

City of Bend
City Manager Administrative Policy



CITY OF BEND

**REMOVAL OF UNSAFE ENCAMPMENTS
ON CITY-OWNED PROPERTY OUTSIDE CITY LIMITS**

Policy No. 2024-5

Bend Code Chapter 1.30.005 provides for 'City Manager Authority to Adopt Administrative Regulations, Policies and Guidelines.' All regulations, policies and guidelines adopted by the City Manager shall be consistent with the City of Bend Charter, the Bend Code, and Council ordinances.

The following policy conforms to the above stated standards.

Authorized by City Manager:

Reviewed by Legal Counsel:

DocuSigned by:
Eric King
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Signed by:
Mary Winters
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Eric King, City Manager

Mary Winters, City Attorney

Dated: 9/26/2024

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I. Purpose

A. In accordance with ORS 195.500, the City recognizes the social nature of the problem of homelessness that has contributed to individuals locating on City-owned property known as Juniper Ridge outside of City limits and establishing Campsites there. The City recognizes that people experiencing houselessness need a place to sleep, shelter themselves, and store belongings. The City is committed to the safety and security of all people, including property owners and people experiencing houselessness, while protecting all people from unsafe and dangerous conditions, and protecting the environment from hazardous and contaminating conditions.

B. Camping, survival sheltering, and other overnight uses of the land without services or facilities at Juniper Ridge has resulted in unpermitted and potentially unsafe conditions, including structures, roadways and trails, disposal of human and solid waste and debris, and other unsafe and unsanitary conditions. Unmanaged camping without appropriate facilities can pose fire danger and imperil public health and safety, both for the larger community and people seeking shelter on public land. Significant fires threatened safety and property in 2020 and 2024, in addition to smaller fires at other times, and the risk of wildland fires is extreme and increasing. Juniper Ridge has also been used as a site for illicit and unlawful dumping of garbage and vehicles, which poses a threat to health and safety, the environment, and people seeking shelter on Juniper Ridge.

C. Additionally, unmanaged camping and unlawful access to the City's property at Juniper Ridge has resulted in unpermitted and unsafe crossings of the Burlington Northern Santa Fe railroad tracks within the City's property, including at crossings licensed only for the City's own use and at unimproved crossings. Crossing of the railroad tracks poses significant safety risks for people making such unpermitted crossings, the safe operation of the railroad, and the safety of the community. Unpermitted use of the City's licensed crossings jeopardizes the ability of the City to maintain its license to use these crossings, which are essential to the City's access to its property at Juniper Ridge.

D. Camping, shelter, or otherwise using facilities intended for conveyance of irrigation water and City facilities intended for the treatment of drinking water and wastewater is a threat to public health and safety.

E. This Policy is intended to address health and safety concerns, reduce potential risks of fire, promote a safe environment, deter unauthorized and illegal activities, eliminate unsanitary conditions, and allocate public resources effectively to maintain and steward certain City-owned properties outside city limits.

F. Policy ADM 2020-1, adopted by the City Manager on February 7, 2020, and presented to the City Council prior to adoption, titled the "Juniper Ridge Area Public Land Management Policy", is rescinded and replaced with this Policy. This Policy reflects changes in State law and updates to the Bend Municipal Code governing

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camping on City-owned property and rights-of-way within the city since the adoption of Policy ADM 2020-1. Camping at Juniper Ridge within City limits is now governed by the provisions of the Bend Municipal Code and policies implementing that code.

G. Juniper Ridge is public property that is not open to the public, and so does not fall within the requirement of ORS 195.530 (2) that any city “that regulates the acts of sitting, lying, sleeping or keeping warm and dry outdoors on property that is open to the public must be objectively reasonable as to time, place and manner with regards to persons experiencing homelessness.” Nonetheless, the City finds that the rules in this policy and the implementation of this policy are objectively reasonable with regard to persons experiencing homelessness and shall be implemented as described in this Policy in an objectively reasonable manner, based on the totality of the circumstances, including impact of the Policy on the person experiencing homelessness.

H. This Policy is intended to address how the City responds to camping, homelessness, and related issues on City Property outside city limits. City Manager Administrative Policy 2023-5, Code of Conduct for City Property, is intended to address different issues and should not be substituted for this Policy or relied on to address issues or activities addressed in this Policy.

I. The City and the Board of Commissioners for Deschutes County have agreed to work toward authorizing overnight vehicle camping on a portion of the City’s Juniper Ridge property, as well as adjacent property owned by the County, beginning in May 2025. As part of this plan, the City intends to increase its work cleaning up abandoned Campsites, property, vehicles, and other debris on its Juniper Ridge property east of the Burlington Northern Santa Fe Railroad tracks, and require anyone camping on that portion of the property to move. The City will create an implementation plan that will provide additional notice to campers and service providers, beyond the minimal notice that is required under this Policy, and work with individuals and service providers to facilitate removals of Established Campsites. The City intends to create such a plan for any large-scale closure or removal on any of its properties covered by this Policy.

