

**ORDINANCE NO. 651
CITY OF DAYTON, OREGON**

AN ORDINANCE OF THE DAYTON CITY COUNCIL AMENDING DAYTON MUNICIPAL CODE CHAPTER 2 REGARDING CAMPING REGULATIONS AND PARKS EXCLUSIONS IN THE CITY

WHEREAS, the City of Dayton desires to prevent harm to the health and safety of the public and to promote the public health, safety, and general welfare by making public streets and other areas readily accessible to the public and to prevent the use of public property for camping purposes or storage of personal property which interferes with the rights of others to use the areas for which they are intended; and

WHEREAS, the City desires to update the Dayton Municipal Code related to camping in the City to allow for legal camping during reasonable time periods while protecting sensitive areas of the City that could be 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 desires to strengthen due process protections for persons excluded from parks.

NOW, THEREFORE, THE CITY OF DAYTON ORDAINS AS FOLLOWS:

Section 1. Section 2.21 of the Dayton Municipal Code is deleted in its entirety and replaced as set forth in the attached Exhibit A.

Section 2. Section 2.10.10 of the Dayton Municipal Code is amended as set forth in the attached Exhibit B.

Section 3. This ordinance is effective thirty (30) days after its adoption.

PASSED AND ADOPTED by the City Council of the City of Dayton on this 2nd day of November, 2020.

Mode of Enactment:

Date of first reading: October 19, 2020 In full _____ or by title only ✓

Date of second reading: November 2, 2020 In full _____ or by title only ✓

____ No Council member present at the meeting requested that the ordinance be read in full.

✓ A copy of the ordinance was provided to each Council member; three copies were provided for public inspection in the office of the City Recorder no later than one week before the first reading of the Ordinance.

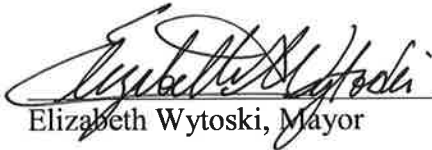
Final Vote:

In Favor: Collins, Holbrook, Mackin, Price, Sandoval-Perez, Wytoski

Opposed: None


Absent: Marquez

Abstained: None


Elizabeth Wytoski, Mayor

11/5/2020
Date of Signing

ATTESTED BY:


Patty Ringnald, City Recorder

11/02/20
Date of Enactment

EXHIBIT A

2.21 Camping



2.21.1 Definitions.

For the purpose of this chapter, the following definitions will apply:

“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.

“Camp facilities” include, but are not limited to, tents, huts, temporary shelters, or vehicles.

“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.

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

“City property” means any real property or structures owned, leased or managed by the city, including public rights-of-way.

“Designated temporary campsite” means a campsite that is authorized by Sections 2.21.2 through 2.21.4.

“Family” means ~~two or more individuals committed to long-term cohabitation~~~~two or more persons related by blood, marriage, adoption, legal guardianship, or other duly authorized custodial relationship, or not more than two unrelated adults.~~

“Motor vehicle”, for the purposes of this chapter, means every vehicle that is designed to be self-propelled (whether functioning or not), including tractors, fork-lift trucks, motorcycles, road building equipment, street cleaning equipment and any other vehicle capable of moving under its own power, notwithstanding that vehicle may be exempt from licensing under the motor vehicle laws of the state. The term also includes Recreational Vehicles for the purposes of this Section.

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

“Prohibited campsite” means any campsite not authorized under :

~~(a) Described in the~~ Sections 2.21.2 through 2.21.4; or

~~(b) Not authorized under~~elsewhere in the Dayton Municipal Code.

“Public Park” has the meaning set forth in Section 2.10.1(a).

“Recreational vehicle” for the purposes of this Section means a vehicular-type unit that:

- (a) Contains sleeping facilities;
- (b) Is designed or used:
 - (1) For human occupancy; and
 - (2) As temporary living quarters for recreational, seasonal, or emergency use; and
- (c) Has its own motive power or is designed to be mounted on or towed by another vehicle.

“Solid waste” means any garbage, trash, debris, yard waste, food waste, or other discarded materials.

“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.

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

“Street”, for the purposes of this Section, means any highway, lane, road, street, right-of-way, alley, and every way or place in the city of Dayton -that is publicly owned or maintained for public vehicular travel.

└

2.21.2 Temporary camping program.

(a) ~~With~~ Upon submission to the City Manager of written authorization of the property owner of the property:

(1) Up to ~~three~~ two total motor vehicles or tents, in any combination, may be used for temporary 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 nonprofit, 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 residentially zoned property developed with an occupied residential dwelling, with further authorization from [any tenants/all lessees](#) of the property, for [temporary](#) 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 [temporarily](#) camp on a property pursuant to subsection (a) of this section 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 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 [temporary](#) camping pursuant to subsection (a) of this section may revoke that permission at any time and for any reason.

[\(d\) An individual or family authorized to temporarily camp under this section may remain for an initial term of up to six months unless the authorization is revoked. If the individual or family authorized to temporarily camp is pursuing housing opportunities, including low-income housing, the six-month term may be renewed for up to two additional six month terms. Written authorization extending the term\(s\) shall be filed with and subject to the approval of the City Manager.](#)

(~~e~~) Notwithstanding any other provision of this chapter, the city manager or their designee may:

(1) Revoke the right of any person to authorize [temporary](#) camping on property described in subsection (a) of this section 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.

(fe) Any person whose authorization to temporarily camp on property has been revoked pursuant to subsections (c) and (d) of this section must vacate and remove all belongings from the property within four hours of receiving such notice.

(gf) All persons participating in the temporary camping program described in this 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).

┌

2.21.3 Prohibited camping.

(a) Except as expressly authorized by the Dayton Municipal Code, it is unlawful at all times for any persons to establish or occupy a campsite on the following city property:

- (1) All public parks;
- (2) All publicly owned or maintained parking lots; and
- (3) All public property located within an area zoned for residential use under Chapter 7 of this code.

(b) Except as expressly authorized by the Dayton 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 Dayton Municipal Code, it shall be unlawful for any family to store more than 120 cubic feet of 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:

- (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 council goals and policies.

(e) The city manager may adopt administrative rules to implement any of the provisions of this chapter.

┌

2.21.4 Penalties and enforcement.

(a) Violation of any provisions in Section 2.21.2 or Section 2.21.3 is a Class C violation. Each day that a violation occurs will be considered a separate offense.

(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 public nuisance and may be abated as such.

EXHIBIT B

2.10.10 Trespass. In addition to the other measures provided for violation of this Code, or any of the laws of the State of Oregon, any peace officer, as defined by ORS 133.005(3), as amended, or any City employee may exclude any person who violates any provision of this Code, any City ordinance, or any of the laws of the State of Oregon from any City park for a period of not more than 30 days.

(a) Written notice shall be given to any person excluded from any City park. Such notice shall specify the dates and places of exclusion. It shall be signed by the issuing party. Warning consequences shall be prominently displayed on the notice.

(b) A person receiving such notice may appeal to the City Council to have the written notice rescinded or the period shortened. Notwithstanding any other provision of this Code, the appeal shall be filed within 5 days of receipt of the exclusion notice, unless extended by the City Council for good cause shown.

(c) An appeal properly filed under (b) automatically stays the exclusion period until the City Council issues a decision on the appeal.

(d) At any time within- 30 days, a person receiving such notice may apply in writing to the City ~~Administrator~~ Manager for a temporary waiver from the effects of the notice for good reason.