

TITLE 10

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

SUBTITLE 3 — POLICIES

POLICY 43

REMOVAL OF UNLAWFUL CAMPSITES LOCATED ON COUNTY PUBLIC PROPERTY

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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 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]

43.020 Application

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

(B) 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 shall be followed.

[Adopted 2018-369 eff 11/27/2018; amd 2021-194 eff 07/06/2021]

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 value or utility or that are in an unsanitary condition;

(F) “**Personal Property**” means any item that can be reasonably recognized as belonging to a person and that has apparent value or utility.

(G) “**Public Property**” means any lands, premises, structures, or buildings owned, leased, or managed 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; amd 2021-194 eff 07/06/2021]

II. POLICY

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 seventy-two (72) hours prior to removing persons from an Unlawful Campsite.

(B) The notice shall:

(1) Be posted at all entrances to the Unlawful Campsite to the extent that the entrances can be reasonably identified;

(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 information 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 stored at a facility located within the same community as the Unlawful Campsite for a period of thirty (30) days;

(5) Provide the location where the Personal Property will be stored, the time at which it may be picked up, and a phone number that individuals may call to arrange for pick-up;

(6) Confirm that Disposable Items retained as a result of the cleanup will be immediately discarded, and weapons, controlled substances other than prescription drugs, and items that appear to be either stolen or evidence of a crime will be turned over to law enforcement officials; and

(7) Be written in English and Spanish.

[Adopted 2018-369 eff 11/27/2018; amd 2021-194 eff 07/06/2021]

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

at an Unlawful Campsite; or

(B) In the event of an exceptional emergency at an Unlawful 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.

[Adopted 2018-369 eff 11/27/2018; amd 2021-194 eff 07/06/2021]

43.130 Communication with Other Agencies

(A) Prior to posting the 72-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; amd 2021-194 eff 07/06/2021]

43.140 Unlawful Campsite Cleanup and Storage Requirements

(A) All unclaimed Personal Property retained as a result of the cleanup of an Unlawful Campsite shall be stored in an orderly fashion, keeping items that belong to an individual together to the extent that ownership can reasonably be determined. The County may, at its discretion, inventory, photograph, and bag all Personal Property prior to storing it.

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

(C) Weapons, controlled substances other than prescription drugs, 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.

(D) Every effort shall be made by the

Department Head to secure the health and welfare of any employee assigned to clear and/or clean an Unlawful Campsite and to utilize properly trained personnel with adequate equipment to manage the potential for exposure to hazardous and infectious materials.

(E) The County Department managing the cleanup shall store any unclaimed Personal Property at a facility located within the same community as the Unlawful Campsite for a minimum of thirty (30) days, during which time it shall be reasonably available to any individual claiming ownership. Any Personal Property that remains unclaimed for at least thirty (30) days may be disposed of or donated to a 501(c)(3) nonprofit corporation.

(F) The County may, at its 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; amd 2021-194 eff 07/06/2021]

43.150 [repealed]

[Adopted 2018-369 eff 11/27/2018; repealed 2021-194 eff 07/06/2021]

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]

References and Authorities:

ORS 203.077; ORS 203.079; ORS 164.245

Legislative History of Policy 43:

Adopted 2018-369 eff 11/27/2018

Amendments to 2018-369:

#1 2021-194 eff 07/06/2021



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 removidas.

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

Date and Time: _____

La entrada en esta area es prohibida. Todas las personas deben salir y retirar toda propiedad personal antes de las:

Fecha y Hora: _____

Items left behind that have no apparent utility or value, or that are found to be unsanitary, will be immediately discarded. Weapons, controlled substances other than prescription drugs, 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 or value will be stored by Linn County for 30 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 que se dejen atrás y que no tengan utilidad o valor aparente, o que resulten insalubres, se desecharán de inmediato. 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 o valor aparente será almacenada por Linn County durante 30 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.