
AGENDA ITEM SUMMARY

Meeting Date: 6/5/2023
Meeting Type: Regular Meeting
Staff Contact/Dept.: Mary Bridget Smith/CAO
Staff Phone No: 541-744-4061
Estimated Time: 5 Minutes
Council Goals: Mandate

**SPRINGFIELD
CITY COUNCIL**

ITEM TITLE: CAMPING ORDINANCE ADOPTION

ACTION REQUESTED: Conduct a second reading and adopt/not adopt the repeal and replacement of SMC 5.130 Prohibited Camping.

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STATEMENT: The City's camping ordinance is out of compliance with HB 3115 and recent federal court rulings and must be repealed or revised to include reasonable time, place, and manner restrictions by July 1, 2023.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

**DISCUSSION/
FINANCIAL
IMPACT:** Summary: The purpose of this item is for the Council to conduct a second reading on the repeal and replacement of the City's Prohibited Camping Code. It can then have further deliberations and either adopt or not adopt the proposed Ordinance in Attachment 2. The Council Briefing Memorandum summarizes the Council's discussions, regulatory obligations, public feedback, and process in developing the revised code.

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 including the alternative methods previously discussed by Council.

MEMORANDUM

City of Springfield

Date: 6/5/2023
To: Nancy Newton, City Manager **COUNCIL**
From: Mary Bridget Smith, City Attorney **BRIEFING**
Subject: Repeal And Replacement of Prohibited Camping Ordinance **MEMORANDUM**

ISSUE: The City’s camping ordinance is out of compliance with HB 3115 and recent federal court rulings and must be repealed or revised to include reasonable time, place, and manner restrictions by July 1, 2023.

COUNCIL GOALS/

MANDATE:

Council Goals: Mandate

BACKGROUND: Over the past several months, the Council has been evaluating its prohibited camping ordinance in light of recent federal court rulings and HB 3115. Like many cities, Springfield has a significant amount of property that is held in trust for specific public purposes and the use of its residents. This property is also subject to different kinds of regulation related to interests like water quality and access for persons with disabilities. Traditionally, cities have prohibited all camping or sheltering on publicly owned property to preserve it for its intended use. However, as the homeless crisis has intensified, communities like Springfield have been confronted with the reality of people sheltering on public property, like sidewalks and rights-of-way that have previously only been used for their intended purpose. Finally, recent court rulings and HB 3115 require that Springfield reevaluate its regulations for public property to be objectively reasonable to all stakeholders, including people experiencing homelessness.

In determining reasonable time, place, and manner regulations, the Council analyzed the 2022 prohibited camping enforcement data, reviewed prohibited camping codes from other jurisdictions, and conducted public outreach via several methods like an online survey (including a designated computer at the library), a public hearing, written communications from stakeholders and a written survey available at Ebbert United Methodist Church for people without internet access.

In its discussions, the Council was cognizant of its regulatory obligations. For example, there was discussion about state and federal law requirements to protect and improve the water quality especially because Springfield is located between the McKenzie and Willamette Rivers. As it relates to stormwater (run off from urban areas) Springfield operates under the National Pollutant Discharge Elimination System (NPDES) program of the Federal Clean Water Act and Department of Environmental Quality (DEQ). For wastewater, Springfield is a party to the Metropolitan Wastewater Management Commission and subject to a wastewater discharge permit. The City is also subject to requirements under the Americans with Disabilities Act and must provide equal access to persons with disabilities on its sidewalks and multi-use paths.

The Council also discussed other obligations like ensuring the safety of rights-of-way, concerns related to open burning and the increased litter that occurs when people shelter outside. In addition, the Council discussed enforcement, including alternative enforcement methods. The public feedback demonstrated how concerned residents are about creating a situation where sheltering on public property may expand to the point where large camps become uncontrollable and create unsafe situations for the public and the people sheltering there. The feedback also

zeroed in on protecting the intended use of areas like downtown, parks, and multi-use paths. The feedback included other testimony about caring for its homeless residents and the conflict that can occur between persons experiencing homelessness who shelter outside and business owners and operators.

The Council balanced the feedback with its regulatory obligations in developing a revised camping code that is consistent with HB 3115.

The Council also recognized that there is a lack of housing regionally and how difficult it is for a local government to address homelessness because of its complexity and the coordination required when solutions involve other partners like the state, Lane County, and service providers. The City does participate in regional bodies that address homelessness and has supported efforts in Springfield through the Overnight Parking and RVs as Temporary Housing Programs, the Mainstream Housing Emergency Pallet Shelter and designating funds for Ann's Heart Women's Shelter.

Next, staff will review vehicle parking regulations, analyze the public feedback, update the City webpage as per the project's communication strategy and finish the planning for enforcement including the alternative methods previously discussed by Council.

RECOMMENDED ACTION: Conduct a second reading and adopt/not adopt the repeal and replacement of SMC 5.130 Prohibited Camping.

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 June, 2023, by a vote of _____ for and _____ against.

APPROVED by the Mayor of the City of Springfield this _____ day of June, 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 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 1,000 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.

(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 back 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. The offenses specified in subsections (1), (2), (3) and (4) are punishable as violations and may include a fine not exceeding \$720.00 pursuant to SMC section 1.205.