

1. 9:30 A.M. Agenda

Documents:

[2023-11-02 City Council WS Meeting.pdf](#)

2. Meeting Material

Documents:

[LCSO Policy 429_Homeless Persons.pdf](#)

[Siletz Camping Ordinance.pdf](#)

[Waldport Camping Ordinance.pdf](#)

[Newport Camping Ordinance Excerpted And Unformatted.pdf](#)



**CITY OF YACHATS
CITY COUNCIL WORK SESSION MEETING
441 Hwy 101 N. Civic Meeting Room
Yachats OR 97498
Thursday November 2, 2023 at 9:30 am
To Be Held Via Zoom & In-Person**

Join Zoom Meeting

<https://us02web.zoom.us/j/84359731086>

Meeting ID: 843 5973 1086

AGENDA

Work Session

- I. Meeting Called to Order
- II. Camping Ordinance Work Session

The Yachats City Council meetings are open to the public and interested citizens are invited to attend via Zoom. These are open meetings under Oregon law, but a work session is not a community forum; audience participation is at the discretion of the Council. Meetings are audio-recorded. The meeting are accessible to persons with disabilities. For accommodations, please call (541) 547-3565, or Oregon Relay 1-800-735-2900 TDD) two days in advance. City of Yachats does not discriminate on the basis of race, color, religion, creed, gender, national origin, age, disability, marital or veteran status, sexual orientation, or any other legally protected status. Sign language or foreign language interpreter may be available, with advance notice. Call City Hall at 541-547-3565 or Oregon Relay 1-800-735-2900 (TDD) two days in advance.

POSTED 10/30/2023 BY: Kimmie Jackson

Homeless Persons

429.1 PURPOSE AND SCOPE

The purpose of this policy is to ensure that members understand the needs and rights of the homeless and to establish procedures to guide deputies during all contacts with the homeless, whether consensual or for enforcement purposes. The Lincoln County Sheriff's Office recognizes that members of the homeless community are often in need of special protection and services. The Lincoln County Sheriff's Office will address these needs in balance with the overall missions of this office. Deputies will consider the following policy sections when serving the homeless community.

429.1.1 POLICY

It is the policy of the Lincoln County Sheriff's Office to provide law enforcement services to all members of the community while protecting the rights, dignity and private property of the homeless. Homelessness is not a crime and members of this office will not use homelessness solely as a basis for detention or law enforcement action.

429.2 LIAISON TO THE HOMELESS COMMUNITY

The Sheriff shall designate certain responsibilities to a liaison to the homeless community. The liaison shall be appointed by and directly responsible to the Patrol Division Commander or the authorized designee.

The responsibilities of the liaison include but are not limited to:

- (a) Maintaining and making available to all office members a list of assistance programs and other resources that are available to homeless persons.
- (b) Meeting with social services and representatives of other organizations that render assistance to the homeless community.
- (c) Maintaining a list of the areas within and near the jurisdiction of this office that are used as frequent homeless encampments.
- (d) Remaining abreast of laws dealing with homelessness, including property rights. This includes the following:
 - 1. Proper posting of notices of trespass and cleanup operations.
 - 2. Proper retention of property after cleanup, to include procedures for owners to reclaim their property in accordance with the Property and Evidence Policy and other established procedures.
- (e) Being present during any cleanup operation conducted by this office that involves the removal of personal property of the homeless. This is to ensure that the established rights of the homeless are not violated.
- (f) Developing training to assist members in understanding current legal and social issues relating to the homeless.
- (g) Reviewing any county policies regarding homeless individuals camping on public property (ORS 195.500).

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429.3 FIELD CONTACTS

Deputies are encouraged to contact a homeless person to render aid, offer assistance, or to check the person's welfare. Deputies also will take enforcement action when information supports a reasonable and articulable suspicion of criminal activity. However, such contacts shall not be used for harassment.

When encountering a homeless person who has committed a non-violent misdemeanor and continued freedom is not likely to result in a continuation of the offense or a breach of the peace, deputies are encouraged to consider long-term solutions, such as shelter referrals and counseling, in lieu of physical arrest.

Deputies should provide homeless persons with resource and assistance information whenever it is reasonably apparent such services may be appropriate.

