

# ORDINANCE NO. 2022-04

## AN ORDINANCE OF THE CITY OF SEASIDE, OREGON, ADDING CHAPTER 102 TO THE CODE OF SEASIDE, ESTABLISHING CAMPING REGULATIONS, DEFINITIONS, and PROGRAM FOR TEMPORARY CAMPING, PROHIBITED CAMPING, PENALTIES AND ENFORCEMENT

**WHEREAS**, the City Council is interested in creating a Camping Ordinance in the City of Seaside, Oregon.

**NOW, THEREFORE, THE CITY OF SEASIDE ORDAINS AS FOLLOWS:**

**SECTION 1:** Chapter 102 of the Code of Seaside is hereby created and added to read:

### **Chapter 102 CAMPING REGULATIONS**

#### **102.01 Title and purpose.**

The title of this chapter shall be known as the "City of Seaside, Oregon, camping regulations." The purpose of this chapter is to protect the safety of all citizens, housed or unhoused, and regulate use of publicly and privately owned property by establishing time, manner, and place guidelines. Intent: not to include those vacationing in the City of Seaside. Intended only for those experiencing homelessness.

#### **102.02 Definitions.**

For the purpose of this chapter, the following definitions shall apply unless the content clearly indicates or requires different meaning:

- 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, vehicles, recreational vehicles "RV's", or trailers.
- C. "Camp paraphernalia" includes, but is not limited to, tarpaulins, cots, beds, sleeping bags, blankets, mattresses, hammocks, or cooking devices or utensils and similar equipment.
- D. "Campsite" means any place where one or more persons have established temporary Sleeping accommodations by use of camp facilities and/or camp paraphernalia.
- E. "City manager" means the Seaside City Manager, or the city manager's designee.
- F. "Motor vehicle" has the meaning given that term in ORS 801.360.
- G. "Park areas" has the meaning all public parks owned by ~~in~~ the City of Seaside.
- H. "Parking lot" means a developed location that is designated for parking motor vehicles, whether developed with asphalt, concrete, gravel, or other material.
- I. "Private property" means land or belongings owned by a person or a group and kept for their exclusive use.
- J. "Prohibited campsite" means any campsite:
  - (a) Described in Code of Seaside 102.06; or
  - (b) Not authorized under the Code of Seaside.
- K. "Public property" means public lands, premises and building, including but not limited to any buildings used in connection with the transaction of public business or any land, premises or building owner or leased by the City of Seaside.
- L. "Public rights-of-way" has the meaning set forth in Code of Seaside 95.01.
- M. "Recreational fire" has the meaning given that term in Code of Seaside Chapter 94.
- N. "Recreational vehicle" has the meaning given that term in ORS 174.101.
- O. "Solid waste" means any rubbish, garbage, trash, debris, yard waste, food waste, sewage or other discarded materials.
- P. "Solid waste disposal services" means contracted solid waste collection service for a campsite with the city's exclusive franchisee for the collection of solid waste.

- Q. "Store" or "storage" means to put aside or accumulate for use when needed, to put for safekeeping, to place or leave in a location.
- R. "Street" means any highway, lane, road, street, right-of-way, alley, and every way or place in the city of Seaside that is publicly owned or maintained for public vehicular travel.

**102.03 Private property program for temporary camping.**

- A. Private Property – Non residential
- (1) With written authorization of the private property owner of the property up to six (6) persons and up to three (3) total motor vehicles, RV's or tents, in any combination, may be used for camping in any parking lot.
- B. Private Property - Residential
- (1) Up to six (6) persons may use a residentially zoned property developed with an occupied residential dwelling, with further authorization from property owner and tenants of the property, for camping by either:
- (a) Using a tent to camp in the back yard of the residence; or
- (b) Using a single motor vehicle parked in the driveway of the dwelling.
- C. Property Owner Responsibility
- (1) A property owner who authorizes any person to camp on a property pursuant to subsection (A) and (B) of this section must:
- (a) Provide or make available sanitary facilities; (i.e., including toilets, wash facilities, and drinking water facilities).
- (b) Provide garbage disposal services so that there is no accumulation of solid waste on the site;
- (c) Provide a storage area for campers to store any personal items so the items are not visible from any public street;
- (d) Require a tent or camping shelter to be not less than five feet away from any property line; and
- (e) 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.
- (f) Register with the city camping permit program.
- D. A property owner who permits camping pursuant to subsection (A) and (B) of this section may revoke that permission at any time and for any reason.
- E. Notwithstanding any other provision of this chapter, the city manager or their designee may:
- (a) Revoke the right of any person or organization or commercial entity to authorize camping on property described in subsection A of this section upon finding that any activity occurring on that property by the camper(s) is incompatible with the uses of adjacent properties or constitutes a nuisance or other threat to the public welfare; or
- (b) Revoke permission for a person or group to camp overnight on private property upon finding that the person or family member has violated any applicable law, ordinance, rule, guideline or agreement, or that any activity occurring on that property by a camper(s) is incompatible with the use of the property or adjacent properties.
- F. Any person whose authorization to camp on property has been revoked pursuant to subsections (D) and (E) of this section must vacate and remove all belongings from the property within twenty-four (24) hours of receiving such notice.

- G. All persons or organization or commercial entity participating in the temporary camping program described in 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.

