

ORDINANCE NO. 6454

AN ORDINANCE AMENDING SECTIONS 1.01.020, 6.12.040, 9.32.060 AND SUBCHAPTER 9.44 OF THE HILLSBORO MUNICIPAL CODE TO REGULATE CAMPING WITHIN THE CITY; AND DECLARING AN EMERGENCY.

WHEREAS, the City recognizes the dignity of all humans, their rights for basic needs including housing, and seeks the equitable treatment of community members regardless of housing status; and

WHEREAS, the 2022 Point in Time Count found that there were 93 unsheltered persons in Hillsboro and that the population of unsheltered persons in 2021 was 213; and

WHEREAS, the City recognizes that there is a persistence number of people experiencing unsheltered living within the City that requires a spectrum of responses; and

WHEREAS, the City is taking steps to help alleviate the lack of shelter and affordable housing in the City through direct action and in partnership with County, Regional, State, Federal, Agencies, and private organizations; and

WHEREAS, the City desires to no longer prohibit persons and families that are temporarily experiencing the effects of houselessness from camping outdoors on public or private property when shelter is not otherwise available; and

WHEREAS, the City desires to discourage camping in areas where such activities create unsafe and unsanitary living conditions, which can threaten the general health, welfare, and safety of both persons experiencing unsheltered houselessness and the larger community; and

WHEREAS, the City desires to encourage the active participation of all concerned persons, organizations, businesses, persons experiencing houselessness, and public agencies to work in partnership to address the short and long-term impacts of houselessness in the community.

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

Section 1. Section 1.01.020 of the Hillsboro Municipal Code is amended as follows, with language struck through being removed and underlined language being added:

CAMP or CAMPING, to pitch, erect, create, use, or occupy camp facilities for the purposes of habitation, as evidenced by the use of camp materials. ~~To set up or to remain in or at a campsite for the purpose of establishing or maintaining a temporary place to live.~~

CAMP FACILITIES, include, but are not limited to, tents, huts, temporary shelters, lean-tos, shacks, or any other structures, vehicles or parts thereof.

CAMP MATERIALS, includes, but is not limited to, tarpaulins, cots, beds, sleeping bags, blankets, mattresses, hammocks, or non-city designated cooking facilities and similar equipment.

CAMPSITE, a place where bedding, a sleeping bag, or other sleeping matter, or any stove or fire is placed, established or maintained, whether or not such place incorporates the use of any tent, lean-to, shack, or any other structure, vehicle or part thereof.

RECREATIONAL VEHICLE, a motor home, vehicle with camper, or other vehicle, or non-motorized vehicle designed or modified for sleeping, cooking, camping, or temporary living.

Section 2. Section 6.12.040 of the Hillsboro Municipal Code is hereby amended as follows, with language struck through being removed and underlined language being added:

6.12.040 Recreational vehicles and trailers

A. Unless otherwise authorized by this Code, no person may:

1. Park, store or leave a recreational vehicle or trailer on a public street or lot owned or operated by the city for longer than 24 hours unless the recreational vehicle or trailer is owned by a public agency;
2. Live, sleep or reside in a recreational vehicle or trailer located on a lot or on a public street unless the street or lot is designated for overnight camping; or
3. Park, store or leave a recreational vehicle or trailer containing items or materials defined as a nuisance on private or public property for longer than 24 hours.

B. An uninhabited recreational vehicle or trailer may be parked, stored or left on a public street for up to five cumulative days in a 14-day period, but only if the vehicle or trailer is parked directly in front of the owner's property. Such vehicle or trailer must be parked in a manner not to interfere with emergency, utility and postal vehicles and must be parked in compliance with state law.

C. A recreational vehicle or trailer containing any hazardous, combustible or explosive materials parked, stored or left in a residential zone or near a school, hospital, nursing facility or any other place where groups of people gather, will be declared an immediate hazard and removed immediately under authority of the manager.

Section 3. Section 9.32.060 of the Hillsboro Municipal Code is amended as follows, with language struck through being removed and underlined language being added:

9.32.060 Park rules

A. The PRC will adopt by resolution rules for the safe and efficient operation of parks.

B. Hours. Except for evening use authorized by the council or PRC, the permissible hours of use for parks are dawn to dusk, except parks specifically designated for evening use that are closed from 1 a.m. to dawn.

