



**COUNCIL ORDINANCE NO. 20689**

**AN ORDINANCE CONCERNING PROHIBITED CAMPING, PERMITTED OVERNIGHT SLEEPING, AND PROHIBITED ACTIVITIES ON STREETS, SIDEWALKS AND SHARED-USE PATHS, AND AMENDING SECTIONS 4.815, 4.816, 4.860, 4.990, AND 5.135 OF THE EUGENE CODE, 1971.**

**ADOPTED: May 24, 2023**

**SIGNED: May 25, 2023**

**PASSED: 6:2**

**REJECTED:**

**OPPOSED: Leech, Semple**

**ABSENT:**

**EFFECTIVE: June 25, 2023**





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**THE CITY OF EUGENE DOES ORDAIN AS FOLLOWS:**

**Section 1.** Section 4.815 of the Eugene Code, 1971, is amended to provide as follows:

**4.815 Prohibited Camping.**

(1) As used in this section:

(a) "To camp" means to set up or to remain in or at a campsite.

(b) "Campsite" means any place established or maintained for the purpose of maintaining a temporary place to live that incorporates the use of any tent, tarp, lean-to, shack, wooden pallet, or any other structure, or any vehicle or part thereof.

(2) It is found and declared that:

(a) From time to time persons establish campsites on sidewalks, public rights-of-way, under bridges, and so forth;

(b) 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;

(c) Camping on or immediately adjacent to property intended primarily for use by motor vehicles poses an immediate safety risk to the person camping and, in certain circumstances, to the vehicular drivers;

(d) The City's sidewalks, accessways and shared-use paths must be accessible to everyone, including people with disabilities; this accessibility depends on sidewalks, accessways, and shared-use paths having a minimum clear width. Campsites that encroach into the necessary clear width prevent people with disabilities from having full access to these transportation systems;

(e) State and federal laws require the City to protect and improve the physical integrity and water quality of the Willamette River, including all tributaries to the river. All City waterways are tributaries to the Willamette River. Establishing campsites near a waterway in an area not intended for that use degrades the waterway's physical integrity and water quality, and, when contaminants from campsites enter the waterway, poses an immediate risk to public health and safety; and,

(f) The enactment of this provision is necessary to protect the peace, accessibility, health, and safety of the city and its inhabitants.

(3) No person shall camp in or upon the following publicly owned property:

- (a) Property that is primarily intended for and used by motor vehicles, including but not limited to, the portion of the street between the curbs;
- (b) Publicly owned parking lots and on-street parking spaces;
- (c) Property that is intended to provide a buffer between lanes of vehicular traffic or between vehicular traffic and pedestrians, including but not limited to traffic islands and parking strips, if there is not a minimum of 60 inches (5 feet) between the campsite and vehicular traffic;
- (d) Sidewalks, accessways, and shared-use paths when the minimum width established by the Americans with Disabilities Act (ADA) or the Federal Highway Administration (FHWA) cannot be maintained. For purposes of this section, sidewalks must have a minimum clear width of 48 inches (4 feet), and accessways and shared-use paths must have a minimum clear width of 120 inches (10 feet);
- (e) Property adjacent to a building if the campsite blocks access to the building's entrance, exit, access ramp, or stairs;
- (f) For the Willamette River and all other open waterways, property located within 100 feet of top of high bank; and property within 5 feet of ditches, wetlands, and vegetative stormwater quality facilities. For purposes of this section, "top of high bank" means the highest point at which the bank meets the grade of the surrounding topography, characterized by an abrupt or noticeable change from a steeper grade to a less steep grade, and "open waterway" means a natural or human-made creek, stream, pond, or open channel; and,
- (g) Property within 1000 feet of an educational facility. For purposes of this section, "educational facility" means a public library or a building owned, leased or under the control of a public or private school system, college, university, or licensed daycare or preschool.

(4) Upon finding it to be in the public interest and consistent with council goals and policies, the council may, by motion, exempt a special event or specific activity from the prohibitions of this section. The motion shall specify the period of time and location covered by the exemption.

**Section 2.** Section 4.816 of the Eugene Code, 1971, is amended to add a new

subsection (11) that provides as follows:

**4.816 Permitted Overnight Sleeping.**

....

