

# ORDINANCE NO. 2021-06

## AN ORDINANCE OF THE CITY OF SEASIDE, OREGON, ADDING CHAPTER 102 TO THE CODE OF SEASIDE, ESTABLISHING CAMPING REGULATIONS, DEFINITIONS, TEMPORARY CAMPING PROGRAM, PROHIBITED CAMPING, PENALTIES AND ENFORCEMENT

**WHEREAS**, the City Council is interested in creating a Camping Ordinance in the City of Seaside, Oregon.

**NOW, THEREFORE, THE CITY OF SEASIDE ORDAINS AS FOLLOWS:**

**SECTION 1:** Chapter 102 of the Code of Seaside is hereby created and added to read:

### **Chapter 102 CAMPING REGULATIONS**

#### **102.01 Title and purpose.**

The title of this chapter shall be known as the "City of Seaside, Oregon, camping regulations." The purpose of this chapter is to protect the safety of citizens and regulate use of publicly owned property by establishing time, manner, and place guidelines.

#### **102.02 Definitions.**

For the purpose of this chapter, the following definitions shall apply unless the content clearly indicates or requires different meaning:

- A. "Camp" or "camping" means to pitch, erect, create, use, or occupy camp facilities for the purposes of habitation, as evidenced by the use of camp paraphernalia.
- B. "Camp facilities" include, but are not limited to, tents, huts, temporary shelters, or vehicles.
- C. "Camp paraphernalia" includes, but is not limited to, tarpaulins, cots, beds, sleeping bags, blankets, mattresses, hammocks, or outdoor cooking devices or utensils and similar equipment.
- D. "Campsite" means any place where one or more persons have established temporary sleeping accommodations by use of camp facilities and/or camp paraphernalia.
- E. "City manager" means the Seaside City Manager, or the city manager's designee.
- F. "Family" means two or more persons related by blood, marriage, adoption, legal guardianship, or other duly authorized custodial relationship, or not more than two unrelated adults.
- G. "Motor vehicle" has the meaning given that term in ORS 801.360.
- H. "Park areas" has the meaning all public parks in the City of Seaside.
- I. "Parking lot" means a developed location that is designated for parking motor vehicles, whether developed with asphalt, concrete, gravel, or other material.
- J. "Prohibited campsite" means any campsite:
  - (a) Described in Code of Seaside 02.03 and 102.04; or
  - (b) Not authorized under the Code of Seaside.
- K. "Public owned property" means any real property or structures owned, leased, or managed by the city or other government agency including public rights-of-way.
- L. "Public rights-of-way" has the meaning set forth in Code of Seaside 95.01.
- M. "Recreational fire" means a fire for the cooking of food, warmth, fellowship or ceremonial purposes.
- N. "Recreational vehicle" has the meaning given that term in ORS 174.101.
- O. "Solid waste" means any garbage, trash, debris, yard waste, food waste, or other discarded materials.
- P. "Solid waste disposal services" means contracted solid waste collection service for a campsite with the city's exclusive franchisee for the collection of solid waste.

- Q. "Store" or "storage" means to put aside or accumulate for use when needed, to put for safekeeping, to place or leave in a location.
- R. "Street" means any highway, lane, road, street, right-of-way, alley, and every way or place in the city of Seaside that is publicly owned or maintained for public vehicular travel.

**102.03 Temporary camping program.**

- A. With written authorization of the private property owner of the property:
  - (a) Up to three total motor vehicles or tents, in any combination, may be used for camping in any parking lot on the following types of property:
    - (1) Real property developed and owned by a religious institution, place of worship, regardless of the zoning designation of the property;
    - (2) Real property developed with one or more buildings occupied and used by any organization or business primarily for nonprofit, commercial or industrial purposes;
    - (3) Vacant or unoccupied commercial or industrial real property, after the property owner has registered the temporary camping location with the city. The city may require the site to be part of a supervised program operated by the city or its agent.
- B. Up to one family may use a residentially zoned property developed with an occupied residential dwelling, with further authorization from property owner and tenants of the property, for camping by either:
  - (a) Using a tent to camp in the back yard of the residence; or
  - (b) Using a single motor vehicle parked in the driveway of the dwelling.
- C. A property owner who authorizes any person to camp on a property pursuant to subsection (A) and (B) of this section must:
  - (a) Provide or make available sanitary facilities; (i.e., including toilets, wash facilities, and drinking water facilities).
  - (b) Provide garbage disposal services so that there is no accumulation of solid waste on the site;
  - (c) Provide a storage area for campers to store any personal items so the items are not visible from any public street;
  - (d) Require a tent or camping shelter in a residential backyard to be not less than five feet away from any property line; and
  - (e) Not require or accept the payment of any monetary charge nor performance of any valuable service in exchange for providing the authorization to camp on the property; provided, however, that nothing in this section will prohibit the property owner from requiring campers to perform services necessary to maintain safe, sanitary, and habitable conditions at the campsite.
- D. A property owner who permits camping pursuant to subsection (1) of this section may revoke that permission at any time and for any reason.
- E. Notwithstanding any other provision of this chapter, the city manager or their designee may:
  - (a) Revoke the right of any person to authorize camping on property described in subsection A of this section upon finding that any activity occurring on that property by the camper(s) is incompatible with the uses of adjacent properties or constitutes a nuisance or other threat to the public welfare; or
  - (b) Revoke permission for a person or family to camp overnight on city-owned property upon finding that the person or family member has violated any applicable law, ordinance, rule, guideline or agreement, or that any activity occurring on that property by a camper(s) is incompatible with the use of the property or adjacent properties.
- F. Any person whose authorization to camp on property has been revoked pursuant to subsections (3) and (4) of this section must vacate and remove all belongings from the property within four hours of receiving such notice.

