

## ORDINANCE NO. 5144

### AN ORDINANCE AMENDING MCMINNVILLE MUNICIPAL CODE SECTION 8.36.010 TO ADOPT A LOCAL DEFINITION OF THE WORD “ESTABLISHED” FOR PURPOSES OF CAMPING; AND SECTION 8.36.030 ADOPTING ADDITIONAL TIME, PLACE, OR MANNER REGULATIONS FOR CAMPING AND BANNING OPEN FLAMES

#### RECITALS:

**WHEREAS**, the City of McMinnville recognizes the social nature of the problem of homeless individuals camping on public property; and

**WHEREAS**, the City seeks to implement a policy that ensures the most humane treatment for removal of homeless individuals camping on public property; and

**WHEREAS**, the State Legislature explicitly allowed cities to add specificity to the procedural requirements of ORS 195.505; and

**WHEREAS**, ORS 195.505 requires certain procedures for camp removal policies with regard to an “established camping site,” but does not further define what it would mean for a camping site to be “established”; and

**WHEREAS**, the City now adopts a local definition of the word “established” to allow better enforcement of its reasonable time, place, and manner regulations with regard to camping; and

**WHEREAS**, the City also desires to update the current code to allow for legal camping during reasonable time periods, while protecting sensitive areas of the City that are disproportionately impacted by the negative effects of such activity, particularly local schools; and

**WHEREAS**, the City intends to ban open flames in any campsite on public property as an obvious safety hazard;

#### **NOW, THEREFORE, THE COMMON COUNCIL FOR THE CITY OF MCMINNVILLE ORDAINS AS FOLLOWS:**

1. McMinnville Municipal Code Section 8.36.010 is amended as follows: *[underlined language is new, ~~striketrough~~ language is to be repealed, and ellipses (. . .) indicate existing code which remains unchanged but is omitted from this ordinance for the sake of brevity].*

### **8.36.010 Definitions.**

For the purpose of this chapter, the following definitions will apply:

“Camp” or “camping” means to pitch, erect, create, use, or occupy camp facilities for the purposes of habitation, as evidenced by the use of camp paraphernalia.

“Camp facilities” include, but are not limited to, tents, huts, temporary shelters, or vehicles.

“Camp paraphernalia” includes, but is not limited to, tarpaulins, cots, beds, sleeping bags, blankets, mattresses, hammocks, or non-city designated cooking facilities and similar equipment.

“Campsite” means any place where one or more persons have ~~established~~ located temporary sleeping accommodations by use of camp facilities and/or camp paraphernalia.

“City property” means any real property or structures owned, leased or managed by the city, including public rights-of-way.

“Designated temporary campsite” means a campsite that is authorized by Sections 8.36.020 through 8.36.040.

~~“Established” means the creation, installation, or placement of camp facilities and/or camp paraphernalia. Camp facilities and/or camp paraphernalia are considered to establish a new campsite if moved more than 1,000 feet from the prior location. having been in a single location, or returned or relocated to within 1,000 feet of a single location, during a period of at least 5 days. If law enforcement personnel do not have evidence about the age of a campsite, law enforcement personnel should presume it is an established campsite.~~

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2. Section 8.36.030 is amended as follows:

#### **8.36.030 Prohibited camping.**

- A. Except as expressly authorized by this code, it is unlawful at all times for any persons to establish or occupy a campsite on the following city property:
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 Title 17. Whenever an area zoned for residential use abuts another zone at a street, the public right-of-way on both sides of that street shall be considered within an area zoned for residential use for purposes of this Section.
5. Within 250 feet from a lot or parcel containing an elementary or secondary school.

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F. No person shall start or maintain any fire or open flame in or around a campsite.

3. Section 8.36.040 is amended as follows:

**8.36.040 Penalties and enforcement.**

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D. The provisions of this chapter will be enforced in accordance with ORS ~~203.079~~195.505 or until released by the city prosecutor. Vehicles that are being held by the city under this chapter will be released to the legal owner or interest holder who has evidence of the following: (1) ownership or legal right to possession; and (2) valid, current automobile insurance covering the vehicle.

4. This Ordinance will take effect 30 days after passage by the City Council.

Passed by the McMinnville City Council this 23rd day of April 2024 by the following votes:

Ayes: Garvin, Geary, Payne, Menke, Peralta, Chenoweth

Nays: \_\_\_\_\_

  
COUNCIL PRESIDENT

Approved as to form:

  
City Attorney

Attest:

  
City Recorder