429.3.1 CONSIDERATIONS

A homeless person will receive the same level and quality of service provided to other members of the community. The fact that a victim, witness, or suspect is homeless can, however, require special considerations for a successful investigation and prosecution. When handling investigations involving victims, witnesses, or suspects who are homeless, deputies should consider:

- (a) Documenting alternate contact information. This may include obtaining addresses and telephone numbers of relatives and friends.
- (b) Documenting locations the person may frequent.
- (c) Providing victim/witness resources, when appropriate.
- (d) Obtaining sufficient statements from all available witnesses in the event that a victim cannot be located and is unavailable for a court appearance.
- (e) Whether the person may be an adult abuse victim and, if so, proceed in accordance with the Adult Abuse Policy.
- (f) Arranging for transportation for investigation-related matters, such as medical exams and court appearances.
- (g) Whether a crime should be reported and submitted for prosecution, even when a victim who is homeless indicates no desire for prosecution.

429.4 PERSONAL PROPERTY

The personal property of homeless persons must not be treated differently than the property of other members of the public. Deputies should use reasonable care when handling, collecting, and retaining the personal property of homeless persons and should not destroy or discard the personal property of a homeless person.

When a homeless person is arrested, or otherwise removed from a public place, deputies should make reasonable accommodations to permit the person to lawfully secure any personal property. Otherwise, the arrestee's personal property should be collected for safekeeping. If the arrestee has more personal property than can reasonably be collected and transported by the deputy, a

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supervisor should be consulted. The property should be photographed, and measures should be taken to remove or secure the property. It will be the supervisor's responsibility to coordinate the removal and safekeeping.

Deputies should not conduct or assist in clean-up operations of belongings that reasonably appear to be the property of homeless persons without the prior authorization of a supervisor or the office Homeless Liaison Deputy.

Deputies who encounter unattended encampments, bedding, or other personal property in public areas that reasonably appears to belong to a homeless person should not remove or destroy such property and should inform the liaison if such property appears to involve a trespass, is a blight to the community, or is the subject of a complaint. It will be the responsibility of the liaison to address the matter in a timely fashion.

429.4.1 STATE LAW ON UNCLAIMED PERSONAL PROPERTY

When a homeless individual is removed pursuant to a county policy, any unclaimed personal property stored by this office shall be stored in an orderly fashion, keeping items that belong to an individual together to the extent that ownership can reasonably be determined. Items that have no apparent utility or are in an unsanitary condition may be immediately discarded upon removal of the homeless individual from the camp site (ORS 195.505).

Weapons, controlled substances, and items that appear to be either stolen or evidence of a crime shall be stored pursuant to office protocols and the Property and Evidence Policy.

429.5 MENTAL HEALTH ISSUES

When mental health issues are evident, deputies should consider referring the person to the appropriate mental health agency or providing the person with contact information for mental health assistance, as appropriate. In these circumstances, deputies may provide transportation to a mental health facility for voluntary evaluation if it is requested or offered and accepted by the person, and approved by a supervisor. Deputies should consider detaining the person under civil commitment when facts and circumstances reasonably indicate such a detention is warranted (see the Civil Commitments Policy).

429.6 ECOLOGICAL ISSUES

Sometimes homeless encampments can have an impact on the ecology and natural resources of the community and may involve criminal offenses beyond mere littering. Deputies are encouraged to notify other appropriate agencies or County departments when a significant impact to the environment has or is likely to occur. A significant impact to the environment may warrant a crime report, investigation, supporting photographs, and supervisor notification.

429.7 HOMELESS CAMPS ON PUBLIC PROPERTY

Prior to removing homeless individuals from an established campsite on public property, deputies shall (ORS 195.505):

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- (a) Post the area with required written notice of pending removal at all entrances reasonably identifiable. Notice should be in English and Spanish and include all required information under ORS 195.505 (e.g., location of unclaimed property, required contact information for questions regarding location of property storage).
 - 1. Notice shall be posted at least 72 hours prior to removal except in certain circumstances (e.g., camping at cemeteries).
- (b) Once notice is posted, notify the local agency that delivers social services to homeless individuals as to where the notice has been posted.

The 72-hour warning notice requirement is not necessary if deputies reasonably believe that illegal activity unrelated to the camping is occurring at an established camping site or in the event of an exceptional emergency such as a possible site contamination by hazardous materials, a public health emergency, or other immediate danger to human life or safety (ORS 195.505).

