

ORDINANCE NO. _____

**AN ORDINANCE CONCERNING PERMITTED OVERNIGHT SLEEPING;
AMENDING SECTION 4.816 OF THE EUGENE CODE, 1971; AND
PROVIDING A SUNSET DATE FOR UNCODIFIED PROVISIONS.**

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 people who are homeless, Ordinance No. 20484 was adopted temporarily allowing overnight sleeping in a tent where overnight sleeping would be allowed in a vehicle. The sunset date of that provision was extended to December 31, 2014 by Ordinance No. 20501. Ordinance No. 20503 was adopted allowing overnight sleeping in a "Conestoga hut" where overnight sleeping would be allowed in a vehicle. That Ordinance will sunset on October 1, 2013. EC 4.816 should be amended to make those provisions permanent.

C. In addition, a pilot program expanding the permitted overnight sleeping provisions should be established and remain in effect until March 31, 2014, which will allow the City to monitor the program to determine whether it 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.***
- (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.

Section 3. The following provisions are adopted as a pilot program and shall sunset and be repealed on March 31, 2014, unless extended or made permanent by future Council action:

Permitted Overnight Sleeping Pilot Program.

- (1) Up to 15 persons may sleep overnight in vehicles, as that term is defined in section 4.816(1)(a) of this code, between 9:00 p.m. and 7:00 a.m. only, on the property authorized pursuant to Section 4 of this ordinance. A person who uses the site for overnight sleeping shall remove all personal property from the site by 7:00 a.m.
- (2) No site may be used for overnight sleeping pursuant to subsection (1) of this section unless one or more entities other than the City provides, at no cost to the City, adequate garbage, toilets and supervision. The entity providing supervision shall work with surrounding and nearby neighbors (businesses or residences) to address any concerns.

Section 4. The City Manager shall recommend to the City Council a proposed site for the pilot project authorized by Section 3 of this Ordinance. Any such site may not be located in a residential area or close to a school, and must be owned by the City of Eugene, a religious institution, a non-profit organization, or a business if the business is located on property zoned commercial or industrial. Before a proposed site may be used, it must be approved by motion by the City Council.

Passed by the City Council this

____ day of _____, 2013.

City Recorder

Approved by the Mayor this

____ day of _____, 2013.

Mayor