

## ORDINANCE 20-291

### AN ORDINANCE PROHIBITING CAMPING ON PUBLIC RIGHT-OF-WAY IN THE GENERAL COMMERCIAL ZONE OF LAKESIDE

WHEREAS, the City of Lakeside (hereafter referred to as City) is concerned for the public safety, health, peace and quality of life; and

WHEREAS, the City has found and declared that from time to time persons establish campsites on sidewalks, public rights-of-way, under bridges, and so forth; and

WHEREAS, the City has found and declared that 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

WHEREAS, the City has determined the need to establish a policy to regulate general Camping within the City.

#### NOW THEREFORE, THE CITY OF LAKESIDE ORDAINS AS FOLLOWS:

##### 1. PURPOSE AND POLICY

The purpose of this ordinance is to address camping on public right-of-way within the General Commercial zone of Lakeside and in other designated locations.

##### 2. DEFINITIONS

(a) **Camping.** "To Camp" means to set up or to remain on or at a campsite. As used in this section "Campsite" means any place where any bedding, sleeping bag, or other material used for bedding purposes, or any stove or fire is placed, established or maintained for the purpose of maintaining a temporary place to live, whether or not such a place incorporates the use of any tent, lean-to, shack, or any other structure, or any vehicle thereof.

##### 3. CAMPING PROHIBITED ON PUBLIC RIGHT-OF-WAY IN GENERAL COMMERCIAL ZONE

(a) Except as allowed by a conditional use permit pursuant to Lakeside Zoning Code 168, 5.120, 5; camping, sleeping, or residing in a recreational vehicle, (which includes motorhomes, travel trailers, 5<sup>th</sup> wheels, and all other types of vehicles such as cars, pickups, vans, campers shall be prohibited on or in any public right-of-way from the hours between 8:00 p.m. and 8:00 a.m. in the General Commercial zone of the City of Lakeside, as defined by the Lakeside Zoning Map, and in or on other designated properties to include the Lakeside Library parking lot and on the right-of-way abutting North Lake Resort.

(b) No person shall erect any form of structure or shelter for the purpose of camping or residing on any sidewalk, street, lane, alley, public right-of-way, park, or any other publicly owned property, on any parking lot, or under any bridge or along any shoreline, such structures shall

include tents, tarps, cloth, wood, plastic, building material, or any other type of material that may be used as shelter, unless otherwise specifically authorized by the city code of ordinances or by declaration of the Mayor in emergency circumstances.

## 5. VIOLATIONS AND PENALTIES

(a) Vehicles used for camping in violation of Section 3(a) of this Ordinance shall be affixed with a citation notice stating that if the vehicle is not moved within one (1) hour to a permitted location, the owner or person entitled to possession or any person with an interest shown on the certificate of title of the vehicle, shall be deemed in violation of this ordinance and the vehicle may be towed immediately and/or fined \$150.00 per day per offense at cost to owner.

(c) The owner or person entitled to the vehicle is liable for all costs and expenses incurred in the removal, preservation and custody of the vehicle and its contents. The owner or person entitled to the vehicle may reclaim the vehicle at any time after it is taken into custody and before the vehicle is sold or disposed of upon presentation to the city administrator of satisfactory proof of ownership or right to possession and upon payment of costs and expenses for which the person is liable under this Ordinance.

(d) A vehicle towed under this Ordinance shall have a lien placed upon it. A lien established under this section shall be on the vehicle for the just and reasonable charges for the towing service performed and any storage provided. The lien shall be subject to the provisions for liens under ORS 98.812(3). The person holding the lien may retain possession of the vehicle and contents until the charges on which the lien is based are paid. A lien described under this Ordinance does not attach to the contents of any vehicle towed until 15 days after taking the vehicle into custody.

(e) A person who tows any vehicle at the request of the city administrator under this Ordinance shall provide written notice approved by the city, containing information on the procedures necessary to regain custody of the vehicle and/or to obtain a hearing to contest the towing. The notice shall be provided to each person who seeks to redeem the vehicle.

