

Time, Place, Manner Presentation

HSSN

February 7, 2024

PRESENTATION OUTLINE

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HB 3115 OVERVIEW

Martin v. Boise

- Prohibiting camping without an available shelter bed is a violation of a person's 8th Amendment rights against cruel and unusual punishment
- A bed is available only if it is one that may actually be used by the specific individual (ex. a shelter that does not allow animals is not available for an individual with a pet)
- Cities may adopt reasonable time, place, and manner regulations
- Generally interpreted as only applying to criminal ordinances

Johnson v. Grants Pass

- Reaffirmed and expanded *Boise*
- Allowing sleeping in public places, yet prohibiting campsites with bedding or a structure is unconstitutional
- Applies to both civil and criminal ordinances

HB 3115

- State law that codified *Martin v. Boise* and says that all cities must be in compliance by July 1, 2023

Case Law Ongoing – Supreme Court to hear case

TIME

Beaverton	Hillsboro	Tigard	Tualatin
Camping allowed 9pm – 7:30am	Camping allowed 7pm – 7am	Camping allowed 7pm – 9am	Camping allowed 7pm – 7am

Place

Beaverton	Hillsboro	Tigard	Tualatin
Camping <u>only</u> in public right-of-way (but cannot block it)	Not in significant natural resource areas	Not in Sensitive lands	Not in the Natural Resource Protection Overlay, Wetland Protected Areas, or Natural Areas
Prohibited on city property	Not in City Parks, City buildings or parking structures	Not in City parks	Not in City parks, municipal grounds, or the Library Plaza
	Not in City parking lots actively being used	Not on City parking lots	Not on City parking lots
	Not in residential zones	Not on Burnham, Main, Commercial Sts. or Tigard St between Main and Tiedeman	Not in public right-of-way
Prohibited within 500 feet of a homeless service site, certified daycare, school facility, and highway entrances and exits	Not within 500 ft. of houseless services, schools, and freeway entrances/exits	Not within 500 ft. of houseless services, schools, and freeway entrances/exits	Not within 500 ft of schools and freeway entrances/exits
Prohibited within 10 feet of a fire hydrant; and within 50 feet of an intersection	Not along streets with speed limit of 45+ mph	Not within any vision clearance area, as defined by Tigard Community Development Code Chapter 18.930	Only allowed area is lot adjacent to the Tualatin Police Department

MANNER

Beaverton	Hillsboro	Tigard	Tualatin
Minimum clearance of 36 inches must be maintained	Cannot obstruct travel lanes or sidewalk passage (36 inch)	Campsite cannot reduce mobility access below 36 inches	
	Camp materials cannot obstruct infrastructure, such as fire hydrants	Campsite cannot obstruct travel	
May not set up any type of permanent or temporary fixture or structure of any material in / around a campsite	10 ft. buffer around driveways, bridges and business entrances.	10 ft. buffer around driveways, entrances/exits of buildings, fire hydrants, other utility infrastructure	10 ft. buffer around driveways, entrances/exits of buildings, fire hydrants, other utility infrastructure
May not start or maintain a fire or use a gas heater	No open flame/fires. Camp stoves and small cooking devices allowed if used safely	May not start or maintain a fire	May not start or maintain a fire
May not dig, excavate, erect/install fixtures, harm vegetation	No permanent (non-temporary) fixtures	May not dig, excavate, erect/install fixtures, harm vegetation	May not dig, excavate, erect/install fixtures, harm vegetation
May not accumulate, discard, or leave behind trash, hazardous materials, or feces	May not cause direct damage to environment, such as cutting vegetation	May not accumulate, discard, or leave behind trash, hazardous materials, or feces	May not accumulate, discard, or leave behind trash, hazardous materials, or feces
Individual campsites to be 150 feet from each other	May not dump gray water and must dispose of debris/trash	Campsite is limited to 12x12 feet and cannot be within 20 feet of another campsite	Campsite is limited to 12x12 feet and cannot be within 10 feet of another campsite
	No unauthorized connections to electrical outlets or other utilities	No unauthorized connections to electrical outlets or other utilities	No unauthorized connections to electrical outlets or other utilities

Camp Call Data- WCCA Dispatch

New county-wide call type to better track camp related calls. Implemented on 9/1/2023.

County-wide 1,454 Camp calls for service in Washington County

Camp calls by location:

- Hillsboro:758
- Tigard: 297
- Unincorporated WC:159
- Beaverton:157
- Forest Grove: 24
- Tualatin:20
- Sherwood: 10

Beaverton Implementation

- BPD Bike Team primarily enforces TPM
- Implementation began during focused outreach as part of county's LC3 Process
- Reduced camping and increased resourcing for folks that were camping in Central Beaverton near the BCL
- 6 Month report to be provided to Beaverton City Council later this month
 - Data
 - Policy language review

Hillsboro Implementation

Primarily enforced by CIT, Bike and Code Compliance team, with a focus on service connection.

Ongoing issues and concerns:

- Belongings during the day (storage on public property allowed for limited time but not sufficient for need)
- Myths/fears about homelessness persist
- High volume of calls (police resources)
- Safe Park options-looking for a Hillsboro site

Tigard Implementation

Focused Patrol Officer enforces Time, Place, Manner rules

Ongoing issues and concerns:

- Belongings during the day
- Limited enforcement resources
- ADA compliance

Tualatin Implementation

Community Services Officer enforces Time, Place, and Manner

Ongoing issues:

- Belongings during the day

Questions?