

**POLICY
410**

**EFFECTIVE
DATE
12-11-19**

**Eugene
Police Department**



Prohibited Camping Enforcement

410.1 PURPOSE AND SCOPE

This policy is designed to provide guidance and guidelines on handling incidents of illegal camping within the city. Applicable sections of the Eugene City Code are 4.815, 4.816 and sections 5.693 through 5.705 which govern the impoundment of vehicles.

410.2 DEFINITIONS

Prohibited Camping - A person is engaged in prohibited camping if he or she sets up or remains in or at a campsite. A campsite is any place where any bedding, sleeping bag, or other material used for bedding purposes, or any stove or fire is placed, established or maintained for the purpose of maintaining a temporary place to live, whether or not such place incorporates the use of any tent, lean-to, shack, or any other structure, or any vehicle or part thereof.

410.3 CAMPING IN VEHICLES

A person may violate EC 4.815 if a vehicle is being used as a temporary place to live, is on public property, and meets the definition of a "campsite" as defined in the ordinance. It is not a violation merely to sleep in a vehicle parked at the side of the road.

We will deal with camping in vehicles when a complaint is received or when approved by a Watch Commander. All complaints in which the sole issue is illegal camping will be referred to the City's contract facilitator. If he or she is unable to resolve the matter, it will then be referred to Patrol for dispatch and enforcement.

If an illegal camping incident is referred to you, you may cite the person in lieu of custody. You may make a custody arrest (consistent with other department policies) only if the violation is a "willful violation" as defined in EC 4.990. In order for the offense to be a willful violation, you must show that:

- a. The person was cited for a violation of EC 4.815 within 30 days preceding the current violation, **or**
- b. The person was issued a written warning that he or she was violating EC 4.815 by a peace officer or other person authorized by the City Manager to give such warnings.

If you issue a warning, use the "WARNING OF UNLAWFUL STREET CAMPING" form and Obtain a case number and prepare a report titled Prohibited Camping.

If you tow the involved vehicle, use the Impound Report Form and:

- a. Ensure the appropriate warnings or prior enforcement action has taken place.
- b. On the front of the form, check the box marked “Prohibited Camping Willful Violation, EC 4815, 4.990(B)”.

If the violator is present, deliver a copy of the Impound Report and notify them of the important information on the reverse side of the form, specifically:

- They have the right to challenge the validity of the tow in Municipal Court.
- They are excluded from paying the administrative fee for the recovery of the vehicle.

Copies of Impound Reports are faxed to the Administrative Assistant responsible for tow notifications in order for the following procedures to be completed:

- a. Mail a cover letter and copy of the Release Instructions via certified mail within 48 hours (excluding Saturdays, Sundays and Holidays) to the registered owner of the vehicle, and to any lessor or security interest holder.
- b. The cover letter will include the following information:
 - Eugene Police Department listed as the impounding agency
 - The location of the impounded vehicle
 - A description of the release procedures and information on how to request a hearing to contest the validity of the impoundment.
 - A statement the vehicle is subject to towing and storage fees and that the vehicle and its contents are subject to a lien to cover those costs.
- c. The Administrative Assistant will ensure the mailing date of these letters is tracked.

410.4 CAMPING ON PRIVATE PROPERTY

Camping on private property without an owner’s consent will be handled as a trespass complaint. Owners of private property may allow individuals to camp upon their property, provided they do so in a manner consistent with provisions of EC 4.816 (Permitted Overnight Camping). Other camping done on private property may violate zoning ordinances. In this case, contact the Planning and Development Department of the City of Eugene.

410.5 CAMPING ON PUBLIC PROPERTY

Except in City parks or in cases involving a vehicle as noted above, when you intend to enforce the Prohibited Camping Ordinance (EC 4.815) at a location that is not already posted with a “Prohibited Camping” sign, do the following:

- a. If the campers are present, warn the violators about the camping prohibition and inform them they may be issued a citation for prohibited camping if they are still camping after 24 hours have elapsed. Provide them a written notice “PUBLIC NOTICE OF ILLEGAL CAMPING” with a listing of social services.
- b. Obtain a case number and prepare a report titled Prohibited Camping. Document the condition of the camp including any health or safety issues you observe. Prepare a follow up report once you have made a second visit to the campsite.

The 24-hour notice requirement described above does **NOT** apply when:

- a. You suspect illegal activities aside from the prohibited camping are occurring.
- b. An emergency such as when the site presents an immediate threat to human life or safety.
- c. The area is currently posted with a “Prohibited Camping” sign or you have documentation establishing that the Prohibited Camping sign was illegally removed within the last 24 hours.

Once the 24-hour period has elapsed you may issue prohibited camping citations to the people that are still engaged in prohibited camping.

If you issue a citation for prohibited camping, photograph the campsite as evidence of the prohibited camping.

Campers in City Parks

Campers found in City parks during hours the parks are closed may be cited or arrested for violation of park rules.

410.6 CLOSURE OF PUBLIC PROPERTY

From time to time, public property may be closed due to safety, health or other reasons. When this occurs, ordinarily the Public Works Director will issue a closure letter directing staff to close the site.

- a. If campers are present, warn the violators of the closure and inform them they may be issued a citation or arrested for criminal trespass after the posted closure date and time.
- b. Ensure the area is posted with a notice in English and Spanish advising the violators of the date and time of closure. (The same notice will list a local agency that delivers social services to homeless individuals. If there is no place to post the notice, give it directly to the violator.)
- c. Ensure notification of the impending action is made to the social service agency listed on the posting.
- d. Obtain a case number, or complete a supplemental to the original case, and prepare a report titled Prohibited Camping. Photograph/video the placement of notices and the campsite as evidence.
- e. After 24 hours have elapsed from the date and time that the notification was posted, you may issue citations or arrest for trespassing.

410.7 PROPERTY OWNED BY ANOTHER GOVERNMENTAL ENTITY

Without specific information to the contrary, assume that the property is open to the public and that campers can only be cited for prohibited camping.

- a. You may enforce trespass at the site if the property is posted “No Trespassing” and the City has been delegated authority to enforce trespass on the property by someone in charge of the property (similar to a letter of trespass).
- b. If the site is not posted with “No Trespassing” signs, you can enforce trespass at the site if you have been provided documentation regarding the process the governmental entity followed to close the property to public.

Chris Skinner
Chief of Police