
AGENDA ITEM SUMMARY

Meeting Date: 5/15/2023
Meeting Type: Regular Meeting
Staff Contact/Dept.: Mary Bridget Smith/CAO
Staff Phone No: 541-744-4061
Estimated Time: 20 Minutes
Council Goals: Mandate

**SPRINGFIELD
CITY COUNCIL**

ITEM TITLE: CAMPING ORDINANCE

ACTION REQUESTED: Conduct an additional first reading of the repeal and replacement of SMC 5.130 Prohibited Camping.
Approve a Draft Ordinance to move forward for adoption.

ISSUE STATEMENT: The City's camping ordinance is out of compliance with HB 3115 and recent federal court rulings and must be repealed or revised to include reasonable time, place, and manner restrictions by July 1, 2023.

ATTACHMENTS: [1: Draft Ordinance A](#)
[2: Draft Ordinance B](#)
[3. PowerPoint Presentation](#)

**DISCUSSION/
FINANCIAL
IMPACT:** Summary: A public hearing and first reading of the ordinance repealing and replacing the City's camping code (SMC 5.130) to be compliant with HB 3115 was held on April 17, 2023. The Council provided direction to change the fine amount and to look for alternative methods for enforcement.

Draft Code: The intent of the draft code is to take a narrow, reasonable approach to addressing sheltering outside for people experiencing homelessness. It does not address sheltering in vehicles because those are regulated differently. There are two draft Ordinances for the Council to consider. Draft Ordinance A includes the revised \$200 fine amount consistent with previous Council direction. Draft Ordinance B includes the revised \$200 fine amount and two other potential changes relating to the place restrictions for the Council to consider. First, Section 3(b)(viii) has been changed to also prohibit camping on "multi-use paths" along with public parks because it was inadvertently left out of the earlier version. The last change is to add a specific prohibition against camping in the Downtown Exception Area as defined in Section 6.1.100 of the Springfield Development Code. The Downtown Exception Area is defined by the Willamette River on the west, 8th Street on the east, the alley between north B and north C Streets on the north, and a line north of the Southern Pacific Railroad tracks on the south.

Process: The purpose of this item is to conduct an additional first reading because the text of the ordinance presented on the April 17, 2023, has been changed. The Council is asked to evaluate the two versions and vote to move one of the versions forward. The Council could also agree on a different revised fine amount or select among the two other proposed changes. Staff will facilitate the discussion to have the record sufficiently reflect the Council's direction and revise the motion as may be necessary. The final version of the draft ordinance will be scheduled for adoption on the Consent Calendar on June 5, 2023.

Next Steps: Staff will analyze vehicle parking regulations, analyze the public feedback, update the City webpage as per the project's communication strategy and finish the planning for enforcement and alternative enforcement methods.

CITY OF SPRINGFIELD, OREGON
ORDINANCE NO. _____ (GENERAL)

AN ORDINANCE REPEALING AND REPLACING SPRINGFIELD MUNICIPAL CODE SECTION 5.130 RELATING TO PROHIBITED CAMPING ON PUBLIC PROPERTY

WHEREAS, in 2021, the Oregon Legislature passed HB 3115 (later codified as ORS 195.530) requiring any city or county law regulating the act of sitting, lying, sleeping or keeping warm and dry outdoors on public property that is open to the public to be objectively reasonable as to time, place and manner with regards to persons experiencing homelessness; and

WHEREAS, prior to the passage of HB 3115, all camping on public property in the City of Springfield was effectively prohibited; and

WHEREAS, camping on public property like rights-of-way, parking lots and sidewalks is inconsistent with the intended use by creating unsafe conditions for pedestrians and motorists, increased trash and litter, fire risk through open burning and impeding access to adjacent properties; and

WHEREAS, like many communities in Oregon, Springfield has experienced an increase in homelessness resulting in some people living and sheltering outdoors including on public property; and

WHEREAS, the Springfield City Council acknowledges the current lack of housing regionally and recognizes the systemic lack of state and federal investment in shelter and public health services for persons experiencing homelessness; and

WHEREAS, the Springfield City Council has tried to address homelessness in the community through efforts like the Overnight Parking and RV as Temporary Housing programs, assisting Mainstream Housing in their emergency pallet shelter site and designating ARPA funds for Ann's Heart Women Shelter for the acquisition of a home to provide housing for women experiencing homelessness in Springfield; and

