



ORDINANCE NO. 23-712

AN ORDINANCE OF THE CITY OF WINSTON OREGON CITY COUNCIL AMENDING THE WINSTON MUNICIPAL CODE TITLE IX, CHAPTER 90, SECTIONS 90.090 AND 90.091, REGARDING PROHIBITING CAMPING AT CERTAIN PUBLIC PROPERTIES AND ADDING NEW SECTIONS 90.092; 90.093; AND 90.094.

WHEREAS the Winston City Council has discussed the potential revision of the City's camping regulations at the regular City Council meetings on March 20th, 2023, and April 17th, 2023, and a special meeting on April 3, 2023; and,

WHEREAS due to various state and federal regulations and court decisions, the City's existing ordinance related to enforcing camping on public property has rendered the City unable to enforce existing portions of its camping ordinance; and,

WHEREAS a revision of the current camping ordinance is necessary in order to facilitate consistency with recently adopted state legislation and court decisions.

NOW, THEREFORE, THE CITY OF WINSTON OREGON CITY COUNCIL HEREBY ORDAINS AS FOLLOWS:

SECTION 1. Chapter 90 Section 90.090 of the Winston Municipal Code related to camping is amended as follows:

90.090 DEFINITIONS.

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

CAMP. Means to occupy a campsite for a period of 10 hours.

CAMPSITE. Any place where any bedding, sleeping bag, or other sleeping matter, or any stove or fire, is placed, established or maintained, whether or not such place incorporates the use of any tent, lean-to, shack or any other structure erected or maintained for shelter, or any vehicle or part thereof. Campsite includes city property where camping materials are placed.

CAMPING MATERIALS. Materials including but not limited to factory manufactured tents, huts, awnings, lean-tos, chairs, tarps, collections of personal property and/or similar items that are, or reasonably appear to be, arranged and/or used as camping accommodations.

CITY PROPERTY. Area that includes but is not limited to parks, rights of way, parking lots, easements, or other land owned, leased, controlled or managed by the City.

PERSONAL PROPERTY. Any item that can reasonably be identified as belonging to an individual and that has apparent value or utility.

PUBLIC RIGHTS-OF-WAY. All property dedicated to the public for transportation purposes and administered by the City, including streets, roads, bridges, alleys, sidewalks, trails, paths, and all other public ways and areas managed by the City. "Right-of-way" also includes public utility easements to the extent that the easement allows use by the permittee planning to use or using the public utility easement. "Right-of-way" includes the subsurface under and airspace over these areas. "Right-of-way" does not include the airwaves for purposes of CMRS,

broadcast television, DBS and other wireless providers, or easements or other property interests owned by a single utility or entity.

RECREATIONAL VEHICLE or TRAILER COACH. Any vehicle used or maintained for use as a conveyance upon highways or city streets, so designed and so constructed as to permit occupancy thereof as a temporary transient dwelling or sleeping place for one or more persons, having no foundation other than wheels or jacks.

RELOCATE. To move off of City Property or to a different City Property without returning for a period of 24 hours. This definition does not include moving to another portion of the same City Property.

SOLID WASTE. Any garbage, trash, debris, yard waste, food waste, or other discarded materials.

~~**TO CAMP.** To set up or to remain in or at a campsite.~~

SECTION 2. Chapter 90 Section 90.091 is amended as follows:

90.091 REGULATIONS.

~~(A) Except by permit issued by the city for camping in a city park, it is unlawful to camp in or upon any sidewalk street, alley, lane, public right of way or any other place to which the general public has access, or under any bridge way or viaduct.~~

(A) Except as expressly authorized by the Winston Municipal Code, at all times it is unlawful to establish, use, or occupy a campsite in the following locations:

1. City of Winston Park sites developed with active use recreational facilities or that are designed as public gathering spaces including as follows:
 - a. Riverbend Park – 243 SE Thompson Avenue Winston, OR 97496
 - b. Community Park – 473 SE Grape Avenue Winston, OR 97496
 - c. Civic Wayside Park – 199 NW Douglas Blvd Winston, OR 97496
2. The following city-owned operational facilities, and associated grounds, that are open to the public:
 - a. City Hall – 201 NW Douglas Blvd. Winston, OR 97496
 - b. Police Department – 131 NW Rose Avenue Winston, OR 97496
 - c. Public Works – 245 SE Thompson Avenue Winston, OR 97496
 - d. Community Center – 440 SE Grape Avenue Winston, OR 97496
3. City owned or maintained parking lots.
4. Public rights-of-way adjacent to a lot or parcel containing a dwelling or commercial building.
5. Public rights-of-way adjacent to, or within 1,000 feet of a lot or parcel containing an elementary school, or secondary school and 500 feet of a lot or parcel containing a day care facility, childcare facility or facility providing humanitarian services.

