



# Community Learning Session:

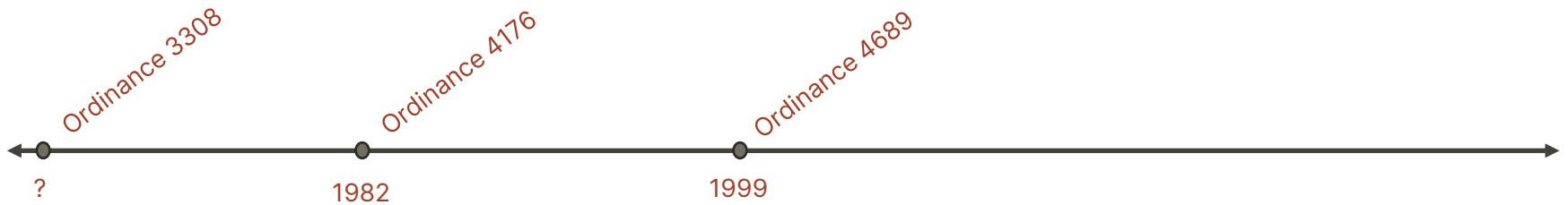
## Understanding Prohibited Camping Policies

February 21, 2024

David Ligtenberg, City Attorney

# Legal Framework & History

# Historical Enforcement



- Ordinance 4176: City park curfew – 10:30 p.m. to 6:00 a.m.
- Ordinance 4689: Establishing rules for park use.
  - Forms the core of MMC 12.36

# Ordinance 5057



- Prohibited Camping (“in or upon any City property”)
- Temporary Camping Program

# *Martin v. Boise*



- Cannot punish for “unavoidable consequences” of homelessness when a person has no place else to go.
- Questions remain re: “unavoidable consequences,” right of way, structures, but mainly the permissibility of Time/Place/Manner regulations.

# Ordinance 5064



- Definitions for "Camp," "Camp facilities," "Camp paraphernalia," "Prohibited campsite," "Store," "Street," "Park areas," "Urban Renewal Area."
- Limited prohibited camping to "1. All Park areas; 2. All public property located within the boundaries of the McMinnville Urban Renewal Area; 3. All publicly owned or maintained parking lots; and 4. All public property located within an area zoned for Residential Use under MMC Chapter 17."
- No camping or storage 6:30 a.m. to 9:30 p.m.

# Ordinance 5109



- Mainly to deal with vehicles/bicycles.
- Defined “Established” as “the creation, installation, or placement of camp facilities and/or camp paraphernalia. . . .”

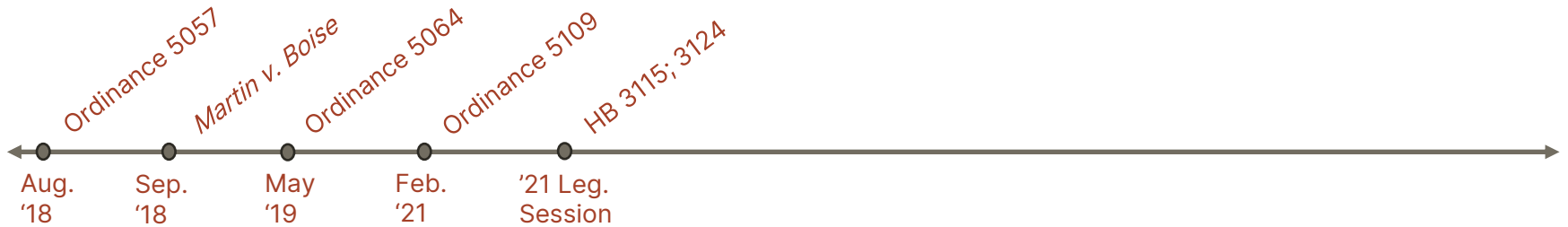
# HB 3115



- Codified *Martin v. Boise*.
- “[O]bjectively reasonable as to time, place and manner . . .”
- “[R]easonableness shall be determined based on the totality of the circumstances, including, but not limited to, the impact of the law on persons experiencing homelessness.”

