

EXECUTIVE SUMMARY



CITY OF BEND

To: City Council

From: City Attorney's Office

Date: 11/01/2022

Re: Summary of Proposed Changes to the Camping Code
Following Community Roundtables

Summary of Code Changes

The following summarizes changes made to the draft of the code regulating camping on City rights-of-way and City-owned property, following Council direction and discussion at the Community Roundtable and Special meetings. The full text of the revised code is attached.

Structure

- The draft camping code was moved to a proposed new Title 4 in the Bend Municipal Code, (Comprehensive Support for Houseless People/Regulation of Public Spaces for Public Health, Welfare and Safety)
- Use Title 4 of the Bend Code for a title on Houselessness Response to include the camping code regulations and statement of policy.
- Moved Safe Parking Programs into this Title, from current location in Title 5 of the Bend Municipal Code

Definitions

- Added concept of "survival sheltering" to definition of "camp" or "camping"
- Defined "established campsite" as one that has been in place for 24 hours or more, and is set up by someone who cannot afford or otherwise cannot access shelter
- Delete definition of "shelter" and "available", to align with proposed change to delete prohibition on camping in public rights-of-way



Camping Prohibited

- Delete prohibition on camping in public rights-of-way and reference to determining whether a person has shelter available prior to enforcement (assessment of shelter availability only required before enforcing a prohibition on camping, per case law).
- Continue prohibition on camping on City property, other than rights-of-way, except on city-owned property opened up for camping by the City Manager. Any property opened for camping will follow Bend Development Code, Municipal Code, and other applicable process.

Enforcement

- Delete references to “shelter availability” assessment prior to enforcement, for reasons described above.
- Add intent to resolve violations at lowest level possible and seek compliance while maintaining dignity of all involved. Citations only when other means of achieving compliance have been unsuccessful.

Restrictions

- Camping allowed on City streets by people who have no other residence and are involuntarily homeless. This addition clarifies that the intent of the code is to allow camping by people experiencing houselessness, consistent with the rules in the code, but not to allow recreational camping by people who are not houseless.

Time

- Camping may only occur for 24-hours in any one location. Once a camp has been in one place for 24 hours, it may only be removed by giving the person 72 hours to leave.
- After 24 hours, a camp must be moved at least one block or 600 feet, and not return to the prior location for 72-hours.
- After a camp has been removed with a 72-hour notice (or without notice in exceptional emergencies or criminal activity), that location may be closed to camping for a period of up to 14 days, with appropriate signage posted by the City.

Place

- Changed distance restriction to 1000 feet from all permitted shelter uses, including Safe Parking (prior draft had a 500-foot restriction from most shelters, 1000 feet from Lighthouse Navigation Center).



- Added prohibition on camping on City rights-of-way determined by the City Manager to be unsafe for camping due to construction or other use of the roadway that makes the right-of-way particularly unsafe for camping.

Manner

- Added distance and spacing limitations: no more than three camps may be set up per block. A group of up to three camps may not be within 150 feet of any other group of camps.
- Added prohibition on generator use that violates existing City noise ordinances.
- Added requirement that pets be leashed or crated at all times.

Vehicles

- Added prohibition on generator use that violates existing City noise ordinances.
- Added requirement that pets be leashed or crated at all times.

Violations

- Added clarification that Citations will be issued only when other means of achieving compliance have been unsuccessful or are not practicable for the particular situation.
- Added requirement (already existing in code enforcement rules) that people camping in violation of the rules of the code will first be referred to services, told what the perceived violation is, and given an opportunity to fix the violation before a citation is issued.
- Clarified that violations may result in removal or City clean-up of a camp, and that removal or clean-up would be prioritized based on factors such as risks and negative impacts to public safety. 72-hour notice would be provided before removal, except in case of exceptional emergency or criminal activity.
- Added requirement, from existing procedures, that personal property recovered from a removed camp that appear to have a value over \$1000 will be provided to law enforcement for safe keeping and shall be made available to people claiming ownership at reasonable times (instead of being stored in standard City storage location with other collected personal property).
- Clarified process for storage of personal property, from existing procedures, including that City will not store items that are perishable, that have no apparent use, that are not identifiable as belonging to an individual, are in an unsanitary condition, or are considered garbage, debris, or appear to be abandoned.

