.

B. New Oregon Laws Regulating Local Camping Bans

1. HB 3115 (2021)

With the guidance of the federal case law, the Oregon legislature passed HB 3115 in 2021 (codified as ORS 195.530), which set up specific requirements and limitations for city and county camping ordinances.

Among the requirements is a provision stating that any regulation of use of public property by unhoused persons must be “objectively reasonable.” Whether or not a regulation is objectively reasonable depends on an analysis of all the circumstances, including the impact of the law on the person, as well as other relevant considerations related to the specific conditions involved.

The law also provides for both an affirmative defense to any crime that is objectively unreasonable, as well as a private right of action for declaratory and injunctive relief (not money damages), which means that individuals can sue the City alleging the City Code is unreasonable on its face (no enforcement action by the City is required prior to suing the City for violating the new state law). The private right of action allows for the collection of attorney’s fees at the judge’s discretion also. The law goes into effect on July 1, 2023.

2. HB 3124 (2021)

Additionally, passed as HB 3124 (2021) and effective on June 23, 2021, ORS 195.505 added provisions requiring reasonable prior written notice to individuals of an intent to close an established campsite within 72 hours at each campsite entrance before closure. This policy does not apply if the site is housing illicit activities, in case of emergencies, or sites near a funeral service. Additionally, a citation cannot be given if within 200 feet of a notice posted less than two hours before or after such time.

The law also added provisions regarding the receipt and storage of persons’ belongings left after a valid site closure. Any unclaimed property is to be stored at a designated facility located in that community. The city must leave reasonable notice as to where and how the person may find and retrieve their belongings. A city is not required to store goods that are deemed to have no value or utility, or are unsanitary. A city will give all weapons, illicit substances, and stolen property to law enforcement. The city will store the items for 30 days after reasonable notice is given.

II. CITY PROJECT

Staff formed an inter-departmental internal team to review Wilsonville Code provisions that regulate camping, and other related provisions. This internal team has three goals: (1) to ensure that the City is compliant with HB 3115 prior to its operative date of July 1, 2023; (2) to verify, through work sessions with Councilors and feedback from the community and stakeholders, that any regulations in the Wilsonville Code reflect City values; and (3) to communicate with

and educate the Council and the community about these changes in Oregon law and any corresponding revisions to the Wilsonville Code.

A. What Can and Can't We Do?

In the staff reports for the February 23 and March 6, 2023 work sessions, they detailed the actions that Council can and cannot take regarding camping. For reference, those actions are listed below, and more information can be found in the prior staff reports.

1. We cannot ban camping on public property outright.
2. We are only covering regulations on City-owned property and rights-of-way.
3. We can regulate the timing when camping may occur.
4. We can regulate where camping occurs on City-owned property.
5. We can regulate how camping occurs.
6. We cannot have regulations that are objectively unreasonable.

III. Draft Code Discussion

City staff created draft code provisions and revisions based on: (1) a review of current code provisions that may need to be updated or deleted; (2) federal case law and state law compliance; and (3) input from the community outreach and Council feedback.

A. Consolidation of Regulations

Code provisions governing camping span across several different parts of the City Code, including Parks & Playgrounds regulations (WC 3.000), Parking and Storage regulations (WC 5.200-5.210), campsite removal regulations (WC 6.400), and general camping prohibitions (WC 10.425).

Outside of parks regulations, staff recommend consolidating all permitted and prohibited camping regulations in one location for ease of use, both by individuals seeking to comply with the regulations and by law enforcement and staff seeking to enforce the regulations. Thus, the substantive code provisions governing camping are proposed to be in a new section, WC 10.700 through 10.780 (attached hereto as **Attachment A**). The more detailed discussion of proposed WC 10.700 through 10.780 is in item 4 below.

1. *Parks Regulations Remaining in WC 3.000*

The community outreach and Council input strongly supported continuing to close City parks at night and to not allow camping in City parks. City parks are closed from 10 pm to 6 am. Since camping would continue to not be allowed in City parks, staff recommend that the prohibition against camping in parks remain in the parks regulations. **Attachment B** consists of the recommended revisions to WC 3.000. The revisions focus on creating a distinction between camping in parks (not allowed) and resting in parks (allowed during open hours). Because the City cannot prohibit some individuals from resting while allowing others (e.g., a child who takes a nap during a sibling's sports event), staff recommend focusing the regulations on where resting cannot occur, namely, on a play structure/playground, water feature, trail, pathway, restroom, or sports field.

2. *Separating Standard Parking Regulations from Camping Regulations*

Since camping on public property includes sleeping in vehicles, code regulations governing parking and storage on City streets are relevant to the camping code update. Rather than discuss vehicle camping in a completely separate section from other forms of camping, staff recommend pulling out any regulations governing camping on City streets from those governing parking on City streets. **Attachment C** consists of the recommended revisions to WC 5.200 – 5.210.

As noted in Attachment B, staff recommend deleting WC 5.210(12) because it specifically focuses on camping on City streets. The other recommended revisions in WC 5.200 and WC 5.210(2) are to create the distinction between parking a vehicle and camping in a vehicle.

3. *Deleting Current, Outdated Camping Regulations*

Currently, the General Offenses section of the Wilsonville Code, in subsection 10.425, contains the outright prohibition against camping on public property and on City streets, which is not compliant with state law, and WC 6.400 provides the outdated regulations for providing notice prior to clearing out a campsite. Since the City must develop more nuanced time, place, and manner regulations in light of the federal case law and state statutes, staff recommend deleting WC 10.425 and WC 6.400 and creating a new section in Chapter 10 to govern camping on public property and City streets. **Attachment D** shows the deletion of WC 10.425 and **Attachment E** shows the deletion of WC 6.400.

4. *Creating New Section in WC Chapter 10 for Camping Regulations*

As discussed above, staff recommends consolidating essentially all camping regulations (outside of the outright ban in the parks regulations) into a new section within WC Chapter 10, under WC 10.700 through 10.780 (see **Attachment A**). The time, place, and manner regulations in proposed WC 10.700 through 10.780 are found in 10.720 through 10.740.

i. Time Regulations

Council indicated its preference for a specific time period to allow camping, as opposed to a certain number of hours allowed (e.g. 24 hours). Council asked for additional information regarding staff/law enforcement availability because Council wanted to ensure that any regulations imposed are able to be enforced. After outreach to the relevant departments, staff will recommend a time period of 9 pm to 7 am to allow camping on designated City property and City streets.

ii. Place Regulations

While the feasibility of specific City properties are still being analyzed by staff, the direction from Council was to primarily focus on allowing camping in a portion of the City Hall parking lot and adjacent City property to the north of City Hall (subject to the time and manner regulations). Council then discussed designating other City properties where camping would be allowed only if number of individuals who are involuntarily homeless exceed the space provided in the City Hall parking lot and adjacent property. Assuming feasible, the next location would be the Community Center parking lot, and the third location would be the Library parking lot. Staff intends to create illustrations of these locations where vehicle and non-vehicle camping may occur.

Since vehicle camping is the most common occurrence of camping in Wilsonville, staff also drafted place regulations as to where vehicle camping on the public rights-of-way is restricted – such restricted areas include streets in areas with residential zoning; within 20 feet of a property that contains a residence, regardless of zoning; the Significant Resource Overlay Zone; and stormwater treatment facilities, among other restrictions.

iii. Manner Regulations

The proposed manner regulations found in WC 10.740 manage how an individual may camp. These regulations focus on ensuring that overnight camps do not obstruct or interfere with City infrastructure or general traffic; are somewhat spaced out and relatively small to avoid the formation of large campsites; do not accumulate garbage or produce unsanitary conditions; and do not utilize, dump, or connect to City systems.

The manner regulations also contain specific regulations regarding vehicle camping to ensure that vehicles are legal and camping materials are self-contained within the vehicle.

iv. Notice of Campsite Removal

HB 3124 (2021) established new requirements on jurisdictions if and when they seek to remove a campsite. WC 6.400 is not compliant with the new regulations, and so proposed WC 10.750 is nearly identical to the requirements of HB 3124.

EXPECTED RESULTS:

Council consideration for adopting code revisions planned for May 2023.

TIMELINE:

Approximate timeline of expected upcoming events:

1. March 20, 2023 – Fourth Council Work Session to review draft Code revisions
2. April 17, 2023 – Fifth Council Work Session for any last revisions
3. May 1, 2023 – First Reading of Ordinance
4. May 15, 2023 – Second Reading of Ordinance
5. July 1, 2023 – New regulations become effective

CURRENT YEAR BUDGET IMPACTS:

None immediately, but there could be potential costs depending on the chosen system for managing prohibitions on camping. Cities are not required to provide facilities for those who are experiencing homelessness, but may be required to create additional procedures for regulating camping.

COMMUNITY INVOLVEMENT PROCESS:

Public involvement is a focal point of the city camping code revision process to ensure a diverse group of community members and stakeholders can provide their priorities, interests, and concerns related to the potential code revisions. The City provided a community survey through Let's Talk, Wilsonville! and staff have met and are meeting with stakeholders, including City advisory boards, private service providers, business and community groups, Clackamas County, the School District, TVF&R, and other government agencies. Staff prepared a memo to Council of the outreach performed as of February 7, 2023, which is attached as **Attachment F**.

POTENTIAL IMPACTS OR BENEFIT TO THE COMMUNITY:

There are several potential impacts on the residential, commercial, and related communities depending on the adopted code revisions. The project team will work with local residents and stakeholders to address concerns and provide equitable solutions that benefits both the community and other impacted individuals.

ATTACHMENTS:

1. Attachment A – Draft WC 10.700-10.780
2. Attachment B – Draft WC 3.000
3. Attachment C – Draft WC 5.200-5.210
4. Attachment D – Draft WC 10.425
5. Attachment E – Draft WC 6.400
6. Attachment F – February 7, 2023 Memo to Council re: Initial Outreach

ATTACHMENT A

CAMPING ON CITY PROPERTY AND RIGHTS-OF-WAY

- 10.700 Purpose
- 10.710 Definitions
- 10.720 Time Regulations
- 10.730 Place Regulations
- 10.740 Manner Regulations
- 10.750 Notice and Removal
- 10.760 Enforcement
- 10.770 Exceptions
- 10.780 Severability

10.700 Purpose.

The purpose of WC 10.700 through 10.780 is to regulate the time, place, and manner in which individuals may camp on City of Wilsonville property and rights-of-way. Furthermore, the purpose of WC 10.700 through 10.780 is to comply with Oregon House Bill 3115 (2021) and House Bill 3124 (2021), as well as current federal court decisions *Martin v. Boise*, 920 F.3d 584 (9th Cir., 2019) and *Johnson v. City of Grants Pass*, 50 F.4th 787 (9th Cir., 2022).

10.710 Definitions.

- (1) *To camp or camping* means to set up, or remain in or at, a campsite for the purpose of establishing or maintaining a temporary place to live.
- (2) *Camp materials* means tents, huts, awnings, lean-tos, chairs, tarps or tarpaulins, cots, beds, sleeping bags, blankets, mattresses, sleeping or bedding materials, food or food storage items, and/or similar items that are or appear to be used as living and/or sleeping accommodations, or to assist with living and/or sleeping activities.
- (3) *Campsite* means any place where any camp materials, bedding, sleeping bag, or other sleeping matter, or any stove or fire is placed, established, or maintained, whether or not such place incorporates the use of any tent, lean-to, shack, or any other structure or any vehicle or part thereof.
- (4) *City or Wilsonville* means the City of Wilsonville, Oregon.
- (5) *City Manager* means the City of Wilsonville City Manager or designee.
- (6) *City-owned property* means public real property, land, and premises owned by the City of Wilsonville.
- (7) *City right-of-way* means the space in, upon, along, across, over or under the City-owned streets, roads, highways, lanes, courts, ways, alleys, boulevards, sidewalks, bicycle lanes, and places used or intended to be used by the general public for travel as the same now or may hereafter exist, that the City has the right to allow the public to use.

Commented [GA1]: Current Wilsonville definition. Consistent with Portland, Salem, Beaverton, Pendleton. Similar to Medford, Tualatin, and Tigard

Commented [GA2]: Bend definition

Commented [GA3]: Current Wilsonville definition. Consistent with Portland, Tigard, and Beaverton. Similar to Tualatin.

Commented [GA4]: Definition from WC 3.310.

(8) *Personal property* means any item that is reasonably recognizable as belonging to a person and has apparent value or utility.

Commented [GA5]: Partial definition from WC 6.400(1)(d). Regulatory part about discarding unsanitary/no utility personal property in later section.

(9) *Rest* means to pause from exertion by stopping, sitting, lying, or sleeping.

Definition consistent with ORS 195.505 definition

(10) *SROZ* means the City’s Significant Resource Overlay Zone.

Commented [GA6]: Pendleton definition.

(11) *Store* means to put aside or accumulate for use when needed, to put for safekeeping, to place or leave in a location.

Commented [GA7]: Seaside definition

(12) *Vehicle* means every device in, upon, or by which any person or property is, or may be, transported or drawn upon any street or highway, and includes any hulk or component thereof, including, but not limited to campers, recreational vehicles, motor homes, pickup trucks, pickup truck canopies, and trailers, except devices:

Commented [GA8]: From WC 5.035

(a) Designed to be moved exclusively by human power; or

(b) Designed to be used exclusively upon stationary rails or tracks.

10.720 Time Regulations.

(1) Except as authorized pursuant to WC 10.770, it is unlawful for any persons to camp on or establish a campsite on any City-owned property or City right-of-way during the hours of 9:00 pm to 7:00 am.

Commented [GA9]: Consistent with WC 5.210 and consistent with general shift start times for various City departments.

(2) Except as authorized pursuant to WC 10.770, it is unlawful for any persons to store any personal property on any City-owned property or City right-of-way during the hours of 9:00 pm to 7:00 am.

Commented [GA10]: Consistent with subsection (1)

10.730 Place Regulations.

(1) Except as authorized pursuant to WC 10.770, at all times it is unlawful for any persons to camp or to establish, maintain, or occupy a campsite on the following City-owned property:

(a) All City parks and City parking lots within City parks.

(b) All City parking lots or other City property not listed in subsections (2) through (4) below.

(c) All City rights-of-way or City-owned property located within or adjacent to the following zones:

(i) Residential

- (ii) Planned Development Residential
- (iii) Village
- (iv) Residential Neighborhood
- (v) Old Town Residential
- (vi) Future Development Agricultural Holding Residential

(d) Within 20 feet of a property line of a property containing a residential structure regardless of zoning.

Commented [GA11]: Medford (modified)

(e) All City sidewalks, except as otherwise authorized under subsection (5) below.

Commented [GA12]: Based on Council feedback 3/6/23

(f) All City property located in the SROZ.

(g) All City property located within 20 feet of a tree designated as a heritage tree in the City's Heritage Tree program.

(h) The City property at the northeast corner of SW Barber Street and SW Kinsman Road (taxlot number 31W14B 00700).

Commented [GA13]: Where grove of oak tree grove is located.

(i) Stormwater treatment facilities, including, but not limited to swales, detention ponds, and drainage ways.

Commented [GA14]: PW working on description.

(j) On areas underneath City-owned rights-of-way or bridges that are not open to the public.

(k) On railroad tracks or within 15 feet of railroad tracks.

(l) Within any vehicle lane, bicycle lane, or roundabout within any City right-of-way, except as otherwise permitted under WC 10.740(12) where on-street parking is allowed.

(m) On any City property or City right-of-way that the City has closed to the public due to construction, heavy vehicle or machinery use, or other City or City-sanctioned work that is incompatible with camping in the City right-of-way. The City does not need to close City right-of-way to vehicle traffic to close the City right-of-way to camping under this subsection.

Commented [GA15]: Bend

(2) Persons may occupy a campsite within the time regulations provided in WC 10.720 and pursuant to the regulations in WC 10.740 in the following location:

(a) The area of the Wilsonville City Hall parking lot identified in Illustration 10.1.

Illustration 10.1.

[insert aerial map]

- (b) The area of the City-owned real property to the north of City Hall identified in Illustration 10.2. Vehicle camping on this property is prohibited.

Illustration 10.2.

[insert aerial map]

- (c) The City-owned rights-of-way not otherwise prohibited in subsection (1).
- (3) In the event that the City Manager determines that the areas provided in subsection (2) above are not sufficient for the number of individuals who are involuntarily homeless, the City Manager may make available the following area of the Community Center parking lot identified in Illustration 10.3 for individuals occupy a campsite within the time regulations provided in WC 10.720 and pursuant to the regulations in WC 10.740.

Commented [GA16]: Based on Council feedback 3/6/23

Illustration 10.3.

[insert aerial map]

- (4) In the event that the City Manager determines that the areas provided in subsection (2) and subsection (3) above are not sufficient for the number of individuals who are involuntarily homeless, the City Manager may make available the following area of the Library parking lot identified in Illustration 10.4 for individuals occupy a campsite within the time regulations provided in WC 10.720 and pursuant to the regulations in WC 10.740.

Commented [GA17]: Based on Council feedback 3/6/23

Illustration 10.4.

[insert aerial map]

- (5) In the event that the City Manager determines that the areas provided in subsections (2), (3), and (4) above are not sufficient for the number of individuals who are involuntarily homeless and engaging in non-vehicle camping, the City Manager may make available sidewalks for non-vehicle camping; provided, however, that the person is not permitted to obstruct pedestrian traffic along the sidewalk or into private property and businesses adjacent to the sidewalk; may not utilize any sidewalk located in any area identified in (1)(c), (d), (e), (g), or (k) above; and must comply with the time regulations provided in WC 10.720 and the manner regulations in WC 10.740. For purposes of this provision, an individual obstructs pedestrian traffic if the campsite reduces the sidewalk clearance to no longer meet the Americans Disabilities Act Public Rights-of-Way Accessibility Guidelines.

Commented [GA18]: Added due to Council's preference to prohibit camping on sidewalks. Only authorize if not enough space elsewhere.

10.740 Manner Regulations.

Camping, when and where allowed (see WC 10.720 and 10.730), is subject to all of the following:

Commented [GA19]: Generally taken from Bend, with modifications

- (1) Individuals, camp materials, camps, or personal property may not obstruct sidewalk accessibility or passage, clear vision, fire hydrants, City or other public utility infrastructure, or otherwise interfere with the use of the right-of-way for vehicular, pedestrian, bicycle, or other passage.
- (2) For campsites other than those contained within a vehicle, the campsite must be limited within a spatial footprint of 10 feet by 10 feet, or 100 square feet. For campsites including a vehicle, the campsite and camp materials must be self-contained within the vehicle. The intent of this section is to allow a person to sleep protected from the elements and maintain the essentials for living, while still allowing others to use public spaces as designed and intended.
- (3) For campsites located on the City right-of-way, to prevent larger campsites from forming and the impacts that can result, no more than [number] campsites may be set up per block. For campsites within the City rights-of-way, each campsite must be at least [number] feet apart from any other campsite. For campsites located on City property, the campsite locations must comply with the spacing identified in Illustrations 10.1 and 10.2 above, and also Illustrations 10.3 and 10.4 if those parking lots become available for camping overnight.
- (4) Except as otherwise allowed herein, open flames, recreational fires, burning of garbage, bonfires, or other fires, flames, or heating are prohibited. Portable cooking stoves fueled by commercially available fuel are permitted so long as they are utilized in accordance with manufacturer instructions and do not violate any manufacturer warnings.
- (5) Individuals may not accumulate, discard, or leave behind garbage, debris, unsanitary or hazardous materials, human or animal waste, or other items of no apparent utility in public rights-of-way, on City property, or on any adjacent public or private property.
- (6) 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, which are not intended for disposal of gray water or black water.
- (7) Unauthorized connections or taps to electrical or other utilities, or violations of building, fire, or other relevant codes or standards, are prohibited.
- (8) Obstruction or attachment of camp materials or personal property to fire hydrants, utility poles or other utility or public infrastructure, fences, trees, vegetation, vehicles, buildings, or structures is prohibited.
- (9) Storage of personal property such as vehicle tires, bicycles or associated components (except as needed for an individual's personal use), gasoline, generators, lumber, household furniture, extra propane tanks, combustible material, or other items or materials is prohibited, other than what is related to camping, sleeping, or keeping warm and dry.

(10) Digging, excavation, terracing of soil, alteration of ground or infrastructure, or damage to vegetation or trees is prohibited.

(11) All animals must be leashed, crated, or otherwise physically contained at all times.

(12) **Vehicle Camping.** Individuals may use vehicles for shelter and/or sleeping in areas identified in WC 10.730(2) under the following circumstances and subject to the conditions and restrictions provided in subsections (1) through (11) above:

Commented [GA20]: Generally pulled from Bend

(a) The vehicle is legally parked in compliance with the Wilsonville Code.

(b) Storage of material outside vehicles is prohibited, other than what is incidental to activities such as short-term (maximum 30 minutes) loading or unloading a vehicle.

Commented [GA21]: Consistent with loading/unloading time specified in WC 5.215

(c) 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 public rights-of-way or on City property.

(d) Vehicles must be registered and insured, as required by the Oregon Vehicle Code.

Commented [GA22]: Added this.

(e) No building or erecting of any structures connecting or attaching to vehicles is permitted, including tents that are not designed and manufactured to be attached to a vehicle.

(f) Connections from vehicles to public or private stormwater, sewer, water, and electrical systems or to vehicles from public or private stormwater, sewer, water, and electrical systems are prohibited unless:

Commented [GA23]: Added

(i) The property owner provides written authorization to connect;

(ii) Any and all applicable federal, state, and local laws, regulations, and permits allow such connection; and

(iii) Any and all applicable federal, state, and local approvals required for such connection have been obtained.

10.750 Notice and Removal.

Commented [GA24]: Provisions taken from Medford code.

(1) Except as provided in subsection (4) below, at least 72 hours before removing individuals from an established campsite, law enforcement officials must post a written notice in English and Spanish at all entrances to the campsite to the extent that entrances can reasonably be identified.

Verified and modified to ensure consistency with ORS 195.505

(a) When a 72-hour notice is posted, law enforcement officials must inform local agencies that deliver social services to unhoused individuals as to where the notice has been posted.

- (b) The local agencies 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.

(2) Personal Property Collection and Storage.

- (a) All personal property at the campsite that remains unclaimed after removal will be given to law enforcement official(s), a local agency that delivers social services to unhoused individuals, an outreach worker, a local agency official, or a person authorized to issue a citation described in WC 10.760, whether notice under subsection (1) is required or not.
- (b) The unclaimed personal property must be stored in a facility located in the City of Wilsonville.
- (c) The unclaimed personal property will be stored in an orderly fashion, keeping items that belong to an individual together, to the extent that ownership can reasonably be determined.
- (d) The personal property must 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 an Internal Revenue Code Section 501(c)(3) non-profit corporation.
- (e) Items that have no apparent value or utility or are in an unsanitary condition may be immediately discarded upon removal of the individuals from the campsite.
- (f) Weapons, controlled substances other than prescription medication, and items that appear to be either stolen or evidence of a crime will be given to or retained by law enforcement officials.

(3) The written notice required in subsection (1) 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 personal 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.

(4) The 72-hour notice requirement under subsection (1) does not apply:

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

(b) In the event of an emergency at a campsite, including, but not limited to, possible site contamination by hazardous materials, a public health emergency, substantial and immediate risk or harm to public infrastructure, or other immediate danger to human life or safety.

Commented [GA25]: Added

10.760 Enforcement.

Commented [GA26]: Medford

(1) Violation of any regulations stated in WC 10.720, 10.730, or 10.740 constitutes a violation of the Wilsonville Code and is subject to fine(s) as contemplated in WC Chapter 1. Every day in which such violations occur constitutes a separate violation.

(2) A person authorized to issue a citation for unlawful camping may not issue the citation if the citation would be issued within 200 feet of a notice required under WC 10.750 and within two hours before or after the notice was posted.

Commented [GA27]: Requirement under ORS 195.505(10)

(3) The City may adopt administrative rules via resolution to support and guide the implementation of and compliance with WC 10.700 through 10.780.

Commented [GA28]: Based on Council feedback – 3/6/23

10.770 Exceptions.

Commented [GA29]: Medford (modified)

(1) Emergencies. In the event of emergency circumstances, the City Manager may authorize camping or storage of personal property on City-owned property and City rights-of-way by written order that specifies the period of time and location.

(2) Other Temporary Circumstances. The City Manager may temporarily authorize camping or storage of personal property on City-owned property and City rights-of-way by written order that specifies the period of time and location upon finding it to be in the public interest and consistent with Council goals and policies.

10.780 Severability.

If any section, paragraph, subdivision, clause, sentence, or provision of this title shall be adjudged by any court of competent jurisdiction to be unconstitutional or invalid, such judgment shall not affect, impair, invalidate, or nullify the validity of the remaining portions of the title.

PARKS AND PLAYGROUNDS

3.000. Rules and Regulations.

- (1) The following rules and regulations are hereby adopted for the regulation and use of municipal parks in and for the City, and shall be observed at all times by all persons using any City park or park facilities. A summary of these rules are authorized to be posted at Parks and park facilities as determined by the City Manager or designee.
- (2) No fires and camp stoves so shall be allowed except in the following designated areas:
 - (a) Park camp stoves or fireplaces provided for such purposes.
 - (b) Portions of beaches designated as permitting fires, if any.
 - (c) Portable stoves in established campsites, picnic areas, and designated beaches where fires are permitted.
 - (d) No fire shall be left unattended and every fire shall be extinguished before user leaves the park area.
- (3) No person shall in any park area except under agreement or special regulations of the Council:
 - (a) Hunt, pursue, trap, kill, injure, molest, or disturb the habitat of any bird or animal.
 - (b) Discharge any firearm, pellet gun, bow and arrow, slingshot, or other weapon capable of injuring any person, bird or animal; or
 - (c) Possess any loaded firearm.
- (4) Flowers, shrubs, foliage, trees or plant life or products of any type shall not be picked, cut, mutilated or removed, from any park area without written permission from the Council.
- (5) No person shall mutilate, deface, damage or remove any table, bench, building, sign, marker, monument, fence, barrier, fountain, faucet, traffic recorder, or other structure or facility of any kind in a parked area.
- (6) No person shall, except under special regulations of the Council, dig up, deface, or remove any dirt, stones, rock, or other substance whatever, make any excavation, quarry any stone, or lay or set off any blast or roll any barrier stones or move any barriers, or cause or assist in doing any of the said things within a parked area.
- (7) No person shall, except in a designated area, erect signs, markers, or inscriptions of any type within a park without permission from the Council.
- (8) No person in a park may without written permission of the Council:
 - (a) Operate a concession, either fixed or mobile;
 - (b) Solicit, sell or offer for sale, peddle, hock, or vend any goods, wares, merchandise, food, liquids, or services;
 - (c) Advertise any goods or services by any means whatsoever; or
 - (d) Distribute any circulars, notices, leaflets, pamphlets, or written or printed information of any kind.
- (9) Motor vehicles shall be operated only on roads and in parking area constructed or designated for motor vehicle use. No motor vehicle shall be operated on any trail or in any part of a park area not constructed or designated for motor vehicle use, or on any road or trail posted as closed to the public, or on any road or trail

where signs have been placed or erected by authority of the Council prohibiting the driving of motor vehicles. Automobiles, trailers, or other vehicles shall be parked only in designated areas.

- (10) No animal of any kind shall be brought into or kept in a park area unless confined, or in a vehicle. Except that dogs must be kept on a leash at all times in all City parks and playgrounds. The leash shall be no more than eight feet in length, except that a retractable reel leash may extend up to 15 feet in length. The authority of the City park employee includes the authority to undertake any lawful measures (including removal of the animal from the park area) deemed by the park employee necessary to prevent the interference by the animal with the safety, comfort and well-being of the park users, or the appearance or sanitary condition of the park area. No animals other than seeing-eye dogs shall be allowed in any building."
- (11) No bottles, cans, ashes, waste, paper, garbage, sewage, or other rubbish or refuse shall be left in a park area, except in the receptacles designated for that purpose.
- (12) No person shall set up or use a public address system in a park without the written permission of the Council.
- (13) No person shall ride, drive, lead, or keep a saddle horse or riding animal in any park area, except on such roads, trails, or areas designated for that purpose. No horse or other animal shall be hitched to any tree or shrub in such a manner that may cause damage to such tree or shrub.
- (14) No person shall wash any clothing or other materials or clean any fish in a pond, stream or river in a park area.
- (15) No person shall use abusive, threatening, boisterous, vile, obscene or indecent language or gestures in a park area which interferes with another's peaceful enjoyment of the park and its facilities. Public demonstrations, public disturbances, or riotous behavior or indecent exposure will not be allowed in any City park area.
- (16) No ~~overnight~~ camping, as defined in WC 10.710, will be permitted unless authorized ~~in writing by the Council~~ pursuant to WC 10.770.
- (a) Individuals may rest, as defined in WC 10.710, during open park hours so long as the individual is not in, on, across, over, or under a play structure or playground area, water feature, trail, pathway, restroom, or sports field, is not violating any of the prohibitions described in WC 10.700 through 10.780, and is not violating any other subsection of this Section 3.000 through 3.030.
- (17) No person shall operate any motor vehicle within a park area at a speed in excess of posted limits.
- (18) No person shall operate or use any noise producing machine, vehicle, device, or instrument in such a manner that is disturbing to other park area visitors or neighboring houses.
- (19) Except for authorized overnight camping in accordance with the City rules and regulations, no person, other than law enforcement officers or authorized City personnel, shall enter or remain in any park area except during ~~posted hours as established by the Council~~ the hours of 6:00 am to 10:00 pm.
- (20) A fenced and signed area on the east side of Memorial Park is hereby designated as dog off leash area in which dogs may be allowed to run off leash provided:
- (a) The dog is properly licensed and has received required vaccinations (rabies);
 - (b) The dog's owner, or owner's designee:
 1. Removes any and all feces excreted by the dog;
 2. Keeps the dog within the designated area during all times it is off leash;
 3. Secures the dog by adequate leash when entering or leaving the designated area;
 4. Does not take a female dog in estrus into a designated area when other dogs are present, or, if already within a designated area, removes such female dog in estrus when other dogs enter the area; and

5. Is present in the designated area and has voice control of his or her dog.
- (c) No dog shall be permitted to fight, bite, or bark excessively while in a designated dog off leash area, and the owner of a dog fighting, biting, or barking excessively may be cited therefore and/or required to remove his or her dog from the area.
- (21) A dog owner or owner's designee is required to remove and properly dispose of any and all feces excreted by said dog or dogs in all City parks.
- (22) Smoking or the use of tobacco products is prohibited on all City park property, park facilities and buildings. "Tobacco products" includes any tobacco cigarette, cigar, pipe tobacco, smokeless tobacco, chewing tobacco, or any other form of tobacco which may be used for smoking, chewing, inhalation, or other means of ingestion.
- (Ord. No. 425, 4-4-1994; Ord. No. 712, 1-7-2013)

3.010. Facility Reservation.

- (1) In order to provide for the convenience of advance reservation of park facilities the following procedures are hereby adopted:
- (a) Formal application must be made at City Hall to reserve any public park and recreation facility for the exclusive use of any particular group.
- (b) All applications must be made at least two weeks in advance of the date of facility use and shall include the name of the organization/group, the facility requested, date and time and requested, name, address and phone number of person in charge, type of activity and any special requests.
- (c) Reservation fee shall be paid in advance to assure reservation.
- (d) The person in charge must sign the application.
- (e) All applicant for park reservations shall be aware of the fact that reservations for park facilities are on a first-come, first-serve basis.

3.020. Use and Consumption of Alcoholic Beverages.

- (1) Alcohol may not be consumed or used in Wilsonville City parks under the following conditions:
- (a) Alcoholic beverages or their consumption shall be limited to wines or beer only.
- (b) In those areas designated by the City for which a reservation has been permitted and the applicant indicated on the application form that alcoholic beverages would be served. This does not in any way eliminate the reservation applicant from those rules and regulations administered under the Oregon Liquor Control Commission (OLCC).

(Ord. No. 425, 4-4-1994)

3.022. Water Safety Regulations.

- (1) No person shall swim, dive, or fish ,on or from the Memorial Park dock.
- (2) The ordinance will sunset on the date of the conclusion of the described grant agreement.

(Ord. No. 752, 12-1-2014)

3.030. Enforcement and Penalty.

- (1) In addition to City Police, all City park employees or Council persons in charge of City parks or any park area are authorized and directed to enforce by all lawful means full compliance by the public with the foregoing rules and regulations.
- (2) Any person violating any park rule or regulation as delineated by Sections 3.000 and 3.020 of this Code, except those involving theft or damage over \$50.00, shall be punished upon a first conviction for a violation pursuant to Section 1.012, and upon a subsequent conviction for a Class C misdemeanor pursuant to Wilsonville Code, Section 1.012. Provided, however, a violation of a park rule which involves theft or damage to property [greater] than \$50.00 shall be treated as a crime under state criminal laws. Provided further a conviction for violation of Section 3.000(31) shall only be punished as a violation pursuant to Section 1.012.