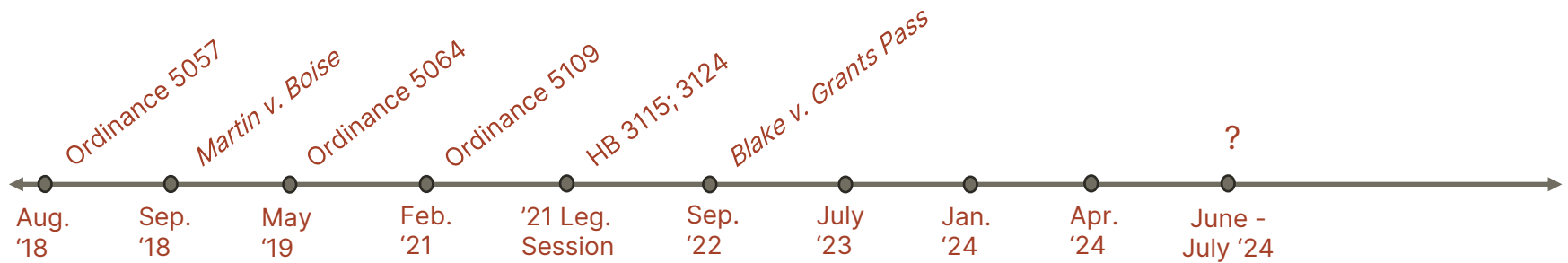


# HB 3124



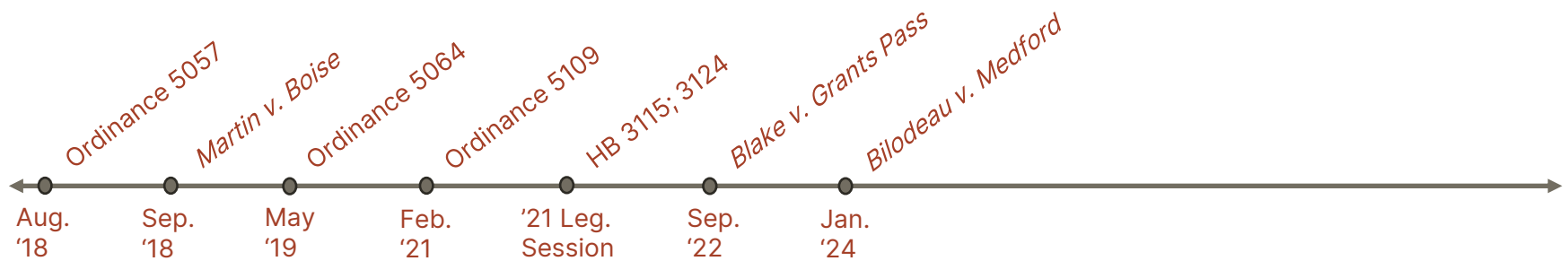
- Parameters for removal of an “established camp site” on public property.
- Cities must provide 72-hours notice of its intent to remove the established camp site.
- Does not define “established.”

# Blake v. Grants Pass



- Clarified much of what it means to have “access to shelter.”
- Persons who must sleep outside are entitled to take necessary minimal measures to keep themselves warm and dry.
- What constitutes a minimal measure for a person to keep themselves warm and dry?
- Emphasizes a balancing act: protect the safety and welfare of citizens, as well as respect the dignity of homeless residents.

# *Bilodeau, et al. v. Medford*



- “The circumstances at place in the City of Medford are determinatively different from past cases in that they preserve times, places and manners in which homeless residents may humanely rest.”
- Reiterates “balancing act” from *Blake*.
- Distinguishes from *Blake* where all camping (sleeping with bedding) in public spaces was prohibited at all times.
- “determinatively different...in that they preserve times, places, and manners in which homeless residents may humanely rest.”

