

ADMINISTRATIVE ORDER NO. 58-23-28
of the
Executive Director of the Public Works Department

EMERGENCY AMENDMENT OF PARKS AND OPEN SPACE RULE
1.010(2) ADOPTED BY ADMINISTRATIVE ORDER NO. 58-17-07-F.

The Executive Director of the Public Works Department of the City of Eugene finds that:

A. Section 2.019 of the Eugene Code, 1971 (EC), authorizes the City Manager or designee to adopt rules for implementation of any provisions of that Code. EC 2.019(6) authorizes the City Manager to adopt emergency rules without prior public notice or hearing. Pursuant to the authority of Administrative Order No. 21-03-12 issued by the City Manager, the Executive Director of the Public Works Department is authorized to regulate City parks, protect park visitors and the park environment, and adopt rules regarding the use of parks.

B. On July 17, 2017, Administrative Order No. 58-17-07-F was issued adopting the City's Parks and Open Space Rules ("POS Rules").

C. On March 24, 2023, the Eugene City Council adopted Ordinance No. 20689 concerning prohibited camping and amending, among other code provisions, Eugene Code (EC) 4.815. The Council's amendments to EC 4.815 include deleting references to bedding material from the definition of prohibited camping. Ordinance No 20689 went into effect on June 25, 2023.

D. Pursuant to EC 4.680 and POS Rules 1.003(1), parks and open space areas are open to the public between 6:00 a.m. and 11:00 p.m. POS Rules govern the activities that can be conducted in parks and open space areas during those open hours, including Section 1.010(2) which currently prohibits "[s]etting up or constructing any temporary structures or enclosures, including, but not limited to canopies, sleeping bags, artificial lighting generators, and tents, without written permission of the City." To remove any potential inference of inconsistency with Ordinance No. 20689, it is necessary to amend POS Rule 1.010(2) to eliminate "sleeping bags" from the list of open-hour prohibitions.

E. This amendment removing "sleeping bags" as an example of "temporary structures or enclosures" should be implemented without prior notice pursuant to subsection (6) of Section 2.019 of the Eugene Code, 1971. Failure to act promptly to amend POS Rule 1.003(2) will result in serious prejudice to the public interest by creating confusion for both the public and law enforcement regarding how the public may use the City's parks and open spaces.

NOW, THEREFORE, based upon the above findings and pursuant to the authority in subsection (6) of Section 2.019 of the Eugene Code, 1971, I order that the amendment to Park and Open Space Rule 1.010(2) shown in legislative format below remain in effect for 180 days unless replaced earlier by an emergency rule, temporary rule, or permanent rule adopted in accordance with the provisions of EC 2.019 of the Eugene Code, 1971.

1.010 PROHIBITED ACTIVITIES.

(2) Setting up or constructing any temporary structures or enclosures, including, but not limited to canopies, [~~sleeping bags,~~] artificial lighting generators, and tents, without written permission of the City.

Dated this 6th day of July, 2023.



Matthew Rodrigues
Public Works Executive Director