

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR COLUMBIA COUNTY, OREGON

In the Matter of Adopting the Columbia
County Camping Ordinance

ORDINANCE NO. 2023-3

The Board of County Commissioners for Columbia County, Oregon, ordains as follows:

SECTION 1. TITLE.

This Ordinance shall be known as Ordinance No. 2023-3 and may also be cited and referred to as the "Columbia County Camping Ordinance."

SECTION 2. AUTHORITY.

This Ordinance is adopted under the authority of ORS 203.035 and ORS 195.530.

SECTION 3. PURPOSE.

This Ordinance establishes regulations for camping on County property.

SECTION 4. APPLICATION.

This Ordinance shall apply to County property and County rights-of way.

SECTION 5. ADOPTION.

The Columbia County Camping Ordinance, which is attached hereto as Exhibit A and incorporated herein by this reference, is hereby adopted.

SECTION 6. REPEALER.

Paragraph B of Section 4 of Columbia County Ordinance 2019-5, the Columbia County Parking and Towing Ordinance is hereby repealed.

SECTION 7. SEVERABILITY.

If any provision of this Ordinance, including Exhibit A, is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be

deemed a separate, distinct, and independent provision and such holding shall not affect the remaining portions thereof.

SECTION 8. SCRIVENER'S ERRORS.

Scrivener's errors in any portion of this Ordinance may be corrected by Order of the Board of County Commissioners.

SECTION 9. EMERGENCY.

This Ordinance being immediately necessary to maintain the public health, safety, and welfare, an emergency is declared to exist, and this Ordinance shall take effect upon adoption.

DATED this 21st day of June, 2023

BOARD OF COUNTY COMMISSIONERS
FOR COLUMBIA COUNTY, OREGON

Approved as to form:

By: [Signature]
Office of County Counsel

By: [Signature]
Casey Garrett, Chair

By: [Signature]
Kellie Jo Smith, Commissioner

By: [Signature]
Margaret Magruder, Commissioner

Attest:
By: [Signature]
Recording Secretary

First Reading: 6/21/2023
Second Reading: 6/21/2023
Effective Date: 6/21/2023

Exhibit A

COLUMBIA COUNTY CAMPING ORDINANCE

SECTION 1. DEFINITIONS

For the purposes of this Ordinance:

- A. "Alternative Shelter" means a shelter space or other indoor space available to a person experiencing homelessness.
- B. "Athletic Field" means a portion of County Property prepared specifically for playing a sport. Examples include baseball, football, and soccer fields as well as basketball, tennis and pickleball courts.
- C. "Camp" or "Camping" means staying and sleeping in an outdoor area for one or more nights. Camping may also refer to the act of placing camp materials on the ground for overnight occupancy.
- D. "Campground" means a location where one or more campsites are located.
- E. "Campsite" means a location where an individual or family is camping.
- F. "Camp Stove" means a portable stove used for cooking or heating outdoors.
- G. "Camp Materials" may include, but are not limited to, tents, huts, awnings, lean-tos, chairs, tarps, or tarpaulins, sleeping bags, blankets, sleeping pads, sleeping or bedding materials, food or food storage items, and/or similar items that are or appear to be used to assist with camping.
- H. "Columbia County Enforcement Ordinance" means Columbia County Ordinance 90-7 as amended.
- I. "Columbia County Exclusion Ordinance" means Columbia County Ordinance 2016-5.
- J. "Columbia County Forest, Parks and Recreation Ordinance" means Columbia County Ordinance 94-9 as amended.
- K. "County Property" includes all real property, land and public facilities owned, leased (by or to the County), controlled, or managed by the County. County Property includes Public Rights-of-way.
- L. "Intersection" means where two or more Roads converge, diverge, meet, or cross at the same height.
- M. "Outdoors" means in the open air outside of any building or other permanent structure. Structure includes the parking lot of any park or public building.
- N. "Open to the Public" means County property that may be used by the public without the payment of any fee. The Columbia County Fairgrounds property gated or otherwise is not considered Open to the Public.
- O. "Person Experiencing Homelessness" means a person who lacks a fixed, regular, and adequate nighttime residence for whom no alternative shelter is reasonably available.
- P. "Playground" means a portion of Public Property prepared primarily for children to play in.
- Q. "Public Property" means public property as defined by ORS 195.530(1)(c).
- R. "Public Rights-of-way" means all County-owned or controlled rights-of-way, whether in fee title or as holder of a public easement for right-of-way, utilities, or public access purposes. Public rights-of-way include but are not limited to, any Road, street, sidewalk, or private street or other property that is subject to a public access or utility easement dedicated or granted to the County

for vehicular, pedestrian, utility or other uses, and any planter strip or landscaped area located adjacent to or contained within streets that is part of the public right-of-way.