David Renshaw, Public Works Superintendent

# Operations







# City of McMinnville

## Park Operations

- Since 2018, daily park service hours have increased about 72% (2,000 hours to about 3,500 hours annually)
- Impacts capacity for other park maintenance work
- Have averaged between 1-2 behavior related issues PER DAY over the past 6 months

## Security Contract/Cleanups

- Security hours 9pm-5am, varies with season
- Cost: \$117,000 annually
- Gap: no year-round daytime security presence
- Contracted clean up efforts will cost in excess of \$30,000 this year
- Results are typically temporary





# City of McMinnville

## Right of Way

- Accessibility impacts on sidewalks; mitigation efforts often lead to negative interactions
- Clean up/removal contracts consume staff time and budget resources to execute and coordinate
- Current estimate is that contracted clean ups will be in excess of \$40,000
- Results: clean ups results are temporary at best, with impacts often returning immediately after the effort



# Environmental Concerns

- Damage to natural or riparian locations
- Water quality impacts along local streams
- Bio hazards



Susan Muir, Parks & Recreation Director

# Parks & Recreation

- Focus on behaviors
- Large Vehicles in parking lots
- Public Restrooms
- Tent/camping clean ups
- Safe overnight camping spots



Jenny Berg, Library Director

# Public Library

## Services

- Internet and wireless access
- Device charging station
- Warming/cooling shelter
- Public bathrooms
- Vehicular camping
- Toiletry kits

## Partnerships

- Give a Little Foundation
- Encompass Yamhill Valley



Heather Richards, Community Development Director

# Resources & Partnerships



*Volunteers at Gospel Rescue Mission*



# City of McMinnville

## AHC – Homelessness Subcommittee

- Convening partners, discussing issues, roles and responsibilities

### City's Role:

- Convenor – facilitate discussion. Reach out to other communities for advice, lessons learned, raise awareness at the state level.
- Support Partners' Projects
- Remove Regulatory Barriers – code review and incentives for AH development. (SDC/permit fee relief, variety of allowed housing types – Habitat / CHB Subdivision)
- Enabling Authority (Overnight safe car camping program)

February 21 2024

# HOUSING FOR HOMELESS SUBCOMMITTEE

Focus on subset of populations experiencing homelessness and dedicating action plans towards achieving incremental success.

Youth  
Senior Women  
Vehicular Homeless  
Veterans

Updated 2/5/2018

**MAHF – HOMELESSNESS SUBCOMMITTEE  
VEHICULAR HOMELESS ACTION PLAN**

**Goal 1: Identify feasibility of a 90-day Pilot Car Camping Project for homeless individuals and families residing in vehicles.**

Item #	Action Steps	Responsible Party	Date to Begin	Date Completed	Notes
1	Research successful car camping projects in similar communities and compile lessons learned.	Vehicular Homeless Workgroup	11/7/2017	Ongoing	
2	Identify partners to manage voucher system.	Vehicular Homeless Workgroup	11/7/2017	12/11/2017	Provoking Hope and St. Vincent de Paul
3	Identify partners for host sites.	Vehicular Homeless Workgroup	11/7/2017	Ongoing	
4	Identify partners for sanitation and waste disposal services.	Remy Drabkin, City Council	11/7/2017	12/5/2017, Ongoing	Recology for waste
5	Research city code requirements and necessary amendments to meet codes.	Natalee Levine, City Attorney	12/7/2017	Ongoing	
6	Create program materials such as protocols, agreements, handouts, vouchers, etc.	Jenny Bennett, Public Health VISTA	12/7/2017	Ongoing	

**Goal 2: Implement 90-day Pilot Car Camping Project.**

Item #	Action Steps	Responsible Party	Date to Begin	Date Completed	Notes
1	Make recommendation to city council.	MAHIF			
2	Pass necessary ordinance to allow 90-day car camping project. After step 1 is complete, we will know if there are private parking sites and/or city sites.	MAHIF			
3	Promote program through community meetings and agencies ex. meal sites, SIT trainings, post flyers, etc.	Provoking Hope, Agency			
4	Accept applications and administer vouchers.	Provoking Hope, Agency			

**Goal 3: Measure success of 90-day Pilot Car Camping Project to determine next steps.**

Item #	Action Steps	Responsible Party	Date to Begin	Date Completed	Notes
1	After 90 days of implementation, assess project for successes and setbacks.	Managing Agency			
2	If deemed successful, make necessary adjustments and build capacity with more host sites.	Managing Agency			
3	Encourage churches to adopt program as permitted by ORS 203.082.	MAHIF			

