

ORDINANCE NO. 5064

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

RECITALS:

The City of McMinnville desires 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 update the current code related to camping in the City 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.

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.

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 within 30 days after its passage by the Council.

Passed by the Council on May 28, 2019, by the following votes:

Ayes: Garvin, Geary, Menke, Peralta, Stassens

Abstained: Drabkin

Approved on May 28, 2019.

\_\_\_\_\_  
COUNCIL PRESIDENT

Approved as to form:

Attest:

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

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

## EXHIBIT A



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

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### 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. “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.
- B. “Campsite” means any place where one or more persons have established temporary sleeping accommodations by use of camp facilities and/or camp paraphernalia.
- C. “Camp facilities” include, but are not limited to, tents, huts, temporary shelters, or vehicles.
- D. “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.
- E. “City Property” means any real property or structures owned, leased or managed by the City, including public rights-of-way.
- F. “Designated Temporary Campsite” means a Campsite that is authorized by MMC, 8.36.020-8.36.040.
- G. “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.
- H. “Solid Waste” means any garbage, trash, debris, yard waste, food waste, or other discarded materials.
- I. “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.
- J. “Motor Vehicle” has the meaning set forth in MMC 10.04.030, and for the purposes of this Ordinance, includes Recreational Vehicles.
- K. “Parking Lot” means a developed location that is designated for parking motor vehicles, whether developed with asphalt, concrete, gravel, or other material.
- L. “Prohibited Campsite” means any campsite:
  - a) Described in the MMC, 8.36.020-8.36.040; or,
  - b) Not authorized under the McMinnville City Code.
- M. “Recreational Vehicle” has the meaning set forth in the MMC, 10.04.030.

- N. "Store" or "storage" means to put aside or accumulate for use when needed, to put for safekeeping, to place or leave in a location.
- O. "Street" means any highway, lane, road, street, right of way, alley, and every way or place in the City of McMinnville that is publically owned or maintained for public vehicular travel.
- P. "Park areas" has the meaning set forth in MMC 12.36.020 (A) (3).
- Q. "Urban Renewal Area" has the meaning set forth in the McMinnville Urban Renewal Plan adopted by Ordinance No. 4972 and amended by Resolution No. 2014-01.

#### **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 expressly authorized by the McMinnville Municipal 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 publically owned or maintained parking lots; and
  - 4. All public property located within an area zoned for Residential Use under MMC Chapter 17.
- B. Except as expressly authorized by the McMinnville Municipal Code, it shall be unlawful for any person to camp or maintain a campsite on any City property during the hours of 6:30 a.m. to 9:30 p.m.
- C. Except as expressly authorized by the McMinnville Municipal Code, it shall be unlawful for any person to store personal property, including camp facilities and camp paraphernalia, on any City property during the hours of 6:30 a.m. to 9:30 p.m.
- D. Notwithstanding the provisions of this Chapter, the City Manager or designee may temporarily authorize camping or storage of personal property 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.
- E. The city manager may adopt administrative rules to implement any of the provisions of this Chapter.

#### **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 offense.
- B. Violations of any provisions in Section 8.36.030 is a Class C misdemeanor or pursuant to ORS 161.555 (1)(d).
- C. 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 public nuisance and may be abated as such.