

3.110 USE OF PUBLIC RIGHTS-OF-WAY AND CITY PROPERTY FOR CAMPING

3.110.005 Definitions

- A. To "camp" or the act of "camping" means to pitch, use, or occupy a camp or camp materials for the purpose of occupancy or habitation and in such a way as will facilitate sleeping or storage of personal belongings, carrying on cooking activities, taking measures to keep warm and dry, or any of these activities in combination with one another or in combination with either sleeping or making preparations to sleep. A "camp" is a location where people camp or are camping.
- B. "Camp materials" may include, but are not limited to, tents, huts, awnings, lean-tos, chairs, tarps or tarpaulins, cots, beds, sleeping bags, blankets, mattresses, sleeping or bedding materials, food or food storage items, and/or similar items that are or appear to be used as living and/or sleeping accommodations, or to assist with living and/or sleeping activities. It does not include vehicles, automobiles, or recreational vehicles used for shelter and/or sleeping, which are regulated at Section 3.110.025 of this Chapter.
- C. "Established campsite" means a location or locations in the public right-of-way or on City property where a camp, camps, and/or camp materials have become established and are subject to removal procedures of ORS 195.500 and related provisions of state law.
- D. "City parking lot or parking structure" means a developed or undeveloped area or facility owned, maintained, and/or leased by the City that is designated for parking vehicles.
- E. "Public rights-of-way" means all City-owned or controlled rights-of-way, whether in fee title or as holder of a public easement for right-of-way or public access purposes. Rights-of-way include but are not limited to any public road, street, sidewalk, or private street or other property that is subject to a public access easement dedicated or granted to the City for vehicular, pedestrian, or other means, and any planter strip or landscaped area located adjacent to or contained within streets that is part of the public right-of-way.
- F. "City property" includes all real property, land and public facilities owned, leased (either to the City or by the City), controlled, or managed by the City of Bend.
- G. "Shelter" is a developed and/or legally established public or private facility for people experiencing homelessness that does not charge people for shelter or services.
- H. "Available" with regard to shelter means a shelter that has a space for a particular person. A shelter is not available to a person if the shelter:
1. Has a maximum stay rule or temporal requirement or deadline the person has exceeded or not met;

2. The shelter has excluded the person for any lawful reason (such as a violation of the shelter's rules or criminal conduct);
3. Cannot reasonably accommodate the person's mental or physical needs, including but not limited to any disabilities;
4. Is unavailable due to the person's family status, age, gender, gender identity, sexual orientation, or other status;
5. Is unavailable to the person because the overnight shelter has rules about alcohol or drug use that the person does not meet;
6. Does not permit a minor child to be housed in the same facility with at least one parent or legal guardian;
7. Requires participation in religious activity or receipt of religious information or religious teaching the person does not wish to participate in or receive; or
8. Requires a person to leave their pet(s) unattended in order to stay at the shelter.

3.110.010 Camping Prohibited

It is prohibited at all times for any person to use public rights-of-way or City property to camp or for camping. This section does not necessarily prohibit sitting or lying on public rights-of-way or City property in ways that are not camping or do not create a camp, provided that no person shall obstruct public ways in violation of Bend Municipal Code Section 6.15.010, or violate any other applicable provision of the Bend Code.

3.110.015 Enforcement

- A. Section 3.110.010 may not be enforced by citation in any case where a person has no shelter that is available. Enforcement personnel or their designee(s) are responsible for determining whether and to what extent shelters have capacity and the number of available sleeping spaces. Prior to issuing any citation to a person for a violation of Section 3.110.010, enforcement personnel shall determine whether a shelter has available space that can be used by that particular person.
- B. The City Manager is specifically authorized to modify or suspend enforcement of any section or element of this Chapter in the event of a declared emergency, pursuant to administrative rules or policies, weather conditions, or for any other reason within the City Manager's authority.
- C. The City Manager may adopt administrative rules or policies governing or guiding enforcement of this Chapter, including but not limited to ensuring consistent and appropriate enforcement for a given circumstance.
- D. Enforcement should be tailored for various circumstances, including but not limited to situations where a person has a disability under the Americans with

Disabilities Act, where minor children are present or otherwise involved, where a person has employment obligations that may relate to their ability to comply with the code, or for other reasons that may support discretion in enforcement.

E. Methods of enforcement for violations of this Chapter are not exclusive and may consist of multiple enforcement mechanisms where legally authorized and appropriate.

3.110.020 Time, Place and Manner Regulations

A. Individuals who are not subject to enforcement by citation for violations of Section 3.110.010 because they do not have shelter available may use public rights-of-way and City property for camping subject to the following time, place and manner regulations. Individuals who are not subject to citation for violations of Section 3.110.010 because they do have shelter available may be subject to enforcement by citation for violating any of the other standards in this Chapter or the Bend Code.

B. Time

Unless otherwise specified, camping and camps, where allowed, may only occur overnight between the hours of 7 PM and 8 AM when standard time is in effect, and from 8 PM to 8 AM when daylight savings time is in effect.

C. Place

1. Camping is not allowed at any time in any of the following places:
 - a. Any area zoned Residential (RL, RS, RM, RH) on the City of Bend Zoning Map in effect at the time.¹
 - b. Within the Waterway Overlay Zone, as determined by the City of Bend Zoning Map and Bend Development Code.
 - c. Any place where camping, a camp, or camp materials create a physical impediment to emergency or non-emergency ingress, egress or access on public sidewalks or other public rights-of-way, including but not limited to driveways providing access to vehicles, and entrances or exits from buildings and/or other real property.
 - d. Any vehicle lane, bicycle lane, or roundabout within any public right-of-way.
 - e. Within 500 feet from any of the following:
 1. A location approved as a Safe Parking site under Bend Code 5.70.

¹ Zone changes amend the City of Bend Zoning Map but may not always be evident on the most recently published version of the map. The formal zoning designation of an area will control even if not reflected on the most recently published map. For public rights-of-way adjacent to properties with different zoning designations, the designation that is more restrictive for purposes of this Chapter will govern the use of that segment of the right-of-way.

2. A shelter approved under the Bend Development Code for temporary housing or a shelter use.
3. A shelter approved under HB 4212, HB 2006, or HB 3261.
4. Any other location that has a legally established use providing shelter, safe sleeping, safe parking, or other services primarily intended for people who are homeless.

f. Within 1000 feet of the City's emergency shelter at 275 NE 2nd Street, but bounded by the geographic barriers of the US-97/Parkway to the west and 3rd Street to the east, generally described as follows:

- NE 2nd Street between NE Burnside Ave and NE Franklin Ave;
- NE Emerson Ave from its western terminus east of US-97/Parkway to NE 3rd Street;
- NE Dekalb Ave from its western terminus east of US-97/Parkway to NE 3rd Street;
- NE Burnside Ave from NE 2nd Street to NE 3rd Street;
- SE Scott Street from the US-97/Parkway overpass to SE 3rd Street; and
- SE Aune Street from the US-97/Parkway overpass to SE Scott Street.

g. In any City parking lot or parking structure.

h. On City property, provided that the City Manager may, in their discretion, designate certain City properties or portions of properties as areas where camping may be allowed on a limited basis, and may set the terms and conditions of any camping that may be allowed. Any use of City property will follow the Bend Development and/or Municipal Codes and any applicable processes.

D. Manner

1. Camping, when and where allowed, is subject to all of the following:

a. Individuals, camp materials, camps, or personal property may not obstruct sidewalk accessibility or passage, clear vision, fire hydrants, City or other public utility infrastructure, or otherwise interfere with the use of the right-of-way for vehicular, pedestrian, bicycle, or other passage.

b. A camp or camping must be limited within a spatial footprint of 12

feet by 12 feet, or 144 square feet. The intent of this section is to allow a person to sleep and maintain the essentials for living, while still maintaining the ability of everyone to use public spaces as designed and intended.

c. Individuals may not accumulate, discard or leave behind garbage, debris, unsanitary or hazardous materials, or other items of no apparent utility in public rights-of-way, on City property, or on any adjacent public or private property.

d. Open flames, recreational fires, burning of garbage, bonfires, or other fires, flames, or heating deemed unsafe by Bend Fire and Rescue are prohibited. Some cooking stoves and other means of keeping warm may be permitted, as allowed by Bend Fire and Rescue.

e. Dumping of gray water (i.e., wastewater from baths, sinks, and the like) or black water (i.e., sewage) into any facilities or places not intended for gray water or black water disposal is prohibited. This includes but is not limited to storm drains, which are not intended for disposal of gray water or black water.

f. Unauthorized connections or taps to electrical or other utilities, or violations of Building, Fire, or other relevant codes or standards, are prohibited.

g. Obstruction or attachment of camp materials or personal property to fire hydrants, utility poles or other utility or public infrastructure, fences, trees, vegetation, vehicles, or buildings is prohibited.

h. Individuals may not build or erect structures, whether by using plywood, wood materials, pallets, or other materials. Items such as tents and similar items used for shelter that are readily portable are not structures for purposes of this section.

i. Storage of personal property such as vehicle tires, bicycles or associated components (except as needed for an individual's personal use), gasoline, generators, lumber, household furniture, extra propane tanks, combustible material, lumber, or other items or materials, is prohibited, other than what is related to camping, sleeping, or keeping warm and dry.

j. Digging, excavation, terracing of soil, alteration of property or infrastructure, or damage to vegetation or trees is prohibited.

3.110.025 Vehicles

A. Chapter 6.20 of the Bend Municipal Code governs where and for how long individuals may legally park vehicles on public rights-of-way within the City of Bend.

Those standards are applicable to all individuals, including those who use vehicles for shelter and/or sleeping on public rights-of-way in the City.