Updated 2/12/2017

**MAHF – HOMELESSNESS SUBCOMMITTEE  
SHELTERING SENIOR WOMEN ACTION PLAN**

**Goal 1: Increase emergency shelter options for senior women.**

Item #	Action Steps	Responsible Party	Date to Begin	Date Completed	Notes
1	Explore potential sites in community to develop more space for emergency shelter.	City of McMinnville		6/12/2017	
2	Reach out to local shelters to assess current availability and determine pathways to build capacity.	Sheltering Senior Women Workgroup	6/27/2017		YCGRM presented plans for expansion to subcommittee 11/13/2017
3	Continue to work with existing shelters to build capacity and ensure available shelter beds utilized efficiently.	Sheltering Senior Women Workgroup	Ongoing		

**Goal 2: Develop tiny home village for senior women experiencing housing insecurity.**

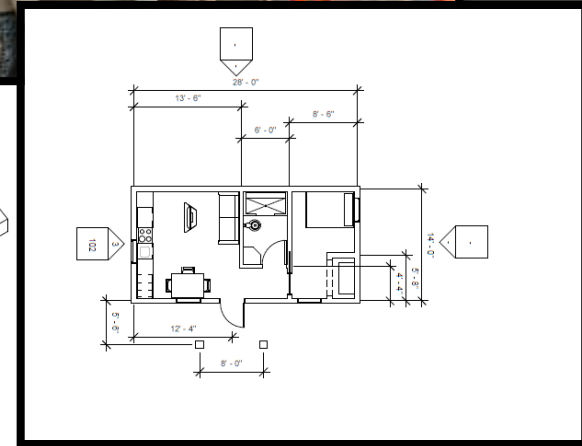
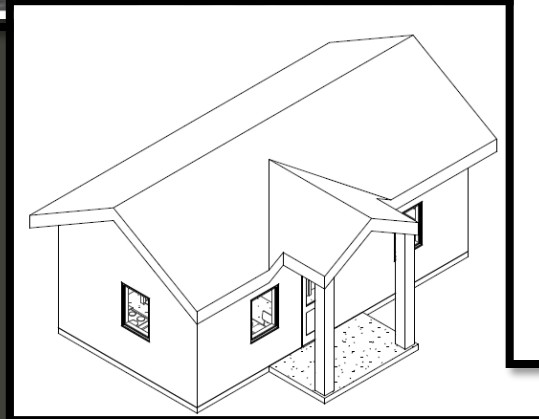
Item #	Action Steps	Responsible Party	Date to Begin	Date Completed	Notes
1	Work with interested community partners to explore opportunities for senior women tiny home village in McMinnville.	Sheltering Senior Women Workgroup	9/27/2017		Potential projects: Blanchet Farms, host churches, EASA students
2	Dependent upon item 2.1, support the development of a tiny home project for senior women and assist in troubleshooting unforeseen hurdles they come upon.	Homelessness Subcommittee	12/11/2017		EASA students planning with Covenant Church on a tiny home village design.
3	Dependent upon success of project, seek out and encourage interested churches and organizations to duplicate tiny home project.	Homelessness Subcommittee	TBD		

**Goal 3: Develop a support program for individuals staying in tiny homes.**

Item #	Action Steps	Responsible Party	Date to Begin	Date Completed	Notes
1	Reach out to service agencies that provide case management for older adults.	Sheltering Senior Women Workgroup	TBD		NVSDS representative is a workgroup member
2	Build relationships with interested agency(s) to provide support services to tiny home residents.	Homelessness Subcommittee	TBD		
3	Dependent upon item 2.3, build capacity of support agency to provide services to more tiny home residents.	Service Agency	TBD		

