

ORDINANCE NO. 3586

AN ORDINANCE REPEALING AND REPLACING SECTION 7.02.100 OF THE ROSEBURG MUNICIPAL CODE

WHEREAS, Oregon Revised Statute 195.530 requires, “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, ORS 195.530 becomes effective on July 1, 2023; and

WHEREAS, the City of Roseburg desires to update the Roseburg Municipal Code Section 7.02.100 to meet the statutory requirements outlined in ORS 195.530 by balancing the basic human need to sit, sleep and lie with the public’s expectation to be able to utilize public property for its intended use.

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

SECTION 1. Roseburg Municipal Code Section 7.02.100, titled “Prohibited Camping” is hereby repealed and replaced to read as follows:

7.02.100 Prohibited camping.

A. As used in this Section:

1. “Camp” or “Camping” means to pitch, erect, create, use, or occupy campsites for the purpose of habitation, as evidenced by the use of camp materials.
2. "Campsite" means a location upon City Property where Camping Materials are placed.
3. "Camp Materials" include, but are not limited to, personal property, tarpaulins, cots, sleeping bags, blankets, mattresses, hammocks, or outdoor cooking devices and/or similar items that are, or reasonably appear to be, used as living accommodations.
4. “City Property” means any real property or structures owned, leased, or managed by the City, including Public Ways.
5. “Involuntarily Homeless” means a person who lacks access to adequate temporary shelter.
6. “Public Way” means any street, road, alley, right-of-way, pedestrian or bicycle easement, or utility easement for public use which is controlled by the City.
7. “Personal Property” means any item that can reasonably be identified as belonging to an individual and that has apparent value or utility.

B. Camping on public or private property is prohibited. Involuntarily Homeless individuals are not prohibited from sleeping and resting on city property, provided camping is occurring in compliance with the following time, place and manner regulations. Camping on private property within the City limits is prohibited unless a permit is obtained through the Community Development department.

1. Time.

- a. Unless otherwise specified, any camping or camp, where not prohibited, may only occur between the following hours:
 - i. Between November 1 and February 28 – 5 PM to 8 AM
 - ii. During the months of March and October - 6 PM to 8 AM
 - iii. Between April 1 and September 30 – 8 PM to 8 AM
- b. Enforcement of time restrictions may be suspended by City Manager, Police Chief, or designee, for severe weather events or when an individual is engaged in case management or behavioral health services, or when necessary or appropriate to respond to an individual's disability or unique circumstances.

2. Place.

- a. Camping is prohibited at all times in the following locations:

- i. In or adjacent to any Residentially zoned area or any properties legally residentially used regardless of zoning, and anywhere within 100 feet of a school or day care facility.

- ii. Anywhere between the Umpqua River Path and the South Umpqua River in that portion of the path east of Interstate 5 to Flint Street and any location within 10 feet of either edge of any multi-use path.

- iii. Anywhere between the edge of the water and 100 feet beyond the top of the stream bank of waterway excluding those portions of the South Umpqua River discussed above.

- iv. Any place where camping, a camp, or camp materials create a physical impediment to emergency or nonemergency ingress, egress or access to property, whether private or public, or 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.

- v. Any vehicle lane, bicycle lane, or roundabout within any public right-of-way.

- vi. Immediately adjacent to any city owned buildings, anywhere on Airport Property, or anywhere on or adjacent to water reservoir sites.

vii. The Stewart Park natural area, encompassing that area of Stewart Park south of Garden Valley Boulevard south to the south end of the storm drainage detention ponds and wetland mitigation areas.

viii. Sport complexes and adjacent structures associated with those sports, including parking lots, within 20 feet of any play structure or playground equipment located on public property, or any park area being used with a park permit.

ix. Any City owned properties leased to others, unless camping is the intended purpose of the lease, including but not limited to the Roseburg Area Chamber of Commerce building, Umpqua Valley Arts Center, Betty Long Unruh Theater, Umpqua United building, Stewart Park Golf Course and the adjacent grounds including parking lots.

x. The Downtown Parking Structure, the area between the parking structure and the adjacent buildings to the east and the walkway area between the parking structure and Jackson Street

xi. Any location that has been determined by the Fire Chief, Fire Marshal, or designee to constitute an elevated threat of fire at a particular time of the year.

3. Manner.

a. Camping, when and where not prohibited, is subject to all of the following:

i. Individuals, camp materials, camps, or personal property may not obstruct sidewalk accessibility or passage, clear vision areas, 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.

ii. A camp or camping must be limited within a spatial footprint of 10 feet by 10 feet, or 100 square feet. The intent of this section is to allow a person to sleep protected from the elements and maintain the essentials for living, while still allowing the use of public spaces as designed and intended.

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

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

v. All camp materials and personal property must be contained within the tent or tent like structure except for one mobility device (bike, wheelchair, and etc.) per person may be stored outside. For the purpose of this section, a bike with an attached bike trailer is considered one mobility device.

vi. 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.

vii. Open flames, recreational fires, burning of garbage, bonfires, or other fires, flames, or heating deemed unsafe by the Roseburg Fire Department are prohibited.

viii. 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, directly into waterways or onto the ground, which are not intended for disposal of gray water or black water.

ix. Unauthorized connections or taps to electrical or other utilities, or violations of building, fire, or other relevant codes or standards, are prohibited.

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

xi. All animals must be leashed or crated at all times.

xii. All noise ordinances must be abided by at all times.

C. No recreational vehicle (RV) or vehicle shall be used or occupied on any tract of ground within the corporate limits of the City except as provided in this Section.

D. No person shall use or occupy any RV or campsite for more than forty-eight hours on the premises of any occupied dwelling or on any lot which is not part of the premises of any occupied dwelling, unless a permit therefor shall have been first obtained as prescribed in the Land Use and Development Regulations, nor shall any person permit such use or occupancy unless the occupant of the RV or camp has obtained a permit therefor.

E. Exception. Overnight use of a camping vehicle or RV as defined in ORS 446.310 (2) shall be allowed outside of a permitted or authorized campground, without a permit, provided the following conditions exist and are complied with:

1. The subject location is within a General Commercial (C-3) zoning district and contains a developed permitted use pursuant to Roseburg Municipal Code Subsection 12.04 010.

2. The property owner or lessee registers the subject location with the community development department and no fee is charged to the users;
3. The subject location is not within 500 feet of a residential structure;
4. The length of stay is limited to 48 hours;
5. The camping vehicle or RV unit is self-contained;
6. Generators shall not be used between the hours of 10:00 p.m. and 6:00 a.m.;
7. The area designated for overnight use is paved with an asphalt or concrete surface;
8. The owner of the property where the overnight parking occurs has obtained the necessary permits or licenses, if any are required, from other governmental agencies.

F. Violation of this chapter shall be classified as a violation subject to a civil penalty. The remedies described in this section shall not be the exclusive remedies of the City for violations of this chapter. This chapter is to be interpreted consistent with the applicable state statutes and providing the protections required by state statutes.

(Ord. 2936 §1 (part), 1996; Ord. 3093 § 1, 2001; Ord. No. 3513, § 1, 10-8-2018; Ord. No. 3547, § 1, 125-2021)

SECTION 2. All other sections and subsections of Chapter 7.02 of the Roseburg Municipal Code shall remain in full force and effect as written.

ADOPTED BY THE ROSEBURG CITY COUNCIL THIS ____ DAY OF _____, 20__.

APPROVED BY THE MAYOR THIS ____ DAY OF _____, 20__.

LARRY RICH, MAYOR

ATTEST:

PATTY HITT, CITY RECORDER