

# TITLE 10

## SPECIAL ORDINANCES, REGULATIONS, RULES, POLICIES, AND BARGAINING AGREEMENTS

### SUBTITLE 3 — POLICIES

#### POLICY 43

#### REMOVAL OF UNLAWFUL CAMPSITES LOCATED ON PUBLIC PROPERTY

policy is to develop a countywide policy for the humane removal of homeless camps from Public Property pursuant to ORS 203.077.

[Adopted 2018-369 eff 11/27/2018]

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#### TABLE OF CONTENTS

*Section Title*

**I. BACKGROUND**

43.010 Purpose

43.020 Application

43.030 Definitions

**II. POLICY**

43.100 Unlawful Camping Prohibited

43.110 Posting of Written Notice

43.120 Exceptions to Notice Requirement

43.130 Communication with Other Agencies

43.140 Unlawful Campsite Cleanup Requirements

43.150 Storage of Unclaimed Personal Property

43.160 Criminal Trespass

References and Authorities

Legislative History of Policy 43

Appendix 1 - Notice of Unlawful Camping

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#### I. BACKGROUND

#### 43.010 Purpose

The County recognizes the social nature of the problem of homeless individuals Camping on Public Property. Accordingly, the purpose of this

#### 43.020 Application

(1) This policy applies to all county elected officials, employees, volunteers, or contractors engaged in the removal of unlawful campsites from County-owned property.

(2) In cases where an Unlawful Campsite is located within a crime scene, or the Linn County Sheriffs’s Office seizes property for reasons outside the scope of the camp cleanup, then standard law enforcement property and evidence control procedures will be followed.

[Adopted 2018-369 eff 11/27/2018]

#### 43.030 Definitions

As used in this policy, the following definitions apply:

(A) “**Camp**” or “**Camping**” means to set up, or to remain in or at, an Unlawful Campsite for the purpose of establishing or maintaining a temporary place to eat, sleep, or live.

(B) “**County**” means Linn County.

(C) “**County Departments**” means the departments and/or offices that provide public services on behalf of the County.

(D) “**Department Head**” means the person(s) appointed by the Linn County Board of Commissioners to serve as the head of their respective County Department.

(E) “**Disposable Items**” means items with no apparent utility or that are in an insanitary

condition;

(F) “**Personal Property**” means a tangible item that is reasonably recognized as belonging to a person and that has apparent utility.

(G) “**Public Property**” means any lands, premises, structures, or buildings owned or leased by the County, including under any bridge or viaduct.

(H) “**Social Service Agency**” means a public or private nonprofit organization providing direct assistance, usefulness, or care to individuals experiencing homelessness.

(I) “**Unlawful Campsite**” means a location where a person unlawfully places onto Public Property any bedding, sleeping bag, or other sleeping matter; any stove or fire; and/or any structure such as a hut, lean-to-tent, or other temporary structure for the purpose of Camping.

[Adopted 2018-369 eff 11/27/2018]

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## II. POLICY

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### 43.100 County Department Authority

(A) County Departments with legal authority for managing Public Property upon which an Unlawful Campsite has been established may decide if and when to initiate cleanup of an Unlawful Campsite. All persons found to be Camping unlawfully on Public Property shall be removed pursuant to this Policy.

(B) Department Heads are responsible for ensuring that this Policy is implemented and followed.

[Adopted 2018-369 eff 11/27/2018]

### 43.110 Posting of Written Notice

(A) Department Heads, or authorized agents thereunder, shall post a notice at the location of the Unlawful Campsite no less than twenty-four (24) hours prior to removing persons from an Unlawful Campsite.

(B) The notice shall:

(1) be visible to those persons occupying the Unlawful Campsite;

(2) notify those persons that they are maintaining an Unlawful Campsite and that the County intends to clear the Unlawful Campsite, and remove any persons thereon, on a specified date;

(3) provide referral information and current contact numbers for local Social Service Agencies;

(4) inform the persons that any Personal Property retained as a result of the cleanup of the Unlawful Campsite will be inventoried and stored by the County for a period of thirty days;

(5) explain the procedures for individuals to claim their Personal Property, including the location at which it will be stored and contact information for arranging a pick-up;

(5) confirm that Disposable Items retained as a result of the cleanup will be immediately discarded, and weapons, drug paraphernalia, and items that appear to be either stolen or evidence of a crime will be turned over to law enforcement officials; and

(6) be written in English and Spanish.

[Adopted 2018-369 eff 11/27/2018]

### 43.120 Exceptions to Notice Requirement

The notification requirements of LCP 43.110 do not apply:

(A) When the County reasonably believes that illegal activities other than Camping are occurring on the Public Property; or

(B) In the event of an exceptional emergency, such as possible site contaminated by hazardous materials or when there is immediate danger to human life or safety.

