

**CITY OF SILETZ
ORDINANCE 205-23**

**AN ORDINANCE ADDING CAMPING, AND PARKING REGULATIONS TO THE CITY'S
MUNICIPAL CODE.**

WHEREAS, there is a need for policies to deal with homeless individuals camping, and or parking on public property and the need for humane treatment and removal of those individuals; and

WHEREAS, the city wishes to name designated areas in the policies for no camping or parking to protect the health and safety of its citizenry; and

WHEREAS, the city is striving to come into compliance with ORS 195.500 which requires all municipalities to develop policy that recognizes the social nature of the problem of homeless individuals camping on public property; and

WHEREAS, the policies developed need to ensure the most humane treatment for the removal of homeless individuals from camping sites on public property; and

WHEREAS, it is the intent of the city to focus on public safety, health, and the welfare of all residents of the City; and

WHEREAS, it is the intent of the city council to regulate and not allow camping in the public right-of-way; city public property that is a day-use recreational area; areas that are within 500 feet of the safe school zone; school bus pick-up congregational areas for school children; and, within the city limits, 100 feet of a waterway; and, in no trespassing authorized personnel only designated areas; and

WHEREAS, the city realizes that ideas and solutions for dealing with homelessness and camping will continue to evolve over time, the city will continue to be objectively reasonable, and the city will monitor how things work in practice and will work to make refinements as needed to its regulations as time goes forward; and

WHEREAS, the City of Siletz falls within the Siletz Area Enhanced Law Enforcement Service District, with law enforcement provided by the Lincoln County Sheriff's office, funded by a property tax levy and a contract with the Confederated Tribes of the Siletz Indians; and

WHEREAS, the Lincoln County Sheriff's Office has adopted a LEXIPOL policy concerning Homeless Persons which includes updated procedures (based upon HB 3124) on how the Lincoln County Sheriff's Office is to remove homeless individuals from camping sites on public property; and

WHEREAS, the provisions of this ordinance and Policy 429 of the Lincoln County Sheriff's Office of the Lincoln County SO Policy Manual titled "Homeless Persons" are found to be necessary to preserve the peace, health, and welfare of the citizens of the City of Siletz, this ordinance shall take effect and be in full force immediately upon its adoption by the City Council and approval by the Mayor.

NOW THEREFORE THE CITY OF SILETZ ORDAINS AS FOLLOWS:

(Words italicized and underlined are additions)

Section 1. Add to Title 4, Chapter 4.01 a section numbered 4.01.065 Public Camping, as follows:

A. Camping in the City of Siletz is prohibited :

- 100 feet of any waterway,
- within 500 feet of the safe school zone,
- on any city-owned public property that is designated as a day-use recreational area only,
- Hee Hee Illahee Park, except for that area designated as the park host section of the park,
- Mill Park,
- Log Park,
- Baseball field behind city hall,
- Basketball court,
- Skate Park,
- Little league field and all grounds and parking areas surrounding such,
- Siletz Library and adjacent field used as a recreational day-use area,
- Areas where children congregate for school bus pick-up,
- All city rights-of-way,
- Any right of way within 100 feet of the edge of the pavement of Hwy 229 "Siletz Highway"
- Logsdon Road within city limits,
- Water treatment plant and Sewer treatment plant.

B. No activity associated with camping is allowed to occur that constitutes a nuisance or other threat to the health and safety of the public.

C. Any police officer or city code enforcement officer is authorized to trespass violators and provide to them a list of resources they may access assistance from.

Section 2. Add to Title 12, Chapter 12.16 Park Use Regulations Section 12.16.010 Definitions, as follows:

Camp or camping means to pitch a tent, erect, create, use, or occupy camp facilities for the purposes of habitation, as evidenced by the use of camp paraphernalia.

Camp facilities include but are not limited to tents, huts, temporary shelters, motor vehicles, or recreational vehicles.

Camp paraphernalia includes but is not limited to tarpaulins, cots, beds, sleeping bags, blankets, mattresses, hammocks, and/ or outdoor cooking devices or utensils, and similar equipment.

Section 4. Add to Chapter 12.24 section 12.24.020 Definitions after "Public Place" includes any "City Park" add Public Property designated as a Day Use Recreational Use Area.

Section 5. Add to Title 12 Streets, Sidewalks and Public Places, Chapter 12.18 Parking, as follows:

Chapter 12.18 Parking

12.18.010 Prohibited Parking

12.18.020 Recreational Vehicles And Trailers

12.18.010 Prohibited Parking

It shall be unlawful for any person to park:

- A. Any vehicle at any place prohibited by ORS 811.550;
- B. Any vehicle at any place adjacent to a curb that has been painted yellow or red by the City;
- C. Any vehicle within the landscape strip or within 20 ft of a corner as established by the pavement or traffic control signage;
- D. Any vehicle contrary to any parking control device;
- E. Any vehicle in any public alley, except to load or unload passengers or cargo, and then only for a period of time not to exceed 30 minutes;
- F. Any vehicle in any parking zone when the vehicle is parked for the principal purpose of:
 - 1. Displaying the vehicle for sale;
 - 2. Selling, taking orders for, or attempting to sell or take orders for the present or future delivery of goods or services of any nature, if such sales or orders are made, taken, or attempted from the vehicle;
 - 3. Displaying advertising from the vehicle; or
 - 4. Repairing, constructing, reconstructing, or servicing the vehicle;
- G. Any vehicle, or a combination of vehicles and trailers over 23 feet in overall length or eight feet in overall width:
 - 1. On a street within any zoned residential, except while engaged in the process of loading or unloading passengers or cargo or providing services in the district;
 - 2. On any street which is less than 30 feet in overall paved width;
- H. Any motorized recreational vehicle:
 - 1. On a street within any zoned residential if the motorized recreational vehicle is more than 20 feet in overall length or excess of eight feet in overall width for longer than two (2) hours;
 - 2. On any street which is 30 feet or less in overall paved width;
- I. Any vehicle that is not designed for self-propulsion, or is not connected to a vehicle designed for self-propulsion and is parked on a street or off-street parking facility.
- J. Any motor vehicle meeting the definition of "junk" or "disabled";
- K. Any vehicle within any area that is designated as a fire lane;
- L. Any motor vehicle that has expired registration as described in ORS 803.455(1) and which is in a commercial parking zone, alley, landscape strip on a street, or in an off-street parking facility.