- S. "Respite Activities" means the acts of sitting, lying, sleeping, or keeping warm and dry.
- T. "Road" means the improved part of the Public Right-of-way that provides ingress to or egress from property by means of vehicles or other means or that provides travel between places by means of vehicles. "Road" includes, but is not limited to:
 1. Ways described as streets, highways, throughways or alleys;
 2. Road related structures that are in the right of way such as tunnels, culverts, or similar structures; and
 3. Structures that provide for continuity of the right of way such as bridges.
- U. "Tent" means a portable shelter made of fabric stretched tight and supported by one or more poles, cords, rope, or loops.
- V. "Trash" means what a reasonable person would consider worthless or discarded material or objects; refuse or rubbish.

SECTION 2. CAMPING PROHIBITION

Camping is prohibited upon any County Property unless specifically authorized by Section 3 of this Ordinance.

SECTION 3. EXCEPTIONS FROM CAMPING PROHIBITION

The prohibition on camping contained in section 2 of this Ordinance shall not apply to:

- A. Individuals who have paid to camp in a County designated campground. Camping in County parks shall be subject to the rules and regulations adopted pursuant to the Columbia County Forest, Parks and Recreation Ordinance. Camping at the County Fairgrounds shall be subject to rules and regulations adopted by the Columbia County Fair Board.
- B. Individuals camping as specifically authorized by a contract with the County or an agreement to provide voluntary services to the County. Camping in County parks shall be subject to the rules and regulations adopted pursuant to the Columbia County Forest, Parks and Recreation Ordinance. Camping at the County Fairgrounds shall be subject to rules and regulations adopted by the Columbia County Fair Board.
- C. Individuals camping as specifically authorized by a permit approved by the Columbia County Board of Commissioners. Camping under this provision shall be subject to the rules and regulations adopted pursuant to the Columbia County Forest, Parks and Recreation Ordinance as modified by the authorizing permit.
- D. Individuals camping as specifically authorized by an emergency or disaster declaration adopted by the Columbia County Board of Commissioners. Camping under this provision shall be subject to the rules and regulations adopted pursuant to the Columbia County Forest, Parks and Recreation Ordinance as modified by the authorizing declaration.
- E. Persons experiencing homelessness. Camping by Persons Experiencing Homelessness shall be subject to the reasonable time, place and manner restrictions contained in Section 4 of this Ordinance.

SECTION 4. TIME, PLACE, AND MANNER RESTRICTIONS

Persons Experiencing Homelessness may Camp or engage in Respite Activities on County Property subject to the following time, place, and manner regulations:

- A. **Time Restrictions** - Campsites may not be established earlier than 8:00 p.m. or 1 hour prior to sunset, whichever occurs first. Campsites must be packed up, cleared of all Camp Materials and Trash, and vacated no later than 7 a.m. or 1 hour following sunrise, whichever occurs later.
- B. **Place Restrictions** - Camping and Respite Activities shall only take place Outdoors, on property Open to the Public, and in compliance with the following place requirements:
1. Campsites shall be limited to an area of not more than 100 square feet. All Camp Materials and other personal property must be contained within a single Campsite.
 2. No more than three Campsites shall be permitted at the same time in any Campground.
 3. No Camping or Respite Activities shall take place within 150 feet from:
 - a. Any other Campground.
 - b. Any playground.
 - c. Any athletic field.
 4. No Camping or Respite Activities shall take place within 10 feet of:
 - a. Any building entrance or exit.
 - b. Any driveway.
 - c. Any fire hydrant.
 - d. Any gate.
 - e. Any other public infrastructure used for emergency response.
 5. No Camping shall take place within 50 feet of any intersection.
 6. No Camping or Respite Activities shall take place on County Property:
 - a. Closed to public use by order of the Board of County Commissioners or designee.
 - b. During days or during hours that County Property is closed to the Public.
 7. No Camping or Respite Activities shall obstruct:
 - a. Any portion of any Road, bike lane, or bike path.
 - b. Any portion of a sidewalk, multi-use path or pedestrian path if doing so results in less than 36 inches of unobstructed area for passage or in any manner that impairs access or use as required by the Americans with Disabilities Act.
 - c. The area within four feet of the shoulder of any Road that does not have a curb.
- C. **Manner Restrictions** – While Camping or engaging in Respite Activities Persons Experiencing Homelessness shall not:
1. Engage in conduct that violates state or federal criminal law.
 2. Engage in any of the conduct identified in Section 1 of the Columbia County Exclusion Ordinance.
 3. Camp in an area designated for paid Camping.
 4. Use drugs or alcohol except for the lawful use of over-the-counter medication or medication prescribed by a practitioner with lawful authority to prescribe.
 5. Attach Camp Materials or personal property to fire hydrants, utility poles or other utility or public infrastructure, fences, trees, vegetation, vehicles, or buildings.

