

**CITY OF FLORENCE
ORDINANCE NO. 5, SERIES 2024**

**AN ORDINANCE AMENDING FLORENCE CITY CODE TITLE 1 BY ADDING
CHAPTER 9 TO ESTABLISH TIME, PLACE AND MANNER REGULATIONS
REGARDING EMERGENCY SHELTER SITING AND TEMPORARY SHELTERING**

RECITALS:

1. Oregon Revised Statute 195.530, adopted in 2021, requires city laws regulating acts of sitting, lying, sleeping or keeping warm and dry outdoors on public property open to the public to be objectively reasonable as to time, place and manner with regards to persons experiencing homelessness.
2. The City performed extensive research and held two special sessions seeking public input on regulations for temporary sheltering on public and private property and event-based emergency shelters and wishes to manage public spaces for all applicable user groups.
3. The City wishes to set reasonable standards for temporary sheltering in compliance with ORS 195.530 for those experiencing homelessness who have no other options.
4. The City wishes to offer additional opportunities to support those experiencing homelessness by creating a temporary sheltering program for private property owners to allow limited sheltering via tent or vehicle under certain conditions and within certain standards.
5. The City needs to create standards outside of Florence City Code Title 10 to establish event-based emergency shelters for use during a disaster, disaster response, or adverse weather.

Based on these findings,

THE CITY COUNCIL OF THE CITY OF FLORENCE ORDAINS AS FOLLOWS:

1. FCC 1-9 is hereby established as shown in Exhibit A.
2. In accordance with the Florence Charter, this ordinance will take effect 30 days after adoption. (August 1, 2024)
3. The City Recorder is authorized to administratively correct any reference errors contained herein or in other provisions of the Florence City Code to the provisions added herein.

ADOPTION:

First Reading on ___ day of July, 2024.

Second Reading on ___ day of _____, 2024.

This Ordinance is passed and adopted on the ___ day of _____, 2024.

AYES —
NAYS —
ABSTAIN —
ABSENT —

Rob Ward, Mayor

Attest:

Lindsey White, City Recorder

Ordinance No. 5, Series 2024
EXHIBIT A

TITLE 1
CHAPTER 9

EMERGENCY SHELTER SITING AND TEMPORARY SHELTERING

SECTION:

- 1-9-1: Emergency Shelter Siting-Event Based
- 1-9-2: Temporary Sheltering Regulations Purpose
- 1-9-2-1: Definitions
- 1-9-2-2: Temporary Sheltering Program
- 1-9-2-3: Prohibited Sheltering
- 1-9-2-4: Temporary Shelter Site Cleanup
- 1-9-2-5: Removal, Storage and Retrieval of Personal Property Associated with Sheltering
- 1-9-2-6: Violation, Penalties and Enforcement
- 1-9-2-7: Nonexclusive Remedy
- 1-9-2-8: Interpretation

1-9-1: Emergency Shelter Siting—Event Based

- A. The City Manager may designate sites or allow the siting of tents, temporary shelters, RVs, motorhomes, park models, and similar self-contained mobile structures in areas in which these uses were previously excluded, to provide housing on a temporary basis for disaster victims and response and relief workers until said conditions have been alleviated as determined by the City Manager. The provisions of 1-9-2-2-D are applicable to siting under this subsection.
- B. The City Council may allow a warming shelter by any nonprofit organization or religious institution entity when low temperatures or adverse weather conditions endanger human life.
- C. The City Manager will review applications for non-event-based emergency shelters made under Oregon Revised Statute 197.782 and on the forms provided by the city. Approval will be granted if the criteria of the ORS are met. The approval is revokable upon finding the statute is not met, to include by not limited to an unreasonable risk to public health or safety is present.

1-9-2: Temporary Sheltering Regulations Purpose. The purpose of this chapter is to protect the health and safety of residents, visitors, business, and those experiencing homelessness and regulate the use of public and private property by establishing reasonable time, place, and manner regulations.

1-9-2-1: Definitions. As used in this section, the following words and phrases mean:

City manager The Florence city manager, or the city manager's designee.