- G. All persons participating in the temporary camping program described in this section do so at their own risk, and nothing in this code 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.

#### **102.04 Prohibited camping.**

- A. Except as expressly authorized by the Code of Seaside, at all times it is unlawful for any persons to establish or occupy a campsite on the following city property:
- (a) All Park areas;
  - (b) All publicly owned or maintained parking lots; and
  - (c) All publicly owned or maintained restrooms; and
  - (d) All publicly owned property located within and adjacent to the following residential zoning districts:
    - (1) Low density residential (R1)
    - (2) Medium density residential (R2)
    - (3) High Density Residential (R3)
    - (4) Resort Residential (RR)
    - (5) Residential Commercial (RC)
  - (e) All publicly owned property along 12<sup>th</sup> Avenue.
  - (f) All publicly owned property between 1<sup>st</sup> Avenue to Avenue A.
  - (g) All publicly owned property along and Avenue G.
  - (h) All publicly owned property along Avenue U.
  - (i) All publicly owned property along and Necanicum Drive.
  - (j) All publicly owned property along Holladay Drive.
  - (k) All publicly owned property along Highway 101.
  - (l) All publicly owned property along Wahanna Drive.
  - (m) All publicly owned property along Sunset Boulevard.
- B. Except as expressly authorized by the Code of Seaside, it shall be unlawful for any person, other than persons camping in a vehicle or recreational vehicle, to camp or maintain a campsite on any publicly owned property during the hours of 6:00 a.m. to 8:00 p.m.
- C. Except as expressly authorized by the Code of Seaside, it shall be unlawful for any person to store personal property, including camp facilities and camp paraphernalia, on any public property during the hours of 6:00 a.m. to 8:00 p.m.
- D. Except as expressly authorized by the Codes of Seaside or special event permit, it shall be unlawful to have a recreational fire on public property.
- E. A person or persons camping in a vehicle or recreational vehicle must adhere to parking regulations, Code of Seaside Chapter 72, and public right-of-way regulations, Code of Seaside Chapter 95.01.
- F. Notwithstanding the provisions of this chapter, the city manager or designee may temporarily authorize camping or storage of personal property on public property by written order that specifies the period of time and location:
- (a) In the event of emergency circumstances;
  - (b) In conjunction with a special event permit; or
  - (c) Upon finding it to be in the public interest and consistent with council goals and policies.
- G. The city manager may adopt administrative rules to implement any of the provisions of this chapter.

#### **102.99 Penalties and enforcement.**

- A. Violation of any provisions in Code of Seaside 102.03 is a Class D violation pursuant to ORS 153.012. Each day that a violation occurs will be considered a separate offense.

- B. Violations of any provisions in Code of Seaside 102.04 is a Class D violation and may result also in a violation of Oregon Revised Statutes.
- C. In addition to any other penalties that may be imposed, any campsite used for overnight sleeping in a manner not authorized by this section or other provisions of this code shall constitute a public nuisance and may be abated as such.

**SECTION 2:** Ordinance 2021-06 will take effect on the thirtieth day after its adoption.

**ADOPTED** by the City Council of the City of Seaside on this \_\_\_\_ day of \_\_\_\_\_, 2021 by the following roll call vote:

YEAS:  
NAYS:  
ABSTAIN:  
ABSENT:

**SUBMITTED** to and **APPROVED** by the Mayor on this \_\_\_\_ day of \_\_\_\_\_, 2021

\_\_\_\_\_  
JAY BARBER, MAYOR

ATTEST:

\_\_\_\_\_  
Mark J. Winstanley, City Manager