6. Use an unauthorized connection to tap into electrical, water or other utilities.
7. Use any permanent structure for the storage of personal property unless the structure has been designated for that purpose.
8. Erect any structures except for Tents at a Campsite for Camping.
9. Use a fire or flame for any purpose unless outdoors and confined to a Camp Stove, or County provided fireplace or fire ring. When permitted the following restrictions apply to the use of fire or flame:
 - a. The fire or flame may not be left unattended.
 - b. The fire or flame shall be extinguished before leaving the Campsite.
 - c. Fire or flame may not be used when a no-burning order is in place.
 - d. The fire or flame shall not cause damage to County property.
10. Accumulate, discard, or leave behind:
 - a. Any Trash.
 - b. Any unsanitary or hazardous materials.
 - c. Any animal or human urine or feces.
11. Deposit wastewater or grey water except in receptacles approved for such use.
12. Remove or damage any vegetation.
13. Dig or alter the grade of the land.
14. Damage any infrastructure or equipment.

SECTION 5. ENFORCEMENT

- A. **Protected Activity** - No citation, trespass or exclusion order shall be issued to any Person Experiencing Homelessness under any provision of any County Ordinance for the sole reason that they are Camping or engaging in Respite Activities so long as they are doing so in compliance with Section 4 of this Ordinance.
- B. **Persons in Charge** - The following officials are designated as "persons in charge" within the meaning of ORS 164.205(5) for the purpose of supervising the specified County Property. Persons in Charge shall have authority to direct any person who engages in any activity prohibited by this Ordinance to leave the premises of such specified County Property.
 1. Any Oregon State Police officer, any law enforcement officer employed in that capacity by a governmental entity within Columbia County, the Director of General Services for Columbia County and any Columbia County Commissioner are designated as "persons in charge" for all County Property.
 2. Resident Park Caretakers are designated as "persons in charge" for any County Property designated as a park, forest, dock or trail in the Forest, Park and Recreation Ordinance .
 3. The Director of Public Works for Columbia County is designated as "Persons in Charge" for all Public Rights-of-Way.
 4. Any Columbia County Fair Board Member and the Columbia County Fair Administrator are designated as "Persons in Charge" for the Columbia County Fairgrounds.

C. Penalties –

1. Violation of this Ordinance is a violation under the Columbia County Enforcement Ordinance. Citations for violation of this Ordinance may be issued by anyone authorized to issue such citation under the Columbia County Enforcement Ordinance. In addition, citations may be issued by any "Person in Charge" listed in section 5(B) of this Ordinance where the violation occurred on the property for which they are designated as "in charge".
2. A person shall be considered a trespasser if, after being directed by a "Person in Charge" to leave County Property, they:
 - a. Fail to leave that Property; or,
 - b. Return to that Property before the time designated under Section 4(A) of this Ordinance for Campsite setup.

195.530 Noncamping use of public property by homeless individuals; attorney fees.

(1) As used in this section:

(a) "City or county law" does not include policies developed pursuant to ORS 195.500 or 195.505.

(b)(A) "Keeping warm and dry" means using measures necessary for an individual to survive outdoors given the environmental conditions.

(B) "Keeping warm and dry" does not include using any measure that involves fire or flame.

(c) "Public property" has the meaning given that term in ORS 131.705.

(2) 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.

(3) It is an affirmative defense to a charge of violating a city or county law described in subsection (2) of this section that the law is not objectively reasonable.

(4) A person experiencing homelessness may bring suit for injunctive or declaratory relief to challenge the objective reasonableness of a city or county law described in subsection (2) of this section. The action must be brought in the circuit court of the county that enacted the law or of the county in which the city that enacted the law is located.

(5) For purposes of subsections (2) and (3) of this section, reasonableness shall be determined based on the totality of the circumstances, including, but not limited to, the impact of the law on persons experiencing homelessness.

(6) In any suit brought pursuant to subsection (4) of this section, the court, in its discretion, may award reasonable attorney fees to a prevailing plaintiff if the plaintiff:

(a) Was not seeking to vindicate an interest unique to the plaintiff; and

(b) At least 90 days before the action was filed, provided written notice to the governing body of the city or county that enacted the law being challenged of an intent to bring the action and the notice provided the governing body with actual notice of the basis upon which the plaintiff intends to challenge the law.

(7) Nothing in this section creates a private right of action for monetary damages for any person.