

**GENERAL ORDER 41.4.16**

**Prohibited Camping**

**GENERAL ORDER CROSS-REFERENCE: 48.2.1, 48.3.1, 84.1.2.**

**SUMMARY**

Establishes a procedure for the removal of persons illegally camping on public property.

**DISCUSSION**

Pursuant to ORS **203.077, 203.079 and 203.081** the City of Springfield recognizes the social nature of the problem of homeless individuals camping on public property.

**POLICY**

**I**

**DEFINITIONS**

This policy recognizes the following definitions:

**Camping Site**

Any area on public property being used by individuals for the purpose of camping unless that area is a day use recreational area or designated campground. A vehicle parked along the roadway is not a camping site unless additional camping equipment or structures have been erected. The mere act of sleeping in a vehicle parked on a public street, way, or place does not constitute prohibited camping.

**Local Agency that Delivers Social Services to Homeless Individuals:**

Refers to a local agency that may arrange for out-reach workers to visit the camp where the notice has been posted to assess the needs for social service assistance in arranging shelter and other assistance. No such agency has been identified, nor is any such service presently provided in Lane County.

**Personal Property**

Any item that is reasonably recognizable as belonging to a person and that has apparent utility. Items that have no apparent utility, are in an unsanitary condition, weapons, drug

paraphernalia and items that appear to be either stolen or evidence of a crime are not considered personal property. All unclaimed personal property shall be given to Law Enforcement officials whether 24 hour notice is required or not. The property shall be stored for a minimum of 30 days, during which it will be reasonably available to any individual claiming ownership. Any personal property remaining after 30 days may be disposed of.

## II

Persons camping on public property may be cited in accordance with City Ordinance **5.130**. Persons camping on public property who have committed other offenses may be cited or arrested, including being taken into custody, in accordance with those offenses.

Persons whose only offense is camping on public property may not be physically removed until the camp site has been posted in accordance with ORS **203.077, 203.079 and 203.081** for a period of not less than 24 hours. This 24 hour grace period is unnecessary when there are grounds to believe that illegal activities other than camping are occurring, or 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. If such conditions exist, the officer shall clearly document them in a written report.

In the event that the 24 hour notice is required, the officer shall post the camp site using the Department's Prohibited Camping Notice. The officer shall enter the date and time on the notice and sign it in the appropriate space. The notice shall be prominently affixed at the camp site in a visible location. Whenever the prohibited camping extends past the initial 24 hour period the offender may be cited for prohibited camping.

## III

### **PERSONS CAMPING ON PUBLIC PROPERTY NOT MEETING THE DEFINITION OF ORS 203.077, 203.079 AND 203.081**

If persons are camping on otherwise public property which does not meet the definition of a camp site in ORS 307.518, such as Willamalane parks, the Department may take immediate action in accordance with ORS 164.245, 164.255, 164.265 or City Ordinance **5.130** as appropriate.

## IV

### **PERSONS CAMPING IN VEHICLES ON PUBLIC PROPERTY**

If persons camping in vehicles on public property, including public rights of way and roadways, have erected any structure or equipment such as awnings, tables, coolers, etc. outside the vehicle, the area is a camp site and shall be handled in accordance with section II above. Otherwise the vehicle may be handled in accordance with G.O. 48.2.1, Abandoned Vehicles, or G.O. 48.3.1, Parking Enforcement if it presents a traffic hazard.

## V

If persons are camping on private property and the owner is willing to sign a complaint, the offending persons may be trespassed in accordance with ORS 164.245, 164.255, 164.265 or City Ordinance **5.130** as appropriate.

## VI

In accordance with ORS **203.079**, unclaimed personal property from camping sites shall be delivered to the Police Department or Public Works. Items which meet the definition of personal property above shall be stored for a minimum of 30 days during which time they shall be released to any individual claiming ownership. Items which do not meet the definition of personal property, or personal property which has been stored a minimum of 30 days, may be disposed of in accordance with G.O. 84.1.2.

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Richard L. Lewis  
Chief of Police