

ORDINANCE NO. 5057

An Ordinance Relating to Camping within the City of McMinnville; establishing MMC Chapter 8.36.

RECITALS:

The City of McMinnville desires to create a camping program to allow individuals and families that are temporarily experiencing the effects of homelessness to camp in relatively safe and sanitary locations while they are actively seeking access to stable and affordable housing.

The City desires to discourage camping in areas where such activities create unsafe and unsanitary living conditions, which can threaten the general health, welfare and safety of the both the campers and the larger community.

The City encourages the active participation of all concerned persons, organizations, businesses and public agencies to work in partnership with the City and the homeless community to address the short- and long-term impacts of homelessness in the community.

The City finds that an emergency exists, and that immediate implementation of this Ordinance is necessary to protect the public health, welfare and safety.

Now, therefore, THE COMMON COUNCIL FOR THE CITY OF McMINNVILLE ORDAINS AS FOLLOWS:

1. The provisions set forth in the attached Exhibit A, which are incorporated by this reference, are hereby adopted.
2. This ordinance will take effect immediately upon its passage by the Council.

Passed by the Council on August 28, 2018, by the following votes:

Ayes: Drabkin, Garvin, Menke, Peralta, Ruden, Stassens

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

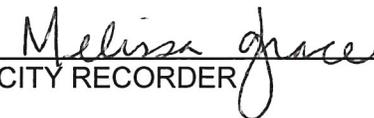
Approved on August 28, 2018.

  
\_\_\_\_\_  
MAYOR

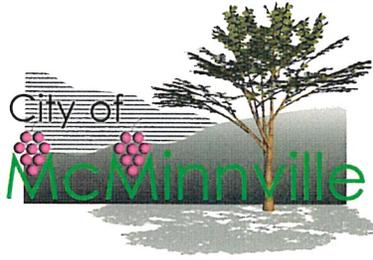
Approved as to form:

  
\_\_\_\_\_  
CITY ATTORNEY

Attest:

  
\_\_\_\_\_  
CITY RECORDER

## EXHIBIT A



CITY

OF MCMINNVILLE  
PLANNING DEPARTMENT  
231 NE FIFTH STREET  
MCMINNVILLE, OR 97128

503-434-7311

[www.mcminnvilleoregon.gov](http://www.mcminnvilleoregon.gov)

### PROPOSED AMENDMENTS TO THE MCMINNVILLE MUNICIPAL CITY CODE

Below is new proposed language to be added to the McMinnville City Code.

#### Chapter 8.36

#### CAMPING

**8.36.010. Definitions.** For the purpose of this chapter, the following definitions will apply:

- A. "To Camp" or "camping" means the act of setting up or remaining at a campsite.
- B. "Campsite" means any place where one or more persons have established temporary sleeping accommodations by use of bedding, sleeping bag or other material used for bedding purposes. A campsite may also incorporate other elements such as: a stove, fireplace or other means of generating warmth or cooking food; a tent, lean-to, shack, or other structure capable of providing shelter; a motor vehicle used for sleeping or storage of personal property.
- C. "City Property" means any real property or structures owned, leased or managed by the City, including public rights-of-way.
- D. "Designated Temporary Campsite" means a Campsite that is authorized by MMC, 8.36.020-8.36.040.
- E. "Family" means two or more persons related by blood, marriage, adoption, legal guardianship, or other duly-authorized custodial relationship, or not more than two unrelated adults.
- F. "Solid Waste" means any garbage, trash, debris, yard waste, food waste, or other discarded materials.
- G. "Solid Waste Disposal Services" means contracted solid waste collection service for a campsite with the City's exclusive franchisee for the collection of Solid Waste.
- H. "Motor Vehicle" has the meaning set forth in MMC 10.04.030, and for the purposes of this Ordinance, includes Recreational Vehicles.
- I. "Parking Lot" means a developed location that is designated for parking motor vehicles, whether developed with asphalt, concrete, gravel, or other material.
- J. "Recreational Vehicle" has the meaning set forth in the MMC, 10.04.030.

#### **8.36.020. Temporary Camping Program.**

- A. With authorization of the property owner of the property:
  - 1. Up to 3 total motor vehicles or tents, in any combination, may be used for camping in any parking lot on the following types of property:

- a) Real property developed and owned by a religious institution, place of worship, or public agency, regardless of the zoning designation of the property;
  - b) Real property developed with one or more buildings occupied and used by any organization or business primarily for non-profit, commercial or industrial purposes;
  - c) Vacant or unoccupied commercial or industrial real property, after the property owner has registered the temporary camping location with the city. The City may require the site to be part of a supervised program operated by the City or its agent.
2. Up to one family may use a residential zoned property developed with an occupied residential dwelling, with further authorization from any tenants of the property, for camping by either:
- a) Using a tent to camp in the back yard of the residence, or
  - b) Using a single motor vehicle parked in the driveway of the dwelling.
- B. A property owner who authorizes any person to camp on a property pursuant to 8.36.020(A) of the MMC must:
- 1. Provide or make available sanitary facilities;
  - 2. Provide garbage disposal services so that there is no accumulation of solid waste on the site;
  - 3. Provide a storage area for campers to store any personal items so the items are not visible from any public street;
  - 4. Require a tent or camping shelter in a residential backyard to be not less than five feet away from any property line; and
  - 5. Not require or accept the payment of any monetary charge nor performance of any valuable service in exchange for providing the authorization to camp on the property; provided however, that nothing in this code section will prohibit the property owner from requiring campers to perform services necessary to maintain safe, sanitary, and habitable conditions at the campsite.
- C. A property owner who permits overnight sleeping pursuant to 8.36.020(A), may revoke that permission at any time and for any reason.
- D. Notwithstanding any other provision of this code chapter, the city manager or their designee may:
- 1. Revoke the right of any person to authorize camping on property described in 8.36.020(A), upon finding that any activity occurring on that property by the campers is incompatible with the uses of adjacent properties or constitutes a nuisance or other threat to the public welfare; or
  - 2. Revoke permission for a person or family to sleep overnight on city-owned property, upon finding that the person or family member has violated any applicable law, ordinance, rule, guideline or agreement, or that any activity occurring on that property by a camper is incompatible with the use of the property or adjacent properties.
- E. Any person whose authorization to camp on property has been revoked pursuant to 8.36.020(B) and 8.36.020(C) must vacate and remove all belongings from the property within 4 hours of receiving such notice.
- F. All persons participating in the Temporary Camping Program described in this code section do so at their own risk, and nothing in this code creates or establishes any duty or liability for the City or its officers, employees or agents, with respect to any loss related to bodily injury (including death) or property damage (including destruction).

**8.36.030. Prohibited Camping**

- A. Except as allowed under MMC 8.36.020, or by any other provisions of the McMinnville Municipal Code, no person shall camp in or upon any City property.

- B. Notwithstanding the provisions of 8.36.020, the City Manager or designee may temporarily authorize camping on City Property by written order that specifies the period of time and location:
  - a. In the event of emergency circumstances;
  - b. In conjunction with a special event permit; or
  - c. Upon finding it to be in the public interest and consistent with council goals and policies.

**8.36.040. Penalties and Enforcement**

- A. Violation of any provisions in Section 8.36.020 is a Class C violation pursuant to ORS 153.012. Each day that a violation occurs will be considered a separate offence.
- B. In addition to any other penalties that may be imposed, any campsite used for overnight sleeping in a manner not authorized by this section or other provisions of this code shall constitute a nuisance and may be abated as such.
- C. The city manager or designee may adopt administrative rules to implement this section.