

# Council Business Meeting

February 5, 2019

<b>Agenda Item</b>	Ordinance No. 3171 an Ordinance relating to overnight sleeping in vehicles; adding new AMC Chapter 10.48.	
<b>From</b>	Kelly Madding	City Administrator
<b>Contact</b>	<a href="mailto:kelly.madding@ashland.or.us">kelly.madding@ashland.or.us</a> ; 541-488-6002	

## **SUMMARY**

Ordinance No. 3171 adds a new chapter to the Ashland Municipal Code (AMC): Chapter 10.48 related to overnight sleeping in vehicles. AMC Chapter 10.48 would allow overnight sleeping in a maximum of three vehicles on properties that are owned or leased by a Religious Institution or Place of Worship.

## **POLICIES, PLANS, AND GOALS SUPPORTED**

Seek opportunities to enable all citizens to meet basic needs.  
Support innovative programs that protect the community.

## **PREVIOUS COUNCIL ACTION**

During a Study Session on November 19, 2018, the City Council directed Staff to bring forward an Ordinance that allowed overnight sleeping in vehicles at religious institutions or places of worship.

## **BACKGROUND AND ADDITIONAL INFORMATION**

On [April 27, 2017](#), members of the Rogue Valley Unitarian Universalist Fellowship's (RVUUF) Social Justice and Action Committee presented information about a proposed Overnight Parking Program for homeless individuals to the Housing and Human Services Commission. The church allocated three parking spots behind one of the buildings at 87 4<sup>th</sup> Street and provided a porta-potty and a garbage bin for the campers. At the time of the presentation (and currently), the RVUUF committee members were uncertain about the path to legitimize the program. The Committee members expressed that their goal, if the program proved successful, was for other religious institutions in our community to participate. The Committee members presented this proposal to the City's Housing and Human Services (HHS) Commission to gain the Commission's support and work toward Council approval of a process for permitting this activity.

The HHS Commission discussed the proposal at the regular meeting held on [May 25, 2017](#). The Commissioners expressed an interest in moving this forward, but had many questions. The Commissioners invited Mr. Limb, a representative from the RVUUF Social Justice and Action Committee, to the [June 28, 2018](#) meeting to provide the HHS Commission with an update on the program. The HHS Commission requested that Mr. Limb report back to them at future meetings with updates as the program matured and was refined. Mr. Limb was encouraged to develop and maintain: 1) an evaluation process and to record any issues that arose; 2) feedback from the neighbors; and 3) a methodology for the vetting process.

On [July 26, 2018](#), Mr. Limb presented an update to the HHS Commission on experiences and outcomes from the first year of operation. Limb reported that overall the experience had been good, there had been no litter or garbage left and no complaints from neighbors. It was the consensus of the HHS Commission

to support the overnight parking program and to request that the Council discuss car camping at a future study session.

The City Council held a Study Session on [November 19, 2018](#) to discuss the matter and the Council directed Staff to develop an Ordinance to allow overnight sleeping in a vehicle at religious institutions or places of worship. The attached Ordinance is modeled after the Eugene Ordinance and defines “person in charge”, “religious institution or place of worship” and “vehicle”. The Ordinance limits the number of vehicles at any religious institution or place of worship to three and requires the provision of sanitary facilities. The Ordinance prohibits personal items to be visible from any public street and the requirement of any monetary charges for overnight sleeping. The Ordinance also gives the City Administrator or her/his designee the ability to prohibit this activity if she/he finds that such activity constitutes a nuisance or other threat to public health, safety, or welfare.

### **FISCAL IMPACTS**

As this program has been operated by the RVUUF for over a year and has required no need for City resources, it is presumed that there will likely be minimal impact to City resources in the future. However, if this presumption is false, Staff will bring back those findings to the Council for further potential action.

### **ACTIONS, OPTIONS, AND POTENTIAL MOTIONS**

1. Approve First Reading of Ordinance No. 3171 and advance it to Second Reading for enactment.
2. Decline to approve First Reading of Ordinance No. 3171.

### **STAFF RECOMMENDATION**

Staff recommends approval of Ordinance No. 3171.

