

CLEAN-UP OF UNAUTHORIZED CAMPSITES ON PUBLIC PROPERTY

Approval: _____
Nina Vetter, City Manager

Date: Original June 2011
Revised June, 2014
Revised January, 2019
Revised September, 2021
Revised June, 2023

PURPOSE AND SCOPE

ORS 195.500 (formerly ORS 203.077) requires all municipalities to develop and implement policies which address unauthorized camping on public property. The City recognizes the social nature of the problem of individuals camping on public property and the need to develop a policy for the removal of camps. This procedure is designed to implement a process to ensure the humane treatment of individuals during removal from camping sites on public property and the proper storage and disposal of property from unauthorized camps. These procedures shall apply to all public property where camping is prohibited. For the purposes of this policy, the term “public property” includes public rights-of-way as defined by the Gresham Revised Code. City officials shall incorporate this procedure for departmental guidance in dealing with such circumstances. These procedures, including the Summary at the end of this document, may be updated as needed with contact information, designated representatives, or minor revisions to timing to improve interdepartmental coordination, without review and approval by the City Manager.

AFFECTED PARTIES

This policy affects the following personnel performing work for the City:

- City employees (permanent, temporary, limited term)
- City volunteers, agents and contractors working on behalf of the City

CITY CODE

7.10.165 Unauthorized Camping

- (1) No person shall camp on public property or public rights-of-way, other than an area approved by the city for the permitted use and built for the purpose of campgrounds or overnight parks.
- (2) The following provisions apply to persons experiencing homelessness:
 - a) In accordance with ORS 195.500-530, the City Manager shall adopt an administrative rule developing a policy that recognizes the social nature of the problem of persons experiencing homelessness camping on public property and implement the policy as developed to ensure the most humane treatment for removal of persons experiencing homelessness from campsites on public property. The policy shall, among other things, comply with applicable federal and state law. The Manager shall review the policy annually to ensure compliance with applicable law and prominently post the policy on the City’s website.
 - b) A person experiencing homelessness shall not be subject to a fine or penalty as stated in section 7.10.165(4) unless that person has first been offered shelter in compliance with applicable law.

- c) For the purposes of this section, "persons experiencing homelessness" does not include a person camping on public property or on any public street or right-of-way who has been offered shelter in compliance with State law and City policy.
- (3) No person in charge of property shall permit camping on such property unless it is occupied and approved as a residential use and the property owner has given written permission to camp, and in no event for more than 72 hours in a 30-day period. Exceptions may be granted under emergency conditions as determined by the manager.
- (4) Violation of any provision of this section may be subject to a fine or penalty in the maximum amount of \$1,000.

DEFINITIONS

GRC 7.10.010. Camp or Camping. To live, cook, sleep, or take overnight shelter in a temporary, motorized vehicle, or non-permanent structure or location, including but not limited to a shack, lean-to, storage shed, tent, travel trailer, recreational vehicle, boat, utility trailer or vehicle of any kind.

For purposes of this policy, the below list of activities and circumstances may be considered in determining whether a person has "camped" or is "camping" in violation of the City code.

1. Sleeping or making preparations to sleep, including the lying down of bedding for the purpose of sleeping.
2. Occupying a shelter out of doors. "Shelter" shall mean any cover or protection from the elements other than clothing, such as a tent, shack, sleeping bag, or other structure or material.
3. The presence or use of a campfire, camp stove or other heating source or cooking device.
4. Keeping or storing personal property.

Personal property: Items that are reasonably recognized as belonging to a person and that have apparent utility. Items with no apparent utility or are in an unsanitary condition shall be deemed debris.

Debris: For purposes of this policy, debris is any item that has no apparent utility or is in an unsanitary condition, including, but not limited to, camp structures, camping paraphernalia, and personal property that has no apparent utility or is in an unsanitary condition.

Unauthorized Camps: A location on public property where persons are camping in violation of the City code.

IDENTIFICATION AND CLEAN-UP OF UNAUTHORIZED CAMPS POLICY

The procedure developed below is established pursuant to ORS 195.500. It is intended to address the identification, notification and removal of unauthorized camps on public property, while preserving as much as possible the dignity and respect all persons deserve.

I. Identification of Unauthorized Campsites; Notification to Designated City Officials

Upon notification that there may be an unauthorized campsite on public property subject to this Policy, the City shall forward the complaint to the designated City official identified in the *Summary- Unauthorized Camping Clean Up Procedures*, set out below.

