



CITY OF BEND

Time, Place, and Manner Regulations on Public Camping

City Attorney's Office

August 3, 2022

Why are we talking about regulating camping?

- Federal courts have limited cities' ability to issue citations for public camping (*Martin v. Boise*, *Blake v. Grants Pass*); prohibitions on public camping may not be enforceable by citation in every possible case
- However, the cases and Oregon law (HB 3115) allow cities to impose objectively reasonable time, place, and manner regulations on public camping
- Cities should have time, place, and manner regulations to set limits and conditions on public camping in circumstances where citations are not legally supportable



Potential Code Framework

- Prohibit camping on public rights-of-way and property owned or controlled by the City
 - Public rights-of-way are not intended or designed for camping use
- No enforcement by citation where a person does not have shelter available
 - Enforcement must comply with federal court rulings
- Enforcement officers determine shelter availability daily and conduct individual assessment to determine whether a citation can be issued
 - It's not only about the number of spaces in shelters, but whether a space is available to the individual
- **To the extent public camping occurs, objectively reasonable time, place, and manner regulations can manage and reduce the impact**
- City Manager may suspend enforcement in the event of a declared emergency, including severe weather



When, where, and how – Council direction

- Bend has not had a prohibition on public camping, or time, place, and manner regulations setting limits and conditions on camping
- Time, place, and manner regulations must be “objectively reasonable” with regard to people experiencing homelessness (HB 3115)
- **Council is asked to provide direction on concepts and considerations for inclusion in Bend’s time, place, and manner regulations**
- We’ll start tonight with place (where) and then move to time (when) and manner (how), with the goal of gathering Council input on all three categories during the August Council meetings

If enforcement is limited, where can people camp/not camp?

- Waterway Overlay Zone (WOZ)
 - Protect river corridor and water quality
- City property where access is restricted
 - Utility facilities (sewer pump stations, water facilities, stormwater), City buildings, parking garage
 - City-owned or controlled parking lots
- Distance from certain uses
 - Established permitted shelters/safe parking (see Admin Policy 500-foot buffer)
 - Distance buffers around other uses (schools, parks, etc.) are sometimes included
- By City's Development Code (by Residential zoning)
 - Prohibiting public camping in residential zones is a common approach



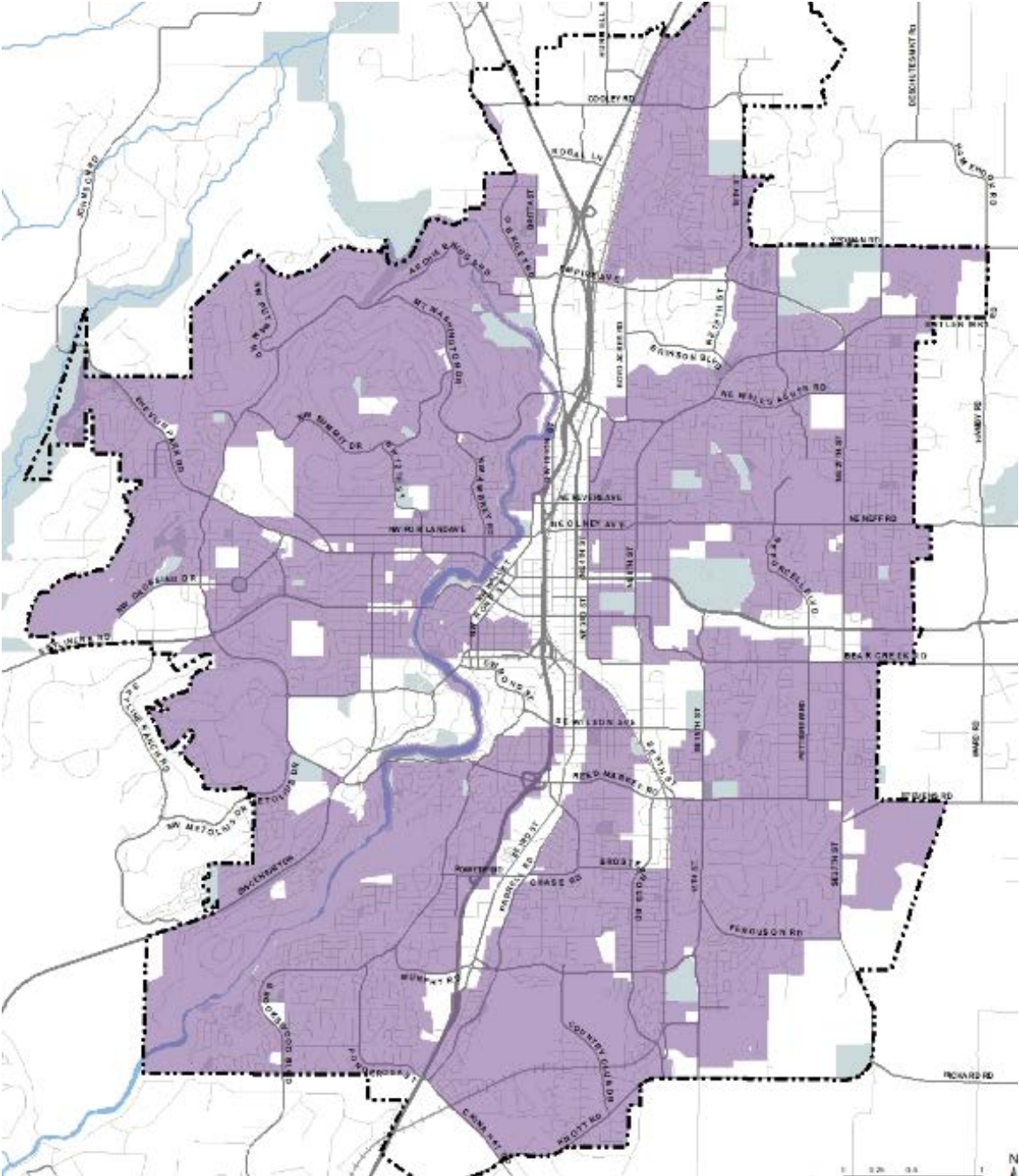
If enforcement is limited, when can people camp/not camp?

Allowed only overnight (such as from 9 PM to 7 AM)

- Setting overnight hours is a common approach
- May still involve 72 hours notice and storage of personal property under state law if camps are considered established; resources will not allow for in-the-moment enforcement of every possible site every morning
- Potential exceptions or enforcement discretion for people who work at night, severe weather, people with children under 18
- Requires prioritization, discretion, and a team approach for humane, objectively reasonable enforcement
- Guidance for enforcement could be outlined in administrative policy



Residential Zone



UNSANCTIONED CAMPING CODE

RESIDENTIAL ZONING

- Residential Zones (RS, RL, RM, RH)
- Waterway Overlay Zone
- City Limits
- Urban Growth Boundary
- Parks
- River
- Major Roads

N

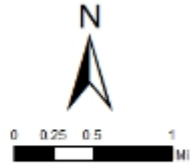
 Map prepared by City of Bend
 Print Date: Aug 02, 2022
 Sources: City of Bend, Deschutes County