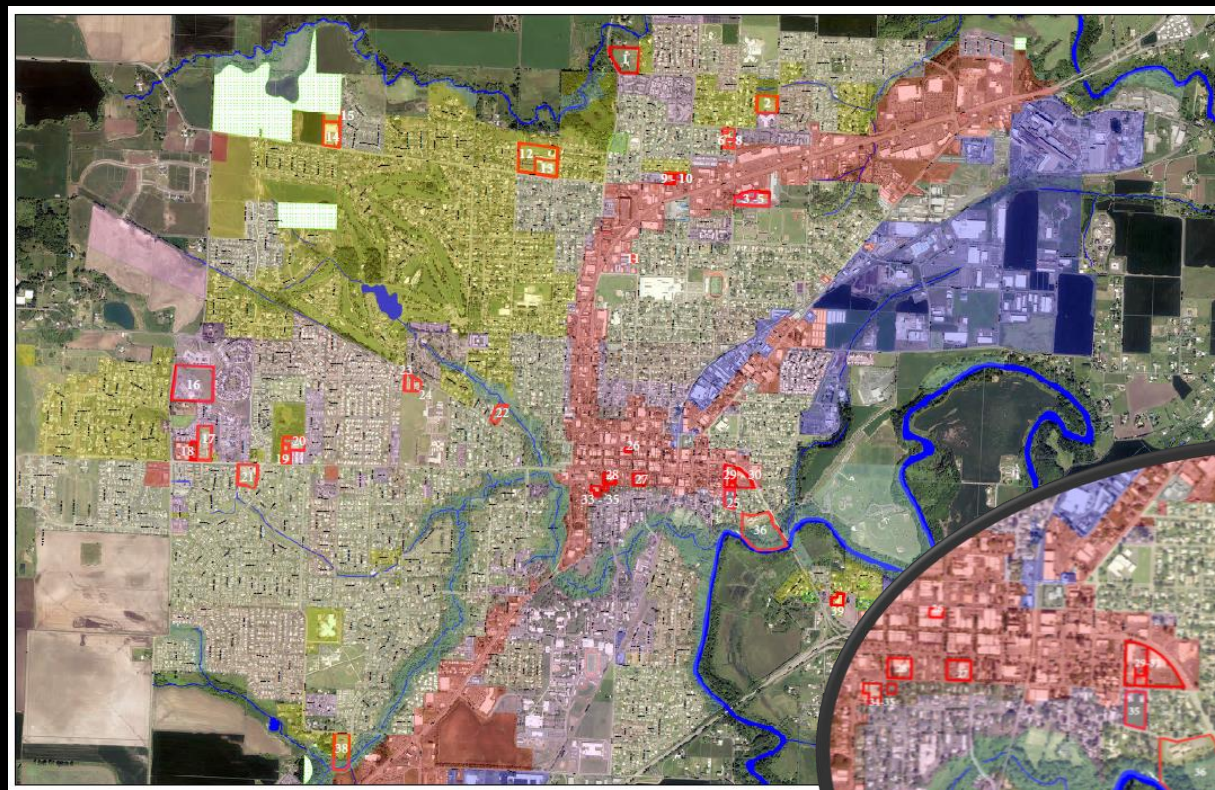


# TINY HOME INITIATIVE – MSD / Blanchet Farm





# PROPERTY SEARCH



City  
County  
Non-Profit



# VEHICULAR HOMELESS

## Outreach Handbook

Eugene's Rest Stop & Car Camping Programs



a how-to guide  
for community members



City Manager's Office  
125 East 8th Avenue  
Eugene OR 97401  
541-682-5010



### PERMITTED OVERNIGHT SLEEPING (CAMPING)

The City of Eugene allows for overnight sleeping (camping) in certain situations with the property owners' permission. The requirements are set out in Chapter 4 of the Eugene Code (EC) beginning at EC 4.816. The Eugene Code is available online at [www.eugene-or.gov/citycode](http://www.eugene-or.gov/citycode).

#### Where is camping allowed?

**Parking Lots** People may sleep overnight in a vehicle, camper, trailer, tent, or Conestoga hut in a parking lot of a religious organization, business, or public entity as long as there is an occupied structure on site. The property owner may grant permission for up to 6 vehicles used for sleeping at any one time.

**Residential Zones** No more than one family may sleep overnight in the backyard or in a vehicle, camper, or trailer parked in the driveway of a single family dwelling. Permission of the tenant, as well as the property owner, is required. Only one tent or camping shelter is allowed in the backyard and must be at least five feet from any property line. A "family" means people related by blood or marriage, or no more than two unrelated adults.

**Vacant Lots** People may sleep overnight in a vehicle, camper, or trailer on a paved or gravelled surface located on a vacant or unoccupied lot. The city may require the camping site to be part of a supervised program operated by the city or its agent. The property owner may grant permission for up to 6 vehicles used for sleeping at any one time.