WHEREAS, Springfield City Council members also sit on regional bodies that address homelessness like the Human Services Commission and the Poverty and Homeless Board and it further designates some of its federal Community Development Block Grant funds to support a human services delivery system to address the needs of homeless persons and special needs populations through the Human Services Commission; and

WHEREAS, in replacing SMC 5.130, the Springfield City Council analyzed the prohibited camping enforcement data in Springfield from 2022, prohibited camping codes from other jurisdictions and conducted public outreach through a public hearing, an online survey, asking for written communications from constituents, and a written survey available at Ebbert United Methodist Church for their meal guests; and

NOW, THEREFORE, THE COMMON COUNCIL OF THE CITY OF SPRINGFIELD ORDAINS AS FOLLOWS:

Section 1. Springfield Municipal Code Section 5.310 is repealed and replaced as provided in Exhibit A, attached hereto and incorporated by reference.

Section 2. Savings Clause. Except as specifically amended herein, Chapter 5 of the Springfield Municipal Code shall continue in full force and effect. The prior code provisions changed by this Ordinance remain in full force and effect to authorize enforcement actions against prohibited camping occurring prior to the effective date of this Ordinance.

Section 3. Severability Clause. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is, for any reason, held invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portion hereof.

ADOPTED by the Common Council of the City of Springfield this _____ day of May, 2023, by a vote of _____ for and _____ against.

APPROVED by the Mayor of the City of Springfield this _____ day of May, 2023.

Mayor

ATTEST:

City Recorder

5.130 Prohibited Camping

(1) Definitions

- a. To "camp" or the act of "camping" means to pitch, use, or occupy camp materials or a camp for the purpose of occupancy, habitation, or sheltering for survival, and in such a way as will facilitate sleeping or storage of personal belongings, carrying on cooking activities, taking measures to keep protected from the elements including heat and cold, or any of these activities in combination with one another or in combination with either sleeping or making preparations to sleep. A "camp" is a location where people camp or are camping.
- b. "Camp materials" may include, but are not limited to, 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 sheltering, habitation and/or sleeping accommodations, or to assist with sheltering, habitation and/or sleeping activities.
- c. "Established campsite" means a location or locations in the public right-of-way or on City property where a camp, camps, and/or camp materials have been set up for 24-hours or more. Note: "camp" "camping" "camp materials" and "established campsite" do not include vehicles or recreational vehicles used for shelter and/or sleeping, which are regulated under Chapter 6 of this code.
- d. "City Property" means all real property, land and public facilities owned, leased (either to the City or by the City), controlled, or managed by the City of Springfield including parking lots.

(2) Time Restriction - Unless specifically provided otherwise in this code, no established campsites are permitted.

(3) Place Restrictions

- a. It is prohibited at all times for any person to use City property to camp or for camping or for the purpose of occupancy, habitation, or sheltering for survival, provided that the City Manager may, in their discretion, designate certain City properties or portions of properties as areas where camping or sleeping may be allowed on a limited basis, and may set the terms and conditions of any camping or vehicle use that may be allowed.
- b. In addition to the prohibition on camping on City property in Section 3(a) camping is not allowed at any time in any of the following places:
 - i. Any area zoned Residential (R-1, R-2, R-3) on the City of Springfield Zoning Map in effect at the time.

- ii. Within the riparian corridor of a Water Quality Limited Watercourse or tributary, as determined by the Water Quality Limited Watercourse Map and the Springfield Development Code.
- iii. Within any stormwater quality facility as shown on or approved by any land decision or development permit.
- iv. Any place where camping, a camp, or camp materials create a physical impediment to emergency or non-emergency ingress, egress or access to property, whether private or public, or on public sidewalks or other public rights-of-way, including but not limited to driveways providing access to vehicles, and entrances or exits from buildings and/or other real property.
- v. Any vehicle lane, bicycle lane, or roundabout within any public right-of-way.
- vi. Within 1000 feet from any temporary emergency shelter approved under sections 8.010 or 8.012 of this code or other shelter approved under the Springfield Development Code and/or any applicable provision of state law.
- vii. On any street or public right-of-way that the City has closed to camping due to construction, heavy vehicle use, or other use of the roadway that is incompatible with camping in the right-of-way. The City does not need to close a street to vehicle traffic to close a street to camping under this section.
- viii. In any public park.