Shelters & Safe Parking Sites

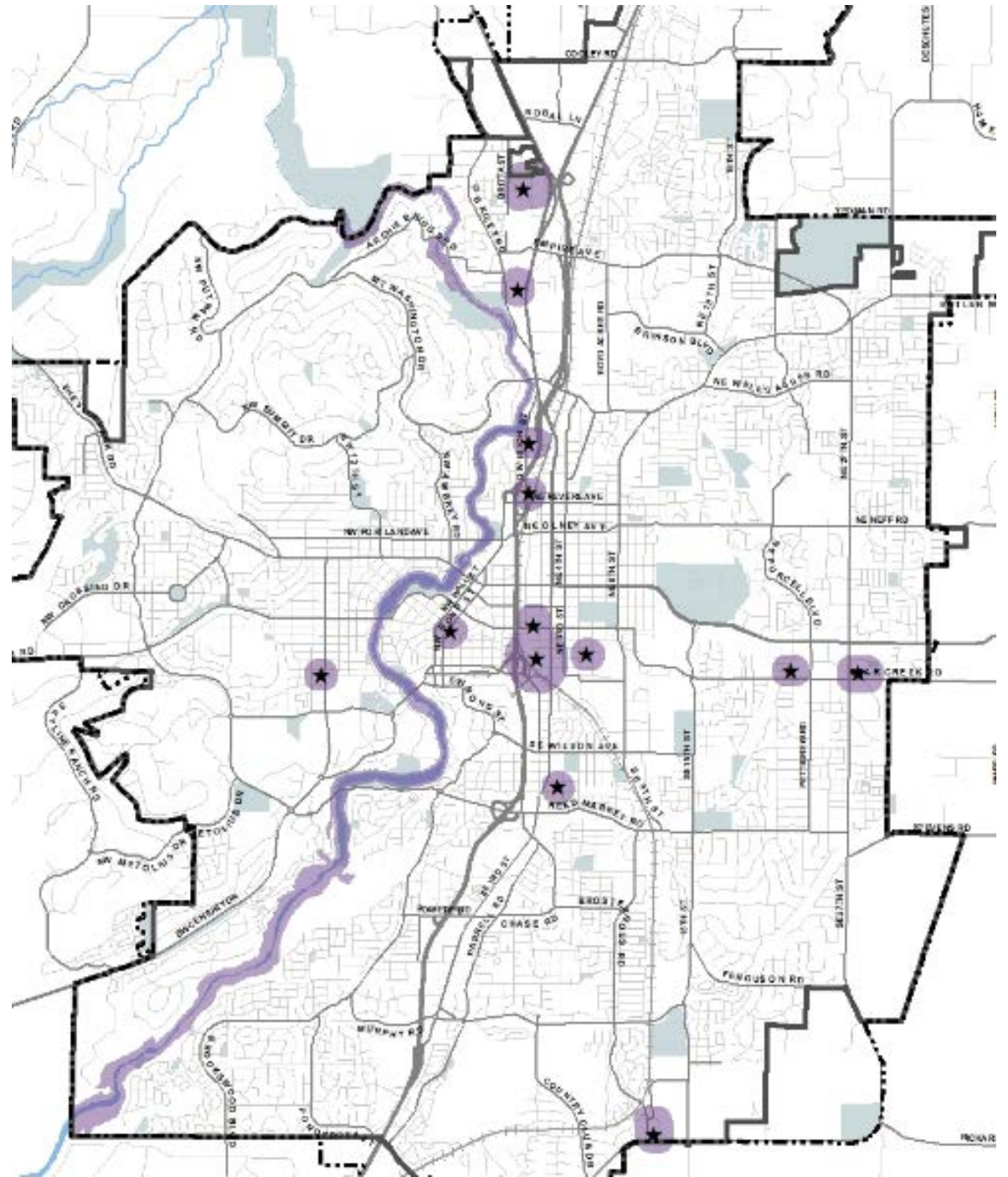
UNSANCTIONED CAMPING CODE

SHELTERS & SAFE PARKING BUFFERS

- Waterway Overlay Zone
- City Limits
- Urban Growth Boundary
- Shelters & Safe Parking Sites
- Shelter & Safe Parking Site Buffers (500ft)
- Parks
- River
- Major Roads



Map prepared by City of Bend
 Print Date: Aug 02, 2022
 Sources: City of Bend, Deschutes County