**CITY OF SILETZ
ORDINANCE 205-23**

**AN ORDINANCE ADDING CAMPING, AND PARKING REGULATIONS TO THE CITY'S
MUNICIPAL CODE.**

WHEREAS, there is a need for policies to deal with homeless individuals camping, and or parking on public property and the need for humane treatment and removal of those individuals; and

WHEREAS, the city wishes to name designated areas in the policies for no camping or parking to protect the health and safety of its citizenry; and

WHEREAS, the city is striving to come into compliance with ORS 195.500 which requires all municipalities to develop policy that recognizes the social nature of the problem of homeless individuals camping on public property; and

WHEREAS, the policies developed need to ensure the most humane treatment for the removal of homeless individuals from camping sites on public property; and

WHEREAS, it is the intent of the city to focus on public safety, health, and the welfare of all residents of the City; and

WHEREAS, it is the intent of the city council to regulate and not allow camping in the public right-of-way; city public property that is a day-use recreational area; areas that are within 500 feet of the safe school zone; school bus pick-up congregational areas for school children; and, within the city limits, 100 feet of a waterway; and, in no trespassing authorized personnel only designated areas; and

WHEREAS, the city realizes that ideas and solutions for dealing with homelessness and camping will continue to evolve over time, the city will continue to be objectively reasonable, and the city will monitor how things work in practice and will work to make refinements as needed to its regulations as time goes forward; and

WHEREAS, the City of Siletz falls within the Siletz Area Enhanced Law Enforcement Service District, with law enforcement provided by the Lincoln County Sheriff's office, funded by a property tax levy and a contract with the Confederated Tribes of the Siletz Indians; and

WHEREAS, the Lincoln County Sheriff's Office has adopted a LEXIPOL policy concerning Homeless Persons which includes updated procedures (based upon HB 3124) on how the Lincoln County Sheriff's Office is to remove homeless individuals from camping sites on public property; and

WHEREAS, the provisions of this ordinance and Policy 429 of the Lincoln County Sheriff's Office of the Lincoln County SO Policy Manual titled "Homeless Persons" are found to be necessary to preserve the peace, health, and welfare of the citizens of the City of Siletz, this ordinance shall take effect and be in full force immediately upon its adoption by the City Council and approval by the Mayor.

NOW THEREFORE THE CITY OF SILETZ ORDAINS AS FOLLOWS:

(Words italicized and underlined are additions)

Section 1. Add to Title 4, Chapter 4.01 a section numbered 4.01.065 Public Camping, as follows:

A. Camping in the City of Siletz is prohibited :

- 100 feet of any waterway,
- within 500 feet of the safe school zone,
- on any city-owned public property that is designated as a day-use recreational area only,
- Hee Hee Illahee Park, except for that area designated as the park host section of the park,
- Mill Park,
- Loq Park,
- Baseball field behind city hall,
- Basketball court,
- Skate Park,
- Little league field and all grounds and parking areas surrounding such,
- Siletz Library and adjacent field used as a recreational day-use area,
- Areas where children congregate for school bus pick-up,
- All city rights-of-way,
- Any right of way within 100 feet of the edge of the pavement of Hwy 229 "Siletz Highway"
- Logsdon Road within city limits,
- Water treatment plant and Sewer treatment plant.

B. No activity associated with camping is allowed to occur that constitutes a nuisance or other threat to the health and safety of the public.

C. Any police officer or city code enforcement officer is authorized to trespass violators and provide to them a list of resources they may access assistance from.

Section 2. Add to Title 12, Chapter 12.16 Park Use Regulations Section 12.16.010 Definitions, as follows:

Camp or camping means to pitch a tent, erect, create, use, or occupy camp facilities for the purposes of habitation, as evidenced by the use of camp paraphernalia.

Camp facilities include but are not limited to tents, huts, temporary shelters, motor vehicles, or recreational vehicles.

Camp paraphernalia includes but is not limited to tarpaulins, cots, beds, sleeping bags, blankets, mattresses, hammocks, and/ or outdoor cooking devices or utensils, and similar equipment.

Section 4. Add to Chapter 12.24 section 12.24.020 Definitions after "Public Place" includes any "City Park" add Public Property designated as a Day Use Recreational Use Area.