(Ord. No. 253, 2-21-1984; Ord. No. 425, 4-4-1994; Ord. No. 712, 1-7-2013)

DRAFT

ATTACHMENT C

Chapter 5 - VEHICLES AND TRAFFIC
PARKING AND STORAGE REGULATIONS ENFORCEABLE BY CITATION AND FINE

PARKING AND STORAGE REGULATIONS ENFORCEABLE BY CITATION AND FINE

5.200. Storage of Motor Vehicles and Other Property on the Street.

Except as further limited by WC 10.700 through 10.780, No person shall store or permit to be stored on a street or other public property, without permission of the Council, a motor vehicle, boat, trailer, camper, mobile home, travel trailer, or other personal property, including portable storage containers, for a period in excess of 72 hours, without moving at least three vehicle lengths away.

5.205. Method of Parking.

- (1) No vehicle shall be parked upon any street in a manner other than parallel to the roadway and facing in the direction of travel of the nearest travel lane unless specifically designated by signs or markings which are authorized by the City Manager or designee.
- (2) Where parking space markings are placed on a street, no person shall stand or park a vehicle other than in the indicated direction or the direction of travel if no direction is indicated, and, unless the size or shape of the vehicle makes compliance impossible, within a single marked space.
- (3) The operator who first begins maneuvering a motor vehicle into a vacant parking space on a street shall have priority to park in that space, and no other vehicle operator shall attempt to interfere.
- (4) Whenever the operator of a vehicle discovers the vehicle is parked close to a building to which the fire department has been summoned, the operator shall immediately remove the vehicle from the area, unless otherwise directed by police or fire officers.

5.210. Prohibited Parking or Standing.

In addition to the state motor vehicle laws, the following regulations regarding parking or standing of the below-described vehicles apply:

- (1) A vehicle in an alley other than for the expeditious loading or unloading of persons or materials, and in no case for a period in excess of 30 consecutive minutes.
- (2) Except as further limited by WC 10.700 through 10.780, No motor truck with a gross vehicle weight of more than 8,000 pounds, truck trailer, motor bus, recreational vehicle, or utility trailer shall be parked on a street between the hours of 9:00 p.m. and 7:00 a.m. of the following day in front of or adjacent to a residence, motel, apartment, hotel or other sleeping accommodation, except
 - (a) as may otherwise be specifically adopted by action of the City Council, or
 - (b) to accommodate only the loading/unloading of property belonging to the occupants of or performing a service on the adjacent residence and in such case, no sleeping is allowed at any time and the maximum period allowed to accomplish performance of the service or such loading, unloading, or a combination of both, shall not exceed 48 hours, thereafter subject to ticketing and/or towing in accordance with Code requirements for any time beyond this maximum service, loading/unloading period.
- (3) No trailer as defined in ORS 801.560 shall be parked upon any City street unless it is attached to a motor vehicle by which it may be propelled or drawn, save and except such streets within Industrial

Zones that the City Engineer reasonably determines that parking of unattached trailers would not constitute a safety hazard. This subsection shall not apply to trailers which are disabled to such extent that the driver cannot avoid temporarily leaving the disabled trailer on the street, provided that the trailer must be removed within 24 hours of becoming disabled.

- (4) No operator shall park and no owner shall allow a vehicle to be parked upon a street for the principal purpose of:
 - (a) Displaying the vehicle for sale.
 - (b) Repairing or servicing the vehicle, except repairs necessitated by an emergency.
 - (c) Displaying advertising from the vehicle. Incidental parking of a vehicle with such advertising that is permanently or semi-permanently attached to the vehicle and would normally be construed as routine self-promotion, including name, logo, slogan, or product description of the vehicle is not intended to be prohibited.
 - (d) Selling merchandise from the vehicle, except when authorized.
- (5) No vehicle shall be parked upon any City street in a location within 12 feet of any mailbox used for pickup or delivery of the United States mail.
- (6) No vehicle shall be parked upon any City street or highway in violation of "No Parking" signs or markings, where the City Manager or designee authorizes such signs or markings.
- (7) No vehicle shall be parked upon any City street adjacent to any yellow curb, where the City Manager or designee authorizes such curb.
- (8) No vehicle shall be parked upon any City street in a manner such that less than 18 feet of unobstructed roadway width is left available for the passage of other vehicles. Where roadways are less than 18 feet wide, such width as necessary to allow two vehicles to pass, shall remain unobstructed.
- (9) ~~Except as further limited by WVC 10.700 through 10.780, No~~ vehicle shall be parked on any street for more than 72 hours without moving at least three vehicle lengths away.
- (10) No vehicle shall be parked where it is impeding or likely to impede the normal flow of vehicular, bicycle, or pedestrian traffic; where it is a hazard or is likely to be a hazard to vehicular, bicycle, or pedestrian traffic; or where it is obstructing the required width of a fire apparatus access road.
- (11) No vehicle shall be parked or operated on a highway when the vehicle registration as indicated by registration stickers or registration card has been expired for 90 days or more, the vehicle is required to be registered when operated on a street, and the vehicle is parked or being operated on a City street.

~~(12) Unless in a designated area for camping, no person shall, for a period of more than two hours, use any vehicle or trailer to camp in, sleep in, or live in while parked upon any City property, City right of way, City easement, or City street.~~

~~(a) For the purposes of this Section,~~

- ~~1. The term "camp" has the same meaning given it in Code Section 10.425.~~
- ~~2. The term "sleep" means the natural periodic suspension of consciousness, during which the powers of the body are restored, or resting or meditating in a manner which leads a reasonable person to conclude that consciousness is suspended.~~
- ~~3. The term "live" means the use of a vehicle or trailer for a home, dwelling place, residence, or domicile. Engaging in or the presence of items used for cooking, sleeping, bathing, or other activities normally associated with home life may serve as evidence that a person is living in a vehicle.~~

Commented [GA1]: Moved regulations regarding camping to Chapter 10

Formatted: List 2

Created: 2022-06-24 10:18:31 [EST]

(Supp. No. 1)

~~(b) It shall be an affirmative defense to "sleep in" if the sleeping was caused by a medical condition and not induced by alcohol, controlled substances, or medication that warns of causing drowsiness or sleepiness, or warnings to that effect.~~

~~(c) It shall be an affirmative defense to "live in," if a legally permissible explanation is provided of the items present or the activity engaged in that a reasonable person could find plausible under the circumstances then and there present.~~

(1312) No vehicle shall be parked in any Residential Permit Parking Zone without a residential parking permit clearly displayed in the window for that Residential Parking Zone, as more particularly described in Chapter 5, Section 5.245.

(Ord. No. 722, 9-5-2013; Ord. No. 750, 12-1-2014; Ord. No. 804, 2-7-2017)

DRAFT

ATTACHMENT D

Chapter 10 - OFFENSES GENERAL

GENERAL

10.400. Diving From Public Pilings.

- (1) No person shall dive or jump from, or climb or sit on, public pilings at the boat dock or at the swimming dock in Wilsonville Memorial Park or Boone's Ferry Park.
 - (2) Violation of this section is punishable as a violation pursuant to Section 1.012.
- (Ord. No. 287, 1-21-1986)

10.410. Unlawful Operating or Riding a Skateboard in a Prohibited Area.

- (1) It shall be unlawful for any person or persons to operate or ride a skateboard in any of the following prohibited areas:
 - (a) Town Center Park.
 - (b) Other property posted "No Skateboarding".

10.420. Intentionally Causing Damage to Town Center Park Properties by or for Skateboarding.

- (1) It shall be unlawful for any person or persons with intent to damage Town Center Park property to damage Town Center Park property by:
 - (a) Operation or riding of a skateboard; or
 - (b) Destroying, altering, denting, breaking, impairing, mutilating, harming, or injuring Town Center property to make it usable for skateboard operation and riding.

~~10.425. Camping on Public Property and Rights-of-Way.~~

- ~~(1) It shall be unlawful for any person or persons to camp on public property or right-of-way without prior approval of the City, except that unauthorized overnight camping on City parks or park facilities is governed by WC 3.000(16).~~
 - ~~(a) (2) To camp means to set up, or remain in or at, a campsite for the purpose of establishing or maintaining a temporary place to live.~~
 - ~~(3) Campsite means any place where any bedding, sleeping bag, or other sleeping matter, or any stove or fire is placed, established, or maintained, whether or not such place incorporates the use of any tent, lean to, shack, or any other structure or any vehicle or part thereof.~~
- ~~(Ord. No. 715, 4-15-2013)~~

Commented [GA1]: Move all regs into new 10.700-10.780

10.430. Penalties.

Except as set forth in 10.250 and 10.400, violations of any provision of Chapter 10 shall be punished as follows:

-
- (1) First Offence, a fine not to exceed \$250.00.
 - (2) Second Offence within one year, shall be subject to punishment of a Class C misdemeanor (not to exceed \$500.00 fine, not to exceed 30 days imprisonment).
 - (3) Any person who violates the provisions of WC 10.420 shall be punishable as a Class A misdemeanor (not to exceed \$2,500 fine, not to exceed one year imprisonment).
 - (4) Upon conviction of WC 10.410 or WC 10.420, the Court may in addition to any other penalty order that the skateboard that was used be impounded until such times as may appear just and reasonable or may be ordered forfeiture of the skateboard. Provided, however, it shall be a defense to forfeiture if it is proven to the Court by the preponderance of the evidence that the defendant is not the owner of the skateboard and the owner did not know or could not have reasonably known that the skateboard would be ridden in violation of the provisions of this ordinance.
 - (5) Any person who is convicted of violating the provisions of WC 10.305 shall be punished as a violation pursuant to Section 1.012.

(Ord. No. 777, 11-16-2015)

DRAFT

ATTACHMENT E

~~6.400. Removal of Individuals, their Property and Campsites on Public Property.~~

Commented [GA1]: Provisions moved to Chapter 10

- (1) ~~Prior to the removal of any individual and/or their personal property from an established camping site on public property, law enforcement officials shall post a removal notice at the campsite, written in English and Spanish, 24 hours in advance of removal, provided however, that law enforcement officials are encouraged to determine if the circumstances warrant an extension of time for removal to ensure humane treatment, in which instance the law enforcement officials may extend the notice time up to 72 hours in advance of removal;~~
- (a) ~~At the time the notice is posted, law enforcement officials shall inform a local agency that delivers social services to homeless individuals where the notice has been posted.~~
- (b) ~~This local agency may arrange for outreach workers to visit the camping site where a notice has been posted to assess the need for social service assistance in arranging shelter and other assistance.~~
- (c) ~~All unclaimed personal property shall be given to law enforcement officials whether 24 hour notice is required or not. Subject to approval of the City Manager, the City's Public Works Director shall develop a protocol to aid such law enforcement officials in the custody, removal, storage, and destruction of the unclaimed personal property. A notice shall be posted, written in English and Spanish, providing a phone number to call during the business hours of 8:00 a.m. to 4:00 p.m., Monday to Friday, to arrange an appointment to pick up the unclaimed personal property. This notice shall be posted in a conspicuous place in the general vicinity, but not greater than 30 feet, of the personal property to be removed, and shall be laminated or otherwise made to be weather resistant. The notice shall not be posted on or attached to personal property in the area. The property shall be stored for 30 days from the removal date and will be available to any individual claiming ownership. Property that remains unclaimed for 30 days will be disposed of and the notice removed.~~
- (d) ~~Personal property means any item that is reasonably recognizable as belonging to a person and has apparent utility. Items that have no apparent utility or are in an unsanitary condition will be immediately discarded upon removal of the homeless individuals from the camping site.~~
- (e) ~~City officials or law enforcement personnel shall photograph the site prior to the removal of property and provide a general description of items disposed of due to their lack of apparent utility or unsanitary condition.~~
- (f) ~~Weapons, drug paraphernalia and items that appear to be either stolen or evidence of a crime shall be turned over to the appropriate law enforcement officials.~~
- (2) ~~Following the removal of homeless individuals from a campsite 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 removals are occurring in a humane and just manner and to determine if any changes are needed in the policy.~~
- (3) ~~The 24 hour notice under subsection (1)(c) of this section shall not apply:~~
- (a) ~~When there are grounds for law enforcement officials to believe that illegal activities other than camping are occurring.~~
- (b) ~~In the event of an exceptional emergency such as possible site contamination by hazardous materials or when there is immediate danger to human life or safety.~~
- (4) ~~Sleeping or sleeping in a vehicle on public property in a manner that establishes a camping area or that results in personal property or trash being stored on public property shall be considered an established camp for the purposes of this Section.~~

- ~~(a) Vehicles used for camping on public property shall be impounded according to Wilsonville Code Sections 5.400 — 5.460. The contents of impounded vehicles will be inventoried according to Wilsonville Code Section 5.425.~~
- ~~(b) Sleeping in a vehicle on a public right-of-way shall still be governed by Wilsonville Code Section 5.210(12).~~
- ~~(c) Illegal parking, stopping or standing of vehicles are governed by Wilsonville Code Sections 5.200 et seq.~~
- ~~(5) 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 notice described in this section and within two hours before or after the notice was posted.~~

(Ord. No. 716, 4-15-2013)

DRAFT



MEMORANDUM

TO: Wilsonville City Council

FROM: Amanda Guile-Hinman, City Attorney

DATE: February 7, 2023

RE: Initial Public Outreach – Prohibited Camping Code Update Project

I. INTRODUCTION

This memorandum provides the initial public outreach undertaken by staff regarding the prohibited camping code update project. **Exhibit 1** attached hereto is the Let's Talk, Wilsonville! questionnaire results report. The questionnaire received the largest community response of a Let's Talk, Wilsonville! survey at 437 responses. This memorandum details the other outreach components already undertaken and those planned in the coming days.

II. OUTREACH EFFORTS

In addition to information collected internally from staff members such as City Parks maintenance staff, Library staff, and Public Works staff, and Police, staff has contacted, or attempted to contact, Wilsonville Community Sharing, Heart of the City, fourteen religious organizations located in the city, the Chamber of Commerce, Rotary Club, Wilsonville Alliance for Inclusive Communities, and 26 local homeowners associations. Staff also contacted the West Linn-Wilsonville School District; Tualatin Valley Fire and Rescue; Clackamas County Health, Housing, and Human Services; and several regional, state, and federal agencies that work with unhoused individuals and the housing crisis.

Thus far, staff met with Wilsonville Community Sharing, Creekside Bible Church, Clackamas County Housing and Community Development staff, Tualatin Valley Fire and Rescue staff, West Linn-Wilsonville School District staff, and the Chair of the City's Diversity, Equity, and Inclusion Committee. A meeting is currently scheduled with Wilsonville Alliance for Inclusive Communities on February 10, 2023. Staff is also scheduled to provide presentations to

the Parks and Recreation Advisory Board on February 9, 2023; the Library Board on February 22, 2023; and the Diversity, Equity, and Inclusion Committee on March 14, 2023.

Staff is also planning an anonymous survey for Tuesday, February 14, 2023, coordinated through Wilsonville Community Sharing, for unhoused individuals to provide information to the City about camping regulations.

III. INFORMATION FROM OUTREACH

This memorandum summarizes the information obtained from interviews conducted thus far.

A. Services Provided

Below is information regarding services provided to unhoused individuals¹ by those organizations staff interviewed:

- Wilsonville Community Sharing (WCS) provides “grab and go” food for unhoused individuals on Tuesdays from 12:30 pm to 2:30 pm and 6 pm to 7:15 pm at its food pantry located in the City’s Art Tech Building at 29796 SW Town Center Loop East. Community members will sometimes donate to WCS small dollar gift cards to local restaurants and grocery stores that are given out to unhoused individuals. WCS noted that they provided food to 52 unhoused individuals last year, but that number is duplicative because many people came to WCS each week for food. They estimate that they provided approximately 1,000 pounds of food to unhoused persons last year.
- Clackamas County Housing and Community Development department discussed with City staff several important resources available to unhoused individuals.
 - Clackamas County has a program called Coordinated Housing Access, which serves as the starting point to get individuals connected to housing and support services. People can call **(503) 655-8575** and leave a message or fill out the online form at <https://www.clackamas.us/communitydevelopment/cha>.
 - Clackamas County also has a number people may call when an individual appears to be experiencing a mental health crisis, but does not appear

¹ These organizations in many cases provide other services to individuals based on other life circumstances, but the interviews are specifically focused on services provided to unhoused individuals.

dangerous or need a police response. That phone number is **(503) 655-8585**. Individuals experiencing suicidal crisis or mental health-related distress can also dial **988**, which is the National Suicide and Crisis Lifeline.