6. City owned properties that are currently located in the 100-year floodplain or regulatory floodway as regulated by the National Flood Insurance Program and Winston Municipal Code.

(B) At least once every 10 hours an individual that has placed a campsite, camping materials or personal property on City Property must Relocate. Only between the hours of 8pm and 6am can public owned property be utilized in this capacity.

(C) No RV, trailer coach or campsite shall be used or occupied on any tract of ground not designated for such use within the corporate limits of the city.

(D) Except as expressly authorized by the Winston Municipal Code, it shall be unlawful for any person to store personal property within the rights-of-way.

(E) Except as expressly authorized by the Winston Municipal Code or a special event permit, it shall be unlawful to carry out open burning or to have a recreational fire on public property. The meaning of the terms "open burning" and "recreational fire" shall be as defined in the most recently adopted version of the State of Oregon Fire Code.

(F) Notwithstanding the provisions of this section, the City Manager may temporarily authorize camping or storage of personal property on public property by written order that specifies the period of time and location upon finding it to be in the public interest and consistent with the City Council goals and policies.

(G) The City Manager may adopt administrative rules to implement the provisions of this section.

SECTION 3. Chapter 90 Section 90.092 is hereby created and added as follows:

90.092 SCHEDULING AND NOTICE OF CAMPSITE CLEANUP

(A) Cleanup of illegal campsites will be scheduled by the chief of police or designee.

(B) Signs may be posted advising that camping is prohibited. Whether or not a sign is posted, a specific date and time notice will be posted and distributed in the area of a scheduled cleanup at least 72 hours before the cleanup.

(C) Notwithstanding subsections A and B of this section, cleanup of campsites may occur immediately and without notice if the chief of police or designee determine that either of the following conditions exist:

1. An emergency such as possible site contamination by hazardous materials or where there is an immediate danger to human life or safety;
2. Illegal activity other than camping.

(D) At the time of the cleanup, written notice will be posted and distributed announcing the telephone number where information on picking up the stored property can be obtained during normal business hours.

SECTION 4. Chapter 90 Section 90.093 is hereby created and added as follows:

90.093 REMOVAL, STORAGE AND RETRIEVAL OF PERSONAL PROPERTY

- (A) The City shall only remove individuals and unclaimed Personal Property from a Campsite as provided by ORS 195.505.
- (B) Personal property will be separated from solid waste during cleanups. Solid waste will be immediately discarded. Items of personal property will be turned over to the police department and stored. The personal property shall be stored for no less than 30 days, during which time it will be reasonably available to persons claiming ownership of the personal property.
- (C) When conducting a campsite removal, the City shall arrange in advance for a location for personal property to be stored.
- (D) Any personal property that remains unclaimed for 30 days after the cleanup may be disposed of, sold, donated, used, or transferred as abandoned personal property, but no waiting period beyond the 30 days is required prior to the disposal, sale, donation, use, or transfer.
- (E) Weapons, drug paraphernalia, and items which reasonably appear to be either stolen or evidence of a crime may be retained and/or disposed of by the police department in accordance with the department's written policies and procedures.

SECTION 5. Chapter 90 Section 90.094 is hereby created and added as follows:

90.094 VIOLATION – PENALTY

Violation of this chapter is a civil infraction subject to the civil penalty as provided in Winston Municipal Code Section 90.999.

SECTION 6. Section 90.090 and 90.091 of the Winston Municipal Code is amended as set forth above. The additional provisions of 90.092, 90.093 and 90.094 are set forth above.

SECTION 7. Such supplements shall be deemed published as of the day of its adoption and approval by the Council, and the City Recorder is hereby authorized and ordered to insert such supplements into the copy of the Code of Ordinances kept on file in the Office of the Recorder.

SECTION 8. This ordinance shall go into effect 30 days after its adoption.

FIRST READING BY THE CITY OF WINSTON OREGON CITY COUNCIL ON THIS 1ST DAY OF MAY 2023.

SECOND READING, AND ADOPTION, BY THE CITY OF WINSTON OREGON CITY COUNCIL ON THIS 5TH DAY OF JUNE 2023.

APPROVED BY THE MAYOR ON THIS 5TH DAY OF JUNE 2023.

David S. Rutter, Mayor

Attest:

Cindy M. Sarti, City Recorder