Residential and Shelters

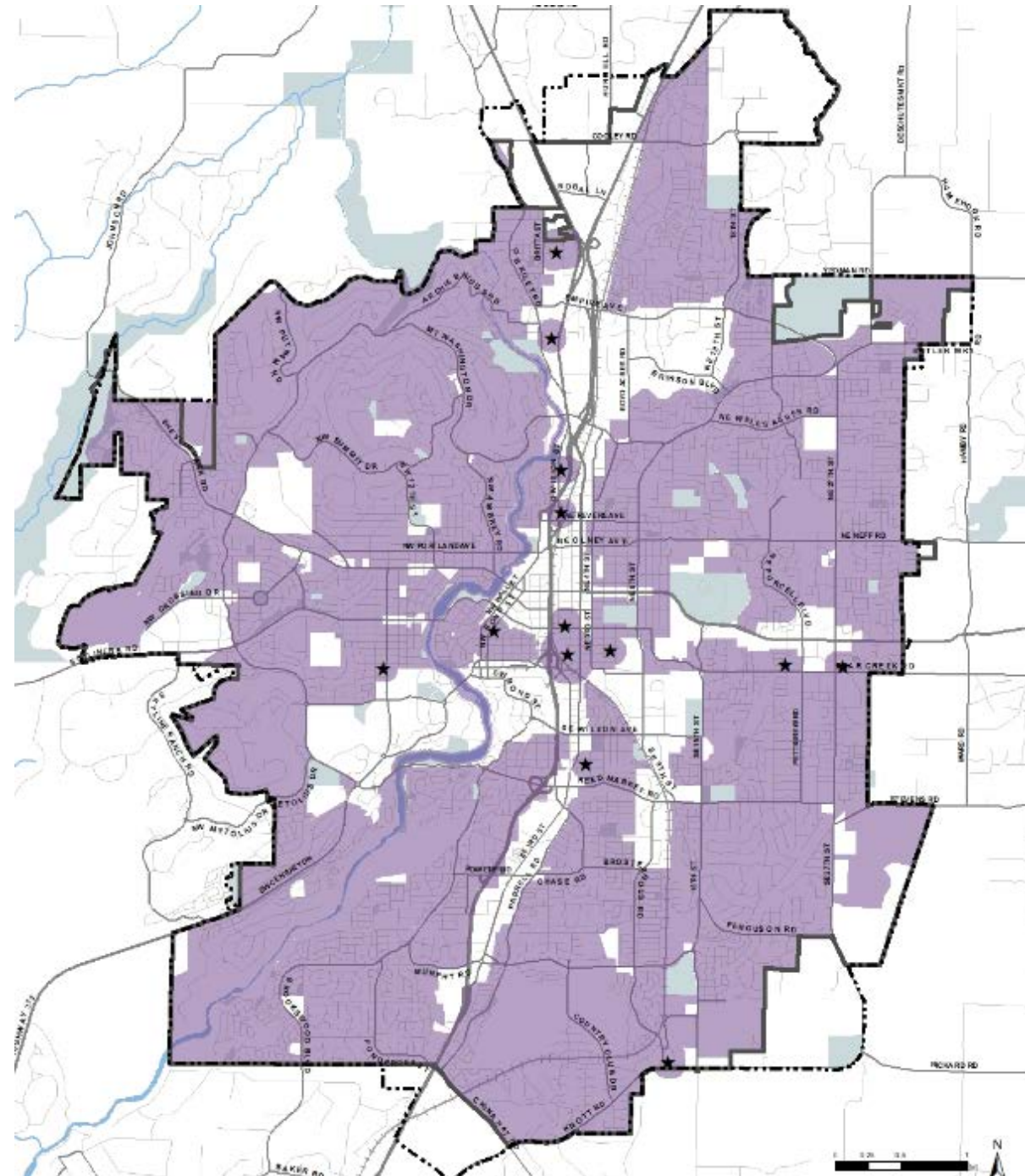
UNSANCTIONED CAMPING CODE

SCENARIO #1:

- Combined Overlay
- City Limits
- Parks
- Urban Growth Boundary
- Shelters & Safe Parking Sites
- River

*(1) Sensitive shelter locations not shown on map
 (2) 500ft Buffer Exception: 2nd St Shelter (1000ft buffer)*

