

EUGENE CITY COUNCIL

AGENDA ITEM SUMMARY



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

Meeting Date: March 12, 2012
Department: Planning and Development
www.eugene-or.gov

Agenda Item Number: 5
Staff Contact: Michael Wisth
Contact Telephone Number: 541/682-5540

ISSUE STATEMENT

This work session is to consider a permanent amendment following a temporary amendment to Ordinance 4.816. Ordinance 4.816 allows people 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.

This temporary amendment from Council Bill 20484 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 15th, 2012. The council may choose to allow the amendment to sunset, extend the amendment, or make the amendment permanent.

BACKGROUND

Section 4.816 of the Eugene Code, 1971 (EC) provides for the regulation of overnight sleeping. EC 4.816(1)(a) and (c) contains 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(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 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 on April 15, 2012.

Current Status

The homeless car camping program managed by St Vincent de Paul provides important insights on the effects of the amendment to Ordinance 4.816. At present, the program manages 22

permitted non-family sites accommodating between one and three vehicles each. These sites currently serve 55 people, two of whom are residing in tents. The waiting list for the program currently stands at 110 requests, 27 of which are for tents, or 24.5 percent of requests.

Issues

There are a number of issues to be considered when defining tents as vehicles for the purpose of car camping. Allowing tents does offer flexibility for siting homeless campers, as many of the homeless in the community do not have vehicles for camping.

Unlike vehicles, however, tents and the possessions within are much less secure and may present more problems related to theft at managed car-camping sites. Also, tents may appear less contained and compact than vehicles, leading to increased community concerns regarding the placement of managed sites. Further, sites considered adequate for tent campers (close to transit and services, proper surfaces for establishing a tent) are less prevalent when limited to parking lots, paved and graveled surfaces.

Expanding the number of car camping sites, following a one-time \$50,000 increase to the car camping program contract with St Vincent de Paul has proceeded slower than anticipated, making it difficult to measure the impacts of allowing tents on managed car camping sites. St. Vincent de Paul has recently increased staffing for the program to aid more site recruitment. Furthermore, City staff continue to identify City-owned sites adequate for managed car camping and engage the surrounding community to ensure a proper fit for campers and neighbors.

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

The council may choose to make the temporary amendment permanent, grant an extension or allow the amendment to sunset on April 15, 2012

CITY MANAGER'S RECOMMENDATION

The City Manager recommends an extension of the amendment to Ordinance 4.816 through December 31, 2012.

SUGGESTED MOTION

Move to adopt Council Bill 5066, an ordinance concerning permitted overnight sleeping and amending Section 4.816 of the Eugene Code, 1971.

ATTACHMENTS

A. Amendment to Ordinance 4.816

FOR MORE INFORMATION

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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