

**CITY OF LOWELL, OREGON**

**ORDINANCE 312**

**AN ORDINANCE TO COMPLY WITH HB 3115 BY REPEALING ORDINANCE 240; ADOPTING TIME, PLACE, AND MANNER REGULATIONS FOR CAMPING; AMENDING REGULATIONS REGARDING HAULED WASTEWATER DISCHARGING TO ACCOMMODATE RV CAMPING ON RESIDENTIAL PROPERTY; REPEALING THE OFFENSE OF VAGRANCY FROM TITLE FIVE OF THE LOWELL REVISED CODE; AND UPDATING CERTAIN SECTIONS OF THE LOWELL DEVELOPMENT CODE.**

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**The City of Lowell ordains as follows:**

**Section 1.** Ordinance 240, "An Ordinance Adopting Sections 5.240 through 5.247 of the Lowell Revised Code Relating to Camping and Occupancy, Parking and Storage of Recreational Vehicles within the City of Lowell," is repealed.

**Section 2.** The following sections of the Lowell Revised Code are adopted and replace Sections 5.240, *et seq.*, related to "Camping and Recreational Vehicles."

**5.240 Time, manner, and place regulations for camping.**

**5.241 Purpose of the Lowell Camping Code.**

The intent behind sections 5.240 through 5.251 is to protect residents' health and safety and to institute reasonable time, place, and manner regulations for camping within the City limits. These sections may be referred to as the "Lowell Camping Code."

**5.242 Definitions.**

"Camp" or "camping" is the activity of living outdoors temporarily and includes pitching, erecting, creating, using, or occupying a campsite. This usually involves the use of camp equipment within a campsite.

"Camp equipment" means the various items used for camping. This encompasses, but is not restricted to, beds, blankets, cots, hammocks, mattresses, sleeping bags, tents, tarpaulins, utensils, and similar gear.

"Campsite" means a temporary living space outdoors for habitation—a place used for camping. A campsite generally comprises a space for overnight sleeping and the storage of camp equipment and personal property for camping needs.

"Designated camping area" refers to public property authorized for camping, identified by the Lowell City Council through the adoption of a resolution.

"Highway" means every public way, road, street, thoroughfare within the boundaries of the city, open, used or intended for use of the general public for vehicles or vehicular traffic as a matter of right.

“Motor vehicle” is any self-propelled or designed-for-self-propulsion means of land transportation powered by an engine or motor. This includes, but is not limited to, automobiles, trucks, and similar vehicles.

“Overnight sleeping areas” refers to public property authorized for camping in the absence of a designated camping area or when designated camping areas are closed.

“Personal property” means items identifiable as belonging to an individual and possessing apparent value or utility.

“Public property” means any real property or structures owned, leased, or managed by the City, including public rights-of-way.

“Public rights-of-way” include, but are not limited to, streets, roads, highways, bridges, alleys, sidewalks, trails, paths, public easements and all other public ways or areas, including subsurface and air space over these areas.

“RV” or “Recreational Vehicle” means a vehicle with or without motive power that is designed for use as temporary living quarters, to be easily transported and set up on a daily basis. Examples include motor homes, camping trailers, camper vans, and similar structures. Further definitions are provided by the Oregon Department of Transportation in Chapter 735 OAR, Division 022.

“Shoulder” means the portion of a highway, whether paved or unpaved, contiguous to the roadway that is primarily for use by pedestrians, for the accommodation of stopped vehicles, for emergency use and for lateral support of base and surface courses.

“Store” or “storage” means the act of setting aside or accumulating items for future use, placing them for safekeeping, or leaving them in a particular location.

“Vehicle,” within Sections 5.243 through 5.251, means a motor vehicle or recreational vehicle.

“Vehicle camping” refers to the act of camping inside a motor vehicle or recreational vehicle.

#### **5.243 Camping permitted.**

- (a) People who do not have a permanent residence and are involuntarily homeless are allowed to camp subject to the time, place, and manner rules set forth in Sections 5.243 through 5.251.
- (b) The rules in Sections 5.243 through 5.251 do not apply to the following circumstances:
  - (1) Camping that occurs in accordance with a duly executed emergency declaration made by the City Council, Mayor, or designate.
  - (2) Camping that occurs in accordance with a special event authorized by the City Council or City Administrator.
  - (3) Camping on public property owned or controlled by federal, state, county, or other local agencies where camping is permitted under their rules and otherwise complies with City ordinances.