II. Post-Notification Procedures

1. The City shall verify whether an unauthorized camp is occupied and whether personal property or debris are present. If verified, the City shall notify occupants that they are not permitted to camp on public property and that the unauthorized camp will be removed in accordance with this policy and applicable law. A designated City official shall then post a Notice of Unauthorized Campsite, written in English and Spanish.
2. The Notice shall state:
 - a) The activity is in violation of GRC 7.10.165 and the City's unlawful camping policy.
 - b) Personal property and debris at the unauthorized camp will be removed not less than 72-hours after posting of the Notice, and personal property may be reclaimed at the place, dates and times designated on the Notice. The Notice shall include contact information for the storage facility; including, but not limited to its address and phone number.
 - c) Unclaimed personal property shall be disposed of or donated after 30 days of retention.
3. After a Notice has been posted, the local agency and/or city department designated to deliver social services to homeless individuals may visit the camping site at their discretion to assess the need for social service assistance in arranging shelter and other assistance. Nothing in this Policy shall preclude the designated agency or department from contacting and assisting homeless individuals before a Notice is posted.

III. Removal of Unauthorized Campsites from City Property; Clean Up of Personal Property and Debris

1. On the date designated by the City to remove personal property and/or debris from a posted unauthorized campsite, a designated City official or designee shall inspect the site to ensure the site is unoccupied.
2. If the site is occupied, the designated City official or designee shall contact the Gresham Police Department for assistance. People who remain at the unauthorized campsite shall be asked to leave. People who decline to leave and who violate any other state or city code may be subject to applicable sanctions of Oregon Revised Statutes and Gresham Revised Codes. A person experiencing homelessness shall not be subject to a fine or penalty as stated in section 7.10.165(4) unless that person has first been offered shelter in compliance with applicable law.
3. The City or its designee shall collect personal property and store it for not less than 30 days. Personal property shall be made available to the person claiming ownership. Upon making a claim of ownership, the personal property shall be released to the person at no cost. Any personal property that remains unclaimed for over 30 days shall be disposed of or donated to a corporation described in section 501(c)(3) of the Internal Revenue Code as amended and in effect on December 31, 2020. The term "shall be made available" includes providing a person transportation to the storage facility and back to a requested location within City limits upon request, if the personal property is stored outside of City limits. The City and/or its contractor shall ensure that unclaimed personal property is stored in an orderly fashion,

keeping items that belong to an individual together to the extent that ownership can reasonably be determined.

4. During the process of clean up, any presence of weapons or firearms shall be immediately reported to the Gresham Police Department and left undisturbed.
5. Any City employee or contractor designated to remove personal property and debris shall be trained in the use of Personal Protective Equipment and the handling of Hazardous Waste.
6. Following the removal of the campsite, designated City officials, local agency officials and outreach workers may meet to assess the notice and removal policy, discuss whether the removals are occurring in a humane and just manner, and to determine if any changes are needed in the policy.

IV. When 72-Hour Notice Is Not Required

The 72-hour Notice required above shall not apply:

- a) When there are grounds for law enforcement officials to believe that illegal activities other than camping are occurring;
- b) In the event of an emergency, such as possible site contamination by hazardous or bio-hazardous materials or when there is immediate danger to human life, welfare or safety;
- c) to any unauthorized campsite located on public property designated as a day use recreational area.
- d) If a funeral service is scheduled with less than 72 hours' notice at a cemetery at which there is a camping site, or a camping site is established at the cemetery less than 72 hours before the scheduled service, the written notice required pursuant to Section II of this Policy may be posted at least 24 hours before removing homeless individuals from the camping site.

Note:

- 1) Personal property removed from an unauthorized campsite pursuant to this section shall be stored at a City or designee storage facility. A designated City official or its designee shall post a notice in a conspicuous spot stating that removed personal property may be reclaimed at the place, dates and times designated on the notice. The procedures set out in Section III(3) of this Policy shall apply to this section.
- 2) Unclaimed personal property shall be disposed of or donated not less than 30 days after removal. Debris may be immediately discarded.
- 3) Following the removal of the unauthorized camp, designated city officials, local agency officials and outreach workers may meet to assess the notice and removal policy, discuss whether the removals are occurring in a humane and just manner, and to determine if any changes are needed in the policy.

V. Issuing Citations for Non-Compliance

1. In addition to 7.10.165 (Unauthorized Camping), below are some of the state laws and City codes that, when violated, may result in a citation:

GRC 7.10.075(1) No person may urinate or defecate in view of a public place including in view of a residential area.

GRC 7.10.120(1) No person shall drink an alcoholic beverage or possess an open container of an alcoholic beverage in a public place or upon premises open to the public unless the premises are licensed for that purpose by the Oregon Liquor Control Commission.

GRC 7.10.130(1)(b) No person shall be in a city park, trail, or open space between 10:00 p.m. to 5:00 a.m. April 1 to September 30, nor between 8:00 p.m. to 6:00 a.m. October 1 to March 31.

