

Malheur County Campsite Removal Policy under
ORS 195.500-195.505

1. **Intent.** Malheur County recognizes the social nature of the problem of homeless individuals camping on public property and developed the following policy to ensure the most humane treatment for removal of homeless individuals from campsites on County property.

2. **Definitions.** Unless otherwise defined in this policy, the following terms have the following meanings.

“**Camp**” or “**Camping**” means to pitch, erect, create, use, or occupy camp facilities for the purposes of habitation, as evidenced by the use of camp paraphernalia.

“**Camp Facilities**” include, but are not limited to, tents, huts, temporary shelters, lean-tos, or any other temporary and removal structures or parts thereof.

“**Camp paraphernalia**” includes, but is not limited to, tarpaulins, cots, beds, sleeping bags, blankets, mattresses, hammocks, or outdoor cooking devices and similar equipment.

Note. Camp facilities and camp paraphernalia do not include vehicles, automobiles or recreation vehicles used for camping.

“**Campsite**” means any locations where one or more persons have established temporary sleeping or living accommodations by use of camp facilities and/or camp paraphernalia.

“**Established campsite**” means a campsite in place for over 24 consecutive hours in one location.

“**County property**” means all real property, land, and right-of-way owned, leased (either to County or by County), controlled, or managed by the County.

“**Personal property**” means any item that can reasonably be identified as belonging to an individual and that has apparent value or utility.

3. **Removal/Clearing of Campsites.** An established campsite on County Property may be cleared and removed, including removal of individuals, camp facilities, camp paraphernalia, and personal property in accordance with the requirements of this policy.

4. **Notice Requirements.** The following notice requirements and exceptions apply to the removal and clearing of campsites.

4.1 **Unestablished Campsites.** Notice is not required prior to removal and clearance of a campsite that is not an established campsite (i.e. a campsite in place for less than 24 consecutive hours in one location).

4.2 **Established campsites.** At least 72 hours before removing individuals and personal property from an established campsite, law enforcement officials must post a written notice, in

English and Spanish, at all entrances to the campsite to the extent that the entrances can reasonably be identified.

4.3 Written Notice Required Contents. The written notice required by this policy must state, at a minimum:

- a. Where unclaimed personal property will be stored;
- b. A phone number that individuals may call to find out where personal property will be stored; or
- c. If a permanent storage location has not yet been determined, the address and phone number of an agency that will have the information when available.

4.4 Exceptions. The following exceptions apply to the 72-hour notice requirement. The 72-hour notice requirement does not apply:

- a. When there are grounds for law enforcement officials to believe that illegal activities other than camping are occurring at an established campsite.
- b. In the event of an exceptional emergency at an established campsite, including, but not limited to, possible site contamination by hazardous materials, a public health emergency or other immediate danger to human life or safety.

4.5 Communication with Local Agencies. When a 72-hour notice is posted, law enforcement officials must inform the local agency that delivers social services to homeless individuals as to where the notice has been posted. The local agency may arrange for outreach workers to visit the campsite that is subject to the notice to assess the need for social service assistance in arranging shelter and other assistance.

5. Personal Property. The following requirements apply to personal property located at a campsite upon removal or clearance of a campsite.

5.1 Custodian of Unclaimed Personal Property. All personal property at a campsite that remains unclaimed after removal/clearing, whether notice is required under this policy or not, must be given to:

- a. a law enforcement official;
- b. a local agency that delivers social services to homeless individuals; an outreach worker;
- c. a local agency official; or
- d. a person authorized to issue a citation for unlawful camping under state law, administrative rule or city or county ordinance.

5.2 Storage Location. Unclaimed personal property must be stored in a facility located in the same community as the campsite from which it was removed.

5.3 Trash/Rubbish. Items that have no apparent value or utility or are in an unsanitary condition may be immediately discarded upon removal of the homeless individuals from the campsite.

5.4 Other Items. Weapons, controlled substances other than prescription medication, and items that appear to be either stolen or evidence of a crime must be given to or retained by law

enforcement officials. Property having appearing to have a value of \$1,000 or more shall be given to law enforcement officials for storage and safekeeping, and shall be made available as described in 6 below.

6. Storage of Unclaimed Personal Property. Unclaimed personal property removed from campsites must be stored in the following manner:

6.1 Organization. Unclaimed personal property must be stored in an orderly fashion, keeping items that belong to an individual together to the extent that ownership can reasonably be determined. Unclaimed personal property must be stored in a manner in which it is possible to identify the date the property was removed and location where the property was removed.

6.2 Duration. Unclaimed personal property must be stored for a minimum of 30 days during which it must be reasonably available to any individual claiming ownership. Any personal property that remains unclaimed after 30 days may be disposed of or donated to a corporation described in section 501(c)(3) of the Internal Revenue Code as amended and in effect on December 31, 2020.

7. Evaluation of Removal of Individuals. Following the removal of homeless individuals from a campsite on public property, law enforcement officials, local agency officials and outreach workers may meet to assess the notice and removal policy, to discuss whether the removals are occurring in a humane and just manner and to determine if any changes to this policy are needed. Therefore, this policy may be amended from time to time by the Malheur County Court in a regular meeting; and it will be posted on the County's website.

8. Prohibition on Citations in Limited Circumstances. A person authorized to issue a citation for unlawful camping under state law, administrative rule or city or county ordinance may not issue the citation if the citation would be issued within 200 feet of a notice required by this policy and within two hours before or after the notice was posted.

9. Preemption. Any County law or policy that offers greater protections to homeless individuals subject to removal from an established campsite preempts contrary provisions of this policy.

Dated this _____ day of June 2023.

Malheur County Court Judge Dan P. Joyce

Malheur County Commissioner Ron Jacobs

Malheur County Commissioner Jim Mendiola

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