C. Fires.

1. Fires are prohibited in parks, except in barbecue stands, pits, or fireplaces provided for that purpose by the city, unless prior approval is granted from the PRC.

2. No fire may be left unattended and every fire must be extinguished by the user before leaving the park area.

D. Activities Restricted to Specific Areas. Activities that may be hazardous to persons using the park or public lands or which may damage grass or foliage, such as hard or softball, golf, football, horseshoes, soccer or rugby, are restricted to areas designated for such activities.

E. Vehicles. The use of motorized vehicles on park property is restricted to roadways and parking lots designed for that purpose, unless otherwise authorized by the city.

F. The following activities are prohibited within parks unless specifically authorized by this Code or the PRC:

1. Overnight Camping;
2. The production of live music;
3. Organized gatherings or events involving 50 or more people unless they are within areas available for rent;
4. Vending activities;
5. The use of fireworks.

Section 4. Subchapter 9.44 of the Hillsboro Municipal Code is hereby repealed and replaced by the language set forth in Exhibit A.

Section 5. In order to maintain the health, peace, and welfare of the City of Hillsboro, an emergency is declared and this ordinance shall take effect on July 1, 2023, upon its passage and approval by the Mayor.

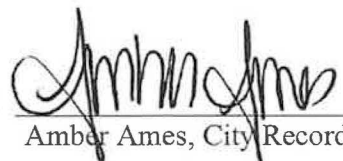
First approval of the Council on this 6th day of June 2023.

Second approval and adoption by the Council on this 20th day of June 2023.

Approved by the Mayor on this 20th day of June 2023.



Anthony Martin, Council President

ATTEST: 

Amber Ames, City Recorder

EXHIBIT A

9.44.010 Definitions

For the purposes of this subchapter, the following definitions apply unless inconsistent with the context:

AVAILABLE SHELTER, is a shelter that is able to be used or at a person's disposal based on the individual facts and circumstances of that particular person. A shelter is considered not available to a person if, based on the individual facts and circumstances of that particular person, the shelter cannot be accessed or utilized for sitting, sleeping, and keeping warm and dry. Such situations include, but are not limited, to a shelter that:

1. Requires payment and the individual does not have money to pay for the shelter;
2. Has a maximum stay rule or temporal requirement or deadline the person has exceeded or not met;
3. Has excluded the person from the shelter for any lawful reason;
4. Cannot reasonably accommodate the person's mental health or physical needs;
5. Is unavailable due to the person's family status, age, gender, gender identity, sexual orientation, or other status;
6. Has excluding general rules that prohibit alcohol or drug use in the shelter or on shelter grounds or is unavailable to the person because the shelter has rules about alcohol or drug use that the person does not meet;
7. May prohibit a minor child to be housed in the same facility with at least one parent or legal guardian;
8. Requires participation in religious activity or receipt of religious information or religious teaching the person does not wish to participate in or receive; or
9. Requires a person to leave their pet(s) unattended in order to stay at the shelter. This section does not apply to service animals under the Americans with Disabilities Act.

CITY PROPERTY, any real property or structures owned, leased or managed by the city.

MOTOR VEHICLE, any vehicle that is self-propelled and, for the purposes of this subchapter, includes all recreational vehicles whether or not self-propelled.

PARKING LOT, a developed location that is designated for parking motor vehicles, whether developed with asphalt, concrete, gravel, or other material.

SHELTER, a place an individual may access for the purposes of sitting, sleeping, and keeping warm and dry, which may include but is not limited to a residence,

hotel, motel, or a public or private facility developed or legally established for people experiencing homelessness that does not charge for services.

SOLID WASTE, any garbage, trash, debris, yard waste, food waste, or other discarded materials.

SOLID WASTE DISPOSAL SERVICES, contracted solid waste collection service for a property being used for camping as authorized by this subchapter with a city franchisee for the collection of solid waste.

STORE or **STORAGE**, to put aside or accumulate for use when needed, to put for safekeeping, to place or leave in a location.