- The West-Linn Wilsonville School District staff explained that the school district works to remove barriers that prevent unhoused students from attending school. One way the school district does this is by providing transportation to the student's "school of origin." If a student's family is unhoused and staying in location(s) outside of the school or school district boundaries, the school district will provide transportation to ensure the student is able to attend their school of origin. Providing transportation to an unhoused student's school of origin is a requirement under federal law (42 USC §11432(g)(1)(J)(iii)). Another way the school district works to remove barriers is by offering free or reduced lunch. Applications for the program should be submitted during the summer prior to the start of the school year or at the beginning of the school year. The application can be found here:
<https://www.ode.state.or.us/apps/frlapp>.

B. Other Notable Discussion Points

In these interviews, staff also inquired about the service providers' general experiences, barriers to providing services, and any considerations that should go into a prohibited camping code update. Below is a summary of some notable discussion points raised:

- One provider noted that many of the unhoused individuals they serve live in their vehicles and camp at the rest stop. They estimated approximately 80% of the individuals are senior citizens and mainly men. They also stated that almost all of the individuals that sought services are not addicted to drugs or drug users nor appear to have significant mental health disorders.
- Another service provider stated that the unhoused individuals they serve are generally not unsheltered, but rather living in others' homes or temporarily in vehicles.
- A service provider explained that a barrier that does occur for some unhoused individuals in the community is what to do when their vehicle breaks down. Since this provider's experience is that many unhoused residents in the community live in

their vehicles, a vehicle breaking down means they cannot drive and move their car and are more likely to have their vehicle (their home) towed.

- None of the providers were overly enthusiastic about a private property camping program – though some expressed a willingness to work with the City on a City-sponsored program.
- Clackamas County is planning to launch new programs and infrastructure for supportive housing through Metro’s new Supportive Housing Services tax.
 - Clackamas County staff will be providing a presentation to the City Council on February 23, 2023 about some of its new initiatives.
- Clackamas County provides utility payment assistance and limited water and wastewater payment assistance to low-income individuals. People can call **(503) 650-5640** or fill out an application request at <https://www.clackamas.us/socialservices/energyassistance>
- One provider noted that some COVID-19 emergency benefits are coming to an end in March 2023. February is the last month that the federal government will allow Oregon to issue pandemic emergency food benefits for eligible SNAP households. For more information about this change and regular SNAP benefits, visit <https://www.oregon.gov/dhs/ASSISTANCE/FOOD-BENEFITS/Pages/Emergency-Allotments.aspx>.
- One interviewee explained that many unhoused individuals in the area do not want to be visible to the community. Visibility often means that the camp will closed down, unhoused individuals could be harassed, or items might be stolen.
- One interviewee connected with unhoused individuals at the rest stop from approximately 2008 through 2010. Most people lived in their vehicles. The interviewee explained that for most of those individuals, the biggest hurdles were not drugs, alcohol, or severe mental health disorders, but rather a lack of basic life skills.

Survey

SURVEY RESPONSE REPORT

19 July 2019 - 05 February 2023

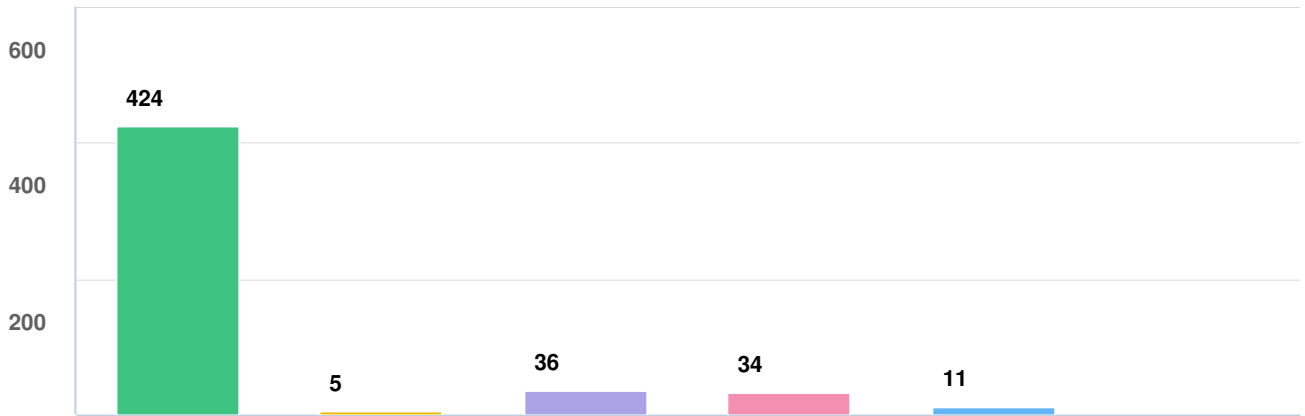
PROJECT NAME:

Legal Review of Prohibited Camping Code



SURVEY QUESTIONS

Q1 What is your relationship to the City of Wilsonville?



Question options

- I live in Wilsonville
- I go to school in Wilsonville
- I am employed by a Wilsonville business
- I operate a Wilsonville business
- I am a frequent visitor to Wilsonville
- None

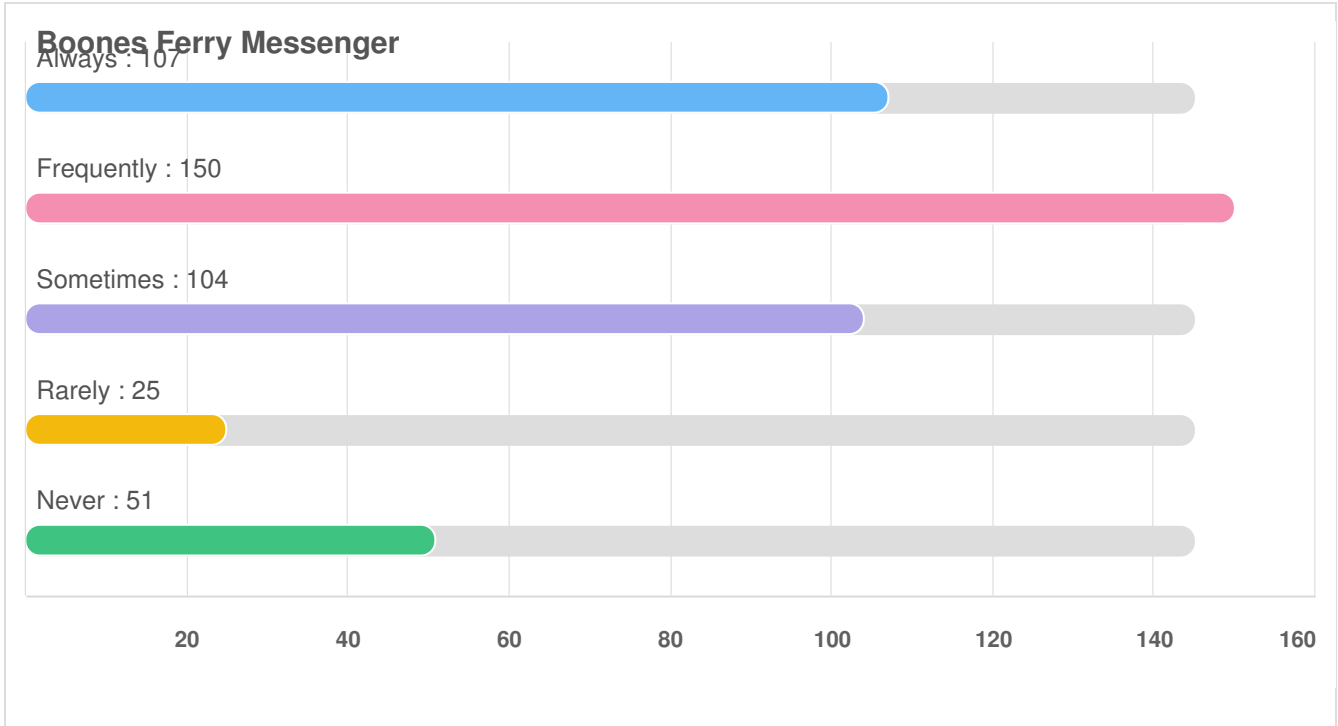
Optional question (437 response(s), 0 skipped)
Question type: Checkbox Question

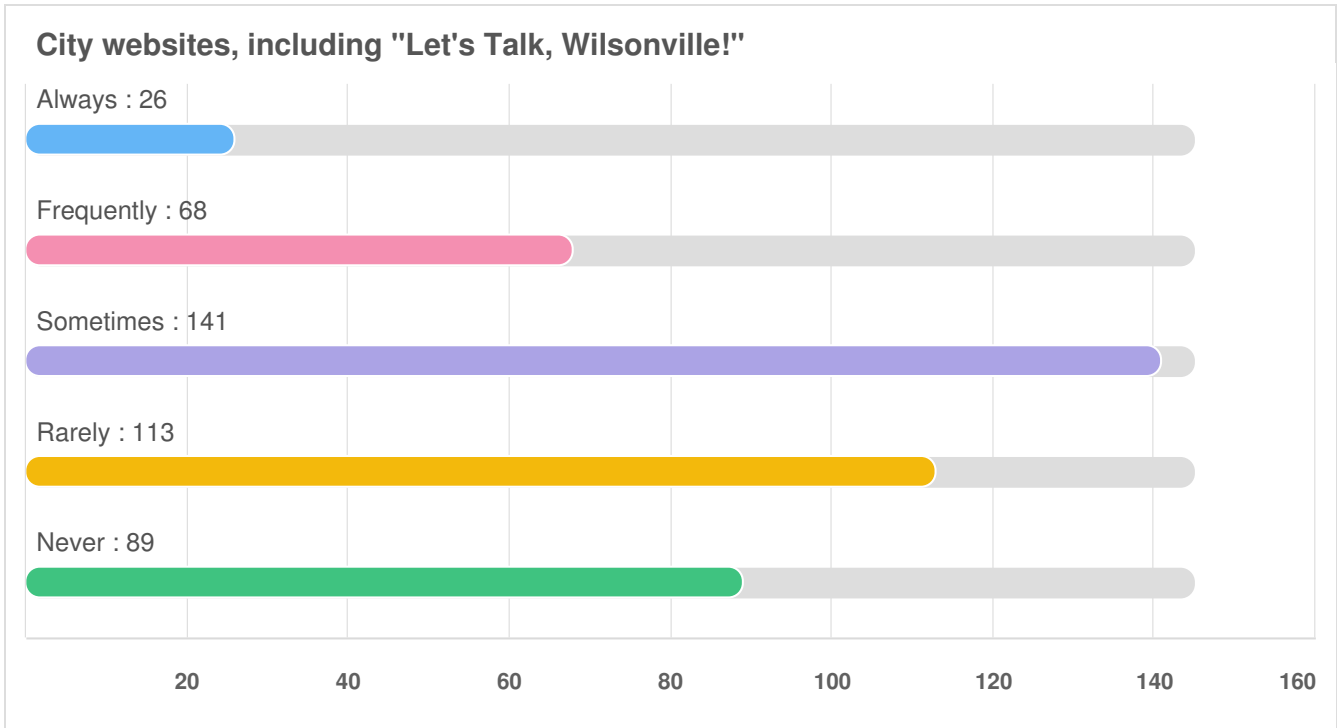
Q2 How do you typically stay informed about City projects of interest to you?

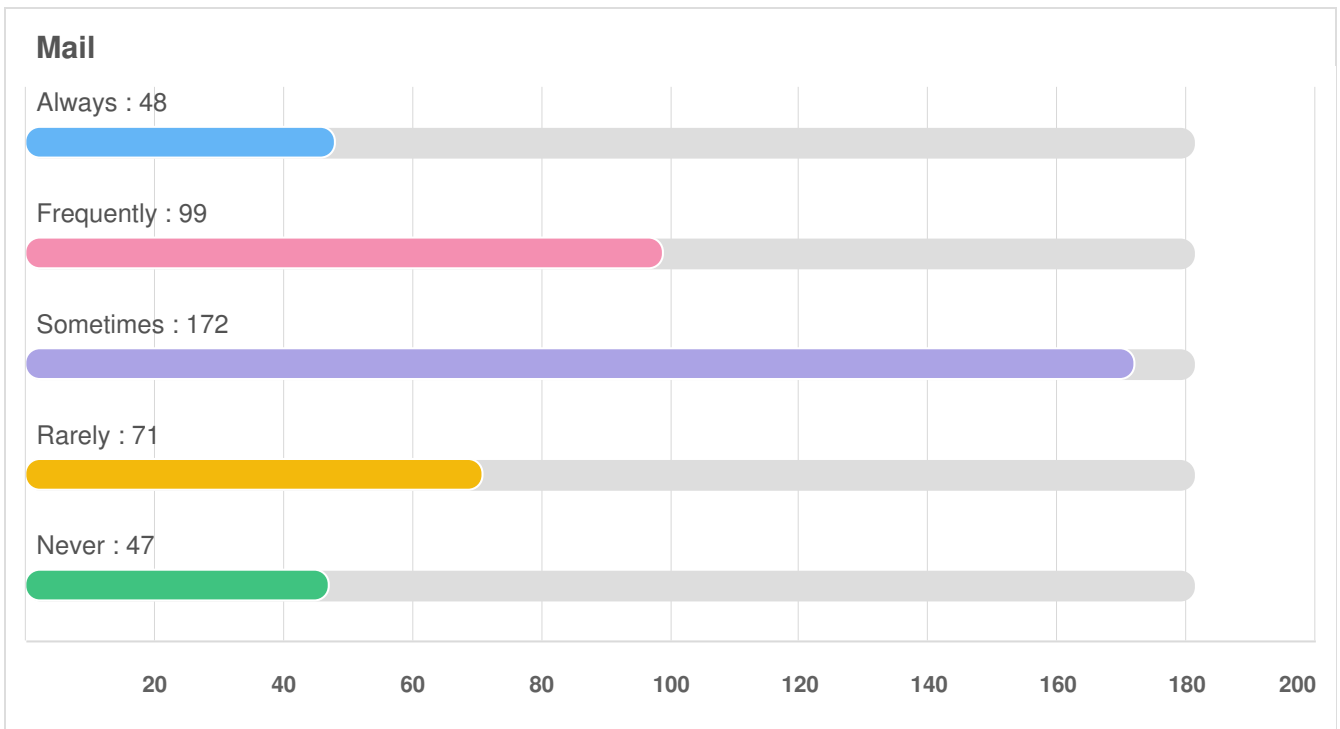


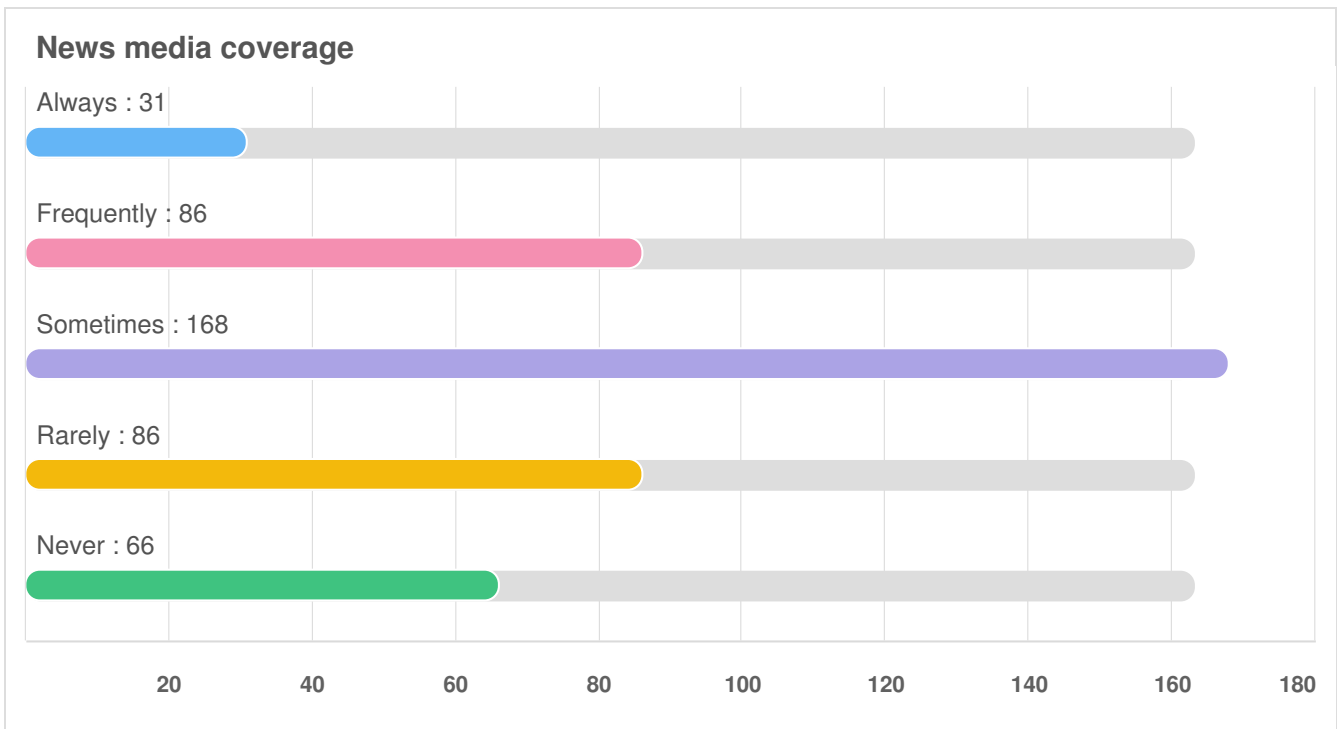
Mandatory Question (437 response(s))
Question type: Likert Question