**102.04 Public property program for temporary camping.**

- A. Campers participating in the city’s program for temporary camping are permitted to use public property locations identified in the city policy.
- B. All vehicles, motorized or recreational, participating in the city’s program for temporary camping under this section shall be currently registered and displaying an unexpired registration plate with current tags or current trip permit issued by the Oregon State Department of Motor Vehicles (DMV) and shall be in compliance with required vehicle insurance responsibilities.
- C. The city may revoke permission for a person or group to camp overnight on public property upon finding that the person or group has violated any applicable law, ordinance, rule, guideline or agreement, or that any activity occurring on that property by a camper(s) is incompatible with the use of the property. or adjacent properties.

**102.05 Program for temporary camping permit**

- A. Persons camping and property owners participating in the city’s program for temporary camping shall obtain a cost-free permit from the city.
- B. Permits shall only be valid for three 3 weeks at a time before participants must obtain a new permit.
- C. In addition to the provisions within the penalties and enforcement section 102.99, violators of any provision of this chapter may be denied participation in the program for temporary camping.

**102.06 Prohibited public property camping.**

- A. Except as expressly authorized by Section 102.04, at all times it is unlawful for any persons to establish or occupy a campsite on the following public property:
  - (a) All public park areas;
  - (b) All publicly owned or maintained parking lots; and
  - (c) All publicly owned or maintained restrooms; and
  - (d) All publicly owned property located within residential zoning districts:
    - (1) Low density residential (R1)
    - (2) Medium density residential (R2)
    - (3) High Density Residential (R3)
    - (4) Resort Residential (RR)
    - (5) Residential Commercial (RC)
  - (e) All publicly owned property along 12<sup>th</sup> Avenue.
  - (f) All publicly owned property between 1<sup>st</sup> Avenue to Avenue A.
  - (g) All publicly owned property along Avenue G.
  - (h) All publicly owned property along Avenue U.
  - (i) All publicly owned property along Necanicum Drive.
  - (j) All publicly owned property along Holladay Drive.
  - (k) All publicly owned property along Highway 101.
  - (l) All publicly owned property along Wahanna Drive.
  - (m) All publicly owned property along Sunset Boulevard.

- B. Except as expressly authorized by the Code of Seaside, it shall be unlawful for any person to camp as defined in Chapter 102 on any publicly owned property during the hours of 8:00 a.m. to 8:00 p.m.
- C. Except as expressly authorized by the Code of Seaside, it shall be unlawful for any person to store personal property, including camp facilities and camp paraphernalia, on any public property during the hours of 8:00 a.m. to 8:00 p.m.
- D. Except as expressly authorized by the Codes of Seaside Chapter 94 or special event permit, it shall be unlawful to have a recreational fire on public property.
- E. A person or persons camping in a vehicle or recreational vehicle must adhere to parking regulations, Code of Seaside Chapter 72, and public right-of-way regulations, Code of Seaside Chapter 95.01.
- F. Notwithstanding the provisions of this chapter, the city manager or designee may temporarily authorize camping or storage of personal property on public property by written order that specifies the period of time and location:
  - (a) In the event of emergency circumstances;
  - (b) In conjunction with a special event permit; or
  - (c) Upon finding it to be in the public interest and consistent with council goals and policies.
- G. The city manager may adopt administrative rules to implement any of the provisions of this chapter.

**102.99 Penalties and enforcement.**

- A. Any person who violates any provision of this chapter shall, upon conviction, be subjected to a fine in the amount not to exceed \$25. Each day a violation is committed or permitted to continue shall constitute a separate offense.
- B. In addition to any other penalties that may be imposed, any campsite or camp facilities or camp paraphernalia used for overnight sleeping in a manner not authorized by this section or other provisions of this code shall constitute a public nuisance and may be abated as such. Movement from one location within city limits to another does not constitute abatement by the owner.

**SECTION 2:** Ordinance 2022-04 will take effect on the thirtieth day after its adoption.

**ADOPTED** by the City Council of the City of Seaside on this \_\_\_\_ day of \_\_\_\_\_, 2022 by the following roll call vote:

YEAS:  
 NAYS:  
 ABSTAIN:  
 ABSENT:

**SUBMITTED** to and **APPROVED** by the Mayor on this \_\_\_\_ day of \_\_\_\_\_, 2022

\_\_\_\_\_  
 JAY BARBER, MAYOR

ATTEST:

\_\_\_\_\_  
 Mark J. Winstanley, City Manager

ORDINANCE No. 2022-04 0 Public Property Program for Temporary Camping.

Campers participating in the city's program for temporary camping are permitted to use the following public property locations in accordance with the city policy:

- (a) North Holladay Dr. (east side 2200 Block)
- (b) Shore Terrace (south of 12<sup>th</sup> Ave.)
- (c) Shore Terrace (west of Forest Dr.)
- (d) Necanicum Dr. (east side 300 Block in RV parking space)
- (e) Avenue G (north side 500 Block)
- (f) Cartwright Park (former school administration building space)
- (g) Mill Ponds Park (south lot off of Aldermill Rd.)
- (h) American Legion Parking Lot

**This will be a policy enacted at a later date (after Ordinance is approved) for the public property locations in the City of Seaside, Oregon.**

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