



BOARD OF COMMISSIONERS
Agenda Item Summary

Agenda Category: Public Hearing Item No:

Meeting Date: June 6, 2023

Time Certain: 1:15 p.m.

Department: Board of County Commissioners (BOCC)

Issue: First hearing on proposed Ordinance # 96.00

Background: The BOCC desires to balance the needs of the homeless to be able to sleep and rest in safe areas with the need of other citizens to feel safe and be able to access the public areas of the County without hinderance. The Oregon legislature has set out certain guidelines for local governments to follow when addressing the homeless issue, therefore the BOCC must adopt an ordinance setting forth those guidelines. Today is the first of two hearings to receive public comment and testimony on the proposed ordinance.

Recommended Motion: Hold the first hearing for discussion and the taking of public comment and testimony (if any) on the proposed Ordinance. The second and final hearing is scheduled for June 20, 2023 @ 1:15 p.m. Fiscal impact: Publication costs to the Herald and News for the hearings - \$128.46 from the BOCC legal notice publish budget 1000-1050-1051-1000-62030

DONE AND DATED this 6th Day of June, 2023.

Chair
Approved
Denied

Vice-Chair
Approved
Denied

Commissioner
Approved
Denied

KLAMATH COUNTY BOARD OF COMMISSIONERS

KLAMATH COUNTY, OREGON

**IN THE MATTER OF AN ORDINANCE OF THE)
BOARD OF COUNTY COMMISSIONERS OF)
KLAMATH COUNTY, OREGON RELATING TO)
THE USE OF PUBLIC PROPERTY FOR CAMPING,)
LYING, AND SLEEPING AND ESTABLISHING)
CHAPTER 414 OF THE KLAMATH COUNTY CODE)** **ORDINANCE NO. 96.00**

WHEREAS, homelessness is an increasing problem across the State of Oregon and in Klamath County specifically; and

WHEREAS, the County desires to balance the needs of the homeless to be able to sleep and rest in safe areas with the need of other citizens to feel safe and be able to access the public areas of the County without hinderance; and

WHEREAS, the Oregon Legislature has set out certain guidelines for local governments to follow when addressing the homeless issue; and

WHEREAS, those guidelines are modeled upon certain Federal Cases which were decided by the Ninth Circuit Court of the United States; and

WHEREAS, local governments may regulate camping provided that such regulations are reasonable as far as the time, place, and manner; and

WHEREAS, the Klamath County Board of Commissioners wish to protect the safety of all citizens and regulate the use of publicly owned property by establishing reasonable time, place, and manner guidelines related to camping on public property.

NOW, THEREFORE, THE BOARD OF COUNTY COMMISSIONERS ORDAINS AS FOLLOWS:

1. The Klamath County Board of Commissioners shall, by Resolution, adopt a policy which recognizes the importance of maintaining safe and sanitary public areas while also ensuring that homeless individuals receive humane treatment. The policy shall be posted on the Klamath County Board of Commissioners Website;
2. The Klamath County Code Chapter 414 shall read as follows:

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CHAPTER 414

CHAPTER 414

USE OF PUBLIC PROPERTY FOR CAMPING, LYING AND SLEEPING

414.001 Purpose and Policy. To protect the health, safety and welfare of the people of Klamath County and to provide for safe and sanitary public areas while also ensuring that homeless individuals receive humane treatment.

414.002. Definitions. For the purpose of this Chapter, the following words and phrases shall mean:

(a) "Camp" or "camping" means to set up or to remain in or at a campsite.

(b) "Campsite" means any place where one or more persons have established temporary living accommodations by use of camp facilities and/or camp paraphernalia.

(c) "Camp Facilities" include, but are not limited to, tents, huts, temporary structures, lean-tos, shacks or any other structures, vehicles or parts thereof.

(d) "Camp paraphernalia" includes, but are not limited to, tarpaulins, cots, beds, sleeping bags, blankets, mattresses, hammocks, or cooking equipment.

(e) "Custody" means the imposition of actual or constructive restraint by a peace officer pursuant to an arrest or court order.

(f) "Established camping site" means a campsite that has been in its current location for at least 48 hours. If law enforcement or code enforcement officers do not have evidence about the age of the campsite, they shall presume it is an established camping site.

(g) "Personal Property" means any item that can reasonably be identified as belonging to an individual and that has apparent value or utility.

(h) "Vehicle camping in a lawful parking space" refers to a person experiencing homelessness utilizing a motor vehicle in a lawful parking space as a temporary place to live. The vehicle must be operational and must be moved at least every 24 hours. To fall within this definition, the parking space at issue cannot be adjacent to residences.

414.003. Prohibited Camping.

No person shall camp, lay, or sleep in the following areas:

1. Any area zoned for residential use;
2. Within 100 yards of any waterway or wetland;
3. Within 1000 feet of a public school or child care facility;
4. Camping, lying or sleeping within any public right-of-way;
5. Camping, lying or sleeping on or near railroad tracks, or in a manner that obstructs sidewalks that prevents the public's ability to use that public property for its intended purpose and can in some situations result in imminent threats to life.

414.004. Public property use.

When on public property, individuals:

1. May not allow any garbage or waste to accumulate at the site;
2. May not hook up to any utility, including, but not limited to electricity and sewer;
3. May not attach any camping shelter to nearby buildings or trees; and
4. May not dig or excavate at the campsite.

5. The use of an area for camping, laying, or sleeping is limited to 24 hours.
6. Once a location has been used as a campsite, it may not be used again for at least 72 hours.
7. Personal property may not be left unattended in excess of 1 hour.

414.005. Vehicles camping in a lawful parking space.

If a person uses a vehicle for camping, in addition to all other camping ordinances, the vehicle must be operational, properly licensed, and lawfully parked.

414.006. Severability. If any section, subsection, clause, phrase or portion of this Chapter is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions of this Chapter.

This Ordinance, being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this Ordinance takes effect on its passage.

DONE and DATED this _____ day of _____, 2023.

KLAMATH COUNTY BOARD OF COUNTY COMMISSIONERS

David A. Henslee

Kelley Minty

Derrick DeGroot

ATTEST:

Recording Secretary

APPROVED AS TO FORM:

Marcus M. Henderson, County Counsel



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KLAMATH CO COMMISSIONERS
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 KLAMATH FALLS, OR 97601

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376182	23264 PH Public Prop	05/31/23	05/31/23	2	\$128.46

Payments:

Date	Method	Card Type	Last 4 Digits	Check	Amount
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Gross: **\$128.46**
 Paid Amount: **\$0.00**

Amount Due: \$128.46

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