#### **5.244 Designated camping areas.**

- (a) Designated camping areas. Camping in designated camping areas is allowed subject to the time, place, and manner restrictions in this section.
- (b) Time.
  - (1) Use of designated camping areas is allowed between the hours of 7:00 p.m. and 7:00 a.m.

- (2) Enforcement of time restrictions may be suspended by the City Administrator or designee for severe weather events or when necessary or appropriate to respond to an individual's medical condition, disability, or unique circumstances.

(c) Place.

- (1) Signs indicating the boundary of the designated camping area and the permissible hours of use must be consistently displayed.
- (2) Prior to any enforcement action, information sufficient to identify the location of the designated camping area shall be distributed to any individual seeking to lay down or sleep with protection from the elements during the relevant time period.
- (3) Campsites must not impede the use of public rights-of-way or access to and from public or private property.

(d) Manner.

- (1) Camping equipment may be used or erected within the designated camping area(s) during the allowed time periods.
  - (2) Camping equipment must not be tied to, secured to, staked or anchored, or propped against any permanent structures or ground located at a designated camping area.
  - (3) Camping equipment and all personal property must be removed from the designated camping area during times when the area is not designated for use under this section. Any camping equipment or personal property that remains within the designated camping areas during periods of time when the area is not open will be considered abandoned and handled in compliance with state law.
  - (4) Camping equipment and personal property must be stored completely within the designated camping area.
  - (5) Individuals must not accumulate, discard, or leave behind garbage, debris, unsanitary or hazardous materials, or other items of no apparent utility in the designated camping areas.
  - (6) No person shall in any designated camping area, build, light or maintain any fire.
  - (7) Digging, excavation, terracing of soil, alteration of ground or infrastructure, or damage to vegetation or trees is prohibited.
- (e) Campsites are restricted to dimensions of 10 feet by 10 feet.
- (f) The City Administrator is authorized to close a designated camping area in the event of any emergency, on the advice of law enforcement, for health and safety concerns, or on the recommendation of the Lowell Rural Fire Protection District's Fire Chief.

**Section 5.245 Overnight sleeping areas.**

- (a) Overnight Sleeping Area. In the absence of a City Council resolution identifying a designated camping area, or the closure of the City's designated camping areas, then camping in overnight sleeping areas is allowed subject to the time, place, and manner restrictions in this section.

(b) Time.

- (1) Camping in overnight sleeping areas is allowed between 7:00 p.m. and 7:00 a.m.
- (2) Enforcement of time restrictions may be suspended by the City Administrator or designee for severe weather events or when necessary or appropriate to respond to an individual's medical condition, disability, or unique circumstances.

(c) Place.

- (1) Camping pursuant to this section is prohibited in the following locations:
  - (i) City owned property that is not open to the public.
  - (ii) Within 20 feet of the property line of a lot or parcel containing a dwelling.
  - (iii) Sidewalks and landscape planter strips in all zones.
  - (iv) Within two hundred feet of a school.
  - (v) Any place where the act of protecting oneself from the elements, which may include the use of camping equipment, creates a physical impediment to emergency or nonemergency

ingress, egress, or access to property, whether private or public, or which impedes the safe use of all public rights-of-way or access to and from public or private property.

- (vi) Any vehicle lane, bicycle lane or roundabout within any public right-of-way.
  - (vii) Within City owned parking lots, including landscaped areas within and around the perimeter of the parking lot.
  - (viii) Any location that has been determined by the Lowell Rural Fire Protection District Fire Chief, fire marshal, or designee to constitute an elevated threat of fire at a particular time of the year.
- (d) Manner.
- (1) Camping equipment may be used or erected within the overnight sleeping area(s) during the allowed time periods.
  - (2) Camping equipment and personal property must not be tied to, secured to, staked or anchored, or propped against any permanent structures or ground located at a designated camping area.
  - (3) Camping equipment and personal property must be dismantled within the overnight sleeping area during times which the area is not designated for overnight sleeping use under this chapter.
  - (4) Individuals must not accumulate, discard, or leave behind garbage, debris, unsanitary or hazardous materials, or other items of no apparent utility.
  - (5) No person shall in any overnight sleeping area, build, light or maintain any fire.
  - (6) Digging, excavation, terracing of soil, alteration of ground or infrastructure, or damage to vegetation or trees is prohibited.
- (e) Campsites are restricted to dimensions of 10 feet by 10 feet.

#### **5.246 Vehicle camping on highway shoulder.**

Vehicle camping while parked in the shoulder of a highway is permitted, subject to the following restrictions:

- (a) Vehicle camping must adhere to the regulations outlined in Title Six of the Lowell Revised Code.
- (b) Vehicles used for camping on the highway shoulder must be in working order and legally drivable.
- (c) Vehicles used for camping on the highway shoulder must be relocated at least 200 feet every 24 hours.
- (b) All camp equipment and personal property must be kept inside the vehicle. No personal property, camp equipment, garbage, or debris shall be stored in the right-of-way.
- (c) Discharging blackwater and graywater into the sewer system or stormwater system, including ditches, while vehicle camping is prohibited.
- (d) In residential zones, vehicle camping for RVs is limited to a maximum of 72 hours within a 14-day period. Moving an RV from one location on the highway within the residential zone to another location shall not extend the parking time limits.
- (e) Upon receiving notice from the City regarding exceeding the time limit requirements for vehicle camping on highway shoulders, campers are allowed a 4-hour window to relocate their vehicles accordingly.

#### **5.247 Camping on commercial or industrial property, or property owned or controlled by a nonprofit or religious institution.**

- (a) The owner of a commercial or industrial property, a nonprofit, or a religious institution/place of worship may allow camping, including vehicle camping, provided all of the following conditions are met:
  - (1) The property owner must first notify the City of their intent to allow camping, and of their ability to comply with the other requirements in this section. An inspection must be

performed by the City to confirm that sanitary facilities are in place, required setbacks are met, and any storage areas are screened, before vehicle or tent camping commences.

- (2) Such accommodations must be made free of charge.
- (3) Occupancy is limited to three or fewer vehicles or campsites at the same time, in any combination.
- (4) Vehicles or campsites must be located within an on-premises parking lot, and are spaced at least 10 feet apart.
- (5) All personal property must be stored in vehicles or tents or in a separate storage area that is screened from view from adjacent properties and public rights-of-way.
- (6) Campers must be provided access to sanitary facilities, including a toilet, handwashing and trash disposal facilities, with such facilities being at least 20 feet from the property line of a residential use property if not fully contained within a building.
- (b) A property owner who allows camping pursuant to subsection (a) of this section may revoke that permission at any time and for any reason.
- (c) Notwithstanding the provisions of this section, the City Administrator may:
  - (1) Revoke the right of a property owner to allow camping on property described in subsection (a) of this section upon finding that the property owner or a camper has violated any applicable law, ordinance, regulation or agreement, or that any activity occurring on that property by a camper is incompatible with the use of the property.
  - (2) Permission revoked by the City Administrator under this subsection is subject to notice. Notice will be provided in writing, mailed to the address of record and posted at the site. Notice will include information on how to appeal the decision. A property owner wanting to appeal the decision must submit their appeal in writing to the City within 10 days of the notice of decision. The appeal will be reviewed by the City Council in the next available meeting, but no sooner than seven days after the written appeal was received by the City. The decision rendered by the City Council on any appeal made pursuant to this subsection shall be final and binding.
- (d) Any person whose permission to camp on property has been revoked pursuant to subsection (b) or (c) of this section must vacate and remove all belongings from the property within four hours of receiving such notice.
- (e) All persons participating in a camping program described in subsection (a) of this section do so at their own risk, and nothing in this section creates or establishes any duty or liability for the City or its officers, employees, or agents, with respect to any loss related to bodily injury (including death) or property damage.

#### **5.428 Recreational vehicle camping on residential property.**

Recreational vehicle camping or temporary residency within recreational vehicles is permitted on privately owned residential property subject to the following restrictions:

- (a) Individuals intending to vehicle camp or temporarily reside on private residential property in an RV must register with the City before camping can commence.
- (b) Vehicle camping on residential property requires written permission from the property owner. The property owner is allowed to rescind permission at any time.
- (c) RVs used for vehicle camping on residential property shall be placed in the side or rear yard or in a paved or graveled driveway.
- (d) Vehicle camping on residential property shall occur only in RVs.
- (e) The placement of RVs used for vehicle camping on residential property must comply with the setbacks identified in the Lowell Development Code for accessory structures, unless the camper first applies to the City for a variance, and if that application is approved.
- (f) RV connection to the City's water distribution system must comply with Title Four of the Lowell Revised Code.