Dwelling	One or more units providing complete independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking, and sanitation.
Family	Six or fewer individuals, related or unrelated
Motor vehicle	A vehicle that is self-propelled or designed for self-propulsion and is operative, licensed, registered and insured.
Parking lot	A developed location that is designated for parking vehicles, whether developed with asphalt, concrete, gravel, or other material.
Personal property	Items that can reasonably be identified as belonging to an individual and that have apparent value or utility.
Public property	Any real property or structures owned, leased, or managed by the City, including public rights-of-way.
Public rights-of-way	All property dedicated to the public for transportation purposes, including streets, roads, bridges, alleys, sidewalks, trails, paths, and all other public ways and areas.
Right-of-way	Includes public utility easements to the extent that the easement allows use by the permittee planning to use or using the public utility easement. "Right-of-way" includes the subsurface under and airspace over these areas
Recreational Vehicle or RV	A vehicle with or without motive power that is designed for use as temporary living quarters and as further defined by the Oregon Department of Transportation in OAR Chapter 735, Division 022. Examples include motor homes, camping trailers, tent trailers, truck campers and camper vans. The RV must be operative as applicable, licensed, registered and insured.
Shelter or sheltering	To pitch, erect, create, use, or occupy shelter facilities for the purpose of habitation, as evidenced by the use of shelter belongings
Shelter facilities	Includes, but are not limited to, tents, motor vehicles, and recreational vehicles
Shelter belongings	Includes, but is not limited to, tarpaulins, cots, beds, sleeping bags, blankets, mattresses, hammocks, and outdoor cooking devices and utensils and similar equipment.
Shelter site	Any place where one or more persons have established temporary sleeping accommodations by use of shelter facilities or shelter belongings.

Solid waste	Any garbage, trash, debris, yard, food, human or pet waste, or other discarded materials.
Store or storage	To put aside or accumulate for use when needed, to put for safekeeping, or to place or leave in a location.
Tent	A portable shelter, not exceeding 90 sq. ft. and 6 ft. 5 inches in height, made of cloth or cloth-like material, supported by one or more poles and depending on the type stretched tight by cords or loops attached to pegs or stakes driven into the ground
Vehicle	A motor vehicle or recreational vehicle.

1-9-2-2: Temporary Sheltering Program

- A. The prohibitions in Section 1-9-2-3 shall not apply to the following circumstances:
1. The property involved is appropriately zoned and has all necessary approvals for the proposed recreational camping use, in a vehicle or otherwise, as provided in Title 10 (Zoning Regulations) of the Florence City Code; or
 2. Sheltering is occurring in accordance with emergency shelter siting made pursuant to FCC 1-9-1; or
 3. A special event permit has been issued in accordance with FCC 7-5 authorizing sheltering.
- B. With written authorization of the property owner, up to one family may use a property developed with an occupied residential dwelling, with further authorization from any tenants of the property, for sheltering by either: using a tent to shelter in the back yard of the residence, or using a single vehicle parked in the driveway of the dwelling.
- C. The property owner of a commercial or industrial zoned property, a public entity, or a religious institution, may allow up to 3 (three) total vehicles or tents in any combination.
- D. A property owner who authorizes any person to shelter on property must:
1. Not require or accept the payment of any monetary charge nor performance of any valuable service in exchange for providing the authorization to shelter on the property; provided, however, that nothing in this section will prohibit the property owner from requiring persons sheltering to perform services necessary to maintain safe, sanitary, and habitable conditions at the shelter site or source of sanitary facilities;
 2. Ensure vehicles and tents are located within an on-premise parking lot, and are spaced at least 10 feet apart, for subsection B above;
 3. Provide a storage area for persons sheltering to store any personal property not stored in vehicles or tents so the items are not visible from any public right-of-way or adjacent properties;
 4. Require sheltering facilities to be not less than five feet away from any property line.

5. Provide or make access to sanitary facilities, including toilet, hand washing and solid waste disposal facilities, with such facilities except solid waste disposal not being in the front yard and all sanitary facilities being at least 10 feet from the property line of a residential use if not fully contained within a building or RV.
 6. Request and receive an inspection 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 sheltering is commenced.
- E. A property owner who allows sheltering pursuant to subsection B or C of this section may revoke that permission at any time and for any lawful reason.
- F. Notwithstanding the provisions of this section, the city manager may:
1. Revoke the right of a property owner to allow sheltering on property described in subsections B and C of this section upon finding that the property owner or a person sheltering has violated any applicable law, ordinance, rule, or permit, or that any activity occurring on that property by a person sheltering is incompatible with the use of the property.
 2. Revoke permission for a person to shelter on public property authorized under subsection C upon finding that the person has violated any applicable law, ordinance, rule, or permit, or that any activity occurring on public property by the person is incompatible with the use of the property.
- G. Any person whose permission to shelter on property has been revoked pursuant to subsections E or F of this section must vacate and remove all belongings from the property within four hours of receiving such notice.
- H. All persons participating in a sheltering program described in subsections B and C of this section do so at their own risk, and nothing in this section or chapter 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.