#### Are there any other regulations I should be aware of?

Yes, a property owner that allows people to sleep overnight on a property must provide the following:

- Sanitary facilities;
- Garbage disposal services;
- Storage area for campers to store any personal items, so the items are not visible from any public street.

Also, the property owner CANNOT require payment of any fee, rent, or other monetary charge for overnight sleeping.

The City has the right to revoke permission for overnight sleeping if such an activity on that property is incompatible with the uses of adjacent properties or constitutes a nuisance or other threat to the public welfare.

If you have any questions please check with Land Use staff at 541-682-8336 or [landuseinfo@ci.eugene.or.us](mailto:landuseinfo@ci.eugene.or.us).

Note: This document should not be used as a substitute for codes and regulations. The applicant is responsible for compliance with all code and rule requirements, whether or not described in this document.

[www.eugene-or.gov/bps](http://www.eugene-or.gov/bps)

Planning & Development  
99 NE 10th Avenue, Eugene, OR 97401  
P 541.682.5086 • F 541.682.5593

Form #31-245  
Updated November 2014



## McMinnville Car Camping Pilot Program

### What is a Car Camping Program?

The Car Camping Program provides individuals and families living in their vehicles a safe, legal place to park for a limited amount of time.

### Why does McMinnville need a Car Camping Program?

Affordable, available housing is difficult to find right now in McMinnville. This has brought many families and individuals to living in their vehicles without a safe and stable place to stay. A Car Camping Program would provide short-term stability while these individuals and families work toward long-term self-sufficiency.

### What is a host site?

A host site can be a religious institution, business, or public entity that grants permission for 1-3 vehicles to park in their parking lot for an agreed upon amount of time. Host sites need to have a parking space, locked sanitary facilities, garbage disposal, and storage space for residents of the Car Camping Program. These amenities can be provided through the program manager via sponsored service providers.

### How will the Car Camping sites be kept clean and safe?

Car Camping residents will be screened by a nonprofit site manager before being assigned a site. This nonprofit will check-in regularly with residents of the program and provide referrals to needed resources.

### BE PART OF THE SOLUTION—HOW YOU CAN HELP:

The Car Camping Program needs host sites and sponsorships for sanitary facilities. If you or your organization would be willing to be a host site or sponsor a sanitary facility please contact Champion Team for more information.

### Thank you to the following sponsors!

- Champion Team for providing program management
- Recology for providing garbage disposal services
- Alan Ruden Inc for sponsoring sanitary facilities for two sites for one year.
- Dean Klaus for sponsoring sanitary facilities for one site for one year.

Please contact Champion Team with questions and host site suggestions.

Phone (503) 474-4600



City of  
McMinnville



# PARTNERSHIPS

## Supporting Partners Towards Outcomes.

- Remove regulatory barriers.
- Advocate for funds.
- *(And sometimes we are managing the construction).*

## Expanding Emergency Shelter Added 110 beds since 2016

- Project Turnkey (YCAP) – Conversion of a motel into managed emergency shelter.
- Navigation Center (AnyDoor Place) (YCAP), secured over \$2.5M in grants to build an emergency shelter, day center, and one-stop for critical services.
- Gospel Rescue Mission Expansion – New second year-round shelter building and commercial kitchen.



*Rendering of new community space in  
AnyDoor Place*



# PARTNERSHIPS

## Supporting Partners Towards Outcomes.

- Remove regulatory barriers.
- Advocate for funds.
- *(Serve as the Responsible Entity for environmental review)*

## Expanding Very Low Income Housing – Adding 225 housing units since 2016

- Social Relief Facilities (Yamhill County) – Private/public partnership.
- Stratus Village (Housing Authority) – largest affordable housing project in Yamhill County.
- Operation Generation – co-housing project to provide supportive services.