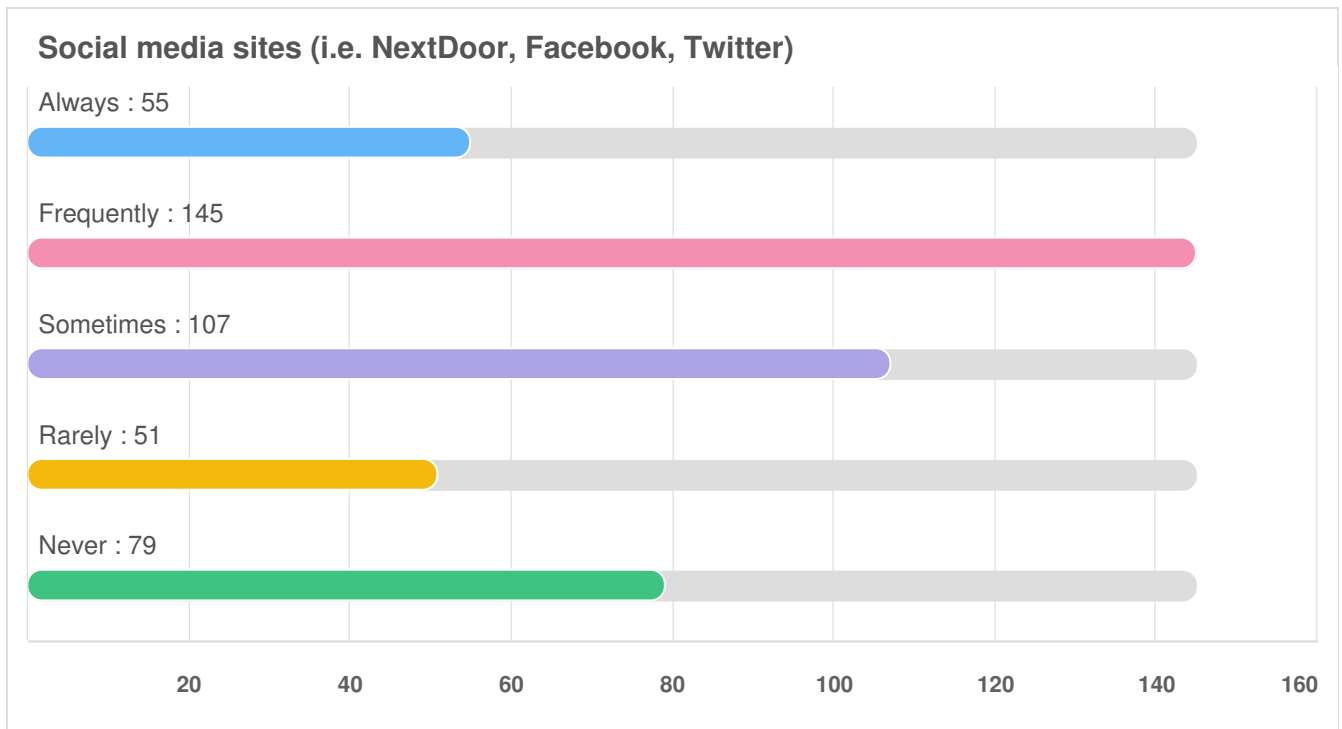
Q2 | How do you typically stay informed about City projects of interest to you?

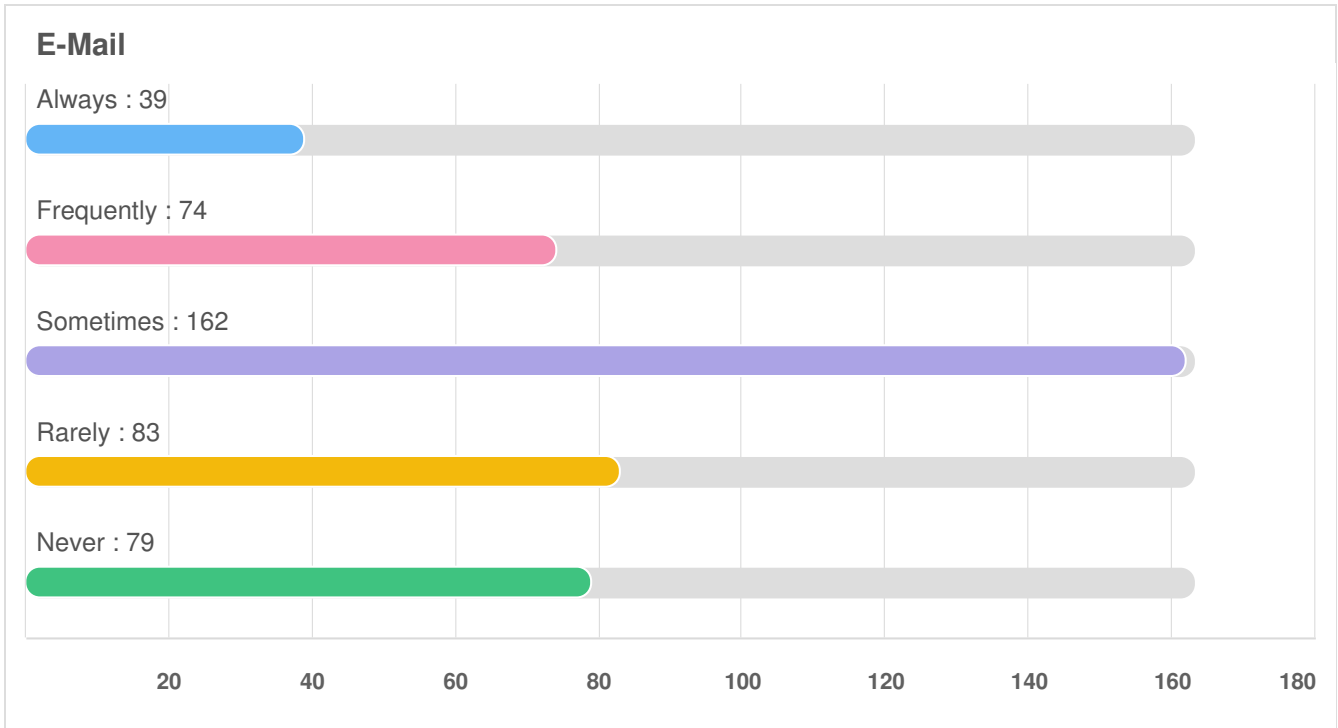




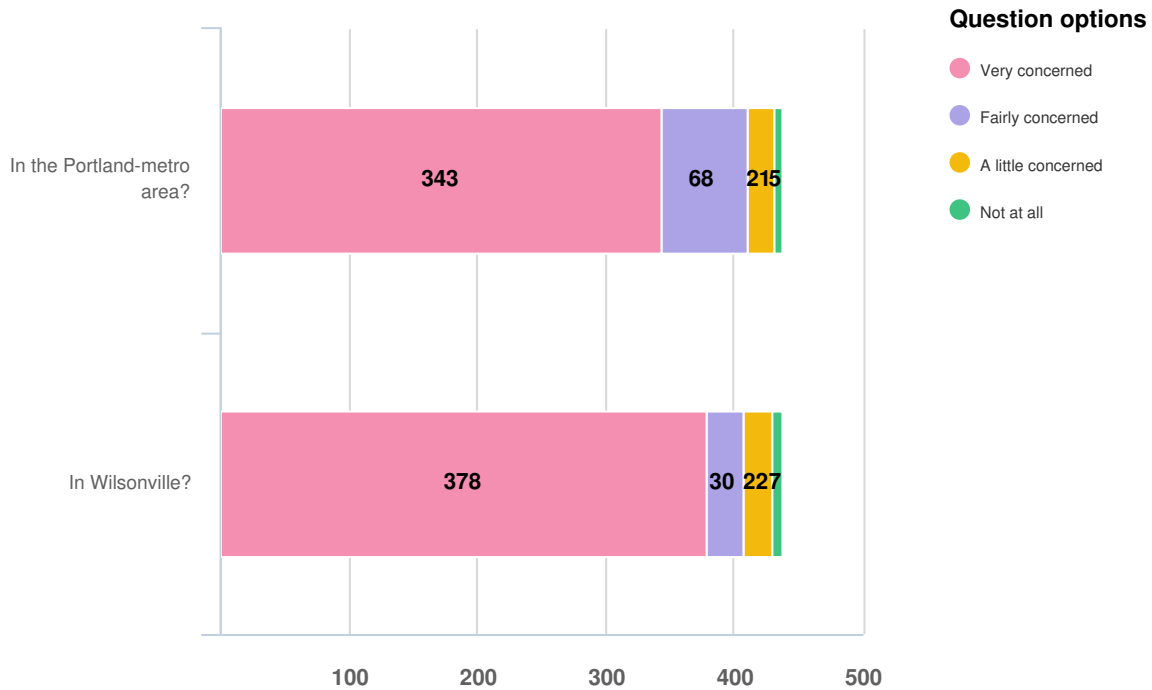






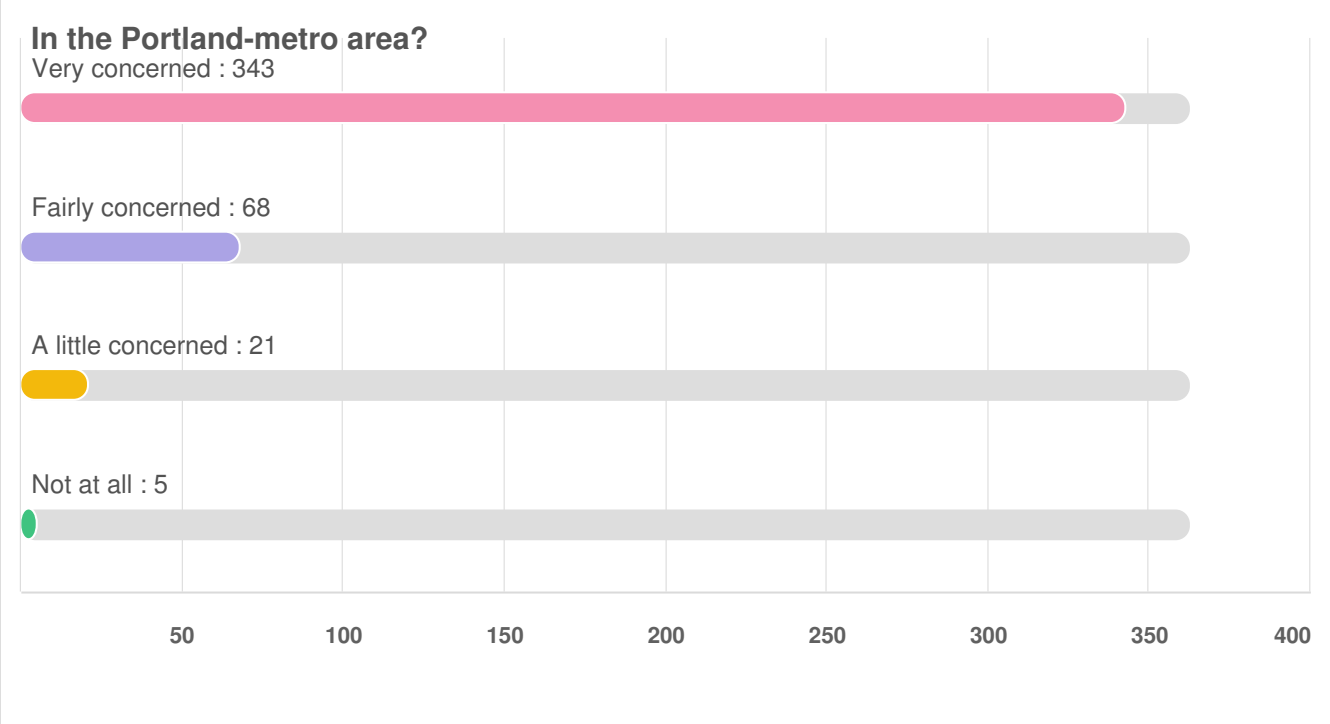


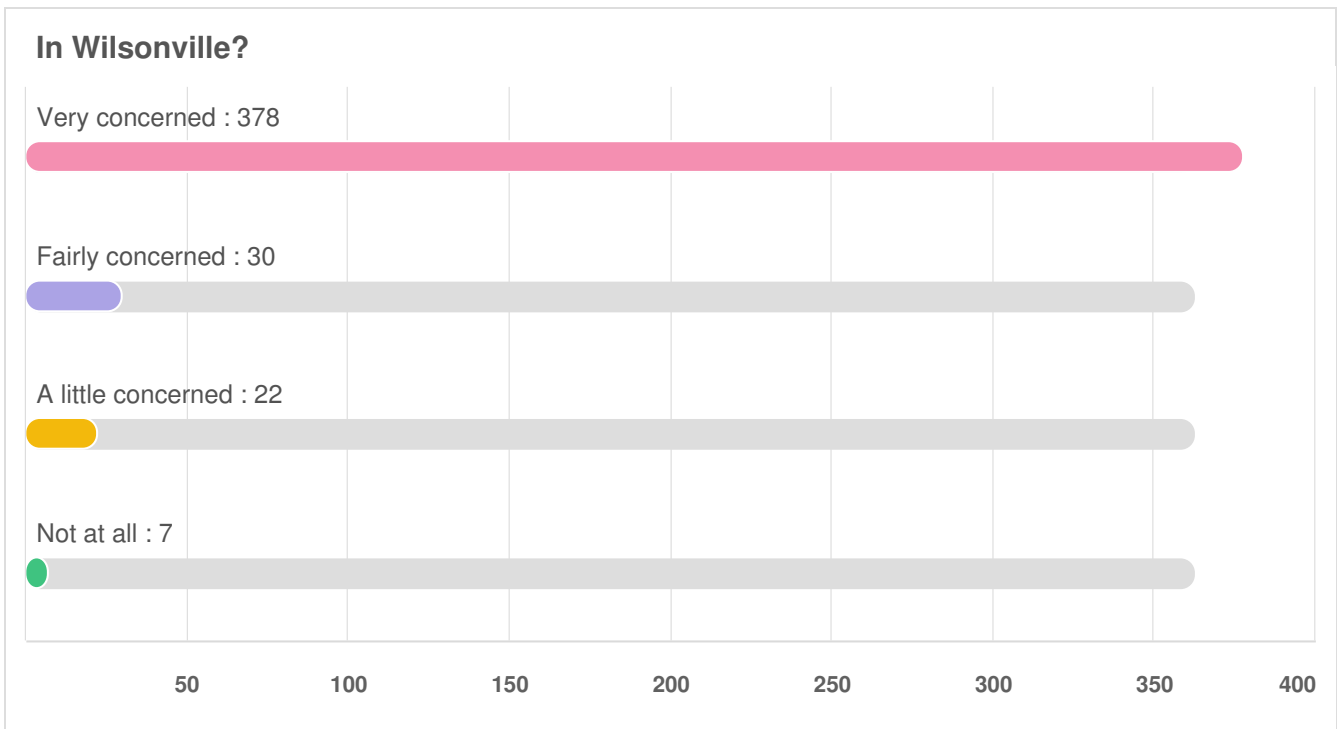
Q3 How concerned are you about people camping on public property?