1-9-2-3 Prohibited Sheltering

- A. Except as expressly authorized by the Florence City Code, at all times it is unlawful to establish, use, or occupy a shelter site in the following locations:
1. City of Florence Park sites developed with active use recreational facilities, designed as public gathering spaces, hosting community drinking water wells, or containing significant riparian or wetland areas including, but not limited to:
 - a. Miller Park
 - b. Pepperoaks Park
 - c. Munsel Greenway Park
 - d. Rolling Dunes Park
 - f. 18th Street Pocket Park
 - g. Singing Pines Park (playground and dog park areas)

- h. Old Town Park
 - i. Veterans' Memorial Park
 - j. Exploding Whale Memorial Park
 - k. Gallagher Park
 - l. Munsel Road Park
 - m. Within visual line of sight from a constructed and signed recreational trail, not already excluded in this subsection.
2. Within a Goal 5 significant riparian area or Goal 5 or Goal 17 significant wetland area as determined by the Florence Area Local Wetlands and Riparian Inventory, regardless of ownership;
 3. The following city-owned facilities, and associated grounds, that are open to the public for the purpose of conducting city business:
 - a. City Hall
 - b. Florence Senior and Activity Center
 - c. Florence Events Center
 - d. Public Works
 - e. Justice Center
 - f. Florence Municipal Airport
 4. City owned or maintained parking lots unless identified as a vehicle sheltering lot;
 5. Rights-of-way:
 - a. Near the following uses that serve children and those experiencing homelessness:
 - i. Within 300 feet of a church or religious institution (as defined in Title 10)
 - ii. Within 300 feet of, a lot or parcel containing an elementary school, secondary school, day care facility, child care facility
 - iii. Within 300 feet of a facility whose primary mission is in part to provide services to those experiencing homelessness
 - b. Platted both publicly dedicated and homeowner association held within a residential zoning district;
 - c. The following which are developed and are more heavily trafficked, or that are in areas with industrial activities:
 - i. Oak St. from 21st to 43rd St.
 - ii. Spruce St.
 - iii. 21st Street from Highway 101 to Spruce St.

- iv. 8th Street from Highway 101 to Quince Street
- v. Rhododendron Dr.
- vi. 9th Street from Highway 101 to Rhododendron Dr.
- vii. Kingwood Street from 2nd Street to 35th Street
- viii. Munsel Lake Road
- ix. Within 100 feet of the edge of pavement of Hwy. 101 and Hwy. 126
- x. 32nd St. between Oak St. and Hwy 101
- xi. Streets within Old Town District Areas A, B, and C

- B. Any person sheltering in a right-of-way must adhere to the parking and street obstruction regulations as outlined in FCC 7-1-6 and 7-1-7-4.
- C. It shall be unlawful for any person, other than persons sheltering in a vehicle, to shelter or maintain a shelter site on any publicly owned property from 9:00 a.m. to sunset or 7:00 p.m., whichever happens first.
- D. Except as expressly authorized by the Florence City Code, it shall be unlawful for any person, to store personal property, including shelter facilities (excepting a vehicle) and shelter belongings, on any public property from 9:00 a.m. to sunset or 7:00 p.m., whichever happens first.
- E. Notwithstanding the provisions of this section, the City Manager may temporarily authorize sheltering or storage of personal property on public property by written order that specifies the period of time and location upon finding it to be in the public interest and consistent with City Council goals and policies.
- F. The City Manager may adopt administrative rules to implement the provisions of this section.

1-9-2-4 Shelter Site Cleanup

- A. Cleanup of illegal shelter sites will be scheduled by the chief of police or designee.
- B. Signs may be posted advising that sheltering is prohibited. Whether or not a sign is posted, a specific dated and timed notice will be posted and distributed in the area of a scheduled cleanup at least 72 hours before the cleanup.
- C. Notwithstanding subsections A and B of this section, cleanup of shelter sites may occur immediately and without notice if the chief of police or designee determine that either of the following conditions exist:
 - 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 sheltering.
- D. At the time of the cleanup, written notice will be posted and distributed announcing the telephone number where information on picking up the stored property can be obtained during normal business hours.
- E. Written notices will be in both English and Spanish.

- F. Copies of all notices shall be provided to the local social service organization providing services to those experiencing homelessness and where there is none then to the Oregon Department of Human Services and/or the Lane County Human Services Department.

1-9-2-5 Removal, Storage and Retrieval of Personal Property Associated with Sheltering

- A. Personal property will be separated from solid waste during cleanups. Solid waste will be immediately discarded. Items of personal property will be turned over to the police department and stored. The personal property shall be stored for no less than 30 days, during which time it will be reasonably available to persons claiming ownership of the personal property.
- B. When conducting a shelter site removal, the City shall arrange in advance for a location for personal property to be stored.
- C. Any personal property that remains unclaimed for 30 days after the cleanup may be disposed of, sold, donated, used, or transferred as abandoned personal property, but no waiting period beyond the 30 days is required prior to the disposal, sale, donation, use, or transfer.
- D. Weapons, drug paraphernalia, and items which reasonably appear to be either stolen or evidence of a crime may be retained or disposed of by the police department in accordance with the department's written policies and procedures.

1-9-2-6 Violation - Penalty

Violation of this chapter is a civil infraction subject to a civil penalty as provided in FCC 1-4.

1-9-2-7 Nonexclusive Remedy

The remedies described in this chapter shall not be the exclusive remedies of the City for violations of this chapter.

1-9-2-8 Interpretation

This chapter is to be interpreted consistent with applicable state and federal law.