9.44.020 Private camping locations.

A. A private camping location may be established in accordance with this section with authorization of the property owner when the property has been registered by the property owner with the city in the manner established by the manager. Any property used for camping under this section are subject to the following conditions:

1. Up to three total motor vehicles or tents, in any combination, may be used for camping in any parking lot on the following types of property:

a. Real property developed and owned by a religious institution, place of worship, or public agency, including the city, regardless of the zoning designation of the property;

b. Real property occupied and used by any organization or business primarily for nonprofit, commercial, or industrial purposes and developed with one or more buildings, regardless of the zoning designation of the property; or

c. Vacant or unoccupied real property zoned for commercial or industrial use. The city may require the site to be part of a supervised program operated by the city or its agent.

2. Up to one tent in the back yard of a residential real property or one motor vehicle in the driveway of a residential real property may be used for camping on a residentially or mixed-use zoned real property that is developed with an occupied residential dwelling, provided that the total number of occupants on the property does not exceed 10 people. If the owner of a residential real property has rented all or a portion of the real property, then, in addition to the owner, the tenants of the real property must authorize any camping permitted by this Section.

B. A real property owner who authorizes any other person to camp on property pursuant to subsection A must:

1. Provide or make available sanitary facilities for the proper disposal of sanitary sewage;

2. Provide solid waste disposal services so that there is no accumulation of solid waste on or around the real property;

3. Provide a storage area for campers to store any personal items so the items are not visible from any public street;

4. Not allow the placement of a tent in a residential backyard to be not less than five feet away from any property line, five feet from the occupied residential dwelling, or larger than 120 square feet;

5. Comply with applicable federal, state, and local laws, rules, and regulations;

6. Not require or accept the payment of any monetary charge nor performance of any valuable service in exchange for providing the authorization to camp on the real property; and

7. Not require any type of agreement for providing authorization to camp on the real property or take any other action that would create a tenancy by the individual's engaged in camping on the real property.

C. A property owner or tenant who permits camping pursuant to subsection A of this section may revoke that permission at any time and for any reason. Unless additional time is required by law, any person whose authorization to camp on property has been revoked pursuant to this subsection must vacate and remove all belongings from the property as expeditiously as possible and in no event more than four hours of receiving such notice.

D. Notwithstanding any other provision of this chapter, the manager may:

1. Revoke the right of any person to authorize camping on real property described in subsection A of this section upon finding that any activity occurring on that real property by campers is incompatible with the uses of adjacent properties; violates any federal, state, or local law, rule, or regulation; constitutes a nuisance, or based on the totality of the circumstances creates an unreasonable risk to public health or safety or constitutes a threat to the public welfare; or

2. Approve or deny a request by a real property owner to increase to the number of motor vehicles and tents allowed to be used for camping under subsection A of this section.

E. Unless additional time is required by law or granted by the manager, any person whose authorization to camp on real property has been revoked pursuant to subsection D of this section must vacate and remove all belongings from the real property within twelve hours of receiving such notice, provided that the manager may require a person to vacate the real property in a shorter amount of time if necessary to protect against an imminent threat to public health or safety.

F. Any person whose authorization to camp on real property has been revoked pursuant to subsection D of this section, or the real property owner who has permitted such person to camp on their property, may appeal the manager's decision within five days following the receipt of notice of the manager's decision by filing with the manager a written notice of appeal stating reasons for

the appeal. The manager will place a properly noticed appeal on the next council meeting agenda. The council may uphold, overturn or modify the manager's decision after holding a public hearing on the decision. The manager's revocation shall remain in effect while any such appeal is pending.

G. For the purposes of this section, a person who is permitted to camp on private real property pursuant to terms and conditions of Subsection B of this section has received notice to vacate upon actual receipt of either oral or written notice from a real property owner or written notice from the manager. Written notice is deemed received upon personal delivery or upon other proof of having been received. In the situation where it can be shown a person refuses to accept personal delivery or is intentionally avoiding personal delivery, the written notice is deemed received on the date and time when it is affixed to the motor vehicle or tent being used for camping by the person in question.

H. All persons participating in private camping authorized by this section do so at their own risk, and nothing in this code 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 (including destruction). A property owner that permits individuals to use their property for camping under this section is required to inform each individual and their guardian, if they are a minor, of the limitations set forth in this subsection.

9.44.030 Prohibited Camping.

A. Except as expressly authorized by this Code or state or federal law, it is unlawful at all times for any person to camp within the city.

