

**ORDINANCE NO. 1284
PRINEVILLE, OREGON**

**AN ORDINANCE ADOPTING CHANGES TO PRINEVILLE MUNICIPAL CODE
CHAPTER 131**

Whereas, the City of Prineville (“City”) 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.

Whereas, the City desires to establish codes 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.

Whereas, the City desires to discourage camping in areas where such activities fundamentally undermine the public’s ability to use that public property for its intended purpose and creates unsafe and unsanitary living conditions, which can threaten the general health, welfare, and safety of the City and its inhabitants.

Whereas, 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.

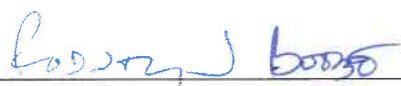
Whereas, the City wishes to amend City of Prineville Municipal Code Chapter 131 Camping in Certain Places to conform with Oregon House Bill 3115.

**NOW, THEREFORE, THE PEOPLE OF THE CITY OF PRINEVILLE DO
ORDAIN AS FOLLOWS:**

- 1. Purpose.** It is found and declared that:
 - a. From time-to-time persons establishes campsites on sidewalks, public rights-of-way, under bridges, and so forth;
 - b. Such persons, by such actions create unsafe and unsanitary living conditions which pose a threat to the peace, health, and safety of themselves and the community;
 - c. Camping, lying, or sleeping on a playground or sports field fundamentally undermines the public’s ability to use that public property for its intended purpose;
 - d. Camping, lying, or sleeping on rights-of-way, or in a manner that obstructs sidewalks, prevents the public’s ability to use that public property for its intended purpose and can in some situations result in imminent threats to life;

- e. These regulations are meant strictly to regulate the use of publicly owned property, and are not intended to regulate activities on private property; and
- f. The enactment of this provision is necessary to protect the peace, health, and safety of the City of Prineville and its inhabitants.
- 2. The Prineville City Council hereby revokes Chapter 131 in its entirety and replaces it as set forth on Exhibit A, attached hereto and incorporated herein.
- 3. **Severability.** If any court of competent jurisdiction declares any Section of this Ordinance invalid, such decision shall be deemed to apply to that Section only and shall not affect the validity of the Ordinance as a whole or any part thereof other than the part declared invalid.
- 4. **Emergency Declared.** An emergency is deemed to exist and this Ordinance shall go into effect July 1, 2023.

Presented for the first time at a regular meeting of the City Council held on May 23rd 2023, and the City Council finally enacted foregoing ordinance this 13th day of June, 2023.



Rodney J. Beebe, Mayor

ATTEST:



Lisa Morgan, City Recorder

CHAPTER 131: CAMPING IN CERTAIN PLACES

Section

131.01	Definitions
131.02	Camping Prohibited in Certain Places
131.03	Scheduling and Notice of Campsite Cleanup
131.04	Removal, Storage and Retrieval of Personal Property
131.98	Nonexclusive Remedy
131.99	Penalty

131.01. Definitions.

As used in this Chapter, the following terms and phrases shall have the meaning set forth herein:

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

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

“Camp Facilities” include, but are not limited to, tents, bivouacs, huts, other temporary or portable shelters, and vehicles or recreation vehicles as defined by Oregon law.

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

“Park Areas” means publicly owned grounds providing passive and active recreation opportunities, including but not limited to, Ochoco Creek Park, Gervis/Library Park, Crooked River Park, Kilowatt Field/Harwood Park, Davidson Field, Gary Ward Park, Rimrock Park/Youth Fishing Pond, Pioneer Park, Yellowpine Park, Barnes Butte Recreational Area, Mountain View Park, and Crooked River Wetlands Complex.

“Parking Lot” means a developed location that is designated for parking motor vehicles, whether developed with asphalt, concrete, gravel, or other material.

“Public Property” means any real property or structure owned, leased, or managed by a public agency, including public rights-of-way and utility easements. A public agency includes, but is not limited to, the City of Prineville, Crook County, Oregon Department of Transportation, Crook County Parks and Recreation District, Crook County Cemetery Board, and Crook County School District.

“School” means a public or private institution or a child care facility.

