



WARRENTON POLICE DEPARTMENT

CITY COMMISSION WORK SESSION



Camping Ordinance Revisions

The 2021 Oregon Legislative Session had multiple bills that centered or in some way discussed homelessness/houselessness in Oregon. Many of the bills did not move forward and some were combined, but in the end four (4) bills became or are becoming law. These bills have made or will make portions of our current City Ordinances/Code invalid or unenforceable.

In consultation with Emily Matasar from our City Attorney's office, it was recommended that we move forward with making ordinance/code revisions to avoid possibly liability or litigation now and in the future.

For these reasons I have requested a Commission Work Session to

- review the Legislative Bills
- review what our current City Ordinances cover
- review some recently changed ordinances from other cities
- discuss the options the Commission has for regulation within our code.

NOTE: In a previous City Commission Work Session, we started discussing the use of RVs in the City. That discussion will continue but the use of RVs and vehicles by homeless/houseless will be part of this discussion as the two topics are separate but intertwined.

2021 Legislative Bills (see attached extensive bill breakdowns)

Thank you to Kevin Campbell from the OACP for providing this information. The following bills were passed that have to do with homelessness:

- **HB 2006** – Emergency Shelters/Transitional Housing Accommodations/Low-barrier Emergency Shelters and Navigation Centers
- **HB 3115** – Homelessness: Codification of Martin v. Boise
- **HB 3124** – Removal of Homeless from Established Camping Sites – Notice and Personal Property Requirements
- **HB 3261** – Project Turnkey: Zoning for Hotel/Motel Conversion to Emergency Shelter/Affordable Housing

Though all of these bills could have an affect on the City of Warrenton, we currently have no plans to utilize the provisions of **HB 2006** or **HB 3261**.

HB 3261 was signed under an emergency clause and is law, so we have already crafted modified language to bring our code into alignment with the new law.

HB 3115 does not become operative until July 1, 2023, but as stated the City Attorney's office has suggested that we move forward now with adjusting our code to avoid liability both current or possible retroactively if we enforce parts of our current code that will be invalidated.

Review of Current Ordinances (see attached Chapter 12.28 Camping)

Chapter 12.28 of our Warrenton Municipal Code is the chapter we use when dealing with camping and RV issues within the City of Warrenton. Several areas of this chapter will need to be modified, expanded, clarified, etc. for the Code to be in compliance with the 2021 Legislation.

Review of Current Ordinances from Other Cities (see attached ordinances)

With the help of Emily M. from B, H, & E, and the OACP, I have attached recently passed ordinances/code from the following cities:

- Dayton – Ordinance 651; Chapter 2.21
- Gladstone – Chapter 9.60
- McMinnville – Ordinance 5064; Chapter 8.36
- Medford – Chapter 5.257 & Information Sheet

As you can see, there is a somewhat of a wide range of approaches and restrictions incorporated in the various codes/ordinances.

Discuss Options as we Amend Our Code

NOTE: I also attached WPD Policy #464 for reference as to how we approach homelessness as a department, to show that I have already modified this policy to align with **HB 3115** requirements. It should also be noted that Emily M. recommended removing the “Camp Removal & Clean-Up” section of our code and only have it as a policy/procedure and not in the ordinance.

In reviewing the legislative bills, looking at the other city ordinances, and consulting with Emily M., I make the following observations:

- We need to expand and clarify our “definitions” section
- We need to amend our “Prohibited Camping” section to comply with **HB 3115** by narrowing the prohibitions but setting a time/place/manner designation.
- Discuss “temporary camping” guidelines or regulations; location, size, time, etc.
- Fines, penalties

We must remember as we discuss all of these items, the legal standard that was set by the legislature in **HB 3115** is whether it is “*objectively reasonable as to time, place, and manner with regard to persons experiencing homelessness.*” **HB 3115** goes on and says, “*reasonableness is to be determined based on the totality of the circumstances, including, but not limited to, the impact of the law on persons experiencing homelessness.*” In my opinion, this will be very subjective and determined by the lens or filter of who is reviewing our ordinance and how we handle these situations. We must be consistent and comply with the legislation regardless of how we feel about it.