Section 5. Add to Title 12 Streets, Sidewalks and Public Places, Chapter 12.18 Parking, as follows:

Chapter 12.18 Parking

12.18.010 Prohibited Parking

12.18.020 Recreational Vehicles And Trailers

12.18.010 Prohibited Parking

It shall be unlawful for any person to park:

- A. Any vehicle at any place prohibited by ORS 811.550;
- B. Any vehicle at any place adjacent to a curb that has been painted yellow or red by the City;
- C. Any vehicle within the landscape strip or within 20 ft of a corner as established by the pavement or traffic control signage;
- D. Any vehicle contrary to any parking control device;
- E. Any vehicle in any public alley, except to load or unload passengers or cargo, and then only for a period of time not to exceed 30 minutes;
- F. Any vehicle in any parking zone when the vehicle is parked for the principal purpose of:
 - 1. Displaying the vehicle for sale;
 - 2. Selling, taking orders for, or attempting to sell or take orders for the present or future delivery of goods or services of any nature, if such sales or orders are made, taken, or attempted from the vehicle;
 - 3. Displaying advertising from the vehicle; or
 - 4. Repairing, constructing, reconstructing, or servicing the vehicle;
- G. Any vehicle, or a combination of vehicles and trailers over 23 feet in overall length or eight feet in overall width:
 - 1. On a street within any zoned residential, except while engaged in the process of loading or unloading passengers or cargo or providing services in the district;
 - 2. On any street which is less than 30 feet in overall paved width;
- H. Any motorized recreational vehicle:
 - 1. On a street within any zoned residential if the motorized recreational vehicle is more than 20 feet in overall length or excess of eight feet in overall width for longer than two (2) hours;
 - 2. On any street which is 30 feet or less in overall paved width;
- I. Any vehicle that is not designed for self-propulsion, or is not connected to a vehicle designed for self-propulsion and is parked on a street or off-street parking facility.
- J. Any motor vehicle meeting the definition of "junk" or "disabled";
- K. Any vehicle within any area that is designated as a fire lane;
- L. Any motor vehicle that has expired registration as described in ORS 803.455(1) and which is in a commercial parking zone, alley, landscape strip on a street, or in an off-street parking facility.

12.18.020 Recreational Vehicles And Trailers

- A. A recreational vehicle or utility trailer parked on private property or on a public street shall not obstruct traffic or impair vision for motorists.
- B. No trailer, incapable of self-propulsion, shall be parked or left standing in any area of the public right of way, street, or public parking area.

Section 6. This ordinance shall take effect immediately upon its adoption by the City Council and approval by the Mayor.

APPROVED AT THE INTRODUCTION AND 1ST READING TO MOVE TO THE 2ND READING AND PUBLIC HEARING ON THIS 28th DAY OF August 2023.

APPROVED AND ADOPTED UPON ITS SECOND READING AND PUBLIC HEARING ON THIS 11th DAY OF September 2023.

APPROVED AND SIGNED BY THE MAYOR ON THIS 11th DAY OF September 2023.



Mayor Will Worman

ATTEST:



City Recorder

Chapter 9.50 Waldport Camping Regulations

9.50.010 Title And Purpose

9.50.020 Definitions

9.50.030 Permitted Camping

9.50.040 Recreational Vehicles

9.50.050 Prohibited Camping Locations

9.50.060 Campsite Cleanup

9.50.070 Penalties And Enforcement

9.50.010 Title And Purpose

The title of this chapter shall be known as the "Waldport camping regulations." The purpose of this chapter is to protect the safety of citizens and regulate use of publicly owned property by establishing time, manner, and place guidelines.

9.50.020 Definitions

- A. "Camp" or "camping" means to pitch, erect, create, use, or occupy camp facilities for the purposes of habitation, as evidenced by the use of camp paraphernalia.
- B. "Camp facilities" include, but are not limited to, tents, huts, temporary shelters, motor vehicles, or recreational vehicles.
- C. "Camp paraphernalia" includes, but is not limited to, tarpaulins, cots, beds, sleeping bags, blankets, mattresses, hammocks, or outdoor cooking devices or utensils and similar equipment.
- D. "City manager" means the Waldport city manager, or the city manager's designee.
- E. "Established campsite" or "campsite" mean any place where one or more persons have established temporary sleeping accommodations by use of camp facilities and/or camp paraphernalia for more than 24 consecutive hours.
- F. "Family" means two or more persons related by blood, marriage, adoption, legal guardianship, or other duly authorized custodial relationship, or not more than two unrelated adults.
- G. "Motor vehicle" has the meaning given that term in ORS 801.360.
- H. "Park areas" has the meaning set forth in Title 12 WMC.
 - I. "Parking lot" means a developed location that is designated for parking motor vehicles, whether developed with asphalt, concrete, gravel, or other material.
- J. "Publicly owned property" means any real property or structures owned, leased, or managed by the city or other government agency including public rights-of-way.
- K. "Public rights-of-way" means all property dedicated to the public for transportation purposes and administered by the City, including streets, roads, bridges, alleys, sidewalks, trails, paths, and all other public ways and areas managed by the City. "Right-of-way" also includes public utility easements to the extent that the easement allows use by the permittee planning to use or using the public utility easement. "Right-of-way" includes the subsurface under and airspace over these areas.
- L. "Recreational fire" means a fire for the cooking of food, warmth, fellowship or ceremonial purposes.
- M. "Recreational vehicle" has the meaning given that term in ORS 174.101.

