



COUNCIL ORDINANCE No. 23-1

AN ORDINANCE OF THE CITY OF MANZANITA, OREGON, AN ORDINANCE REPEALING AND REPLACING SECTION 14 OF ORDINANCE 94-6 RELATING TO OVERNIGHT CAMPING IN THE CITY OF MANZANITA.

WHEREAS, A 2018 U.S. 9th Circuit of Appeals case *Martin v. Boise* “prohibits the imposition of criminal penalties for sitting, sleeping, or lying outside on public property for homeless individuals who cannot obtain shelter”; and

WHEREAS, Oregon House Bill 3115 requires any city law regulating acts of sitting, lying, sleeping or keeping warm and dry outside on public property must be “objectionably reasonable”; and

WHEREAS, Oregon House Bill 3115 provided a delayed implementation date of July 1, 2023 ; and

WHEREAS, With this ordinance, The City of Manzanita is implementing a time, place, and manner restriction on overnight camping in the City;

Now, Therefore, the City of Manzanita does ordain as follows:

Section 1. Definitions

Definitions used in this chapter have the following meanings:

- (1) “Camp” or “camping” means to set up, use, maintain or remain in or at a campsite.
- (2) “Campsite” means any place where one or more persons have established temporary living accommodations by use of camp facilities and/or camp paraphernalia, excluding Recreational Vehicle Parks (as defined in Section 1.030 of Manzanita Ord. 95-4) and recreational licensed campgrounds.
- (3) “Camp facilities” include, but are not limited to, tents, huts, temporary shelters, lean-tos, shacks, or any other structures, trailers, vehicles or parts thereof.
- (4) “Camp Paraphernalia” includes, but is not limited to, tarpaulins, cots, beds, sleeping bags, blankets, mattresses, hammocks, or non-city designated cooking facilities and similar equipment.

- (5) "Park" As used in this ordinance means and includes all the properties controlled by the City and operated as parks available for use of the public.

Section 2. Camping prohibited in certain places.

Unless otherwise specifically authorized by the city ordinance or by declaration of the mayor and/or city manager in emergency circumstances, it is a violation for any person to camp in or upon any public property between the hours of 7 a.m. to 9 p.m. Camping is prohibited at all times in the following areas:

- (1) within or upon any Park;
- (2) on streets, roads, highways, bridges, alleys, sidewalks, trails, paths, public easements including planter strips, medians and parking spaces;

Section 3. Violation—Penalty.

Any person who is convicted of a violation of any provision of this ordinance shall be subject to a civil fine of not more than \$250 for each offense.

Read the first time on _____, and moved to second reading by _____ vote of the City Council.

Read the second time and adopted by the City Council on _____.

Signed by the Mayor on _____.

Deb Simmons, Mayor

ATTEST:

Leila Aman, City Manager/Recorder