

ORDINANCE NO. 716

AN ORDINANCE OF THE CITY OF WILSONVILLE DEVELOPING A POLICY FOR THE REMOVAL OF INDIVIDUALS, THEIR PERSONAL PROPERTY AND CAMPSITES ON PUBLIC PROPERTY.

WHEREAS, Oregon Revised Statute 203.077 requires that all municipalities and counties shall develop a policy for the removal of camps that recognizes the social nature of the problem of homeless individuals unlawfully camping on public property and implement the policy as developed to ensure the most humane treatment for removal of homeless individuals from camping sites on public property; and

WHEREAS, the City of Wilsonville is adopting the following policy pursuant to Oregon Revised Statute 203.077 to ensure the humane treatment for the removal of individuals and their property and campsites from public property;

NOW, THEREFORE, THE CITY OF WILSONVILLE ORDAINS AS FOLLOWS:

1. The following is adopted and made part of the Wilsonville Code to ensure the most humane treatment for the removal of homeless individuals and an accompanying process for the removal of their property from camping sites on public property.

6.400 Removal of Individuals, their Property and Campsites on Public Property.

(1) Prior to the removal of any individual and/or their personal property from an established camping site on public property, law enforcement officials shall post a removal notice at the campsite, written in English and Spanish, twenty-four (24) hours in advance of removal, provided however, that law enforcement officials are encouraged to determine if the circumstances warrant an extension of time for removal to ensure humane treatment, in which instance the law enforcement officials may extend the notice time up to seventy-two hours in advance of removal;

(a) At the time the notice is posted, law enforcement officials shall inform a local agency that delivers social services to homeless individuals where the notice has been posted.

(b) This local agency may arrange for outreach workers to visit the camping site where a notice has been posted to assess the need for social service assistance in arranging shelter and other assistance.

(c) All unclaimed personal property shall be given to law enforcement officials whether twenty-four (24) hour notice is required or not. Subject to approval of the City Manager, the City's Public Works Director shall develop a protocol to aid such law enforcement officials in the custody, removal, storage, and destruction of the unclaimed personal property. A notice shall be posted, written in English and Spanish, providing a phone number to call during the business hours of 8:00 AM to 4:00 PM, Monday to Friday, to arrange an appointment to pick up the unclaimed personal property. This notice shall be posted in a conspicuous place in the general vicinity, but not greater than 30 feet, of the personal property to be removed, and shall be laminated or otherwise made to be weather resistant. The notice shall not be posted on or attached to personal property in the area. The property shall be stored for 30 days from the removal date and will be available to any individual claiming ownership. Property that remains unclaimed for 30 days will be disposed of and the notice removed.

(d) "Personal property" means any item that is reasonably recognizable as belonging to a person and has apparent utility. Items that have no apparent utility or are in an unsanitary condition will be immediately discarded upon removal of the homeless individuals from the camping site.

(e) City officials or law enforcement personnel shall photograph the site prior to the removal of property and provide a general description of items disposed of due to their lack of apparent utility or unsanitary condition.

(f) Weapons, drug paraphernalia and items that appear to be either stolen or evidence of a crime shall be turned over to the appropriate law enforcement officials.

(2) Following the removal of homeless individuals from a campsite on public property, the law enforcement officials, local agency officials and outreach workers may meet to assess the notice and removal policy, to discuss whether removals are occurring in a humane and just manner and to determine if any changes are needed in the policy.

(3) The twenty-four (24) hour notice under subsection (1) (c) of this section shall not apply:

(a) When there are grounds for law enforcement officials to believe that illegal activities other than camping are occurring.

(b) In the event of an exceptional emergency such as possible site contamination by hazardous materials or when there is immediate danger to human life or safety.

(4) Sleeping or sleeping in a vehicle on public property in a manner that establishes a camping area or that results in personal property or trash being stored on public property shall be considered an established camp for the purposes of this Section.

(a) Vehicles used for camping on public property shall be impounded according to Wilsonville Code Sections 5.400 – 5.460. The contents of impounded vehicles will be inventoried according to Wilsonville Code Section 5.425.

(b) Sleeping in a vehicle on a public right of way shall still be governed by Wilsonville Code Section 5.210(12).

(c) Illegal parking, stopping or standing of vehicles are governed by Wilsonville Code Sections 5.200 et seq.

(5) A person authorized to issue a citation for unlawful camping under state law, administrative rule or city or county ordinance may not issue the citation if the citation would be issued within 200 feet of the notice described in this section and within two hours before or after the notice was posted.

SUBMITTED to the Wilsonville City Council and read for the first time at a regular meeting thereof on the 1st day of April, 2013, and scheduled for a second reading at a regular meeting of the Council on the 15th day of April, 2013, commencing at the hour of 7:00 P.M. at the Wilsonville City Hall.

Sandra C. King, MMC, City Recorder

ENACTED by the City Council on the 15th day of April, 2013 by the following votes:

Yes: -5- No: -0-

Sandra C. King, MMC, City Recorder

DATED and signed by the Mayor this _____ day of April, 2013.

TIM KNAPP, Mayor

SUMMARY OF VOTES:

Mayor Knapp - Yes

Council President Starr - Yes

Councilor Goddard - Yes

Councilor Fitzgerald - Yes

Councilor Stevens – Yes

**NOTICE:
ILLEGAL
CAMPGROUND
Personal Property Must Be Removed**

It is the policy of the City of Wilsonville to provide 24-hour notice before removing illegal campgrounds.

This campsite will be removed on:

Shelter is available in Clackamas County through several nonprofit service agencies. For more information about shelter and other services, contact the Wilsonville Community Center, 7965 SW Wilsonville Road, telephone 503-682-9062.

To reclaim property removed from the campsite, call ____ or visit ____.
Property unclaimed 30 days after the removal date above will be destroyed.

Es la política de la Ciudad de Wilsonville de dar 24-horas notificación antes de mover campamentos ilegales.

Este campamento será movido:

Refugios están colocados en el Condado de Clackamas por medio de varias agencias. Para más información de estos refugios y otros servicios ponerse en contacto con Wilsonville Community Center, 7965 SW Wilsonville Road, teléfono 503-682-9062.

Llame ____ o visite ____ para recuperar posesiones que se movieron de este campamento. Posesiones que no sean recuperados dentro de 30 días después del dato arriba serán destruidas.