- N. "Solid waste" means any garbage, trash, debris, yard waste, food waste, or other discarded materials.
- O. "Store" or "storage" means to put aside or accumulate for use when needed, to put for safekeeping, to place or leave in a location.
- P. "Street" means any highway, lane, road, street, right-of-way, alley, and every way or place in the city of Waldport that is publicly owned or maintained for public vehicular travel.

9.50.030 Permitted Camping

All persons participating in a camping program described this section do so at their own risk, and nothing in this section or chapter 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, theft or destruction.

- A. To allow for legal camping within the city, the prohibitions established in the other sections of this code shall not apply if these allowances are met:
 - 1. The property involved is appropriately zoned Industrial, Public Facility or Commercial in the Waldport Municipal Code AND the property owner has registered the temporary camping location with the city. The city may require the site to be part of a supervised program operated by the owner or its agent; OR
 - 2. Camping is occurring in accordance with a duly executed emergency declaration made pursuant to WMC; OR
 - 3. A special event permit has been issued in accordance with WMC authorizing camping; OR
 - 4. Real property developed and owned by a religious institution, place of worship, regardless of the zoning designation of the property. The city shall require the site to be part of a supervised program operated by the owner or its agent. OR
 - 5. By the owner of a residential zoned property provided the campers are family AND the owner has registered the temporary camping location with the city. (this section is by no means to be interpreted to prevent short term (less than 14 days) camping by family and friends for purposes of recreational usage of one's property unless deemed a nuisance under WMC title 8).
- B. In addition, and notwithstanding the prohibitions established in other sections of this code, the owner of a commercial or industrial property, a public entity, or a religious institution/place of worship may allow vehicle or tent camping to persons, provided:
 - 1. Such accommodations are made free of charge; AND
 - 2. Occupancy is limited to three (3) or fewer vehicles, tents at the same time, in any combination; AND
 - 3. If children under the age of 18 are involved, occupancy is limited to ONE (1) vehicle or tent and four (4) or fewer campers; AND
 - 4. All items and materials are stored in vehicles or tents or in a separate storage area that is screened from view from adjacent properties and public rights-of- way; AND
 - 5. Campers are provided access to sanitary facilities, including a toilet, hand washing and trash disposal facilities, with such facilities being at least 20 feet from the property line of a residential use if not fully contained within a building; and an inspection is performed

by the City to confirm that sanitary facilities are in place, required setbacks are met, and any storage areas are screened, before vehicle or tent camping is commenced; AND

6. A property owner who allows camping pursuant to subsection B of this section may revoke that permission at any time and for any reason; AND
7. Require a tent or camping shelter in a residential backyard to be not less than five feet away from any property line; AND
8. 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 property; provided, however, that nothing in this section will prohibit the property owner from requiring campers to perform services necessary to maintain safe, sanitary, and habitable conditions at the campsite.

C. Notwithstanding the provisions of this chapter, the city manager may:

1. Revoke the right of a property owner to allow camping on property described in subsection A of this section upon finding that the property owner or a camper has violated any applicable law, ordinance, rule, guideline or agreement, or that any activity occurring on that property by a camper is incompatible with the use of the property.
2. Revoke permission for a person to camp on public property upon finding that the person has violated any applicable law, ordinance, rule, guideline or agreement, or that any activity occurring on public property by the person is incompatible with the use of the property.
3. A permission revoked by the city manager is considered an administrative action, and can be appealed to the city council per the process in Chapter 5 similar to a business license hearing, however revocation must be adhered to prior to hearing.

9.50.040 Recreational Vehicles

A. Owners of developed residential land may authorize the placement of a recreational vehicle on their property for the purpose of housing given the following:

1. Approval by the city manager, or his designee, of a completed city authorized contact and compliance form.
2. A limit of one recreational vehicle per property.
3. Occupancy per recreational vehicle is limited to no more than two adults.
4. Recreational vehicles shall be 5 feet or more from any property line.
5. Provide a sanitary sewer connection, permanent electrical connection, and hard parking surface (concrete, asphalt pad, or adequately compacted gravel).
6. The RV placement shall not be in the parking area requirement of the residential dwelling as per WMC Title 16.
7. RVs must maintain legal licensing through the state of Oregon and be fit for travel along Oregon roads (i.e. Current vehicle tags must be maintained).