[Adopted 2018-369 eff 11/27/2018]

### 43.130 Communication with Other Agencies

(A) Prior to posting the 24-hour notice, the Department Head, or an authorized agent thereunder, shall notify a local Social Service Agency of the County’s intention to remove the

Unlawful Campsite. Whenever feasible, the Department Head shall arrange for outreach workers from the local Social Service Agency to visit the Unlawful Campsite to assess the need for additional assistance in arranging shelter or providing additional care as needed.

(B) The Department Head may, at their discretion, request assistance from local law enforcement agencies in the removal and cleanup of an Unlawful Campsite.

[Adopted 2018-369 eff 11/27/2018]

#### **43.140 Unlawful Campsite Cleanup Requirements**

(A) The Department Head, or an authorized agent thereunder, shall photograph the Unlawful Campsite at the beginning and end of the cleanup.

(B) All Disposable Items collected during the cleanup of an Unlawful Campsite shall be disposed of in an appropriate manner.

(C) Any Personal Property retained as a result of the cleanup shall be inventoried, photographed, and when feasible, bagged for storage.

(D) Weapons, drug paraphernalia, and items that appear to be either stolen or evidence of a crime shall be turned over to law enforcement officials regardless of their condition.

(E) Every effort shall be made by the Department Head to secure the health and welfare of any employee assigned to clear an Unlawful Campsite and to utilize properly trained personnel with adequate equipment to manage the potential for exposure to hazardous and infectious materials.

[Adopted 2018-369 eff 11/27/2018]

#### **43.150 Storage of Unclaimed Personal Property**

(A) Unclaimed Personal Property remaining on Public Property after cleanup of an Unlawful Campsite shall be removed from the premises, or otherwise secured and protected, by the Department Head or an authorized agent thereunder.

(B) The County Department managing the cleanup shall store any unclaimed Personal Property for a minimum of thirty (30) days, during which time it shall be reasonably available to any individual claiming ownership.

(C) Any Personal Property that remains unclaimed for at least thirty (30) days may be deemed abandoned and properly disposed of in accordance with state law.

(D) The County may, at their discretion, seek reimbursement for expenses incurred by the County in relation to the cleanup of an Unlawful Campsite, including expenses incurred in the removal and storage of Personal Property, from a person found to be maintaining an Unlawful Campsite. Any civil action to obtain reimbursement must be filed in the Linn County Circuit Court within twelve (12) months of the date of cleanup.

[Adopted 2018-369 eff 11/27/2018]

#### **43.160 Criminal Trespass**

If a person is found to be Camping unlawfully on Public Property, and the person refuses to be removed from the premises, the Department Head may, at their discretion, file a criminal trespassing complaint with the appropriate law enforcement agency pursuant to ORS 164.245.

[Adopted 2018-369 eff 11/27/2018]

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#### **References and Authorities:**

ORS 203.077; ORS 203.079; ORS 164.245

#### **Legislative History of Policy 43:**

Adopted 2018-369 eff 11/27/2018

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# LINN COUNTY

## NOTICE OF UNLAWFUL CAMPING

Notificacion De Acampar Ilegal

**This area is public property. All persons found to be unlawfully camping will be removed.**

Esta area es propiedad publica. Todas las personas que se encuentren acampando ilegalmente serán eliminadas.

Individuals are being removed from this property pursuant to Linn County Policy 43, Removal of Persons from Unlawful Campsites Located on Public Property. All persons must leave and remove all personal property by:

Date and Time: \_\_\_\_\_

La entrada en esta area es prohibida; toda las personas se tienen que retirar y lleuarse sus bienes o propiedades.

Fecha y Hora: \_\_\_\_\_

Items left behind that have no apparent utility or are in an unsanitary condition will be immediately discarded. Weapons, drug paraphernalia and items that appear to be either stolen or evidence of a crime will be given to law enforcement officials. Any unclaimed personal property with apparent utility will be inventoried and stored by Linn County for thirty days at the following location:

Address: \_\_\_\_\_

\_\_\_\_\_

Phone: \_\_\_\_\_

Individuals can retrieve any personal property by requesting it in person at this location. If the property has not been retrieved within 30 days, it will be deemed abandoned and legally disposed of.

Los artículos dejados que no tienen utilidad aparente o están en una condición insalubre serán descartados inmediatamente. Las armas, la parafernalia de drogas y artículos que parecen haber sido robados o evidencia de un crimen serán entregados a los oficiales de la ley. Cualquier propiedad personal no reclamada con utilidad aparente será inventariada y almacenada por Linn County durante treinta días en la siguiente ubicación:

Dirección: \_\_\_\_\_

\_\_\_\_\_

Teléfono: \_\_\_\_\_

Las personas pueden recuperar cualquier propiedad personal solicitándola en persona en este lugar. Si la propiedad no se ha recuperado dentro de los 30 días, se considerará abandonada y se eliminará legalmente.