“Store” or “Storage” means to put aside or accumulate for use when needed, to put for safekeeping, to place or leave in a location.

“Waterway” means a river, canal, or other route for the travel of water.

131.02. Camping Prohibited in Certain Places

This section’s regulations are meant strictly to regulate the use of public property within the City of Prineville and are not intended to regulate activities on private property.

(A) Except as expressly authorized by the City of Prineville Municipal Code, it shall be unlawful for any person to establish or occupy a campsite at any time on the following Public Property:

- (1) All Park Areas;
- (2) On sidewalks in a manner reducing the clear, continuous width of less than five feet;
- (3) All public property located within 1,000 feet of a school; and
- (4) Within 100 feet of a waterway.

(B) Except as expressly authorized by the City of Prineville Municipal Code, it shall be unlawful for any person to camp or maintain a campsite on any public property during the hours of 7:00 a.m. to 9:00 p.m.

(C) Except as expressly authorized by the City of Prineville Municipal Code, it shall be unlawful for any person to store personal property, including camp facilities and camp paraphernalia, on any public property during the hours of 7:00 a.m. to 9:00 p.m.

(D) Except as expressly authorized by the City of Prineville Municipal Code, it shall be unlawful to knowingly leave personal property unattended on public property during the hours of 7:00 a.m. to 9:00 p.m. Personal property left unattended may be removed and disposed by the City, in accordance with Oregon law, if:

- (1) The property poses an immediate threat to public health, safety or welfare; or
- (2) The property has been posted with a written notice in accordance with Oregon law.

(E) Notwithstanding the provisions of this Chapter, the City Manager or designate may temporarily authorize camping or storage of personal property by written order that specifies the period of time and location:

- (1) In the event of emergency circumstances;
- (2) In conjunction with a special event permit; or

- (3) Upon finding it to be in the public interest and consistent with City Council goals and policies.

131.03 Scheduling and Notice of Campsite Cleanup

(A) Cleanup of unlawful campsites will be scheduled on an as-needed bases by the Chief of Police of designee.

(B) Permanent signs may be posted advising that camping is prohibited. Whether or not a permanent sign is posted, a specific dated and timed notice will be posted and distributed in the area of a scheduled cleanup at least 72 hours before the cleanup.

(C) Notwithstanding subsection (A) and (B) of this section, cleanup of campsites may occur immediately and without notice if the Chief of Police or designee determines that either of the following conditions exists:

- (1) When there are grounds for law enforcement officials to believe that illegal activities other than camping are occurring at an established campsite;

- (2) In the event of an exceptional emergency at an established campsite, including, but not limited to, possible site contamination by hazardous materials, a public health emergency, or other immediate danger to human life or safety.

- (3) If a funeral service is scheduled with less than 72 hours' notice at a cemetery at which there is a camping site, or a camping site is established at the cemetery less than 72 hours before the scheduled service, the written notice required under subsection (B) of this section may be posted at least 24 hours before the cleanup.

131.04 Removal, Storage and Retrieval of Personal Property.

(A) Any property removed by the City shall be held and disposed of pursuant to Oregon law if not claimed within 30-days after removal.

(B) Individuals may claim their property, without a fee, by contacting the Police Department within 30 days.

(C) Items that have no apparent utility or are in unsanitary condition may be immediately discarded.

(D) Weapons, controlled substances other than prescription medication and items that appear to be either stolen or evidence of a crime shall be retained and disposed of by the Police Department in accordance with applicable legal requirements for the property in question.

131.98 Nonexclusive Remedy

The remedies described in this chapter shall not be the exclusive remedies of the City for violations of this Chapter.

131.99 Penalties and Enforcement.

(1) Violation of any provision of this Chapter is punishable by a fine not less than \$50.00 nor more than \$250.00 for the first offense, and for the second and subsequent offenses, not less than \$100.00, nor more than \$1,000.00.

(2) Each day that a violation occurs will be considered a separate offense.

(3) In addition to any other penalties that may be imposed, any campsite used for overnight sleeping in a manner not authorized by this Chapter or other provisions of this code shall constitute a public nuisance and may be abated in accordance with Oregon law.