(4) Manner Regulations - Camping, when and where allowed, is subject to all of the following requirements:

- a. 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 right of way for vehicle, pedestrian, bicycle or other passage.
- b. Individuals may not accumulate, discard or leave behind garbage, debris, unsafe or hazardous materials, or other items of no apparent utility in public rights of way, on city property or any adjacent public or private property.
- c. Individuals may not have open flames, recreational fires, bonfires or burn garbage or other material.
- d. 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.

- e. Unauthorized connection or taps to electrical or other utilities, or violations of building, fire or other relevant codes or standards, are prohibited.
- f. Obstruction or attachment of camp materials or personal property to fire hydrants, utility poles or other utility or public infrastructure, fences, trees, vegetation, vehicles or buildings is prohibited.
- g. Individuals may not build or erect structures, whether by using plywood, wood materials, pallets, or other materials. Items such as tents and similar items used for shelter that are readily portable are not structures for the purposes of this section.
- h. 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, combustible materials is prohibited, other than what is related to camping, sleeping or keeping warm and dry.

(5) Enforcement

- a. The City Manager is specifically authorized to modify or suspend enforcement of any section or element of this section in the event of a declared emergency, pursuant to administrative rules or policies, weather conditions or any other reason within the City manager's authority regardless of whether an emergency has been declared.
- b. The City Manager may adopt administrative rules or policies governing or governing enforcement of the chapter, including but not limited to ensuring consistent and appropriate enforcement for various circumstances.
- c. An offense of this section is punishable as a violation and may include a fine of \$200.00.

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APPROVED by the Mayor of the City of Springfield this _____ day of May, 2023.

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ATTEST:

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- ii. Within the Downtown Exception Area as defined in Section 6.1.100 of the Springfield Development Code.
- iii. Within the riparian corridor of a Water Quality Limited Watercourse or tributary, as determined by the Water Quality Limited Watercourse Map and the Springfield Development Code.
- iv. Within any stormwater quality facility as shown on or approved by any land decision or development permit.
- v. Any place where camping, a camp, or camp materials create a physical impediment to emergency or non-emergency ingress, egress or access to property, whether private or public, or on public sidewalks or other public rights-of-way, including but not limited to driveways providing access to vehicles, and entrances or exits from buildings and/or other real property.
- vi. Any vehicle lane, bicycle lane, or roundabout within any public right-of-way.
- vii. Within 1000 feet from any temporary emergency shelter approved under sections 8.010 or 8.012 of this code or other shelter approved under the Springfield Development Code and/or any applicable provision of state law.
- viii. On any street or public right-of-way that the City has closed to camping due to construction, heavy vehicle use, or other use of the roadway that is incompatible with camping in the right-of-way. The City does not need to close a street to vehicle traffic to close a street to camping under this section.
- ix. In any public park or multi-use path.

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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 back water.

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- b. The City Manager may adopt administrative rules or policies governing or governing enforcement of the chapter, including but not limited to ensuring consistent and appropriate enforcement for various circumstances.
- c. An offense of this section is punishable as a violation and may include a fine of \$200.00.

Camping Ordinance and HB 3115

May 15, 2023

Presented by: City Attorney's Office

Discussion Agenda

- The action requested for this item is for the Council to conduct a public hearing and first reading of the camping code.
- Agenda:
 - Draft Code
 - Process
 - Next Steps

Legal Back Drop

A governmental entity cannot criminalize conduct that is an unavoidable consequence of being homeless – namely sitting, lying, or sleeping.

HB 3115 - Any city or county law that regulates the act of sitting, lying, sleeping or keeping warm and dry outside on public property must be “objectively reasonable” based on the totality of the circumstances as applied to all stakeholders including persons experiencing homelessness.

Public Process

Changes to Municipal Code require:

- Changes to Municipal Code are adopted by Ordinance which are read at two public meetings
- Council adopts an ordinance by voting after deliberation

Draft Ordinance A
Revised \$200 Fine

Draft Ordinance B
Revise \$200 Fine
“Multi-Use Path”
Specific Downtown Prohibition

Council can further adjust fine amount or select among items in Draft Ordinance B

Next Steps

Ordinance Adoption

Alternative Enforcement
Methods

Evaluate Vehicle Regulations

Analyze Public Feedback

Update Public

Conclusion

- Next – Adoption June 5, 2023