

**ORDINANCE NO. 1594**

**AN ORDINANCE PROHIBITING CAMPING AND REDUCING OTHER MISCELLANEOUS OFFENSES TO VIOLATIONS**

**WHEREAS**, the Canby Municipal Code does not currently have an ordinance regulating camping on certain public rights of way;

**WHEREAS**, Oregon Revised Statute 195.530 requires any camping ordinance be brought into compliance with Oregon law and with the decisions in *Martin v. Boise* and *Blake v. Grants Pass*;

**WHEREAS**, the City of Canby desires to have a camping ordinance that balances the constitutional rights of indigent homeless or houseless individuals with the needs of a city to remain orderly, safe, and clean;

**WHEREAS**, current Canby Municipal Codes in Chapter 9.24 and 12.24.040 unnecessarily criminalize certain behaviors associated with sidewalks, public rights of way, and use of public lands;

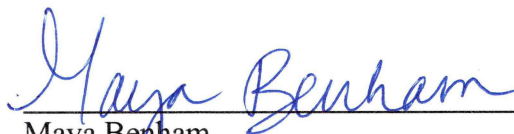
**WHEREAS**, the City of Canby desires to reduce the stigma and punishment associated with certain behaviors involving public lands and rights of way; and

**WHEREAS**, the City of Canby desires to have a camping ordinance that reasonably regulates as to time, space, and manner any camping within or along Canby public rights of way.

**NOW THEREFORE, THE CITY OF CANBY, OREGON, ORDAINS AS FOLLOWS:**

**Section 1.** They City of Canby City Council creates CMC Chapter 9.25 and Chapter 9.24.080, and it amends Chapter 12.24.040 in the ways shown in Exhibits "A."

**SUBMITTED** to the Canby City Council and read the first time at a regular meeting therefore on Wednesday, March 1, 2023 ordered posted as required by the Canby City Charter; and scheduled for second reading on Wednesday, April 19, 2023 commencing at the hour of 7:00 PM in the Council Chambers located at 222 NE 2<sup>nd</sup> Avenue, 1<sup>st</sup> Floor Canby, Oregon.

  
\_\_\_\_\_  
Maya Benham  
City Recorder

**PASSED** on second and final reading by the Canby City Council at a regular meeting thereof on the 19<sup>th</sup> day of April, 2023, by the following vote:

YEAS 6

NAYS 0



\_\_\_\_\_  
Brian Hodson  
Mayor

ATTEST:



\_\_\_\_\_  
Maya Benham  
City Recorder

ORDINANCE - EXHIBIT "A"

**Canby Municipal Code Chapter 9.25 CAMPING PROHIBITED IN CERTAIN PLACES**

Sections:

9.25.010 Definitions.

9.25.020 Prohibited Camping.

9.25.030 Violation-Penalty.

**9.25.010 Definitions.**

As used in this section.

(1) "To camp" means to set up, or to remain in or at, a campsite.

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

(3) "City property" means and includes all real property owned or leased by the city, other than public right-of-way and utility easement as those are defined herein, and all property held in proprietary capacity by the city.

(4) "To Store" or "storage" means to put aside or accumulate for use when needed, to put for safekeeping, to place or leave in a location.

(5) "Camp paraphernalia" means but is not limited to, tarpaulins, cots, beds, sleeping bags, blankets, mattresses, hammocks, or non-city designated cooking facilities and similar equipment.

(6) "Camp facilities" include, but are not limited to, tents, huts, temporary shelters, or vehicles.

**9.25.020 Prohibited Camping.**

(a) Except as expressly authorized by the Canby Municipal Code, it is unlawful at all times for any persons to camp or to establish, maintain, or occupy a campsite on the following city property:

(1) All public city parks, cemeteries, public safety buildings and curtilage, utility buildings and curtilage, and public works buildings and curtilage;

(2) In a manner reducing the clear, continuous sidewalk width to less than five feet;

(3) All public property located within an area zoned for residential use under Title 16 of this code. Any street that borders any residential zone is considered residential for the purposes of any type of camping.

(4) In any otherwise allowable public street, alleyway, or driveway unless in a camping facility designed for road travel and safety (vehicles, motorhomes, or camper trailers) that is legally parked (to include current registration), is operable, and is moved at least ~~one block or one~~ to a different street every 24 hours. Vehicular street camping is still disallowed in the residential zones per CMC 9.25.020 (a)(3).

(b) Except as expressly authorized by the Canby Municipal Code or by the advanced written consent of the City Administrator or designee, it shall be unlawful for any person to camp or maintain any campsite on any otherwise lawfully allowable city property during the hours of 7:00 a.m. to 9:00 p.m. for all months other than June, July, August, and September in which the hours change to 7:00 a.m. to 10 p.m.

(c) Notwithstanding the provisions of this chapter, the City Administrator or designee may temporarily authorize camping or storage of personal property on city property by written order that specifies the period of time and location:

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

(e) The City Administrator may adopt administrative rules to implement any of the provisions of this chapter.

#### **9.25.030 Violation - Penalties and Enforcement.**

(a) Violation of Chapter 9.25.020 is a Class "C" violation. Each day that a violation occurs will be considered a separate offense. In lieu of any fine that may be imposed for violation of this section, the court may order community service. Or the court may order both a fine and community service.

(b) In addition to any other penalties that may be imposed, violation of this chapter shall constitute a public nuisance and may be abated in accordance with Oregon law to include ORS 195.505.

### **ADDITIONAL DECRIMINALIZATION OF CURRENT ORDINANCES**

#### **Canby Municipal Code Chapter**

##### **9.24.080 Penalty.**

Violation of Chapter 9.24 is punishable by a fine not to exceed \$1000. In lieu of any fine that may be imposed for violation of this section, the court may order community service. Or the court may order both a fine and community service.

##### **12.24.040 Possession or consumption of alcoholic beverages prohibited in parks.**

- A. No person shall possess or consume alcoholic beverages in the municipal parks.
- B. Violation of this section is a Class C Violation.
- C. It is an affirmative defense that the possession or consumption of alcohol was part of a city-sponsored or otherwise permitted event involving alcohol. For example, a beer festival in the park.

**AFFIDAVIT OF POSTING**

**STATE OF OREGON**       )  
  )  
**County of Clackamas**    )       ss:  
  )  
**CITY OF CANBY**            )

I, Maya Benham, being first duly sworn, depose and say that I am the City Recorder for the City of Canby, Clackamas County, Oregon, a City duly incorporated under and by virtue of the laws of the State of Oregon.

That on the 1<sup>st</sup> day of March, 2023 the Council for said City of Canby held a Regular City Council Meeting, at which meeting Ordinance No. 1594 was read for the first time and passed by the vote of said Council and was then and there ordered posted in at least three (3) public and conspicuous places in said City for a period of five (5) days prior to the second reading and final vote on said Ordinance, as provided in Section 2 of Chapter 8 of the Charter of the City of Canby, and


Thereafter, on the 7<sup>th</sup> day of March, 2023, I personally posted said Ordinance in the following three (3) conspicuous places, all within the said City of Canby, to wit:

- 1.     Canby Civic Building
- 2.     Canby Post Office
- 3.     City of Canby Web Page

That since said posting on the date aforesaid, the said Ordinance will remain posted in the said three (3) public and conspicuous places continuously for the period of more than five (5) days and until the very 19<sup>th</sup> day of April, 2023.

  
\_\_\_\_\_  
Maya Benham, City Recorder

Subscribed and sworn to before me this 18 day of April, 2023.

  
\_\_\_\_\_  
Notary Public for Oregon  
My Commission Expires:

