

EUGENE CITY COUNCIL

AGENDA ITEM SUMMARY



Public Hearing: An Ordinance Concerning Permitted Overnight Sleeping and Amending Section 4.816 of the Eugene Code, 1971

Meeting Date: February 21, 2012
Department: Planning and Development
www.eugene-or.gov

Agenda Item Number: 4
Staff Contact: Michael Wish
Contact Telephone Number: 541/682-5540

ISSUE STATEMENT

This public hearing is to consider a permanent amendment following a temporary amendment to Ordinance 4.816. Ordinance 4.816 allows for persons to sleep overnight in a vehicle, camper or trailer in a parking lot of a religious institution, place of worship, business or public entity that owns or leases property on which a parking lot and occupied structure are located, with permission of the property owner.

For consideration is the temporary amendment from Council Bill 20484, which allows tents to be defined as vehicles for the purpose of camping, permitted under Ordinance 4.816. Council Bill 20484 is set to sunset on April 15, 2012.

BACKGROUND

Section 4.816 of the Eugene Code, 1971 (EC) provides for the regulation of overnight sleeping. EC 4.816(1)(a) and (c) contain provisions for overnight sleeping in a vehicle, camper, or trailer under certain circumstances and in certain areas.

On December 20, 2011, in order to facilitate the transition for Occupy Eugene members, a temporary exception to the provisions contained in EC 4.816(1)(a) and (c) concerning overnight sleeping was granted to allow for overnight sleeping in a tent where overnight sleeping would normally be allowed in a vehicle. The December 20 exception was processed as an emergency response to the immediate termination of the overnight camping exemption at the Occupy Eugene camp at Washington-Jefferson Park, overriding the normal ordinance adoption procedures of Section 28(1) of the Eugene Charter of 2002.

The exception to Ordinance 4.816, allowing tents to be defined as vehicles for the purposes of permitted overnight camping was passed unanimously by the City Council on December 20, 2011. Unless extended or made permanent by future council action, this exception to Ordinance 4.816 will sunset and be repealed on April 15, 2012.

RELATED CITY POLICIES

Eugene City Code provisions related to overnight camping (Eugene Code Chapter 4).
Council goal for a safe community: A community where all people are safe, valued and welcome, including desired outcomes for decreased property crime, a greater sense of safety, visible and accessible police presence, and better police/community relations.

COUNCIL OPTIONS

No motion is proposed as this item is scheduled for a public hearing only.

CITY MANAGER'S RECOMMENDATION

This item is scheduled for a public hearing only. Following the City's receipt of all testimony, the City Manager will make a recommendation to be included in the council packet for action on March 12, 2012.

ATTACHMENTS

A. Proposed Ordinance

FOR MORE INFORMATION

Staff Contact: Michael Wisth
Telephone: 541/682-5540
Staff E-Mail: michael.c.wisth@ci.eugene.or.us

ORDINANCE NO. _____

**AN ORDINANCE CONCERNING PERMITTED OVERNIGHT SLEEPING
AND AMENDING SECTION 4.816 OF THE EUGENE CODE, 1971.**

THE CITY OF EUGENE DOES ORDAIN AS FOLLOWS:

Section 1. Subsections (1)(a) and (c) of Section 4.816 of the Eugene Code, 1971, are amended to provide as follows:

4.816 Permitted Overnight Sleeping.

(1) Notwithstanding any other provision of this code:

- (a) Persons may sleep overnight in a vehicle, camper or trailer in a parking lot of a religious institution, place of worship, business or public entity that owns or leases property on which a parking lot and occupied structure are located, with permission of the property owner. The property owner may not grant permission for more than three vehicles used for sleeping at any one time. ***For purposes of this paragraph, a “vehicle” shall also include a tent.***
- (c) Persons may sleep overnight in a vehicle, camper or trailer on a paved or graveled surface located on a vacant or unoccupied parcel, with the permission of the property owner, if the owner registers the site with the city or its agent. The city may require the site to be part of a supervised program operated by the city or its agent. The property owner may not grant permission for more than three vehicles used for sleeping at any one time. ***For purposes of this paragraph, a “vehicle” shall also include a tent.***

Section 2. Ordinance No. 20484, which adopted temporary amendments to EC 4.816(1)(a) and (c) to provide that tents be considered “vehicles,” is repealed.

Section 3. The City Recorder, at the request of, or with the consent of the City Attorney, is authorized to administratively correct any reference errors contained herein,

or in other provisions of the Eugene Code, 1971, to the provisions added, amended or repealed herein.

Passed by the City Council this

___ day of _____, 2012.

Approved by the Mayor this

___ day of _____, 2012.

City Recorder

Mayor