(11) Permitted Overnight Sleeping Dusk to Dawn Program. The City Manager is authorized to permit persons to sleep overnight at designated sites, between the hours of 4:30 p.m. and 7:30 a.m., under the following conditions:

- (a) The City Manager shall recommend to the City Council proposed sites for the Dusk to Dawn program. Any such site may not be located in a residential area or close to a school, and must be owned or leased by the City of Eugene, another governmental

entity, a religious institution, a non-profit organization, or a business if the business is located on property zoned commercial or industrial.

(b) Before a proposed site may be used, the site must be approved by the City Council by motion and the City Manager must adopt an administrative rule governing use of the site.

(c) The City Manager may close a site at any time upon determining that allowing camping at a site would create dangerous conditions or a health threat to the public.

(d) In determining the hours that the City Manager permits persons to sleep overnight at designated sites, the City Manager shall consider, among other things, the seasonal sunset.

(e) If, as an addition to the permitted overnight sleeping program authorized by this subsection (11), daytime support services are available at or near the site, the Dusk to Dawn site may be referred to as a Dawn to Dawn site.

**Section 3.** Section 4.860 of the Eugene Code, 1971, is amended to provide as follows:

**4.860 Certain Activities on Streets, Sidewalks, Accessways, and Shared-Use Paths Prohibited.**

Unless otherwise authorized in this code or by revocable permit, no person shall:

(a) Cut or split wood on a street or sidewalk.

(b) Carry, haul, deposit, or discard any rubbish, garbage, debris, human waste, or other refuse upon any street, sidewalk, accessway, or shared-use path exposed so as to be offensive to pedestrians.

(c) Give a show, exhibition or performance on a street or sidewalk.

(d) Set up or operate a vehicle, stand or place for the display or sale of merchandise, or sell, vend, or display for sale an article in the streets or on the sidewalks or in doorways or stairways of business houses, or in any other place where such activity causes congregation and congestion of people or vehicles on the streets or sidewalks.

(e) Place or maintain gasoline pumps or similar devices for vending volatile oils on a street or alley except under a revocable permit from the city manager.

(f) Place personal property on a sidewalk, accessway, or shared-use path if the minimum width established by the Americans with Disabilities Act (ADA) or the Federal Highway Administration (FHWA) is not maintained. For purposes of this section, sidewalks must have a minimum clear width of 48 inches (4 feet), and accessways and shared-use paths must have minimum clear width of 120 inches (10 feet).

(g) Drain, or cause or permit to be drained, sewage, graywater, or the drainage from a cesspool, septic tank, recreational or camping vehicle waste holding tank or other contaminated source, upon any street, sidewalk, accessway, or shared-use path, the associated stormwater drainage system, or adjacent wetlands. A violation of this section is deemed an immediate risk

to public health and safety and, in addition to the issuance of a citation for the violation, a recreational or camping vehicle is subject to immediate impoundment in accordance with EC 5.693-5.980 and the administrative rules adopted pursuant thereto.

**Section 4.** Subsection (8) of Section 4.990 of the Eugene Code, 1971, is amended to provide as follows:

**4.990 Penalties – Specific.**

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(8) A willful violation of section 4.815 is punishable by a fine not to exceed \$500 or confinement in jail for a period not to exceed ten days, or both. As used in this subsection, "willful violation" means a violation that occurs after the person has received, within 30 days preceding the current violation, a citation for violating section 4.815 or a written warning from a peace officer or other person authorized by the city manager to issue such warnings, that the person was violating section 4.815. In addition to the foregoing penalties, a vehicle used in a willful violation of section 4.815 may be immobilized or impounded pursuant to sections 5.693 through 5.705 of this code.

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**Section 5.** Subsection (2) of Section 5.135 of the Eugene Code, 1971, is amended to provide as follows:

**5.135 Storage of Vehicles on Streets.**

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(2) No person shall store or permit to be stored a vehicle on a street or other public property if the vehicle's registration sticker has expired or if the vehicle has no license plate or registration sticker.

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**Section 6.** The City Recorder, at the request of, or with the consent of the City Attorney, is authorized to administratively correct any reference errors contained herein, or in other provisions of the Eugene Code, 1971, to the provisions added, amended, or repealed herein.

**Passed by the City Council this**  
**24<sup>th</sup> day of May, 2023**

**Approved by the Mayor this**  
**25 day of May, 2023**

  
Deputy City Recorder

  
Mayor