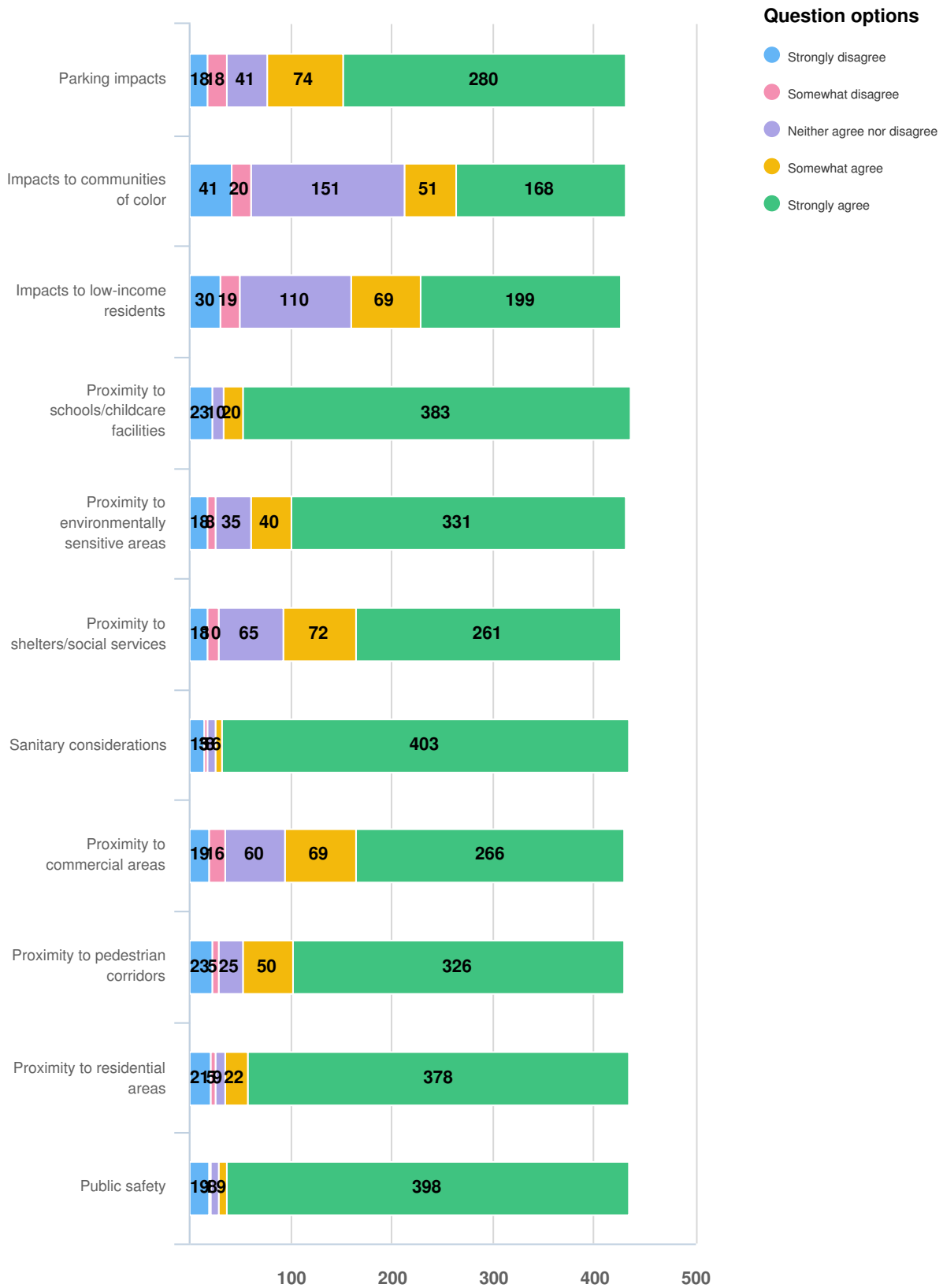
Mandatory Question (437 response(s))
Question type: Likert Question

Q3 | How concerned are you about people camping on public property?



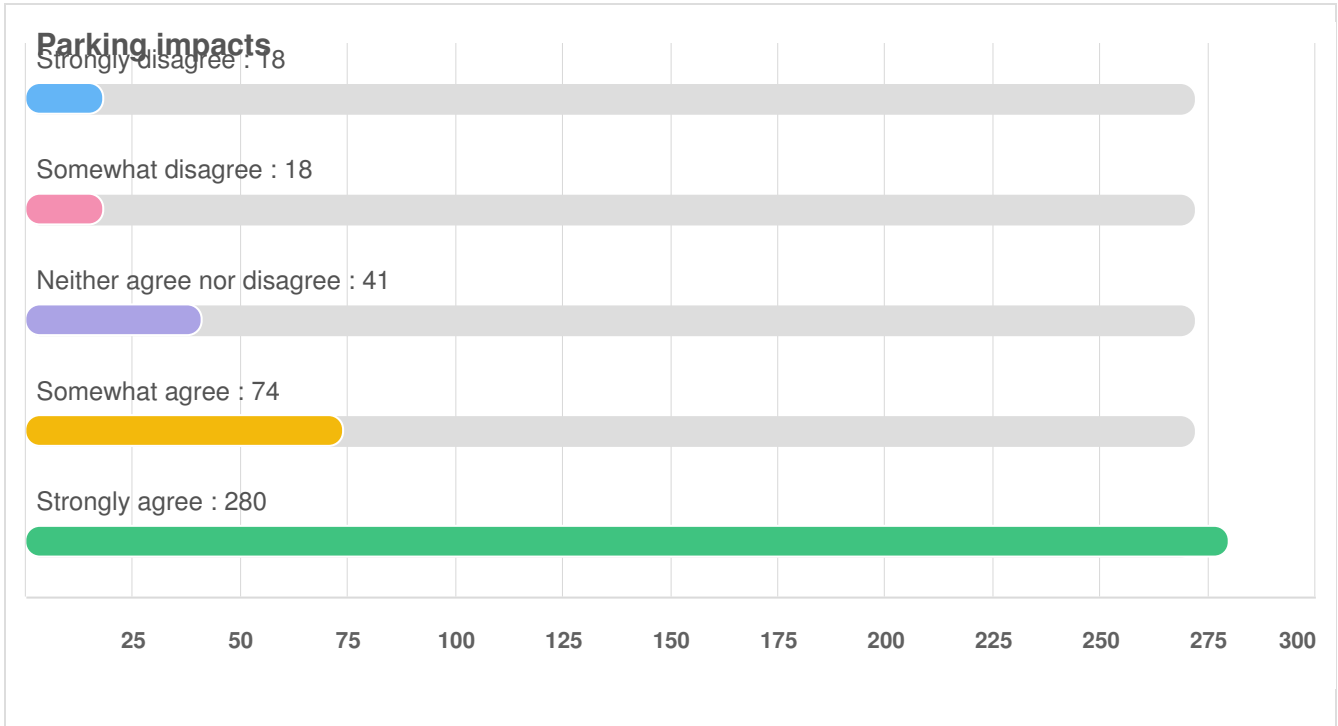


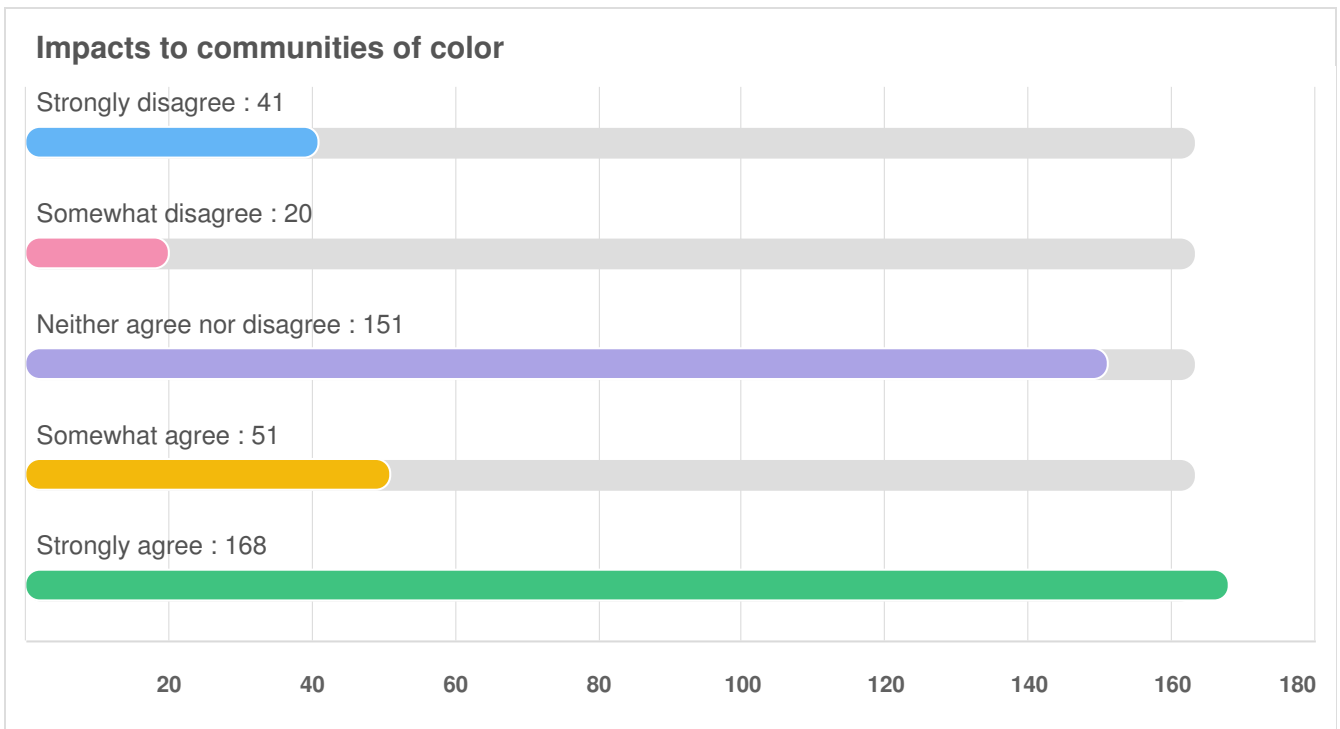
Q4 The City should consider the following factors when reviewing potential locations at which to allow overnight camping?

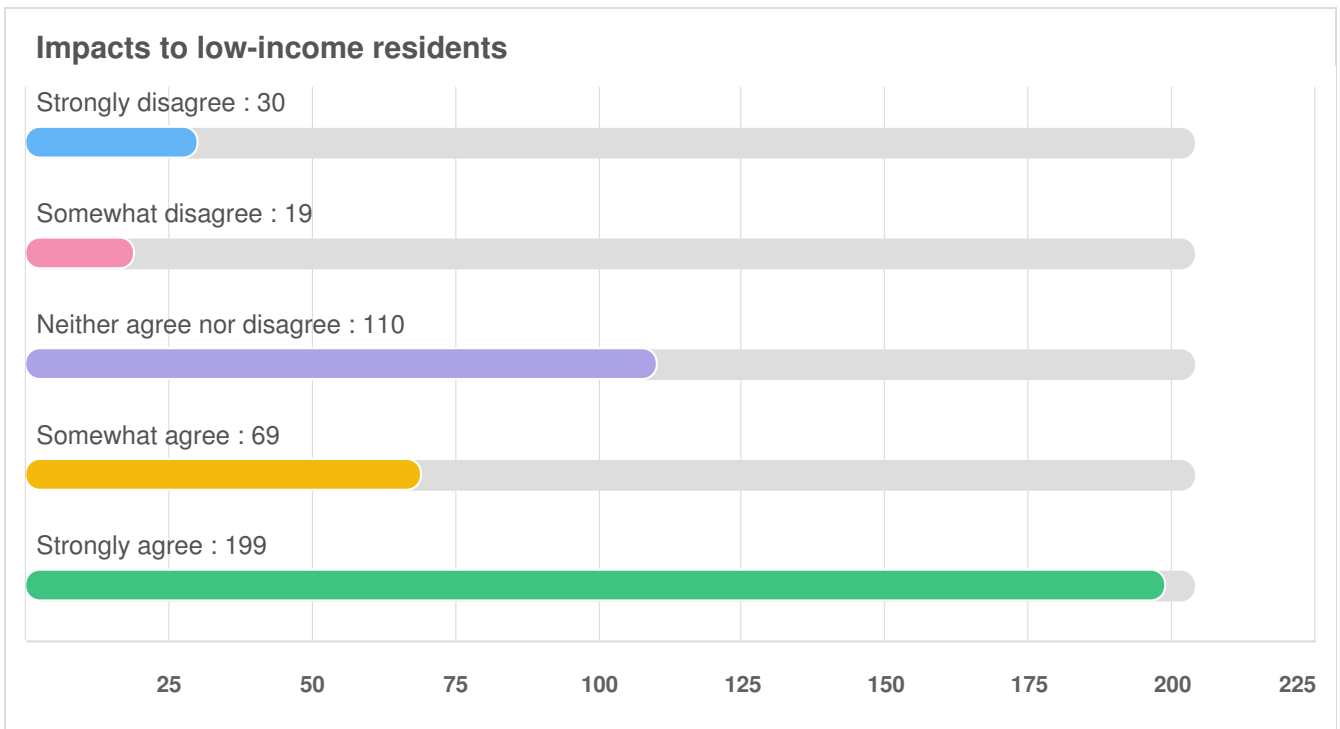


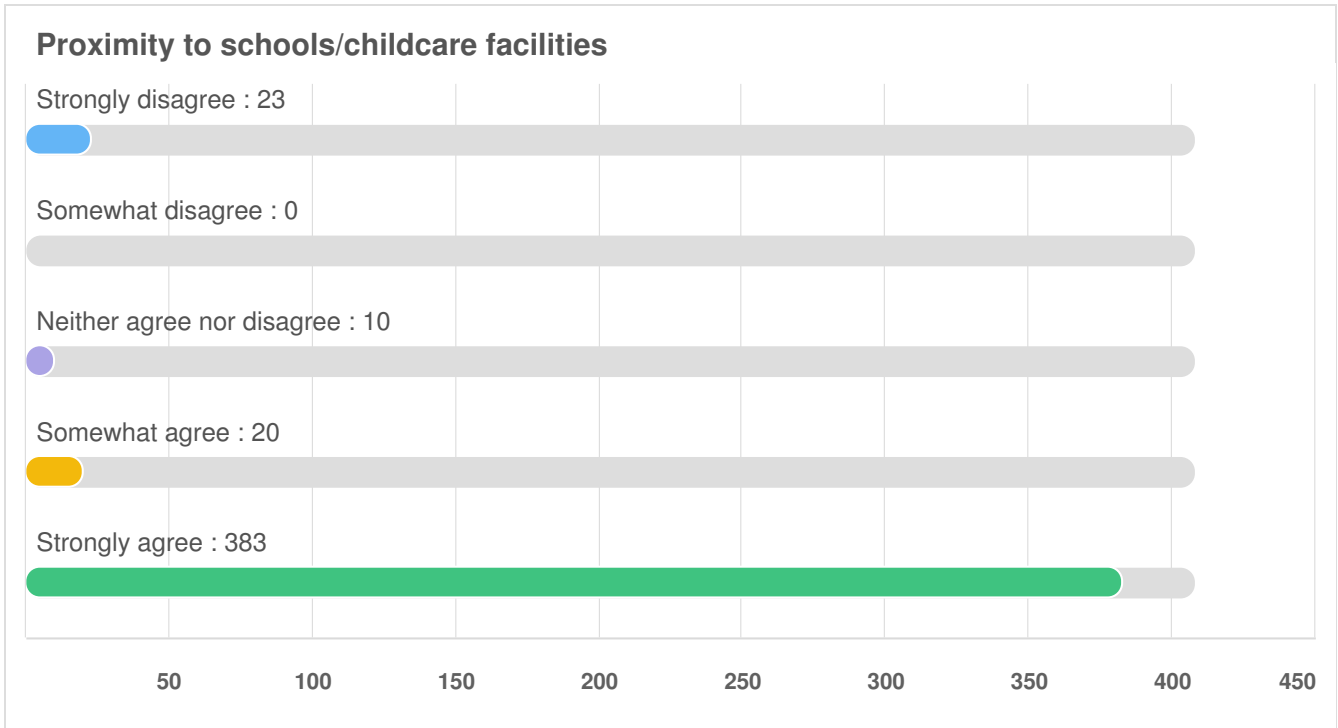
Optional question (437 response(s), 0 skipped)
Question type: Likert Question