(f) A person provided notice under this Ordinance or any other person who reasonably appears to have an interest in the vehicle may request a hearing under this section to contest the validity of the removal and custody or proposed removal and custody of a vehicle by submitting a request for hearing to the city administrator not more than twenty-four (24) hours from the date of the notice. The 24-hour period in this section does not include holidays, Saturdays or Sundays. A hearing under this section shall comply with all of the following:

(1) A request for hearing shall be in writing and shall state grounds upon which the person requesting the hearing believes that the custody and removal of the vehicle is not justified.

(2) Upon receipt of a request for a hearing under this section, the city administrator shall set a time for the hearing within 72 hours of the receipt of the request and shall provide notice of the hearing to the person requesting the hearing and to the owners of the vehicle

and any lessors or security interest holders shown in the records of the DMV if not the same as the person requesting the hearing. The 72-hour period in this subsection does not include holidays, Saturdays or Sundays.

(3) The hearing shall be before the municipal judge or a hearings official. If before a hearings official, it shall be determined by substantial evidence on the record, that the custody and removal of a vehicle was:

(i) Invalid and the hearings officer shall order the immediate release of the vehicle to the owner or person with right of possession. If the vehicle is released under this subsection, the person to whom the vehicle is released is not liable for any towing or storage charges. If the person has already paid the towing and storage charges on the vehicle, the city shall reimburse the person for the charges. New storage costs on the vehicle will not start to accrue, however, until more than 24 hours after the time the vehicle is officially released to the person under this subsection;

(ii) The hearings officer shall order the vehicle to be held in custody until the costs of the hearing and all towing and storage costs are paid by the party claiming the vehicle.

(4) A person who fails to appear at a hearing under this Ordinance is not entitled to another hearing unless the person provides reasons satisfactory to the hearings officer for the person's failure to appear.

(5) The city is only required to provide one hearing under this Ordinance for each time the city takes a vehicle into custody and removes the vehicle.

(6) A hearing under this Ordinance may be used to determine the reasonableness of the charge for towing and storage of the vehicle. Towing and storage charges set by law, ordinance or rule or that comply with law, ordinance or rule are reasonable for purposes of this Ordinance.

(7) The hearings officer shall provide a written statement of the results of a hearing held under this Ordinance to the person requesting the hearing.

(8) Hearings held under this section may be informal in nature, but the presentation of evidence in a hearing shall be consistent with the presentation of evidence required for contested cases under ORS 183.450.

(9) The hearings officer at a hearing under this Ordinance may be an officer, official or employee of the city, but shall not have participated in any determination or investigation related to taking into custody and removing the vehicle that is the subject of the hearing.

(10) The determination of a hearings officer at a hearing under this Ordinance is final and is not subject to appeal except under a writ of review as provided by ORS 34.010 through 34.100.

(g) Any violation of Section 3 of this ordinance is subject to a fine of \$150.00 for each offense.

6. EMERGENCY CLAUSE

Because camping on sidewalks, public rights-of-way, under bridges, and in cars in the General Commercial District and in the Lakeside Library parking lot and in the right-of-way abutting North Lake Resort create unsafe and unsanitary living conditions which pose a threat to the peace, health and safety of the community, this Ordinance will become effective immediately after its passage by the City Council and approval by the Mayor.

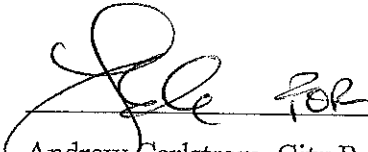
PASSED BY THE LAKESIDE CITY COUNCIL THIS 11<sup>th</sup> of June, 2020.

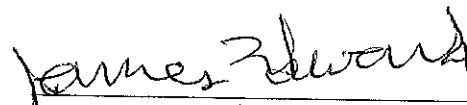
Ayes: 6

Nays: 1

ATTESTED:

APPROVED:

  
\_\_\_\_\_  
Andrew Carlstrom, City Recorder/Manager

  
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James Edwards, Mayor