

ORDINANCE NO. 482

AN ORDINANCE AMENDING SECTION 131.14 OF THE NORTH PLAINS MUNICIPAL CODE REGARDING CAMPING PROHIBITED IN CERTAIN PLACES

WHEREAS, the City of North Plains has an interest in promoting the public health, safety, and general welfare by ensuring that public areas open to the public are readily accessible to the public and by protecting certain public property for its intended public use; and

WHEREAS, the City desires to allow for some constitutionally-protected camping in the City while protecting sensitive areas, children, and businesses that are impacted by the negative effects of such activity; and

WHEREAS, the City desires to discourage camping in areas where such activities create unsafe and unsanitary living conditions which can impact the public health, safety, and welfare of both campers and the community; and

WHEREAS, the City encourages active participation of 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 impact of homelessness in and on the community; and

WHEREAS, the City Council desires to amend NPMC Section 131.14 to balance the public's use of public space with the constitutional rights of people experiencing homelessness.

NOW, THEREFORE, THE CITY OF NORTH PLAINS ORDAINS AS FOLLOWS:

Section 1. Section 131.14 of the North Plains Municipal Code is repealed and replaced as described in Exhibit A, which is attached and incorporated by reference.

Section 2. This Ordinance shall become effective on the 30th day after its adoption.

ADOPTED by the North Plains City Council this 17th day of October 2022.

CITY OF NORTH PLAINS, OREGON



By: _____

Teri Lenahan, Mayor

ATTEST:



By: _____

Lori Lesmeister, City Recorder

**§ 131.14 CAMPING PROHIBITED IN CERTAIN PLACES; DEFINITIONS;
PENALTY.**

- (A) Unless otherwise specifically authorized by the city code or by declaration of the mayor and/or city manager in emergency circumstances, it is an infraction for any person to camp in or upon any public property:
- (1) within an area zoned for Institutional and Public Use as that zone is described in NPCC § 155.315 through § 155.319;
 - (2) within an area zoned as a Floodplain Overlay District as that zone is described in NPCC § 155.330 through § 155.347;
 - (3) within any residential zone, within fifty (50) feet of any residential zone and within fifty (50) feet of a residential structure regardless of zoning;
 - (4) on the Ghost Creek Pedestrian Path;
 - (5) on the West Union Pedestrian Path Bridge and Boardwalk;
 - (6) in a manner reducing the clear, continuous sidewalk width to less than four (4) feet; and
 - (7) between the hours of 7 a.m. to 9 p.m.
- (B) Except as expressly authorized by the North Plains Municipal Code, it shall be unlawful for any individual to store more than 10 square feet of personal property, including camp facilities and camp paraphernalia, on city property or in the public rights-of-way during the hours of 7 a.m. to 9 p.m.
- (C) For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.
- (1) **CAMP or CAMPING.** To set up, use, maintain or remain in or at a campsite.
 - (2) **CAMPSITE.** Any place where one or more persons have established temporary living accommodations by use of camp facilities and/or camp paraphernalia.
 - (3) **CAMP FACILITIES.** Include, but are not limited to, tents, huts, temporary shelters, lean-tos, shacks, or any other structures, vehicles or parts thereof.
 - (4) **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.
 - (5) **CITY PROPERTY and PUBLIC RIGHTS-OF-WAY.** The same meaning as North Plains Municipal Code § 51.03.
 - (6) **STORE.** To put aside or accumulate for use when needed, to put for safekeeping, or to place or leave in a location.

EXHIBIT A

- (7) GHOST CREEK PEDESTRIAN PATH. The hard-surfaced path that runs from the North Plains Veteran's Park at 313th Avenue to the east along Highland Court, south through a pedestrian crossing under the Glencoe Road overpass, back up to Highland Court and along 307th Avenue to an observation platform overlooking the "Turtle Pond."
 - (8) WEST UNION PEDESTRIAN PATH BRIDGE AND BOARDWALK. The pedestrian bridge over McKay Creek and the boardwalk adjacent to it along the West Union Pedestrian Path.
- (D) Any person camping in violation of this section shall, upon conviction thereof, be subject to a civil fine of not more than \$100 for each offense. The fine amount should reasonably relate to the damage the infraction caused to public use, enjoyment, or property.