B. In addition, and notwithstanding the prohibitions established in other sections of this code:

1. Such accommodations are made free of charge. No rent, fee or performance of any valuable service may be required. However, homeowner may collect a payment for the utilities used;

2. Owner of the residential land must live on site;
3. The placement of the RV counts as an ADU under WMC 16.72.040 (E).

C. Notwithstanding the provisions of this chapter, the city manager may:

1. Revoke the right of a property owner to allow the RV on property described in subsection A of this section upon finding that the property owner or a camper has violated any applicable law, ordinance, rule, guideline or agreement, or that any activity occurring on that property by an RV is incompatible with the use of the property.
2. A permission revoked by the city manager is considered an administrative action, and can be appealed to the city council per the process in Chapter 5 similar to a business license hearing, however revocation must be adhered to prior to hearing.

9.50.050 Prohibited Camping Locations

A. Except as expressly authorized by the Waldport Municipal Code, at all times it is unlawful to establish, use, or occupy a campsite in the following locations:

1. Any City of Waldport park sites developed as a recreational facility or that are designed as public gathering spaces including, but not limited to:
 - a. Keady Wayside
 - b. Crestline Park
 - c. Southworth Park
 - d. Meridian Park
 - e. Kendell Field
 - f. Woodland Trail
 - g. Kittel Kaufman Trail (formally Lint Slough Trail)
 - h. Frisbee Golf Course
2. Within visual line of sight from a constructed and signed recreational trail on public property;
3. Any public property for which access would require trespass via an easement over private property or restricted city easement;
4. The following city-owned facilities, and associated grounds, that are open to the public:
 - a. Alsea Bay Interpretive Center
 - b. Waldport Community/Senior Center
 - c. Waldport Activity and Recreation Center
 - d. Waldport Library
 - e. Waldport City Hall
 - f. Public Works Shop
 - g. Wastewater Treatment Plant
 - h. Water Treatment Plant

i. Old Public Works shop

5. Any city property leased to another entity City owned or maintained parking lots unless identified as a vehicle camping lot;
6. Public rights-of-way adjacent to, or within 200 feet of a lot or parcel containing an elementary school, secondary school, health care facility, day care facility, or childcare facility;
7. Public rights-of-way adjacent to a lot or parcel containing a dwelling;
8. On any roadway, sidewalk or walking path or city property closed to the public;
9. Public rights-of-way within 100 feet of the edge of pavement of Hwy. 101 or Hwy. 34, or at any municipal facility (Fire Station, Port District, etc) which has not filed the owner registration request as per the initial section of this code.

B. Further restrictions:

1. Except as expressly authorized by the Waldport Municipal Code, it shall be unlawful for any person to store unattended personal property within public rights-of-way.
2. Except as expressly authorized by the Waldport Municipal Code or a special event permit, it shall be unlawful to carry out open burning or to have a recreational fire on public property.
3. Any person camping in a motor vehicle or recreational vehicle must adhere to the parking regulations outlined in WMC Title 10.
4. Notwithstanding the provisions of this section, the City Manager may temporarily authorize camping or storage of personal property on public property by written order that specifies the period of time and location upon finding it to be in the public interest and consistent with City Council goals and policies.
5. Camping on any property in which solid waste has accumulated without collection.

9.50.060 Campsite Cleanup

Campsites must be maintained in a clean and orderly fashion, with no accumulation of trash or debris around the site; failing this or failing to adhere to the code in this chapter, will make the campsite deemed unlawful. If a campsite is determined to be unlawful as described above:

- A. Signs may be posted advising that camping is prohibited. Whether or not a sign is posted, a specific dated and timed notice will be posted and distributed in the area of a scheduled cleanup at least 72 hours before the cleanup.
- B. Notwithstanding previous of this section, cleanup of campsites may occur immediately and without notice if the chief of police or designee determine that either of the following conditions exist:
 1. An emergency such as possible site contamination by hazardous materials or where there is an immediate danger to human life or safety;
 2. Illegal activity other than camping.
- C. It is unreasonable for the city to determine whether items are of a personal nature or solid waste, as such, at the end of the notice period, all items left at the campsite will be considered waste.