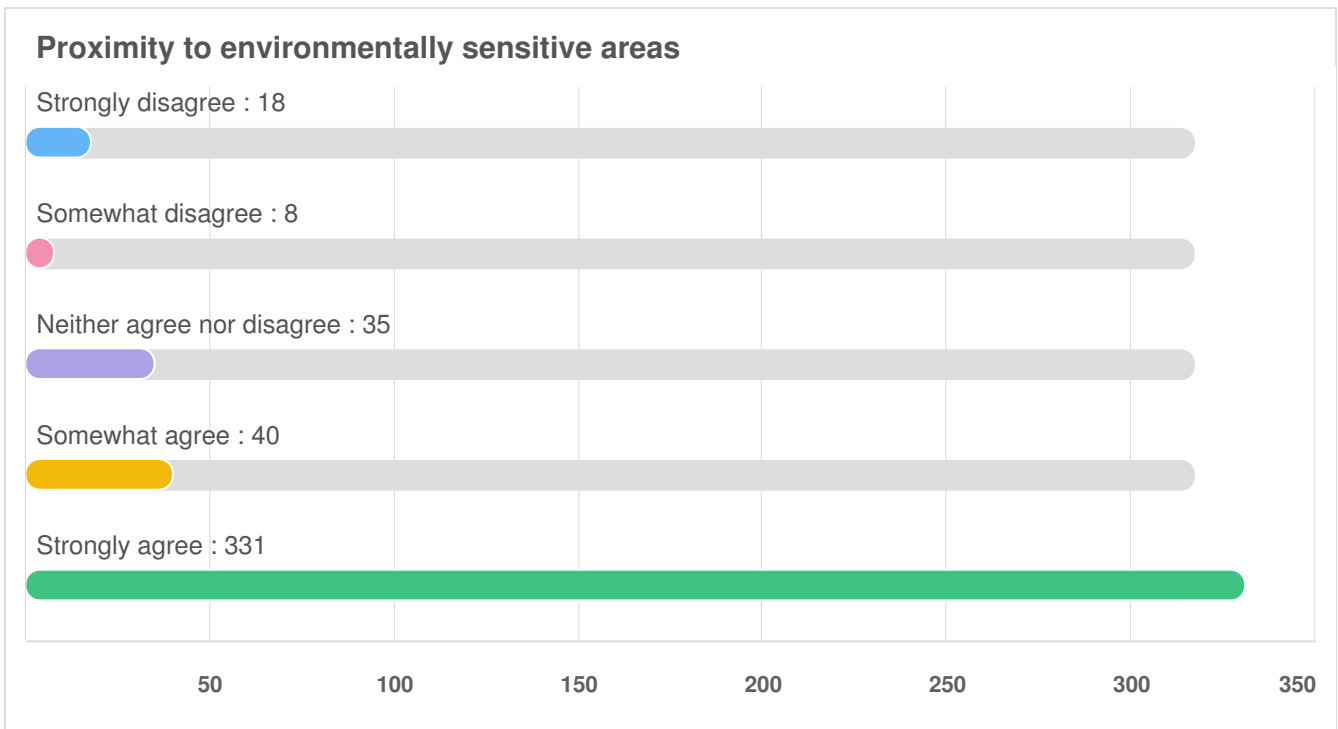
Q4 | The City should consider the following factors when reviewing potential locations at which to allow overnight camping?