- (g) RV connection to the wastewater collection system and discharge from RVs into the wastewater collection system must comply with Title Four of the Lowell Revised Code.
- (h) No personal property shall be stored outside the RV unless it is contained in another structure such as a shed.
- (i) No more than one such RV is allowed on any residential property.

**Section 5.249 Scheduling and notice of campsite cleanup.**

- (a) The City Administrator is authorized to schedule cleanup of illegal campsites in coordination with either the Lane County Sheriff's Office or City of Oakridge Police Department.
- (b) The City Administrator or designee shall post notice of cleanup for illegal campsites at least 72 hours prior to a cleanup event. Signs shall be posted on adjacent buildings if feasible, or on stakes in the ground stating the time and date of the cleanup and the time and date of the notice posting. Campers must remove camping equipment and personal property within 72 hours from that time or they become subject to removal, confiscation, or destruction.
- (c) Notwithstanding subsections (a) and (b) of this section, cleanup of campsites may occur immediately and without notice if the Lane County Sheriff's Office, City of Oakridge Police Department, or other applicable public safety or health agencies determine that either of the following conditions exists:
  - (1) An emergency such as possible site contamination by hazardous materials or where there is an immediate danger to human life or safety.
  - (2) Illegal activity other than camping.
- (d) At the cleanup event, the City Administrator or designee shall post and distribute information on how to retrieve camping equipment and personal property that was retained during the event.
- (e) Written notices shall be in both English and Spanish.
- (f) Copies of all notices shall be provided to the Oregon Department of Human Services and/or the Lane County Human Services Department.

**Section 5.250 Violation – penalty.**

A violation of a provision of Sections 5.240 through 5.249, or an order issued under authority of those sections, is a Class D violation.

**Section 5.251 Separate violations.**

Each day's violation of Sections 5.240 through 5.249, or an order issued under authority of those sections, constitutes a separate offense.

**Section 3.** Section 4.245 "Hauled wastewater" of the Lowell Revised Code is amended to read as follows:

**Section 4.245 – Hauled wastewater.**

Discharging septic tank waste or other holding tank or hauled waste into the City's collection system is prohibited, except under the following conditions:

- a) The City may grant approval for public or private recreational vehicle holding tank dump sites that comply with the pretreatment requirements set by the City.
- b) Recreational vehicle camping or temporary residency, as outlined in LRC 5.247, is exempt from this prohibition, provided the recreational vehicle camping is properly registered and the collection system connection is inspected and approved by the Public Works Director.

**Section 4.** Section 5.013 "Vagrancy" of the Lowell Revised Code is repealed.

**Section 5.** Subsection (g) of Section 9.103 of the Lowell Land Development Code is deleted.

**Section 6.** Section 9.411(b)(4)(C.) of the Lowell Land Development Code is rewritten to read as follows: "Boats, trailers, detached campers, motorized dwellings, and similar recreational equipment may be stored, but not used for human habitation, except where explicitly allowed as described elsewhere in the Lowell Revised Code."

**Section 7.** Section 9.412(b)(6)(C.) of the Lowell Land Development Code is rewritten to read as follows: "Boats, trailers, detached campers, motorized dwellings, and similar recreational equipment may be stored, but not used for human habitation, except where explicitly allowed as described elsewhere in the Lowell Revised Code."

**Section 8.** An emergency exists that requires the immediate implementation of this ordinance. Therefore, this Ordinance shall take effect immediately upon passage and approval.

Adopted by the City Council of the City of Lowell this ~~20~~<sup>19</sup> day of March 2024.

AYES: 5

NOES: 0

APPROVED:

  
Don Bennett, Mayor

ATTEST:

  
Jeremy Caudle, City Recorder

First reading: 3/5/2024

Second reading: 3/19/2024

Adopted: 3/19/2024

Signed: 3/19/2024

Effective date: 3/19/2024

