

CITY OF YACHATS

ORDINANCE NO. 374

AN ORDINANCE CREATING A NEW CHAPTER 5.02 IN THE YACHATS MUNICIPAL CODE RELATED TO CAMPING

Whereas, the City of Yachats is experiencing an increase of unsanctioned camping in public spaces and rights-of-way, especially during the summer months. The entire state of Oregon, at all levels of government, is struggling to address issues related to affordable housing and those without adequate housing; and

Whereas, the current Municipal Code regulates certain activities on public property and parking on public streets. These code provisions were not designed to manage the current circumstances of unsheltered homelessness in public places within the City; and

Whereas, public rights-of-way are designed and intended for travel, transportation, and provision of utility services, among other uses. The City's parks were designed and intended for recreational uses and outdoor activities. Public rights-of-way and city parks were not designed or intended for overnight use in the same way as a recreational camp site. People living in makeshift camps in the right-of-way, local parks, or vehicles often lack access to safe and sanitary restrooms and trash receptacles, resulting in unsanitary conditions from improper disposal of human waste and trash; and

Whereas, the City has a responsibility as the road authority to manage its streets and sidewalks as safe, passable, and accessible; and

Whereas, this Ordinance is intended to address health and safety concerns of both the travelling public and individuals residing or camping within the City, promote a safe environment, limit unsanitary conditions, allocate limited public resources effectively, and meet legal and humanitarian standards for all people within the City; and

Whereas, the City finds that limitations on the locations of campsites on City property supports the safety of people in the campsites as well as the traveling public and community; and

Whereas, ORS 195.530 provides: "Any city or county law that regulates the acts of sitting, lying, sleeping or keeping warm and dry outdoors on public property that is open to the public must be objectively reasonable as to time, place and manner with regards to persons experiencing homelessness;" and

Whereas, this Ordinance is intended to establish objectively reasonable time, place, and manner regulations, in compliance with ORS 195.530, that balance the statutory obligations placed upon the City with the City's obligation to manage public spaces to meet their intended uses and to maintain health and safety for everyone in the City,

Whereas, the City of Yachats works in conjunction with health and human services from Lincoln County, Oregon. Th county provides public health, mental health and addiction counseling, referral services and additional services for the City of Yachats.

NOW THEREFORE, the City of Yachats ordains as follows:

Section 1. Yachats Municipal Code Chapter 5.02.

A new Chapter 5.02, Camping, is added to the Yachats Municipal Code as follows:

Chapter 5.02 Camping

Section 5.02.010 Definitions

As used in this Chapter, the following terms are defined as follows:

- 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. "Camp facilities" include, but are not limited to, tents, huts, temporary shelters, motor vehicles or recreational vehicles.
- C. "Camp paraphernalia" includes, but is not limited to, tarpaulins, cots, beds, sleeping bags, blankets, mattresses, hammocks, or outdoor cooking devices or utensils and similar equipment.
- D. "Established campsite" or "campsite" means any place where one or more persons have established temporary sleeping accommodations by use of camp facilities and/or camp paraphernalia for more than 24 consecutive hours.
- E. "Family" has the meaning set forth in Section 9.04.030 of the Yachats Municipal Code.
- F. "Motor vehicle" has the meaning given that term in ORS 801.360.
- G. "Park areas" mean an open or enclosed tract of land set apart and devoted for the purposes of pleasure, recreation, light and air for the general public.
- H. "Parking lot" means a developed location that is designated for parking motor vehicles, whether developed with asphalt, concrete, gravel, or other material.
- I. "Publicly owned property" means any real property or structures owned, leased, or managed by the City or other government agency including public rights-of-way.
- J. "Recreational fire" means a fire for the cooking of food or for warmth, fellowship or ceremonial purposes.
- K. "Recreational vehicle" has the meaning set forth in Section 9.04.030 of the Yachats Municipal Code.
- L. "Right of way" has the meaning set forth in Section 9.04.030 of the Yachats Municipal Code.
- M. "Solid waste" has the meaning set forth in Section 5.10.020 of the Yachats

Municipal Code.

- 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" has the meaning set forth in Section 9.04.030 of the Yachats Municipal Code.
- P. "Supervised program" means that responsible adults are present to establish and enforce rules regarding behavior and substance use; and to provide referrals to resources including but not limited to employment assistance, healthcare, and permanent housing.

Section 5.02.020 Permitted Camping

All persons participating in a camping program as described in this section do so at their own risk, and nothing in this section or chapter 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, theft or destruction.

- A. To allow for legal camping within the City, the prohibitions established in other sections of this code shall not apply under any one of the following conditions:
 - 1. The property involved is zoned Industrial, Public Facility or Commercial, and 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 owner or its agent.
 - 2. Camping is occurring in accordance with a duly executed emergency declaration made pursuant to the Yachats Municipal Code.
 - 3. The property is developed and owned by a religious institution or place of worship, regardless of the zoning designation of the property. The City shall require the site to be part of a supervised program operated by the owner or its agent.
 - 4. The property is residential zoned property, provided the campers are family and the property owner has registered the temporary camping location with the City.
- B. This section does not prevent short term (less than 14 days) camping on residential zoned property by family and friends of the property owner for purposes of recreational usage of one's property unless deemed a nuisance under YMC Chapter 5.08.
- C. In addition, and notwithstanding the prohibitions established in other sections of this code, the owner of a commercial or industrial property, a public entity, or a religious institution/place of worship may allow vehicle or tent camping to persons, provided:

1. Such accommodations are made free of charge;
2. Occupancy is limited to three (3) or fewer vehicles or tents at the same time, in any combination;
3. If children under the age of 18 are involved, occupancy is limited to one (1) vehicle or tent and four (4) or fewer campers;
4. All items and materials are stored in vehicles or tents or in a separate storage area that is screened from view from adjacent properties and public rights-of-way;
5. Campers are provided access to sanitary facilities, including a toilet, hand washing and trash disposal facilities, with such facilities being at least 20 feet from the property line of a residential use if not fully contained within a building; and an inspection is performed by the City to confirm that sanitary facilities are in place, required setbacks are met, and any storage areas are screened, before vehicle or tent camping is commenced;
6. A property owner who allows camping pursuant to this section may revoke that permission at any time and for any reason;
7. All tents or camping shelters in a residential backyard shall be not less than five feet away from any property line; and
8. The property owner shall not require or accept the payment of any monetary charge or 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.

