

ORDINANCE NO. _____

AN ORDINANCE CONCERNING PERMITTED OVERNIGHT SLEEPING AND TEMPORARILY AMENDING SECTION 4.816 OF THE EUGENE CODE, 1971; AMENDING ORDINANCE NO. 20503 REGARDING CONESTOGA HUTS; AND PROVIDING A SUNSET DATE.

The City Council of the City of Eugene finds as follows:

A. Section 4.816 of the Eugene Code, 1971 (EC) provides for the regulation of overnight sleeping.

B. In order to create additional sleeping options for homeless persons, EC 4.816 should be temporarily amended to expand the permitted overnight sleeping provisions as a pilot program until November 1, 2013. The temporary amendment will allow the City to monitor these changes to determine whether they should be made permanent, revised or abandoned.

NOW, THEREFORE,

THE CITY OF EUGENE DOES ORDAIN AS FOLLOWS:

Section 1. The findings set forth above are adopted.

Section 2. Subsection (1) of EC 4.816 is 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]~~ **six** vehicles used for sleeping at any one time. ***For purposes of this subsection (1), the term "vehicle" includes a car, tent, camper, trailer, and Conestoga hut.***

[Comment: Each site is currently limited to 3 vehicles. The first proposed change would double the number of vehicles/tents/huts that could be located at each site.]

[Comment: The second proposed change would allow tents and Conestoga huts to continue until the ordinance sunsets.]

- (b) Persons may sleep overnight in the back yard of a single family residence in a residential zoning district, with permission of the owner and tenant of the residence. Not more than one family may sleep in any back yard, and not more than one tent or camping shelter may be used for sleeping in the back yard. As an alternative, but not in addition to sleeping overnight in the back yard, not more than one family may sleep in a vehicle, camper or trailer parked in the driveway of a single family residence in a residential zoning district, with permission of the owner and tenant of the residence. For purposes of this subsection, "family" means persons related by blood or marriage, or no more than two unrelated adults.
- (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~~] **six** vehicles used for sleeping at any one time.
- (d) ***The following entities may allow not more than ten persons to sleep overnight, between 9:00 p.m. and 7:00 a.m. only, on property owned by the entity, or, if leased by the entity, with permission of the owner: the City of Eugene; a religious institution; a non-profit organization; and a business if the business is located on property zoned commercial or industrial. No more than five vehicles may be used for overnight sleeping at any one site under this provision.***

[Comment: This proposed change would allow "dusk-to-dawn" camping on sites to be designated by the City, as well as sites authorized by a religious institution, a non-profit organization, and a business as long as the business is located in a commercial or industrial zone.

Comment: The section proposes to limit the number of persons at any one site to ten persons, and to limit the number of vehicles to five vehicles. At the last work session, Council did not specify a limit on persons or vehicles at any one site. Staff recommends that there be a limit, especially for this pilot period, to reduce the likelihood of adverse effects to neighboring properties.]

1. ***After 7:00 a.m. at a location where overnight sleeping has occurred as allowed under this subsection (1)(d), a person who used the site for overnight sleeping shall remove all personal property from the site.***

[Comment: This subsection would require that anyone sleeping overnight remove all of his or her

belongings at “dawn” so that the site does not become a 24-hour site that would fall under subsection (1)(a) (requiring trash and sanitary facilities).]

2. ***An entity that allows overnight sleeping on its property pursuant to this subsection (1)(d) shall takes steps to prevent the overnight sleeping from interfering with the use and enjoyment of nearby properties, but the entity is not required to provide the services or facilities described in EC 4.816(2)(a)(b)and (c).***

[***Comment:*** This subsection would require the owner/tenant of the property who allows the “dusk-to-dawn” camping to ensure that the individuals who are camping do not interfere with the use or enjoyment of the neighboring properties.]

3. ***At any time the city manager determines that, at a specific site, the overnight sleeping authorized by this subsection (1)(d) is causing substantial interference with the use and enjoyment of nearby property, the city manager may suspend or revoke the entity’s ability to allow overnight sleeping at that site. The city manager may provide that the suspension or revocation will take effect immediately or upon such notice as the manager deems appropriate in light of the circumstances. A suspension may provide that permission for overnight sleeping will be restored when the property owner meets certain conditions to prevent further interference with the use and enjoyment of nearby properties.***

[***Comment:*** This subsection would give the manager the authority to prohibit dusk-to-dawn camping on a specific piece of property if the camping is substantially interfering with the use or enjoyment of neighboring properties.]

Section 3. The City Manager is directed to designate, by administrative order, up to eight sites on vacant city-owned property for purposes of the camping described in EC 4.816(1)(d).

[***Comment:*** This section would require the city manager to identify up to 8 city-owned sites where dusk-to-dawn camping could occur. If there is a problem at one of the sites, the manager would be able to terminate the camping at that site, and then identify another site.]

Section 4. Section 5 of Ordinance 20503, pertaining to Conestoga huts, is amended to

extend the sunset date to November 1, 2013.

[Comment: This section would extend the sunset for Conestoga huts to match up with the sunset for this new pilot.]

Section 5. Unless extended or made permanent by future Council action, this Ordinance shall sunset and be repealed on November 1, 2013.

[Comment: This section would sunset this pilot program on November 1, 2013, unless the council extended the sunset date.]

Passed by the City Council this

_____ day of _____, 2013.

City Recorder

Approved by the Mayor this

_____ day of _____, 2013.

Mayor