TITLE VIII: CAMPING REGULATIONS

CHAPTER

80. USE OF PUBLIC PROPERTY FOR CAMPING, LYING AND SLEEPING

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SECTION

Camping

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§ 80.01 PURPOSE AND POLICY.

To protect the health, safety and welfare of the people of City of Merrill and to provide for safe and sanitary public areas while also ensuring that homeless individuals receive humane treatment.

§ 80.02 DEFINITIONS.

For the purpose of this Chapter, the following words and phrases shall mean:

(a) "Camp" or "camping" means to set up or to remain in or at a campsite.

(b) "Campsite" means any place where one or more persons have established temporary living accommodations by use of camp facilities and/or camp paraphernalia.

(c) "Camp Facilities" include, but are not limited to, tents, huts, temporary structures, lean-tos, shacks or any structures, vehicles or parts thereof.

(d) "Camp Paraphernalia" includes, but are not limited to, tarpaulins, cots, beds, sleeping bags, blankets, mattresses, hammocks, or cooking equipment.

(e) "Custody" means the imposition of actual or constructive restraint by a peace officer pursuant to an arrest or court order.

(f) "Personal Property" means any item that can reasonably be identified as belonging to an individual and that has apparent value or utility.

(g) "Vehicle camping in a lawful parking space" refers to a person experiencing homelessness utilizing a motor vehicle in a lawful parking space as a temporary place to live. The vehicle must be operational and must be moved at least every 24 hours. To fall within this definition, the parking space at issue cannot be adjacent to residences, subject to 80.03 herein. A parking lot space used for vehicular camping in one 24 hour period may not be used again by that same vehicle for at least 72 hours.

§ 80.03 PROHIBITED CAMPING.

No person shall camp, lay, or sleep, from dusk to dawn, on public property, in the following areas:

1. Any area zoned for residential use;

    a) Camping on private property within the City's jurisdiction shall be subject to the controls established for recreational vehicles and mobile home camping pursuant to Code of Ordinances Chapter 153. Specifically, this includes time limits after which a City permit shall be obtained, and time limits after which City Council approval is required.

2. Within 100 yards of any waterway or wetland;

3. Within 1000 feet of a public school or child care facility;

4. Within the boundaries of any public right-of-way;

    a) Camping shall be allowed within a municipal right-of way, City property, or area(s) with a public interest when in conjunction with a City Council sanctioned event.

5. On or near railroad tracks;

6. On public sidewalks or trails in a manner that prevents safe pedestrian and/or mobility device access.

§ 80.04 PUBLIC PROPERTY USE.

When on public property, individuals:

1. May not allow any garbage or waste to accumulate;

2. May not hook up to any utility, including, but not limited to electricity and sewer;

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3. May not attach any camping shelter to nearby buildings or trees; may not dig or excavate.

4. The use of an area for camping, laying, or sleeping is limited to daylight hours.

5. Once a location has been used for sitting, lying, or sleeping (includes a vehicle), it may not be used again for at least 72 hours.

6. Personal property may not be left unattended in excess of 1 hour.

7. May not erect any structures or tents (rudimentary means of keeping warm and dry, such as blankets and bedding are allowed).

8. Campfires are prohibited.

§ 80.05 VEHICLES CAMPING IN A LAWFUL PARKING SPACE.

If a person uses a vehicle for camping, in addition to all other camping ordinances, the vehicle must be operational, properly licensed, and lawfully parked.

§ 80.06 SEVERABILITY.

If any section, subsection, clause, phrase, or portion of this Chapter is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions of this Chapter.

§ 80.07 Misuse of Public Property.

If a person violates sections 80.03, 80.04, or 80.05, Law Enforcement and/or Code Enforcement, after giving 24 hour written notice to the individual to remedy the violations, may issue a citation, in alignment with Klamath County; a violation of this Chapter shall be a Class B violation of $360.00. Further, if an individual fails to remedy the violation by leaving unattended property, after having given the individual proper notice, the City may proceed under ORS 195.05, to have property removed.

Ordinance 2019-03-01: Urban Camping Regulation in conflict with is hereby repealed.
(Ord. 2066, passed 8-14-2024)