*Rendering of Stratus Village*

Jason Carbajal, Court Services Supervisor

# Municipal Court



## McMinnville Municipal Court case statistics:

2022

2023

Prohibited Camping-

45 citations

151 citations

Criminal Trespassing I/II

134 citations

155 citations

235% increase in prohibited camping

16% increase in CT I/II

McMinnville Municipal Court:

Current approach to prohibited camping citations:

1<sup>st</sup> prohibited camping-violation

Follow terms given by City Prosecutor, case dismissed

2<sup>nd</sup> prohibited camping citation

Follow terms given by City Prosecutor, reduced to a violation

3<sup>rd</sup> prohibited camping- 12 months bench probation, 1 day in jail, fine.

DEZ ordinance may be a term of probation

Mcminnville Municipal Court:

**McMinnville Municipal Court Partners:**

**Provoking Hope, non-profit**

**Yamhill County Behavioral Health**

**On court dates- Have our partners present and ability to identify possible cases that need intervention.**

**Meet with City Council to request two additional court days to focus on community court**

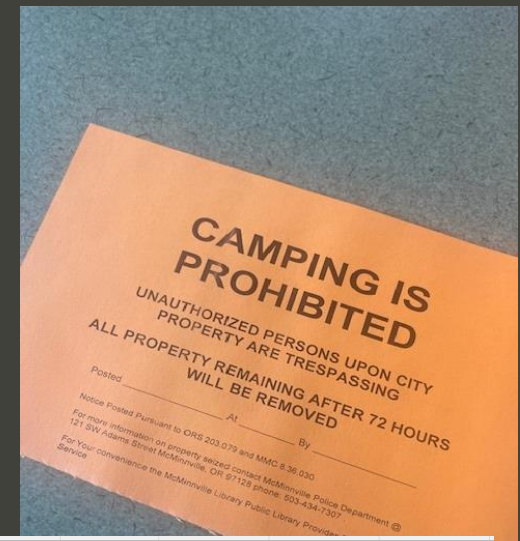


Matt Scales, Chief of Police

# Enforcement, Abatement & Gaps

# Enforcement

- We are averaging well over 130 calls for service per month related to prohibited camping.
- Upon receiving a prohibited camping call, our officers will respond to the area and begin the process of educating those who are illegally camping and provide them with a 72-hour notice to come into compliance with the MMC 8.36. This education component also includes information about service providers in our area.
- Throughout this process our officers will document the location of the encampment and its failure to move. If the person fails to leave after 72 hours, it can be abated. Prior to abatement ORS requires staff to notify service providers that an encampment is being abated, and if the camp remains it will be scheduled to be removed.
- It's at this time that those in violation will be issued an arrest citation for violating MMC 8.36.030, a C misdemeanor.
- Costs to abate a camp will likely be dependent on the type of camp. Tents are less cumbersome; however, RV's and vehicles are much more costly. These costs are driven by tows, solid waste removal before being towed for storage at our storage facility. For this fiscal year we have already spent \$55,000 in tows and dismantling of these vehicles.

