

## Exhibit 1

## 5.18 Prohibited Camping Ordinance

- 5.18.010 Short title.
- 5.18.020 Legislative findings.
- 5.18.030 Definitions.
- 5.18.040 Prohibited camping.
- 5.18.050 Time, place, and manner regulations.
- 5.18.060 Annual report.
- 5.18.070 Penalties.

### 5.18.010 Short title.

This chapter shall be known and may be cited as the “prohibited camping ordinance” and may be referred to herein as “this chapter.”

### 5.18.020 Legislative findings.

City Council finds:

- A. From time-to-time persons experiencing homelessness establish campsites on the public right-of-way and city property.
- B. Such persons, by such actions, may create unsafe and unsanitary living conditions that pose a threat to the peace, health, and safety of themselves and the community.
- C. Camping on or near certain locations prevents the public’s ability to use those locations for their intended purpose and may result in imminent threats to life.
- D. This chapter’s regulations are meant to regulate the use of the public right-of-way and city property and are not intended to regulate activities on private property.
- E. The enactment of this chapter is necessary to protect the peace, health, and safety of the City and its inhabitants.

### 5.18.030 Definitions.

- A. “Alternative shelter” means a shelter space or other indoor space available to a person experiencing homelessness.

## Exhibit 1

- B. "Campsite" means any place where the use of any tent, lean-to, shack, or other structure, or any vehicle or part thereof, or any combination of a structure and vehicle is placed, established, or maintained, for the purpose of maintaining a permanent or temporary place to live.
- C. "To camp" means to set up or remain in or at a campsite for the purpose of establishing or maintaining a permanent or temporary place to live.
- D. "Certified child care center" means a child care facility that is certified by the Oregon Department of Education to care for thirteen or more children, or a facility that is certified to care for twelve or fewer children and located in a building constructed as other than a single-family dwelling.
- E. "City property" means all real property, land, and public facilities owned, leased, controlled, or managed by the City or its agencies, including, but not limited to, parking lots, parking garages, bridges, and viaducts.
- F. "Freeway" means a fully access controlled throughway, which includes Highway 26 and 217.
- G. "Person experiencing homelessness" means a person who lacks a fixed, regular, and adequate nighttime residence.
- H. "Person without alternative shelter" means a person experiencing homelessness and who does not have access to an alternative shelter.
- I. "Property where homeless services are provided" means property in which a use of the property includes providing regular, direct services to persons experiencing homelessness. As used in this subsection, "direct services to persons experiencing homelessness" includes, but is not limited to providing homeless navigation services, storage facilities, and other similar services.
- J. "Public right-of-way" means any thoroughfare or area intended, designed, or used for vehicular or pedestrian traffic.
- K. "Safe parking program guest" means a person experiencing homelessness and is currently participating in the City's safe parking program.
- L. "Safe parking site" means city property or a portion of city property designated by the city manager as a site to be used by the City's safe parking program.
- M. "Shelter" means a domestic violence shelter, emergency shelter, or mass shelter as defined in the Beaverton Development Code.

## Exhibit 1

**5.18.040 Prohibited camping.**

It is unlawful for any person to camp in or upon any public right-of-way or city property, unless specifically authorized by this chapter or by a local emergency or disaster declaration.

**5.18.050 Time, place, and manner regulations.**

- A. A person without alternative shelter may camp only if all of the following time, place, and manner regulations are met.
- B. **Time regulations.** A person without alternative shelter may camp if the person without alternative shelter complies with all of the following time regulations:
- i. A person without alternative shelter may camp between the hours of 8 p.m. and 8 a.m. After 8 a.m., a person without alternative shelter must dismantle the campsite and remove all personal property from the campsite.
  - ii. A safe parking program guest may camp in a vehicle in a safe parking site for a continuous period as permitted by the regulations of the safe parking program.
- C. **Place regulations.** A person without alternative shelter may camp in or upon the public right-of-way; provided, however that a person without alternative shelter may not camp in the following places at any time:
- i. On city property, except that a safe parking program guest may camp in a vehicle at a safe parking site.
  - ii. Within 1,000 feet from a safe parking site, a shelter, or a property where homeless services are provided.
  - iii. Within 250 feet from a lot or parcel containing an elementary school, secondary school, or a certified child care center.
  - iv. Within 250 feet from an egress or ingress to a freeway.
- D. **Manner regulations.** A person without alternative shelter may camp if the person without alternative shelter complies with all of the following manner regulations:
- i. A person without alternative shelter may not obstruct pedestrian traffic along a public right-of-way or into private property and businesses adjacent to a public right-of-way. For purposes of this subsection, a person without

## Exhibit 1

alternative shelter is presumed to obstruct pedestrian traffic if a person reduces the path of travel to less than 36 inches.

- ii. 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.
- iii. A person without alternative shelter may not accumulate, discard, or leave behind in or around a campsite (a) any rubbish, trash, garbage, debris, or other refuse; (b) any unsanitary or hazardous materials; or (c) any animal or human urine or feces.
- iv. A person without alternative shelter may not camp within 150 feet of another campsite.
- v. A person without alternative shelter may not erect, install, place, leave, or set up any type of permanent or temporary fixture or structure of any material or materials in or around a campsite. For purposes of this subsection, a "permanent or temporary fixture or structure of any material or materials" does not include a tent, tarpaulin, or other similar item used for shelter that is readily portable.
- vi. A person without alternative shelter may not dig, excavate, terrace soil, alter the ground or infrastructure, cause environmental damage, or damage vegetation or trees in or around a campsite.

#### **5.18.060 Annual report.**

The city manager must submit an annual report to the city council about enforcement measures that were taken under this chapter upon enactment of this chapter. The report must include, but is not limited to, information about the financial assistance offered, referrals to other agencies, warnings issued, citations issued, vehicles impounded, and the number of persons arrested under this chapter and any challenges faced by the Beaverton Police Department with regard to enforcement of this chapter.

#### **5.18.070 Penalties.**

- A. A violation of this chapter is punishable, upon conviction, by a fine of not more than \$100.00 or by imprisonment for a period not to exceed 30 days or both.
- B. A vehicle used to commit a violation of this chapter that (i) poses a traffic hazard, (ii) is likely to become the target of theft or vandalism, or (iii) is unlawfully parked may be impounded if the person has received, within 30 days preceding the current violation, a citation for violating subsection A of this section.