



**City Council Work Session Agenda
Wednesday, February 21, 2024
6:00 p.m. – Work Session**

Welcome! The public is strongly encouraged to participate remotely but there is seating at Civic Hall for those who are not able to participate remotely. However, if you are not feeling well, please stay home and take care of yourself.

*You can live broadcast the City Council Meeting on cable channels Xfinity 11 and 331,
Ziply Fiber 29 or webstream here:*

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You may join online via Zoom Meeting:

<https://mcminnvilleoregon.zoom.us/j/89251918077?pwd=D2qzc6AzZG0KRuyAVeVBMZky2HzuQ.1>

Zoom ID: 892 5191 8077

Zoom Password: 743632

Or you can call in and listen via Zoom: 1-253- 215- 8782

ID: 892 5191 8077

1. CALL TO ORDER
2. COMMUNITY LEARNING SESSION: UNDERSTANDING PROHIBITED CAMPING POLICIES
 - a. MULTI-DEPARTMENTAL PRESENTATION
 - b. CONSIDERATION OF OPEN-FIRE BAN
3. ADJOURNMENT



STAFF REPORT

DATE: Click here to enter a date.
TO: Mayor and City Councilors
FROM: Matt Scales, Police Chief
SUBJECT: 2.b. Consideration of revising the Prohibited Camping ordinance (8.36) to ban open fires on public property

Report in Brief:

Over the past year or so, the enforcement of the City's Prohibited Camping ordinance 8.36 has resulted in the abatement of numerous recreational vehicles (RVs) and passenger cars. This has resulted in many of those occupants moving into tents and other improvised structures on public property, and a collateral effect of that has been an increase in the overall number of open fires on public property. This has resulted in a significant increase in the number of calls for service that Fire and Police personnel have had to respond to (primarily the Fire Department).

As part of compiling this staff report, a review of McMinnville Fire Department calls for service was done by MFD staff for the 2023 calendar year (01/01/23 to 12/31/23). A total of (288) "general service" and "fire" calls were reviewed, and it was learned that (73) of those total calls related to warming, cooking and/or unattended (or running away) fires that were outdoors. That equates to roughly 25% of the total calls that were reviewed.

Citizen concerns about open fires are primarily what drive the calls for service that Fire and Police personnel must respond to. In the warmer, dryer months of the year, the overall concern would understandably be that these open fires would result in out-of-control wildfires that could endanger people and property in the surrounding area. In the cold, wet months of the year, the concern has tended to focus on the potential danger to the occupants of the tents/structures because they tend to build these open fires very close to their tent/structure.

An additional adverse impact of these open fires is that when they are built on sidewalks, they can cause damage and/or make it difficult if not dangerous for citizens to pass by. The remnants of an open fire (an extinguished fire) on the sidewalk can still make it difficult for citizens to fully utilize the sidewalk. Open fires on the planting strip adjacent to the sidewalk cause obvious damage to vegetation, and there is often a mess left behind even if the subject takes steps to ensure the fire is completely out after use. Some subjects have even started using improvised "wood stoves" so to speak, which adds to the overall safety concern about their tents or structures possibly catching fire.

The following photographs are just a few recent representative examples of the overall issue surrounding open fires on public property:



Background:

Oregon Revised Statute **195.530** (titled “Noncamping Use of Public Property by Homeless Individuals”), section (2) states, “Any city or county law that regulates the acts of sitting, lying, sleeping or **keeping warm and dry** outdoors on public property that is open to the public must be objectively reasonable as to time, place and manner with regards to persons experiencing homelessness.” Section (1)(A) of the statute states, “‘Keeping warm and dry’ means using measures necessary for an individual to survive outdoors given the environmental conditions”, and Section (1)(B) further states, “**‘Keeping warm and dry’ does not include using any measure that involves fire or flame.**”

The City’s Prohibited Camping ordinance 8.36 has been in existence for several years and has been reviewed for compliance with ORS 195.530(2). The language of the ordinance does not specifically prohibit subjects that are experiencing homelessness from building open fires outdoors on public property. In looking at some other city’s prohibited camping ordinances, this specific prohibition appears to be a common part of the overall prohibitions. The following are just a few examples of the prohibitions in several other cities in Oregon:

- **City of Sherwood** ordinance – “A person without alternative shelter shall not start or maintain any fire for the purpose of burning any combustible material(s) in or around a campsite”, and “A person without alternative shelter shall not use a gas heater in or around a campsite.”
- **City of Lebanon** ordinance – “ ‘Protection from the elements’ means ..., excluding any measure that involves fire or flame”, and “No person shall in any designated sleeping area, build, light or maintain any fire.”
- **City of Tualatin** ordinance – “Open flames, recreational fires, burning of garbage, and bonfires are prohibited except as specific in TMC5-2-040 (General Rules and Regulations)”
- **City of Beaverton** ordinance – “A person without alternative shelter may not (a) start or maintain any fire for the purpose of burning any combustible material in or around a campsite; or (b) use a gas heater in or around a campsite.”

Question:

Does the City Council wish to have staff bring forward a proposed revision to the existing Prohibited Camping ordinance to ban open fires on public property?

Recommendation:

There is no recommendation currently from staff.