D. Notwithstanding the provisions of this chapter, the City Manager may:

1. Revoke the right of a property owner to allow camping on property described in subsection A of this section upon finding that the property owner or a camper 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.
2. Revoke permission for a person to camp on public property upon finding that the person has violated any applicable law, ordinance, rule, guideline or agreement, or that any activity occurring on public property by the person is incompatible with the use of the property.

A permission revoked by the City Manager is considered an administrative action, and can be appealed to the City Council per the process outlined in Section 4.04.110 of the Yachats Municipal Code. The process is identical to a business license hearing, except that revocation of the permission occurs at the time of the City Manager's action and is only reinstated upon a successful appeal.

Section 5.02.030 Prohibited Camping Locations

- A. Except as expressly authorized by the Yachats Municipal Code, it is unlawful to establish, use or occupy a campsite in the following locations:
1. Any City of Yachats park areas developed as a recreational facility or that are designed as public gathering spaces including, but not limited to:
 - a. City owned property between 4th and 7th and Oceanview Drive and La-de-dah Lane commonly known as the “Green Space”, “Urban Forest” and “Wetlands” including all boardwalks and pathways
 - b. Prospect Park
 - c. Whale Tail Park
 - d. Sunset and Overlook Parks
 - e. Little Log Museum
 - f. Estuary Boardwalk
 2. Within visual line of sight from a constructed and signed recreational trail on public property;
 3. On any public property for which access would require trespass via an easement over private property or restricted City easement;
 4. The following City-owned facilities, and associated grounds:
 - a. Yachats Commons
 - b. Yachats Library
 - c. Yachats City Hall
 - d. Public Works Shop
 - e. Wastewater Treatment Plant
 - f. Water Treatment Plant
 5. Any City property leased to another entity;
 6. City-owned or maintained parking lots unless identified as a vehicle camping lot;
 7. Public rights-of-way adjacent to, or within 200 feet of a lot or parcel containing an elementary school, secondary school, health care facility, day care facility, or childcare facility;

8. Public rights-of-way adjacent to a lot or parcel containing a dwelling;
9. On any roadway, sidewalk or walking path or City property closed to the public;
10. Public rights-of-way within 100 feet of the edge of pavement of Hwy. 101 or at any public facility (Fire Station, Port District, etc.) which has not filed the owner registration under YMC 5.02.020;
11. Within 25 feet of a riparian corridor as identified in YMC 9.52.070.

B. Further restrictions:

1. Except as expressly authorized by the Yachats Municipal Code, it shall be unlawful for any person to store unattended personal property within public rights-of-way.
2. Except as expressly authorized by the Yachats Municipal Code or a special event permit, it shall be unlawful to carry out open burning or to have a recreational fire on public property.
3. Any person camping in a motor vehicle or recreational vehicle must adhere to the parking regulations outlined in YMC Chapter 6.08.
4. Notwithstanding the provisions of this chapter, the City Manager may temporarily authorize camping or storage of personal property on public property by written order that specifies the period of time and location upon finding it to be in the public interest and consistent with City Council goals and policies.
5. It shall be unlawful to camp on any property on which solid waste has accumulated without collection.

Section 5.02.040 Campsite Cleanup

Campsites must be maintained in a clean and orderly fashion, with no accumulation of trash or debris around the site. Failing to adhere to Code requirements, will cause the campsite to be deemed unlawful. If a campsite is deemed to be unlawful as described above:

- A. Signs may be posted advising that camping is prohibited. If a cleanup is necessary, a dated and timed notice will be posted and distributed in the area at least 72 hours before a cleanup occurs.
- B. Notwithstanding Subsection A, cleanup of campsites may occur immediately and without notice if the City Manager, Lincoln County Sheriff, Oregon State Police or designee determine that either of the following conditions exist:
 1. An emergency such as possible site contamination by hazardous materials or where there is an immediate danger to human life or safety;

- 2. Illegal activity other than camping.
- C. The city will comply with ORS 195.505(5) for camp clean up
- D. Written notices will be in both English and Spanish.
- E. Copies of all notices shall be provided to the Oregon Department of Human Services or the Lincoln County Human Services Department.
- F. Weapons, drug paraphernalia, and items which reasonably appear to be either stolen or evidence of a crime may be retained and/or disposed of by the Lincoln County Sheriff's Office in accordance with their department's written policies and procedures.

Section 5.02.050 Penalties And Enforcement

Violations of this chapter:

- A. Are a civil infraction, subject to a class B civil penalty and enforced under the rules of Chapter 1.12 of the Yachats Municipal Code.
- B. Repeated violations of this chapter will result in trespass from those City properties unless the individual is conducting legitimate business with a City department.
- C. The City Manager may adopt administrative rules to enforce.
- D. The remedies in this Section are not intended to be exclusive. The City may seek other remedies allowed by law.

Section 2. Effective date.

Pursuant to the Yachats Charter, this ordinance shall take effect 30 days after adoption.

Passed and adopted by the City Council of the City of Yachats on this ____ day of _____, 2024.

Craig Berdie, Mayor

Attest: _____
Bobbi Price, City Manager