B. Unless otherwise prohibited by law or regulation, including this Code or state or federal law, persons who do not have available shelter are permitted to camp on public rights-of-way located within the city or upon other city properties that are outdoors and open to the public between the hours of 7:00 p.m. to 7:00 a.m. Notwithstanding this general authorization, the manager may adopt administrative rules, which limit the actual rights-of-way, or portions thereof, as well as which specific city properties that may be used for camping. Such administrative rules may limit not only the place, but also manner in which camping may occur. The manager's administrative rules shall be adopted and take effect no later than July 1, 2023. A violation of the administrative rules authorized by this subsection shall constitute a violation of this Code.

1. The administrative rules adopted by the manager under this subsection shall be made publicly available upon request, posted at the Civic Center, and listed on the city's website.

2. The manager may erect and maintain appropriate signage explaining such administrative rules on the areas of public rights-of-way and other city property where overnight camping is permitted.

3. Unless an emergency exists that makes these procedures impractical, the manager shall, prior to adopting any amendments to the administrative rules authorized by this subsection: (a) make a draft of the amendments available upon request to interested parties and publish them on the city's web site; and (b) provide at least ten business days for individuals to provide comment on the draft amendments.

C. Camping is permitted in the city within any sanctioned campsite. For the purposes of this subsection, a sanctioned campsite is the area within any public or private property that has been established for camping by individuals and has received written approval from the manager. A sanctioned campsite must meet the following conditions to receive approval from the manager and to continue operations within the city:

1. The sanctioned campsite must include designated sleeping areas, regularly serviced trash and recycling receptacles, and restroom facilities for use by those engaged in camping;
2. There must be no charge for the use of the sanctioned campsite;
3. The sanctioned campsite must be operated by:
 - (a) the city or another local government;
 - (b) an organization with at least two years' experience operating sanctioned campsites or emergency shelters that is: a local housing authority as defined in ORS 456.375; a religious corporation as defined in ORS 65.001; or a public benefit corporation, as defined in ORS 65.001, whose charitable purpose includes the support of homeless individuals.
 - (c) a nonprofit corporation partnering with any other entity described in this subsection;
4. The sanctioned campsite must comply with all applicable laws and regulations and any conditions imposed on the operations of the campsite by the manager;
5. Based on the totality of the circumstances, the sanctioned campsite must not create an unreasonable risk to public health or safety or constitute a threat to the public welfare;
6. The manager may impose any reasonable conditions on the operations of a sanctioned campsite, including but not limited to length of use, hours of operation, number of individuals permitted to use the campsite, and the number of trash, recycling, or restroom facilities that are required for operations; and
7. The manager may revoke written approval for a sanctioned campsite upon a finding that the campsite is operating in violation of the requirements of this subsection. Any person or entity whose written approval of a sanctioned campsite has been revoked by the manager under this subsection may appeal the manager's decision within five days following the receipt of notice of the manager's decision by filing with the manager a written notice of appeal stating reasons for the appeal. The manager will place a properly noticed appeal on the next council meeting agenda. The council may uphold, overturn or modify the manager's decision after holding a public hearing on the decision. The manager's revocation shall remain in effect while any such appeal is pending.

D. Except as otherwise authorized by this Code or by the manager, it shall be unlawful for any person to store personal property, including camp facilities and camp materials, on any city property if the personal property:

1. Was unattended for more than three hours; or

2. Takes up more space than five cubic feet.

E. Notwithstanding the provisions of this chapter, the manager may temporarily authorize camping or storage of personal property on city property by written order that specifies the period of time, manner, and location:

1. In the event of emergency circumstances;
2. In conjunction with a special event permit or temporary use permit; or
3. Upon finding it to be in the public interest and consistent with council goals and policies.

F. The manager may at any time revoke permission to use city property for camping or storage of personal property as authorized by this subsection upon determining that allowing the city property for such uses would create dangerous conditions or a health threat to the public or if the basis for authorization no longer exists.

9.44.040 Penalties, enforcement and rulemaking.

A. A violation of this subchapter is punishable and may result in the assessment of an appropriate penalty under HMC 1.08.

B. The manager may adopt administrative rules to implement any of the provisions of this subchapter.

C. In addition to any other penalties that may be imposed, any property used for camping in a manner not authorized by this subchapter or other provisions of this Code shall constitute a public nuisance and may be abated as such.