B. Individuals may use vehicles for shelter and/or sleeping on public rights-of-way under the following circumstances:

1. The vehicle is legally parked in compliance with the Bend Municipal Code and any applicable policies.
2. Open flames, recreational fires, burning of garbage, bonfires, or other fires, flames, and/or heating deemed unsafe by Bend Fire and Rescue are prohibited in, on, or around vehicles.
3. Dumping of gray water (i.e., wastewater from baths, sinks, and the like) or black water (i.e., sewage) into any facilities or places not intended for gray water or black water disposal is prohibited. This includes but is not limited to storm drains, which are not intended for disposal of gray water or black water.
5. Storage of material outside vehicles is prohibited, other than what is incidental to activities such as short-term loading or unloading a vehicle.
6. Vehicles must be operational, i.e., capable of being started and driven under their own power, or ready to be towed if designed to be towed, and may not be discarded or left inoperable in public rights-of-way or on City property.
7. No building or erecting of any structures connecting or attaching to vehicles is permitted.
8. Persons may not accumulate, discard or leave behind garbage, debris, unsanitary or hazardous materials, or other items of no apparent utility in public rights-of way, on City property, or on any adjacent public or private property.

C. Notwithstanding Bend Municipal Code 6.20 or any other applicable rules or policies governing parking on public rights-of-way, under no circumstances may anyone use a vehicle for shelter and/or sleeping:

1. Within 500 feet of any of the following:
 - a. A location approved as a Safe Parking site under Bend Code 5.70.
 - b. A shelter approved under the Bend Development Code for temporary housing or a shelter use.
 - c. A shelter approved under HB 4212, HB 2006, HB 3261.
 - d. Any other location that has a legally established use providing shelter, safe sleeping, safe parking, or other services primarily intended for people who are homeless.

2. Within 1000 feet of the City's emergency shelter at 275 NE 2nd Street, but bound by the geographic barriers of the US-97/Parkway to the west and 3rd Street to the east, generally described as follows:

- NE 2nd Street between NE Burnside Ave and NE Franklin Ave;
- NE Emerson Ave from its western terminus east of US-97/Parkway to NE 3rd Street;
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- NE Burnside Ave from NE 2nd Street to NE 3rd Street;
- SE Scott Street from the US-97/Parkway overpass to SE 3rd Street; and
- SE Aune Street from the US-97/Parkway overpass to SE Scott Street.

3. In any City parking lots or parking structures.

D. Enforcement of violations of this section will be in accordance with applicable state law and City ordinances and policies, including laws, ordinances, and policies governing towing and impounding of vehicles.

3.110.030 Violations

A. A citation for a violation of this Chapter will be for a Class C civil infraction.

B. Upon a determination by enforcement personnel that a camp or camping in violation of this Chapter has become an established campsite on public property for the purposes of ORS 195.500 and related provisions of state law, the following removal procedures will apply:

1. Prior to removing personal property from an established campsite or removing personal property unlawfully stored on public rights-of-way or City property, at least 72-hours in advance, the City must post notice at the location that all individuals must leave and all personal property remaining will be removed, and must inform local agencies that deliver services to homeless individuals where the notice has been posted that such notice has been posted.

2. An established campsite may be removed without posting a 72-hour notice:

- a. When there are grounds for law enforcement officials to believe that illegal activity, other than camping, is occurring on the campsite or in the immediate vicinity of the campsite, or the property that comprises the campsite is being used or is intended to be used to commit or facilitate the commission of otherwise illegal activity; or

- b. In the event of an exceptional emergency, such as possible site contamination by hazardous materials or when there is immediate danger to human life or safety. If the danger to human life or safety can be reduced by moving the established campsite to a safer location, such as an adjacent landscape strip, the campsite should be moved rather than removed.
3. Once the 72-hour notice has been posted, or there are grounds to remove the established campsite without advance notice, the City may act on the notice and remove the campsite beginning 72 hours after posting and for up to ten (10) days following the posting.
4. When removing individuals and property from an established campsite, enforcement personnel will make reasonable efforts to remove individuals without the use of force, arrest, or citation. No person may be arrested or cited for failing to move under this Chapter prior to being asked by enforcement personnel or other City personnel to move.
5. When removing personal property, the City will make reasonable efforts to determine if the property belongs to an individual and has any apparent utility. The City will make reasonable efforts to identify which established campsite property was removed from, to aid in connecting people with their property. Items that are perishable, or that have no apparent use, or that are in an unsanitary condition due to saturation or contamination from bodily fluids, whether human or animal, or other contamination, will be considered garbage, discarded, and need not be stored.
6. Weapons, drug paraphernalia, or other contraband, and items that appear to be either stolen or evidence of a crime shall be given to law enforcement officials.
7. Following established campsite removal, the City must post a notice stating the location where removed personal property is being stored, and how individuals can contact the City to retrieve their personal property.
8. Personal property removed from an established campsite and unclaimed at the time of removal will be stored by the City for a minimum of thirty (30) days, or the duration required by law at the time of the removal. Stored personal property will be reasonably available for any individual claiming ownership. The City will store personal property at or near one of the City business campuses, where people can reasonably retrieve belongings. The City will make reasonable efforts to provide a range of times the storage location will be available for people to collect their property. The City may dispose of any personal property that remains unclaimed after thirty (30) days, or such duration as required or allowed by law.