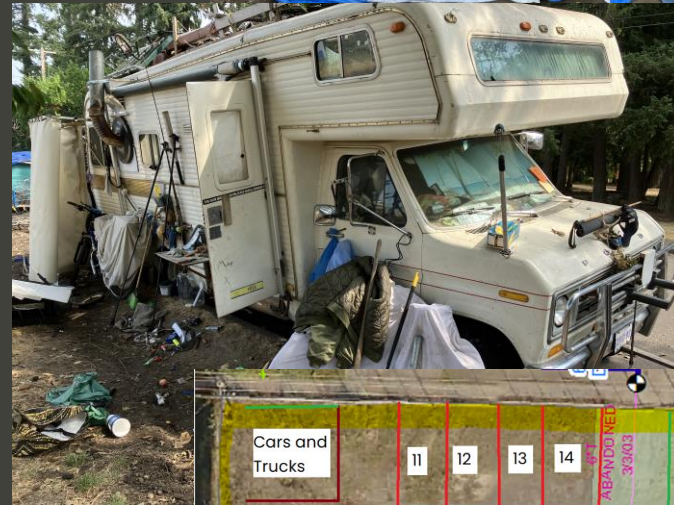


Prohibited Camping stats thru January 2024					
Month	Total "RV Ordinance" calls for service	# of Report Case Numbers	Officer Heidt's involvement	Parking Enforcmnt involvement	Other Officer(s) involvement
June	195	14	36% (71)	1% (2)	61% (119)
			<i>(Tim had 6 vacation days and 1 sick day)</i>		
July	149	8	75% (112)	1% (2)	30% (44)
			<i>(Tim was only gone for July 4th holiday)</i>		
August	144	10	74% (106)	2% (3)	28% (40)
			<i>(Tim assisted with MCI training for 3 half-days; no other days off in the month)</i>		
September	104	15	75% (78)	4% (4)	20% (21)
			<i>(Tim had about two full days of leave time in the month)</i>		
<b>** (12/04/23) REVISED formula for October -- "RV Ordinance" CFS plus applicable "Ordinance" CFS</b>					
October	(86 + 40) 126	32	60% (76)	5% (6)	40% (51)
			<i>(Tim had 1-day at Taser instructor training; 1-day Sick; 5-days of Vacation/FH)</i>		
<b>** (12/04/23) REVISED formula for November -- "RV Ordinance" CFS plus applicable "Ordinance" CFS</b>					
November	(91 + 33) 124	22	64% (79)	4% (5)	38% (47)
			<i>(Tim had 4-days sick leave and 3-days off for holidays)</i>		
<b>REVISED formula for December -- "RV Ordinance" CFS plus applicable "Ordinance" CFS</b>					
December	(88 + 44) 132	13	60% (79)	8% (10)	48% (48)
			<i>(Tim had half day Floating Holiday, Christmas holiday off, and two sick days)</i>		
Month	Total "CAMPING ORDINANCE" calls for service	# of Report Case Numbers	Officer Heidt's involvement	Parking Enforcmnt involvement	Other Officer(s) involvement
January	123	5	76% (93)	5% (6)	24% (29)
			<i>(Tim had two holidays off, and 4 vacation days)</i>		



# Abatement

- Once the camp is abated any property of utilitarian value is required to be stored. The items are usually tents, PODS, and many cases RV or vehicles even though they sometimes are inoperable.
- Our city storage lot is currently being rented at an annual cost of \$30,000. It holds upwards of 15 RV's and has space for vehicles as well. On this site we also store tents or other items that can be kept outside.
- As mentioned previously, prior to storage inside the facility, we are required to have all the black water removed from the RV's or trailers. This also complicates the timing of abatements as this work needs to be scheduled with our provider who is out of Albany, Oregon.
- Once the prohibited camping case as been resolved, we will receive a court order authorizing for the release of the vehicle, and if it is not claimed it will be towed away for dismantling.
- The adjudication of a case can take months, meaning we often times store RV's and vehicles for months.





# Identified Gaps

We have identified gaps in our current ordinance, and we would be remiss if we did not mention these.

- Concerns about open flames and the need to protect persons and property should these fires get out of control.
- With RVs and passenger cars being abated, MPD has found that many of those occupants are moving into tents and other improvised structures on public property. These persons are now starting more fires (cooking and warming)
- In 2023 McMinnville Fire reviewed 288 general service and fire calls and it was learned that 73 (roughly 25%) of those totals were related to warming, cooking and/or unattended fires that were outdoors.
- ORS 195.530 specifically allows for cities to regulate the use of fire or flame.



Community concerns about encampments around school zone pros and cons.

- Recognizing our partners within the MSD have asked the City to consider the addition of this “safe zone”.
- Understanding that other communities have included this type of “safe zone” around schools in their camping ordinances.
- Recognizing that most school are in residential zones which prohibits camping already.
- Recognizing that ORS 195.505 requires a minimum of 72 hours notice prior to abatement.

# Resources

- *Martin v. Boise*, 902 F.3d 1031 (9th Cir. 2018).
- *Blake v. Grants Pass*, 50 F.4th 787 (9th Cir. 2022) (alternatively named *Johnson*)
- *Bilodeau, et al. v. City of Medford*, 1:21 cv 00766-CL (D. Or. Dec. 22, 2022)
- HB 3115 (2021 Leg. Session)
- HB 3124 (2021 Leg. Session)
- Guide to Persons Experiencing Homelessness in Public Spaces, League of Oregon Cities (June 2022, updated July 2023)
- City of Medford Municipal Code section 5.257