GRC 7.10.145(1) No person shall in a city park, trail, or open space area unless designated for such use: (g) pick, cut, mutilate or remove flowers, shrubs, foliage, trees or plant without written permission from the manager.

GRC 7.10.145(1)(l) No person shall in a city park, trail, or open space area unless designated for such use: Construct or erect any structure, membrane, tent or lean-to without permission from the manager.

GRC 7.27.040 Dumping and Littering Prohibited. No person may throw or place, or direct another person, to throw or place, any rubbish, trash, garbage, debris or other refuse or recyclable material upon public land or waters or private land or waters of another person, without the permission of the owner. The depositing of waste or refuse generated in the home, business, or by commercial activities into city-owned receptacles is also prohibited.

ORS 164.805 Offensive littering. (1) A person commits the crime of offensive littering if the person creates an objectionable stench or degrades the beauty or appearance of property or detracts from the natural cleanliness or safety of property by intentionally:

(a) Discarding or depositing any rubbish, trash, garbage, debris or other refuse upon the land of another without permission of the owner, or upon any public way or in or upon any public transportation facility;

(b) Draining, or causing or permitting to be drained, sewage or the drainage from a cesspool, septic tank, recreational or camping vehicle waste holding tank or other contaminated source, upon the land of another without permission of the owner, or upon any public way; or

(c) Permitting any rubbish, trash, garbage, debris or other refuse to be thrown from a vehicle that the person is operating. This subsection does not apply to a person operating a vehicle transporting passengers for hire subject to regulation by the Interstate Commerce Commission or the Department of Transportation or a person operating a school bus described under ORS 801.460.

SUMMARY

Unauthorized Camping Clean Up Procedures

Contact Information

1. Gresham Homeless Services: 503-618- 2441
2. Code Compliance: (503) 618-2248

All reports of unauthorized camping should be relayed to Gresham Homeless Services Team (“Homeless Services”).

Gresham Homeless Services will address unauthorized camping with the following procedures:

PUBLIC PROPERTY AND PUBLIC RIGHTS-OF-WAY

1. Homeless Services will visit the location, attempt to contact occupants, offer shelter and services in accordance with applicable law.
2. If the occupants of the campsite accept shelter and services, Homeless Services will come to an agreement with the occupants on a timeline for the removal of the camp and begin working with the clients to address their barriers to housing.
3. If the occupants of the campsite decline shelter and services, Homeless Services will document the declined offer and try to come to an agreement with the occupants on a timeline for the removal of the camp.
4. If occupants do not agree to a timeline for the removal of the camp (or do not remove and exit the camp by the agreed upon timeline), Homeless Services will post (and document) a “Notice of Unauthorized Campsite”.
5. After the 72-hr posting requirement of the “Notice of Unauthorized Campsite” has been met, Homeless Services will revisit the location to confirm that the site is unoccupied.
 - a. If the occupants of the camp are refusing to leave or become verbally or physically aggressive, GPD may be contacted to respond to the scene.
6. Once the site is confirmed to be unoccupied, Homeless Services or the City’s private contractor will clean up unauthorized campsite.
 - a. City employees/contractors shall remove and dispose of debris.
 - b. Items that are reasonably recognized as belonging to a person and that have apparent utility will be stored by the contractor per Gresham Policy No. 12-01, section III.
 - c. Contractor will notify Homeless Services when the site clean up is complete and if any personal items of utility will be stored.

PRIVATE PROPERTY

1. Homeless Services will visit the location, attempt to contact occupants from the public right of way (or on property with owner permission), offer available shelter and services.
2. If the occupants of the campsite accept shelter and services, Homeless Services will come to an agreement with the occupants on a timeline for the removal of the camp and begin working with the clients to address their barriers to housing.
3. If the occupants of the campsite decline shelter and services, Homeless Services will document the declined offer and try to come to an agreement with the occupants on a timeline for the removal of the camp.
4. If occupants do not agree to a timeline for the removal of the camp (or do not remove and exit the camp by the agreed upon timeline), Homeless Services will contact the property owner, Code Compliance or Gresham PD for assistance.
 - a. If the property owner is motivated to resolve the unauthorized camp, Homeless Services will involve Gresham PD to assist the owner with trespassing the occupants.
 - b. If the property owner is unavailable or unwilling to resolve the unauthorized camp, Code Compliance may open a case to resolve the violation via enforcement process. Code compliance correspondence to the property owner will include an offer of support from Homeless Services (for shelter/services) and Gresham PD (for trespassing).
 - c. Per 7.50.210, if the violation is a nuisance and an imminent threat to public health and/or safety, it may be summarily abated by the City.