- D. Written notices will be in both English and Spanish.
- E. Copies of all notices shall be provided to the Oregon Department of Human Services and/or the Lincoln County Human Services Department.
- F. Weapons, drug paraphernalia, and items which reasonably appear to be either stolen or evidence of a crime may be retained and/or disposed of by the LCSO in accordance with their department's written policies and procedures.

9.50.070 Penalties And Enforcement

Violations of this chapter:

- A. Are a civil infraction, subject to a class B civil penalty enforced under the rules of WMC, in addition to state laws.
- B. Repeated violations of this title will result in trespass from those city properties unless on business directly with the city department so located.
- C. The City Manager may adopt administrative rules to enforce. (Ord. 792, 2023)

CHAPTER 9.50 CAMPING PROHIBITED IN CERTAIN PLACES

9.50.005 Title and Purpose

The title of this chapter shall be known as the “Newport Camping Regulations.” The purpose of this chapter is to protect the health and safety of residents and regulate the use of public property by establishing time, place, and manner guidelines.

9.50.010 Definitions

The following definitions apply in this chapter:

- A. “Camp” or “camping” means to pitch, erect, create, use, or occupy camp facilities for the purpose of habitation, as evidenced by the use of camp paraphernalia.
- B. “Camp facilities” include, but are not limited to, tents, huts, temporary shelters, motor vehicles, or recreational vehicles.
- C. “Camp paraphernalia” includes, but is not limited to, tarpaulins, cots, beds, sleeping bags, blankets, mattresses, hammocks, or outdoor cooking devices or utensils and similar equipment.
- D. “City manager” means the Newport city manager, or the city manager’s designee.
- E. “Dwelling” means a single unit providing complete independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking, and sanitation.
- F. “Established campsite” or “to establish a campsite” mean any place where one or more persons have established temporary sleeping accommodations by use of camp facilities and/or camp paraphernalia for more than 24 consecutive hours.
- G. “Motor vehicle” means a vehicle that is self-propelled or designed for self-propulsion.
- H. “Parking lot” means a developed location that is designated for parking vehicles, whether developed with asphalt, concrete, gravel, or other material.
- I. “Personal property” means items that can reasonably be identified as belonging to an individual and that have apparent value or utility.
- J. “Public property” means any real property or structures owned, leased, or managed by the City, including public rights-of-way.
- K. “Public rights-of-way” means all property dedicated to the public for transportation purposes and administered by the City, including streets, roads, bridges, alleys, sidewalks, trails, paths, and all other public ways and areas managed by the City. “Right-of-way” also includes public utility easements to the extent that the easement allows use by the permittee planning to use or using the public utility easement. “Right-of-way” includes the subsurface under and airspace over these areas. “Right-of-way” does not include the airwaves for purposes of CMRS, broadcast television, DBS and other wireless providers, or easements or other property interests owned by a single utility or entity.
- L. “Recreational vehicle or RV” means a vehicle with or without motive power that is designed for use as temporary living quarters and as further defined by the Oregon Department of Transportation in OAR Chapter 735, Division 022. Examples include motor homes, camping trailers, tent trailers, truck campers and camper vans.
- M. “Solid waste” means any garbage, trash, debris, yard waste, food waste, or other discarded materials.
- N. “Store” or “storage” means to put aside or accumulate for use when needed, to put for safekeeping, or to place or leave in a location.
- O. “Vehicle” means a motor vehicle or recreational vehicle.

9.50.015 Permitted Camping

A. The prohibitions in [Section 9.50.020](#) shall not apply to the following circumstances:

1. The property involved is appropriately zoned and has all necessary approvals for the proposed camping use, in a vehicle or otherwise, as provided in Title XIV (Zoning) of the Newport Municipal Code; or
2. Camping is occurring in accordance with a duly executed emergency declaration made pursuant to NMC 1.70.030; or
3. A special event permit has been issued in accordance with NMC Chapter 9.80 authorizing camping.

B. Notwithstanding the prohibitions in [Section 9.50.020](#), the owner of a commercial or industrial property, a public entity, or a religious institution/place of worship may allow vehicle or tent camping to persons, provided:

1. Such accommodations are made free of charge; and
2. Occupancy is limited to three or fewer vehicles or tents at the same time, in any combination; and
3. Vehicles or tents are located within an on-premise parking lot, and are spaced at least 10 feet apart; and
4. All items and materials are stored in vehicles or tents or in a separate storage area that is screened from view from adjacent properties and public rights-of-way; and
5. Campers are provided access to sanitary facilities, including a toilet, hand washing and trash disposal facilities, with such facilities being at least 20 feet from the property line of a residential use if not fully contained within a building; and an inspection is performed by the City to confirm that sanitary facilities are in place, required setbacks are met, and any storage areas are screened, before vehicle or tent camping is commenced.

C. A property owner who allows camping pursuant to subsection B of this section may revoke that permission at any time and for any reason.

D. Notwithstanding the provisions of this section, the city manager may:

1. Revoke the right of a property owner to allow camping on property described in subsection B of this section upon finding that the property owner or a camper has violated any applicable law, ordinance, rule, guideline or agreement, or that any activity occurring on that property by a camper is incompatible with the use of the property.
2. Revoke permission for a person to camp on public property upon finding that the person has violated any applicable law, ordinance, rule, guideline or agreement, or that any activity occurring on public property by the person is incompatible with the use of the property.
3. A permission revoked by the city manager under this subsection D is subject to notice in the manner provided in [NMC 8.11.090](#) and a right to appeal and hearing procedure as provided in [NMC 8.11.100](#).

E. Any person whose permission to camp on property has been revoked pursuant to subsections C or D of this section must vacate and remove all belongings from the property within four hours of receiving such notice.

F. All persons participating in a camping program described in subsection B of this section do so at their own risk, and nothing in this section or chapter 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.

9.50.020 Camping Prohibited in Certain Places

A. Except as expressly authorized by the Newport Municipal Code, at all times it is unlawful to establish, use, or occupy a campsite in the following locations:

1. City of Newport park sites developed with active use recreational facilities or that are designed as public gathering spaces including, but not limited to:

- a. Agate Beach Neighborhood and Dog Park
- b. Betty Wheeler Memorial Field
- c. Big Creek Park (developed portions)
- d. Coast Park
- e. Don and Anne Davis Park
- f. Founding Rock Park
- g. Frank Wade Memorial Park
- h. Literacy Park
- i. Mombetsu Sister City Park
- j. Sam Moore Skate Park and Parkway (developed portions)
- k. Wilder Twin Park

2. Within visual line of sight from a constructed and signed recreational trail on public property;

3. The following city-owned facilities, and associated grounds, that are open to the public:

- a. City Hall
- b. 60+ Activity Center
- c. Recreation/Aquatic Center
- d. Library
- e. Performing Arts Center
- f. Visual Arts Center
- g. Main Fire Station

4. City owned or maintained parking lots unless identified as a vehicle camping lot;

5. Public rights-of-way adjacent to, or within 200 feet of, a lot or parcel containing an elementary school, secondary school, day care facility, child care facility, or facility providing services to homeless persons;

6. Public rights-of-way adjacent to a lot or parcel containing a dwelling;

7. The following developed public rights-of-way that are more heavily trafficked, or that are in areas with industrial activities:

- a. SW Bay Blvd. from SW Bay St. to S. Pine St.
- b. SE Bay Blvd. from S. Pine St. to SE Niemi Ct. (including boardwalk/piers)
- c. SW Elizabeth St. from SW Government St. to W. Olive St.
- d. SW Coast St. from SW 2nd St. to W. Olive St.
- e. NW Coast St. from W. Olive St. to NW 11th St.
- f. NW Spring St. from NW 8th St. to NW 12th St.
- g. NW Oceanview Dr. from NW 12th St. to N. Coast Highway
- h. NW Rocky Way
- i. NW Gilbert Way
- j. Public rights-of-way within 100 feet of the edge of pavement of Highway 101 or Highway

B. Except as expressly authorized by the Newport Municipal Code, it shall be unlawful for any person to store personal property within public rights-of-way.

C. Except as expressly authorized by the Newport Municipal Code or a special event permit, it shall be unlawful to carry out open burning or to have a recreational fire on public property. The meaning of the terms “open burning” and “recreational fire” shall be as defined in the most recently adopted version of the State of Oregon Fire Code.

D. Any person camping in a motor vehicle or recreational vehicle must adhere to the parking regulations outlined in [NMC chapters 6.05 to 6.25](#).

E. Notwithstanding the provisions of this section, the City Manager may temporarily authorize camping or storage of personal property on public property by written order that specifies the period of time and location upon finding it to be in the public interest and consistent with City Council goals and policies.

F. The City Manager may adopt administrative rules to implement the provisions of this section.

ber 3, 2022; effective October 3, 2022.)