### **REFERENCES AND ATTACHMENTS**

Attachment 1: Proposed Ordinance No. 3171

1 **ORDINANCE NO. 3171**

2 **AN ORDINANCE RELATING TO OVERNIGHT SLEEPING IN VEHICLES; ADDING**  
3 **NEW AMC CHAPTER 10.48.**

4 **Annotated to show deletions and additions to the Ashland Municipal Code sections being**  
5 **modified. Deletions are ~~bold-lined through~~, and additions are bold underlined.**  
6

7 **THE PEOPLE OF THE CITY OF ASHLAND DO ORDAIN AS FOLLOWS:**

8 **SECTION 1.** New Chapter 10.48 is hereby added to the Ashland Municipal Code as follows:

9 **10.48.020 Definitions**

10 **A. Person in charge. A person who has lawful control of a premises by ownership,**  
11 **by official position, or by another legal relationship to the premises.**

12 **B. Religious Institution or Place of Worship. A structure used primarily as a**  
13 **meeting area for religious activities. As used in this chapter, Religious Institution or**  
14 **Place of Worship does not include a dwelling as defined in AMC 18.6.1.030.**

15 **C. Vehicle. A car, camper, travel trailer, recreational vehicle, or similar**  
16 **conveyance.**

17 **10.48.040 Overnight Sleeping in Vehicles**

18 **A. Notwithstanding any other provision of the Ashland Municipal Code, persons**  
19 **may sleep overnight in a vehicle in a parking lot of a Religious Institution or Place of**  
20 **Worship that owns or leases real property on which a structure and an associated**  
21 **parking lot are located, provided that said persons have obtained the permission of**  
22 **the person in charge. The person in charge may not grant permission for more than**  
23 **three (3) vehicles used for sleeping to utilize the parking lot at any one time.**

24 **B. A person in charge who allows a person or persons to sleep overnight in a vehicle**  
25 **on the premises pursuant to subsection A of this section shall:**

26 **1. Provide or make available on the premises sanitary facilities including,**  
27 **but not limited to, toilet, hand washing, and trash disposal facilities;**

28 **2. Not allow the overnight users' personal items to be visible from any public**  
29 **street; and**

30 **3. Not require payment of any fee, rent, or other monetary charge for**  
**overnight sleeping in a vehicle as authorized by this section.**

1 C. A person in charge who permits overnight sleeping in a vehicle pursuant to  
2 subsection A of this section may revoke that permission at any time and for any  
3 reason. Any person who receives permission to sleep on a premises as provided in  
4 subsection A of this section shall leave the premises immediately after permission  
5 has been revoked.

6 D. Notwithstanding any other provision of this section, the City Administrator or  
7 the City Administrator's designee may prohibit overnight sleeping in a vehicle at a  
8 premises as provided in subsection A of this section if the City Administrator or  
9 the City Administrator's designee finds that such activity on the premises  
10 constitutes a nuisance or other threat to public health, safety, or welfare.

11 E. In addition to any other penalties that may be imposed, any premises used for  
12 overnight sleeping in a manner not authorized by this section or other provisions of  
13 this Code shall constitute a nuisance and may be abated as such.

14 F. Nothing in this chapter creates any duty on the part of the City, its employees, or  
15 its agents to ensure the protection of persons or property with regard to overnight  
16 sleeping in vehicles.

17 **10.48.060 Enforcement**

18 **The City has the administrative authority to implement and enforce this chapter, including**  
19 **the adoption of administrative rules, regulations, or policies. This provision shall not be**  
20 **construed to abrogate or limit the jurisdiction or authority of the Ashland Police**  
21 **Department or any other law enforcement agency.**

22 **SECTION 2. Codification.** In preparing this ordinance for publication and distribution, the  
23 City Recorder shall not alter the sense, meaning, effect, or substance of the ordinance, but within  
24 such limitations, may:

- 25 (a) Renumber sections and parts of sections of the ordinance;  
26 (b) Rearrange sections;  
27 (c) Change reference numbers to agree with renumbered chapters, sections or other parts;  
28 (d) Delete references to repealed sections;  
29 (e) Substitute the proper subsection, section, or chapter numbers;  
30 (f) Change capitalization and spelling for the purpose of uniformity;  
(g) Add headings for purposes of grouping like sections together for ease of reference; and

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(h) Correct manifest clerical, grammatical, or typographical errors.

**SECTION 3. Severability.** Each section of this ordinance, and any part thereof, is severable, and if any part of this ordinance is held invalid by a court of competent jurisdiction, the remainder of this ordinance shall remain in full force and effect.

PASSED by the City Council this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

ATTEST:

City Recorder

SIGNED and APPROVED this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

\_\_\_\_\_  
John Stromberg, Mayor

Reviewed as to form:

\_\_\_\_\_  
David H. Lohman, City Attorney