12.18.020 Recreational Vehicles And Trailers

- A. A recreational vehicle or utility trailer parked on private property or on a public street shall not obstruct traffic or impair vision for motorists.
- B. No trailer, incapable of self-propulsion, shall be parked or left standing in any area of the public right of way, street, or public parking area.

Section 6. This ordinance shall take effect immediately upon its adoption by the City Council and approval by the Mayor.

APPROVED AT THE INTRODUCTION AND 1ST READING TO MOVE TO THE 2ND READING AND PUBLIC HEARING ON THIS 28th DAY OF August 2023.

APPROVED AND ADOPTED UPON ITS SECOND READING AND PUBLIC HEARING ON THIS 11th DAY OF September 2023.

APPROVED AND SIGNED BY THE MAYOR ON THIS 11th DAY OF September 2023.



Mayor Will Worman

ATTEST:



City Recorder

Homeless Persons

429.1 PURPOSE AND SCOPE

The purpose of this policy is to ensure that members understand the needs and rights of the homeless and to establish procedures to guide deputies during all contacts with the homeless, whether consensual or for enforcement purposes. The Lincoln County Sheriff's Office recognizes that members of the homeless community are often in need of special protection and services. The Lincoln County Sheriff's Office will address these needs in balance with the overall missions of this office. Deputies will consider the following policy sections when serving the homeless community.

429.1.1 POLICY

It is the policy of the Lincoln County Sheriff's Office to provide law enforcement services to all members of the community while protecting the rights, dignity and private property of the homeless. Homelessness is not a crime and members of this office will not use homelessness solely as a basis for detention or law enforcement action.

429.2 LIAISON TO THE HOMELESS COMMUNITY

The Sheriff shall designate certain responsibilities to a liaison to the homeless community. The liaison shall be appointed by and directly responsible to the Patrol Division Commander or the authorized designee.

The responsibilities of the liaison include but are not limited to:

- (a) Maintaining and making available to all office members a list of assistance programs and other resources that are available to homeless persons.
- (b) Meeting with social services and representatives of other organizations that render assistance to the homeless community.
- (c) Maintaining a list of the areas within and near the jurisdiction of this office that are used as frequent homeless encampments.
- (d) Remaining abreast of laws dealing with homelessness, including property rights. This includes the following:
 - 1. Proper posting of notices of trespass and cleanup operations.
 - 2. Proper retention of property after cleanup, to include procedures for owners to reclaim their property in accordance with the Property and Evidence Policy and other established procedures.
- (e) Being present during any cleanup operation conducted by this office that involves the removal of personal property of the homeless. This is to ensure that the established rights of the homeless are not violated.
- (f) Developing training to assist members in understanding current legal and social issues relating to the homeless.
- (g) Reviewing any county policies regarding homeless individuals camping on public property (ORS 195.500).

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supervisor should be consulted. The property should be photographed, and measures should be taken to remove or secure the property. It will be the supervisor's responsibility to coordinate the removal and safekeeping.

Deputies should not conduct or assist in clean-up operations of belongings that reasonably appear to be the property of homeless persons without the prior authorization of a supervisor or the office Homeless Liaison Deputy.

Deputies who encounter unattended encampments, bedding, or other personal property in public areas that reasonably appears to belong to a homeless person should not remove or destroy such property and should inform the liaison if such property appears to involve a trespass, is a blight to the community, or is the subject of a complaint. It will be the responsibility of the liaison to address the matter in a timely fashion.

429.4.1 STATE LAW ON UNCLAIMED PERSONAL PROPERTY

When a homeless individual is removed pursuant to a county policy, any unclaimed personal property stored by this office shall be stored in an orderly fashion, keeping items that belong to an individual together to the extent that ownership can reasonably be determined. Items that have no apparent utility or are in an unsanitary condition may be immediately discarded upon removal of the homeless individual from the camp site (ORS 195.505).

Weapons, controlled substances, and items that appear to be either stolen or evidence of a crime shall be stored pursuant to office protocols and the Property and Evidence Policy.

429.5 MENTAL HEALTH ISSUES

When mental health issues are evident, deputies should consider referring the person to the appropriate mental health agency or providing the person with contact information for mental health assistance, as appropriate. In these circumstances, deputies may provide transportation to a mental health facility for voluntary evaluation if it is requested or offered and accepted by the person, and approved by a supervisor. Deputies should consider detaining the person under civil commitment when facts and circumstances reasonably indicate such a detention is warranted (see the Civil Commitments Policy).

429.6 ECOLOGICAL ISSUES

Sometimes homeless encampments can have an impact on the ecology and natural resources of the community and may involve criminal offenses beyond mere littering. Deputies are encouraged to notify other appropriate agencies or County departments when a significant impact to the environment has or is likely to occur. A significant impact to the environment may warrant a crime report, investigation, supporting photographs, and supervisor notification.

429.7 HOMELESS CAMPS ON PUBLIC PROPERTY

Prior to removing homeless individuals from an established campsite on public property, deputies shall (ORS 195.505):