Map prepared by T3, City of Bend
 Rev Date: Aug 08, 2022



Combined Overlay

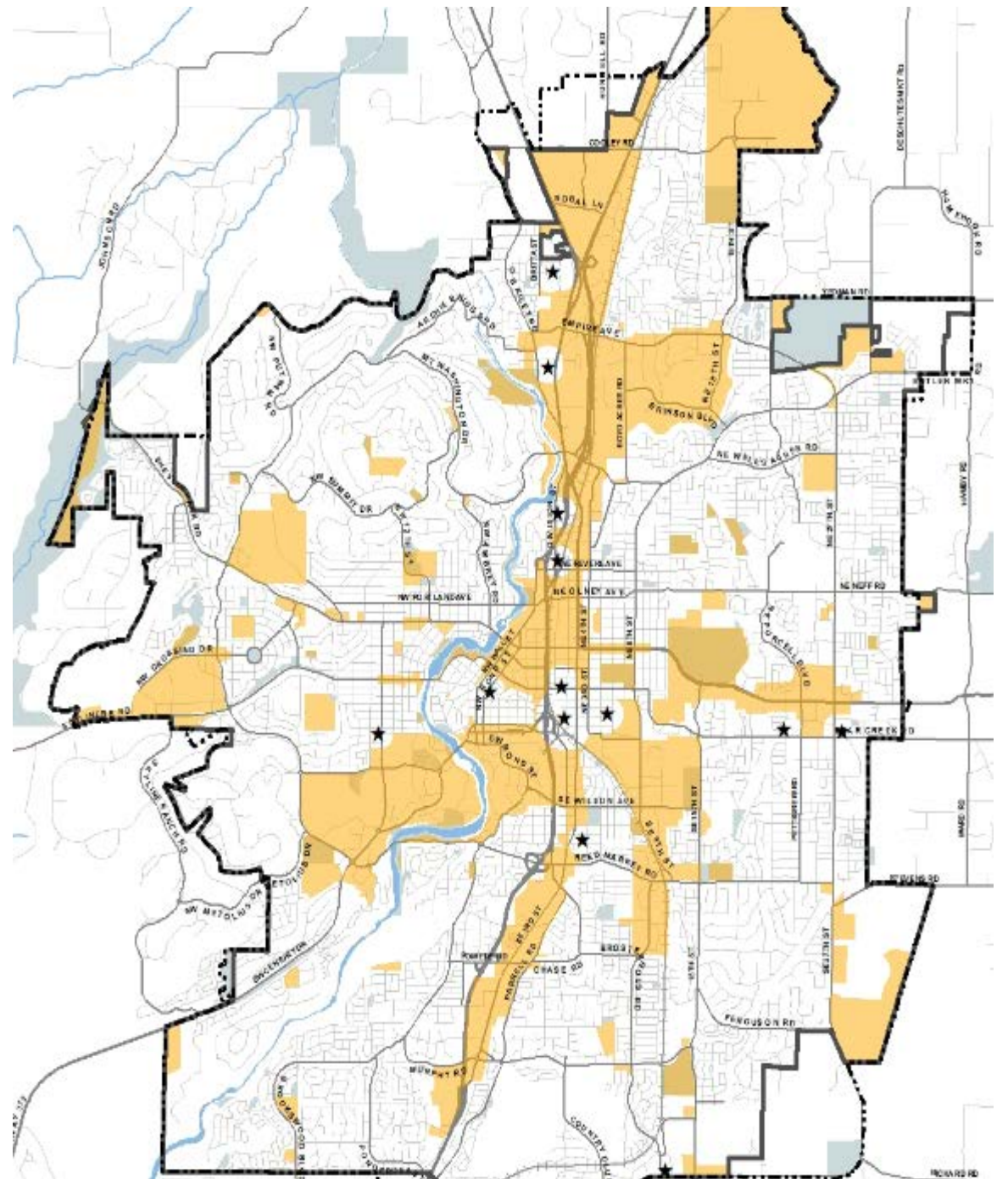
UNSANCTIONED CAMPING CODE

SCENARIO #1:

- Combined Overlay - Inverted
- City Limits
- Parks
- Shelters & Safe Parking Sites
- Urban Growth Boundary
- River

(1) Sensitive shelter locations not shown on map
(2) 500ft Buffer Exception: 2nd St Shelter (1000ft buffer)

Map prepared by TS, City of Bend
Print Date: Aug 08, 2022
Source: City of Bend, Deschutes County



Questions?

Accommodation Information for People with Disabilities



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