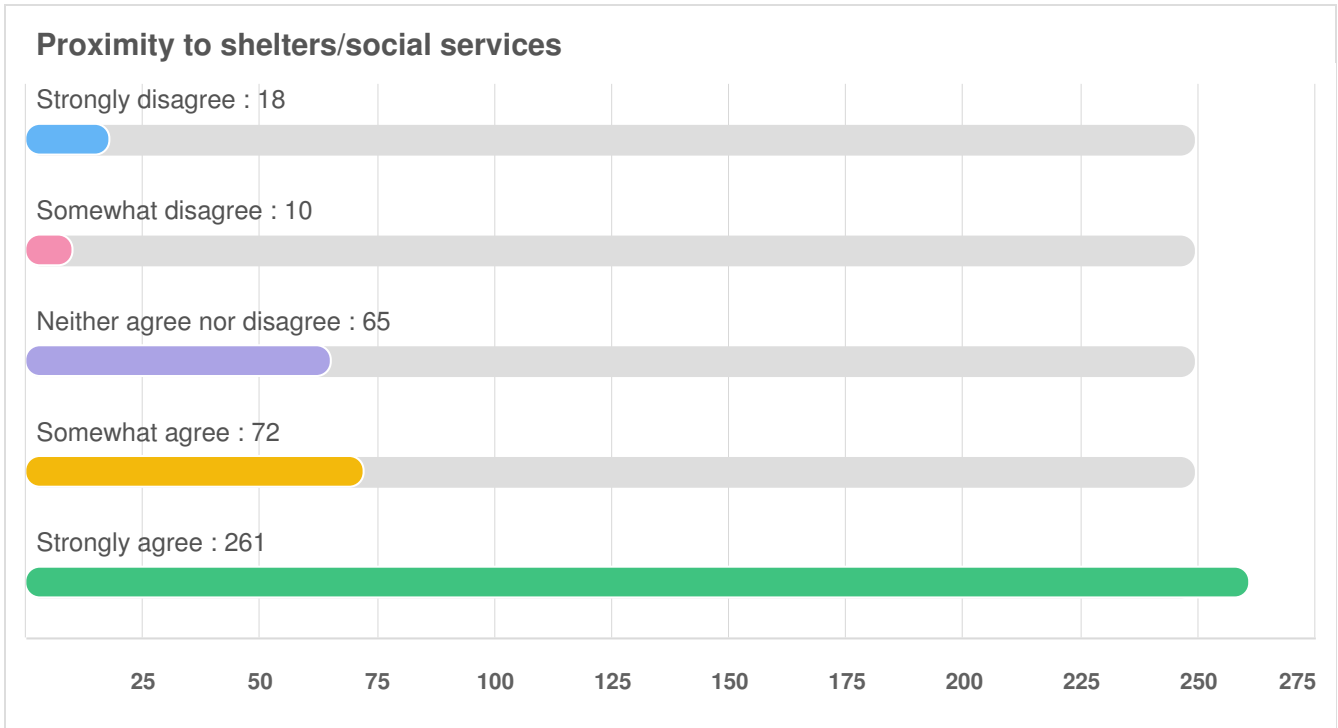


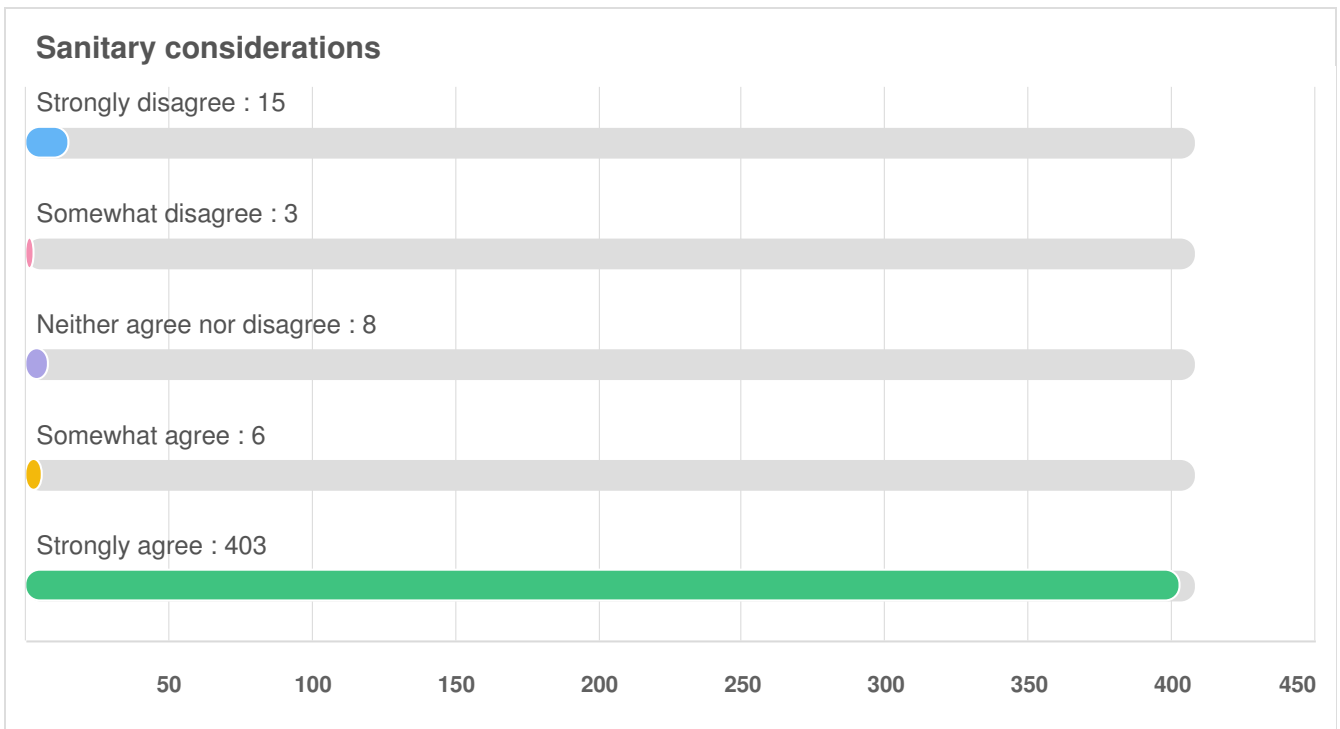


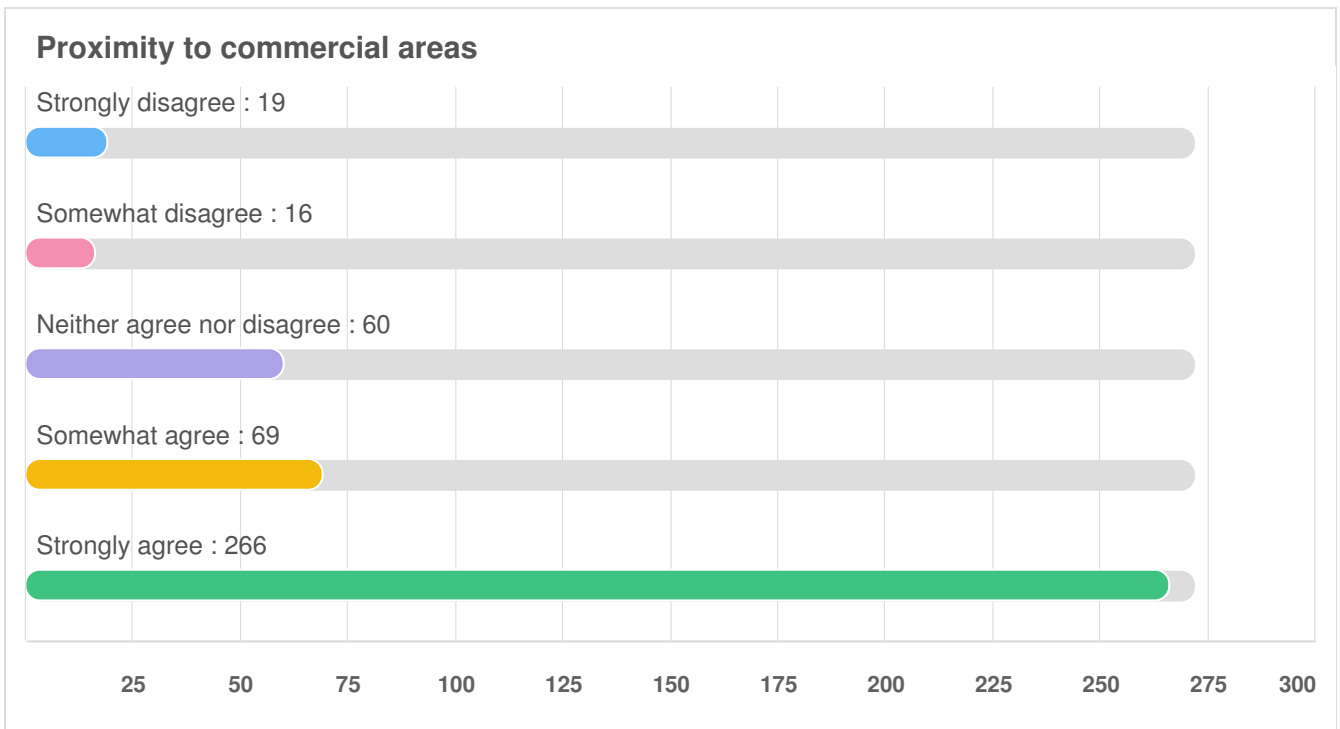


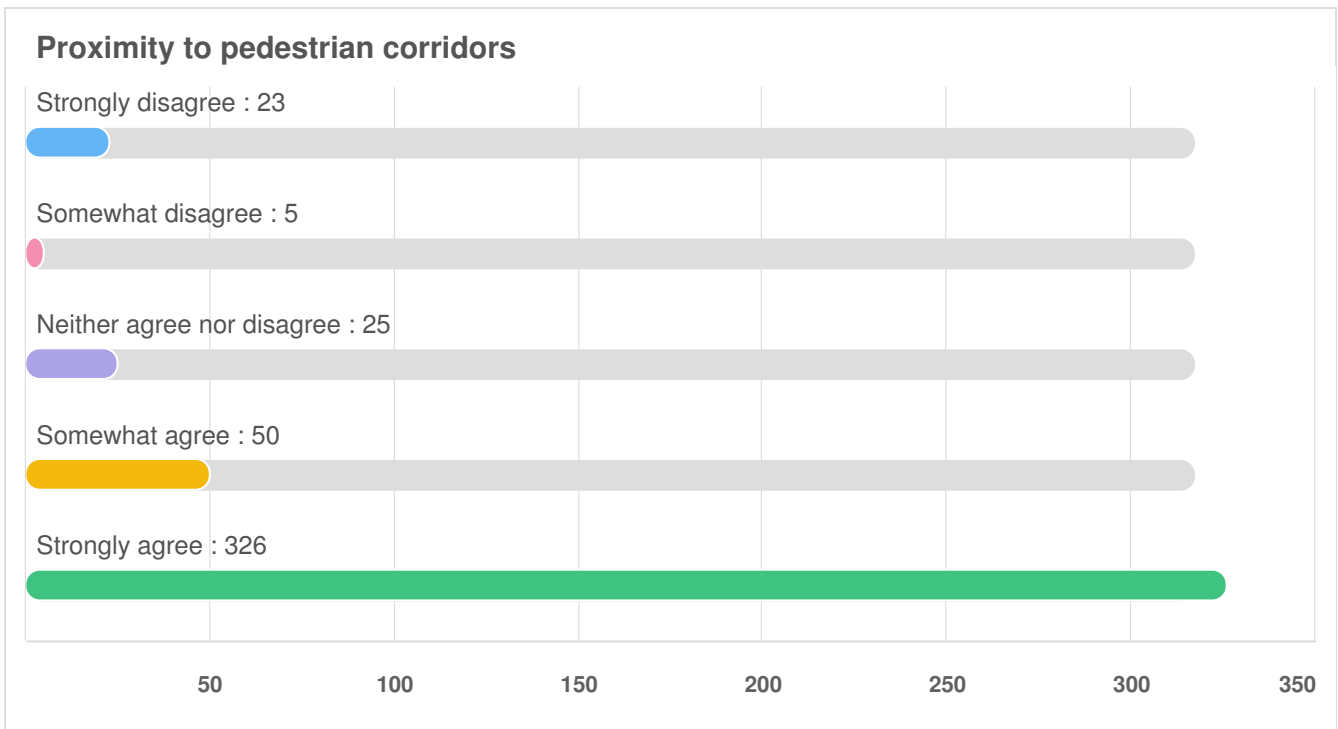


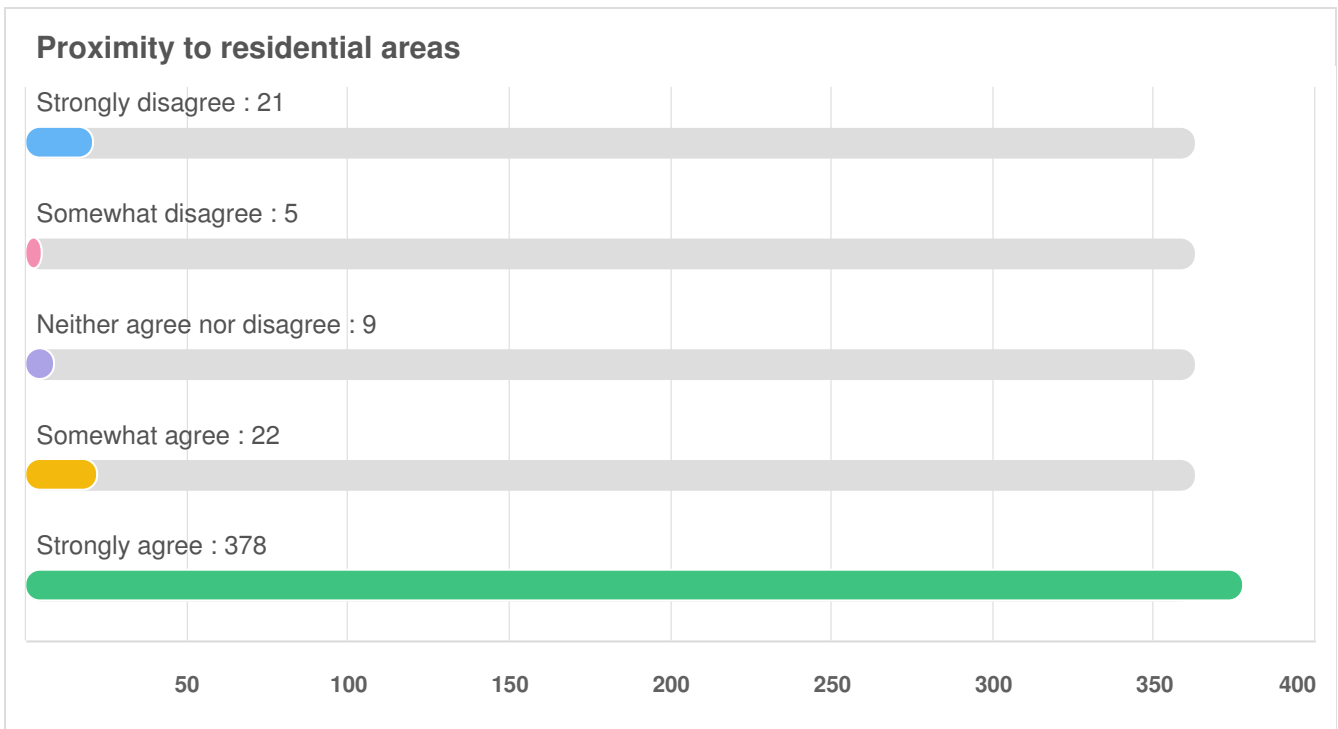


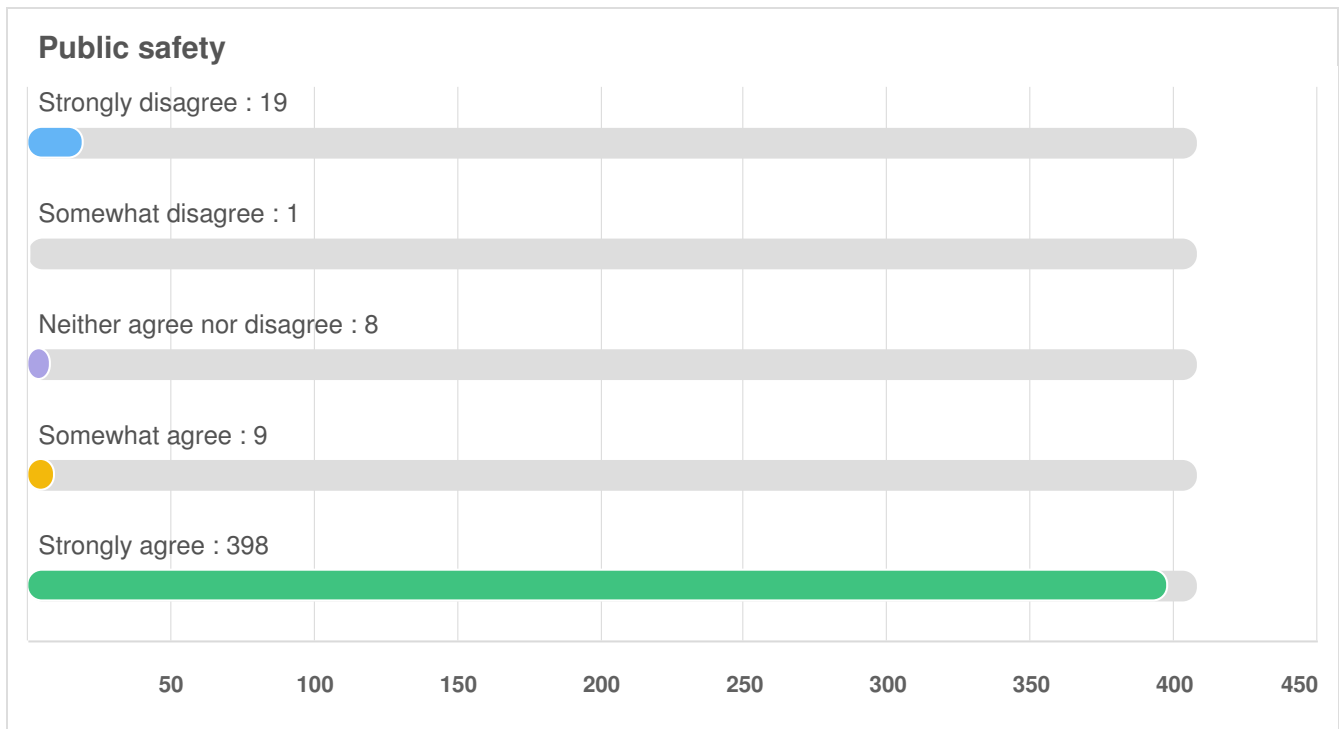












Q5 With #1 being the best alternative, rank each location's suitability as a space to allow overnight camping (as required by ...

OPTIONS	AVG. RANK
City/Government-owned Property	2.57
Industrial Areas	3.40
Transit Areas	4.02
Parking Lots	4.41
Office/Commercial Areas	5.76
Town Center	6.82
Rights-of-Way/Streets	7.07
Retail Areas	7.27
Forested/Environmentally Sensitive Areas	7.47
Parks & Trails	8.00
School Grounds	10.54
Residential Neighborhoods	10.68

Mandatory Question (437 response(s))

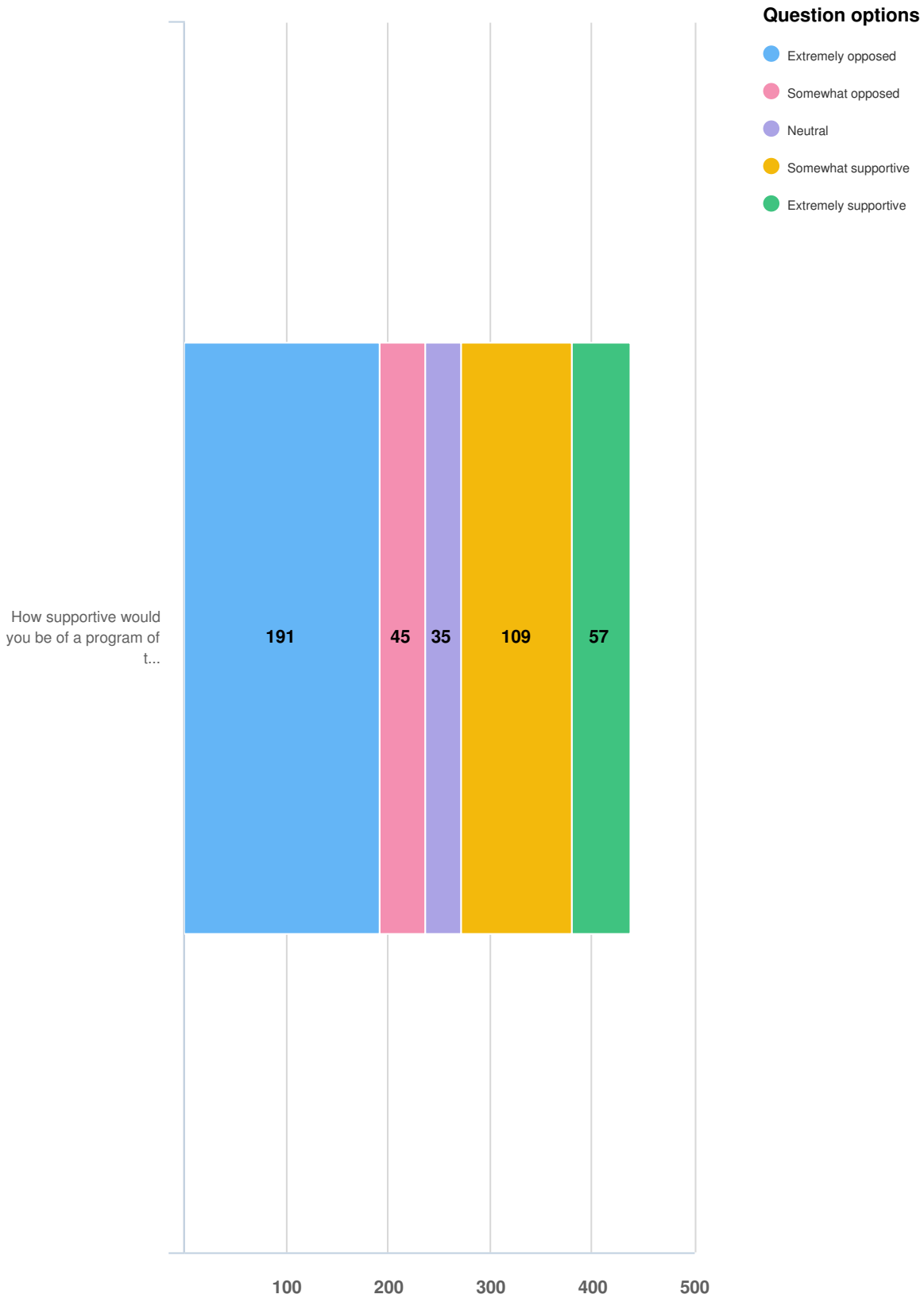
Question type: Ranking Question

Q6 With #1 being most important, which factors should receive the most consideration in the development of new overnight camping policy?

OPTIONS	AVG. RANK
Duration of stay	2.64
Hours during which camping is allowed	3.16
Compatibility with nearby uses	3.32
Environmental impacts	4.13
Proximity to services	4.25
Access to buildings, sidewalks	5.08
Access to public parking lots	5.17

Optional question (432 response(s), 5 skipped)
Question type: Ranking Question

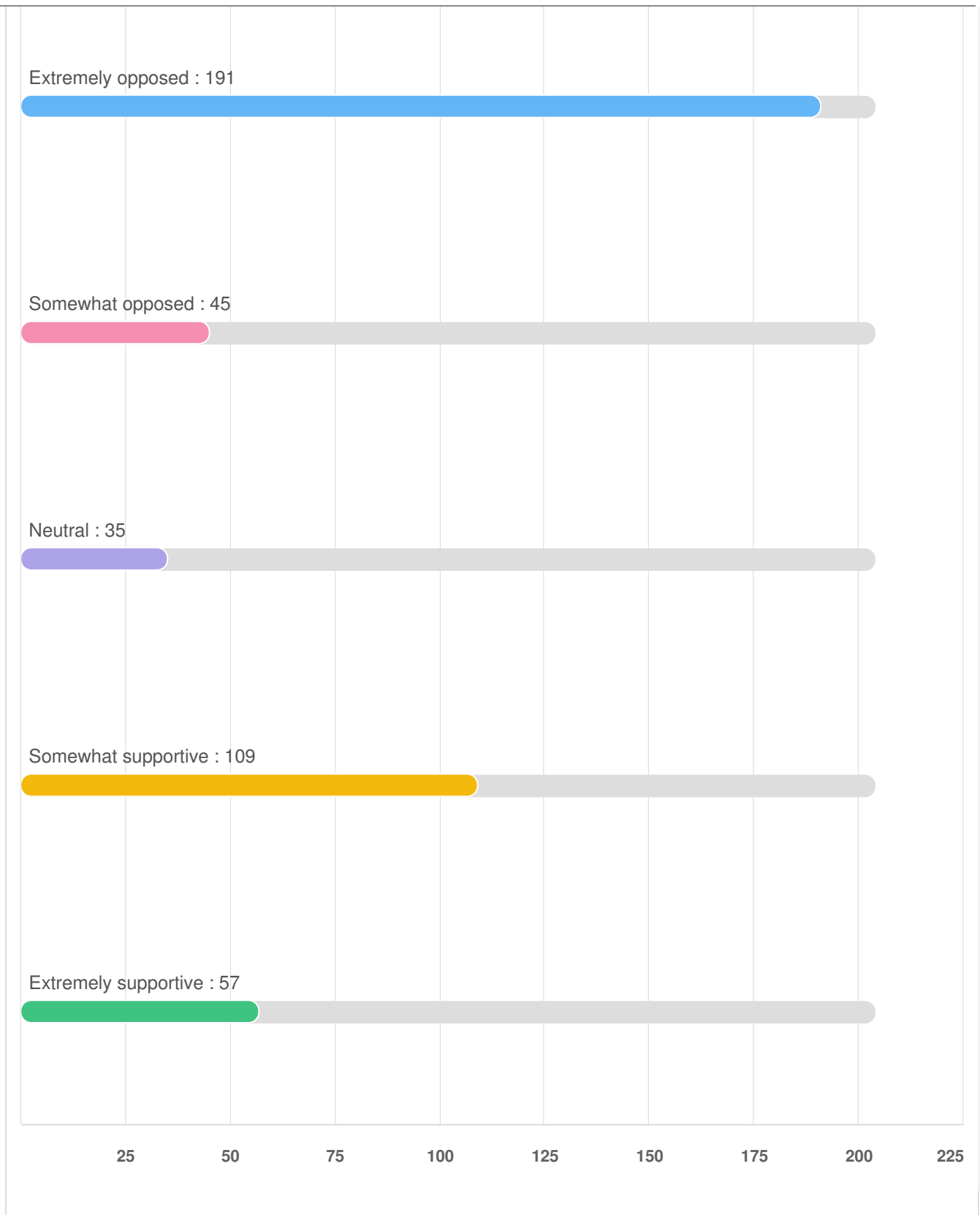
Q7 One consideration is a program to allow camping on private property, with approval of the property owner. Typically, these programs allow temporary camping (a maximum of 90 days, 6 months, etc.), with the maximum number of camp sites dependent on t...



Optional question (437 response(s), 0 skipped)
Question type: Likert Question

Q7 | One consideration is a program to allow camping on private property, with approval of the property owner. Typically, these programs allow temporary camping (a maximum of 90 days, 6 months, etc.), with the maximum number of camp sites dependent on t...

How supportive would you be of a program of this nature?



Evans, Bill

From: Schull, Dustin
Sent: Tuesday, February 28, 2023 9:51 AM
To: Evans, Bill
Subject: Grant Support Request

Bill,

Thanks for the quick call today and I hope you all had a blast in New York.

As I mentioned we are applying to the Local Government Grant Program through Oregon State Parks.

This grant would make it possible for the city to replace the aging public restroom at Boones Ferry Park.

The new restroom would be a modern replacement for the current 33 year old restroom. The new 2 individual user, none gender specific, fully ADA compliant restroom would be a great improvement for the community. Leveraging grant funds will help to make this project a reality in a shorter timeframe.

We are hoping to get a letter of support from a member of the DEI committee. By building a new restroom that is none gender specific and ADA accessible we feel this project aligns closely with the DEI committees mission and vision. A letter of support would be greatly appreciated and help to show the grant committee the high value the community of Wilsonville puts on projects that foster a feeling of belonging in our community.

It would be great to have the letter by the end of March if possible. If you need more information or I can help further please let me know.

Thank you as always,

Dustin Schull

Parks Supervisor

Wilsonville Parks and Recreation

Main: 503-783-PLAY

Direct: 503-570-1544

Cell: 503-347-6541

dschull@ci.wilsonville.or.us



Disclosure Notice: Messages to and from this e-mail address may be subject to the Oregon Public Records Law.