

ORDINANCE NO. 4732

AN ORDINANCE AMENDING BEAVERTON CODE CHAPTER 5.05 BY INCLUDING 5.05.117 AND 5.05.118 RELATING TO OVERNIGHT CAMPING AND NOTICE OF CAMPSITE CLEANUP AND STORAGE OF PERSONAL PROPERTY

Whereas, the streets and sidewalks within the City of Beaverton are intended to be readily accessible and available to residents and the public at large;

Whereas, the use of these areas for camping purposes or storage of personal property interferes with the rights of others to use the areas for which they were intended;

Whereas, such activities can constitute a public health and safety hazard which adversely impacts neighborhoods and commercial areas; and

Whereas, the purpose of the ordinance is to maintain streets and sidewalks within the City of Beaverton in a clean, sanitary, and accessible condition and to adequately protect the health, safety, and public welfare of the community;

Now, therefore,

THE CITY OF BEAVERTON ORDAINS AS FOLLOWS:

Section 1. Beaverton Code Chapter 5.05 is amended by including Beaverton Code Section 5.05.117 and 5.05.118, and reads as follows:

5.05.117 Camping Prohibited on the Public Right of Way

A. City Council finds:

1. From time to time persons establish campsites on public rights of way.
2. Such persons, by such actions, create unsafe and unsanitary living conditions which pose a threat to the peace, health, and safety of themselves and the community; and,
3. The enactment of this Section is necessary to protect the peace, health, and safety of the city and its inhabitants.

B. As used in this Section:

1. "To camp" means to set up, or to remain in or at a campsite, for the purpose of establishing or maintaining a temporary place to live.
2. "Campsite" means any place where any bedding, sleeping bag, or other sleeping matter, or any stove or fire is placed, established, or maintained, whether or not such place incorporates the use of any tent, lean-to, shack, or any other structure, or any vehicle or part thereof.

3. "Public right of way" means any thoroughfare or area intended, designed, or used for vehicular or pedestrian traffic.
- C. It is unlawful for any person to camp in or upon any public right of way, unless otherwise specifically authorized by this Code or a declaration of the Mayor in emergency circumstances.
- D. A violation of this Section is punishable, upon conviction, by a fine of not more than \$100 or by imprisonment for a period not to exceed 30 days or both.
- E. A peace officer shall deliver a 72-hour written warning to a person that the peace officer has probable cause to believe that the person has violated BC 5.05.117(C) and that violation is a first offense. The written warning shall be personally delivered to the person named in the notice and the written warning must be in substantially the following form:

NOTICE

PLEASE READ THIS NOTICE CAREFULLY

Your campsite is in violation of Beaverton Code Section 5.05.117. You have 72 hours to stop camping and remove your campsite. You may be subject to fines and/or arrest if you do not stop camping and remove your campsite. Your vehicle may also be subject to a tow if it was used to commit a violation of Beaverton Code Section 5.05.117.

Name: _____ (name of person)
 Date: _____ (date of notice)
 Time: _____ (time of contact with peace officer)
 Officer: _____ (name of peace officer making contact)
 Address: _____ (address to obtain more information)
 Phone No.: _____ (contact information for the City)

- F. A vehicle used to commit a violation of this Section may be impounded if the person has received, within 30 days preceding the current violation, a citation for violating BC 5.05.117(C).
- G. The Police Chief shall submit an annual written report to the City Council about enforcement measures that were taken under this ordinance upon passage of this ordinance. The report must include, but is not limited to, information about the financial assistance offered, referrals to other agencies, warnings issued, citations issued, vehicles impounded, and the number of individuals arrested under the ordinance and any challenges faced by the Beaverton Police Department with regard to enforcement of this ordinance.

5.05.118 Notice of Campsite Cleanup and Storage of Personal Property

A. As used in this Section:

1. "Personal property" means any item that has apparent utility and is reasonably recognizable as belonging to a person. Personal property does not include items that have no apparent utility.
2. "Campsite" has the meaning provided in BC 5.05.117.

- B. The Police Chief or a designee shall schedule a cleanup of illegal campsites on an as-needed basis.
- C. Except as provided in subsection D, before cleaning up an illegal campsite, the Police Chief or a designee shall post a notice adjacent to the campsite, written in English and Spanish, 24 hours in advance of the cleanup.
- D. The Police Chief or a designee may clean up a campsite as necessary without notice if (1) an exceptional emergency exists, which includes possible site contamination by hazardous materials or an immediate danger to human life or safety; or (2) conditions of illegal activity other than camping have occurred.
- E. The Police Chief or a designee shall take all unclaimed personal property and store the personal property for a minimum of 30 days during which it will be reasonably available to any individual claiming ownership. Any item that is in an unsanitary or hazardous condition may be immediately discarded upon removal of the item from the camping site. Weapons, drug paraphernalia and items that appear to be either stolen or evidence of a crime shall be retained by the Police Department.
- F. The storage facility for personal property obtained under this Section shall be reasonably secure and the location should be preferably served by public transportation.
- G. At the time of the cleanup, written notice will be posted and distributed announcing the telephone number and an address where information on picking up the stored property can be obtained during normal business hours.

Section 2. If any section, subsection, clause, phrase, or portion of this ordinance is for any reason held unconstitutional or otherwise invalid, the remaining parts shall remain in force unless:

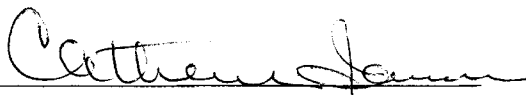
- A. The remaining parts are so essentially and inseparably connected with and dependent upon the unconstitutional or invalid part that it is apparent that the remaining parts would not have been enacted without the unconstitutional or invalid part; or
- B. The remaining parts, standing alone, are incomplete and incapable of being executed according to the legislative intent.

First reading this 5th day of June, 2018.

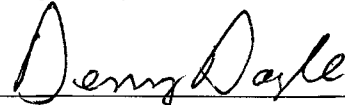
Second reading and passage by this Council this 12th day of June, 2018.

Approved by the Mayor this 12th day of June, 2018.

ATTEST:


 CATHERINE L. JANSEN, City Recorder

APPROVED:


 DENNY DOYLE, Mayor