II. Definitions.

For this Policy, the following definitions apply:

A. “Abandoned” means left with the appearance that the owner or the person last in possession of the vehicle or property intended to get rid of the vehicle or property and does not intend to return.

B. “Campsite” means a location where one or more tents, lean-tos, huts, similar temporary structures, and/or motor vehicles are being used or appear to be used for shelter or housing. Indications that a location is being used or appears to be used for shelter or housing may include presence of personal belongings in quantity or nature that aid in activities such as overnight camping, sheltering, cooking, or other similar

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activities. A Campsite is considered to be an “Established Campsite” when it has been or appears to have been in place for more than 24-hours.

C. “City Property” means the properties owned or leased by the City, outside city limits, including but not limited to the properties known as:

Juniper Ridge: City-owned property north of the Bend Urban Growth Boundary generally located between US-20 and Deschutes Market Road

Water Filtration Facility (WFF)

Water Reclamation Facility (WRF)

Leased or owned fire stations

This Policy does not affect nor apply to the Bend Municipal Airport.

D. “Garbage” means items voluntarily left on City-owned property for collection and disposal by a third party, or otherwise abandoned by its apparent owner, and/or items not reasonably recognizable as belonging to individuals and which have no apparent utility or are in an unsanitary condition due to saturation or contamination from bodily fluids, whether human or animal, or other contamination.

E. “Personal Property” means any item that is reasonably recognized as belonging to an individual and that has apparent utility and is not in an unsanitary condition due to saturation or contamination from bodily fluids, whether human or animal, or other contamination. Personal property includes but is not limited to:

1. Identification documents
2. Medications
3. Photos/photo albums
4. Tents, sleeping bags, bedding (not soiled or contaminated)
5. Luggage, backpacks, purses
6. Clothing, jewelry, eyewear
7. Electronic equipment (in apparent working order, not dismantled)
8. Tools or materials in apparent useful condition for shelter or other purpose
9. Bicycles and other non-motorized means of transportation in apparent working order or parts useable for repairs

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10. Recreational vehicles, trailers, or other vehicles used as shelter.

III. Prohibited Activities

A. Except as otherwise permitted by the City Manager or Department Director or their designee(s) responsible for a City Property, public access to City Property covered by this Policy is prohibited.

B. It is prohibited at all times for any person to use City Property to camp or for camping or for the purpose of occupancy, habitation, or sheltering for survival in vehicles, automobiles, or recreational vehicles.

C. It is prohibited at all times for any unauthorized person to operate, abandon, or dispose of a vehicle on City Property. Operation of vehicles and vehicle parking on City Property is allowed only for business related to the purpose for which the property is used (i.e., City infrastructure services), or for other authorized purposes. Where appropriate, staff should post signs in plain view on City Property restricting public parking as provided under this Policy. Authorization for other purposes may be given by the City Manager or Department Director or their designee(s), or highest-level employee responsible for the City Property at issue.

D. It is prohibited at all times for any person other than authorized City personnel, agents, or contractors or others the City has authorized to cross the Burlington Northern Santa Fe railroad tracks that cross Juniper Ridge at the crossings improved and licensed for the City's use.

E. Enforcement of this prohibition shall be in accordance with this Policy. Nothing in this Policy precludes use of other enforcement mechanisms with the appropriate law enforcement authorities for, among other things, trespass or unlawful dumping, where the conduct at issue is not primarily related to survival sheltering by individuals who are houseless.

IV. Enforcement

A. This Policy may be used by City personnel, including the City's Real Estate Director, law enforcement personnel, agents of the City or others so designated by the City Manager, to remove personal property and Established Campsites present on City property, outside of city limits. City staff may also refer to City Policy ADM 2023-4 for guidance on enforcement, removal, notices, and storage of personal property if not otherwise covered in this Policy.

B. Enforcement may be by the following methods, as appropriate for the nature of the issue or violation:

1. Notice and removal or clean-up of camp material or other personal property that is creating or contributing to the unsafe condition or if provisions of this Policy are being violated,

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2. 72-hour advance notice of removal of an Established Campsite,
3. Emergency removal without 72-hour advance notice if the Campsite poses an immediate danger to human life or safety, or removal of a Campsite that has been in place less than 24-hours without 72-hour advance notice,
4. Notice and removal by towing or impoundment of an abandoned or illegally parked vehicle (Addressed in Section VI),
5. Citation for violation of state law.
6. Citations for conduct primarily relating to camping or shelter are intended to be issued only when other means of achieving compliance have been unsuccessful or are not practicable for the particular situation, including if appropriate to respond to an emergent or dangerous condition.
7. Citations and criminal enforcement may be appropriate tools to address conduct, including unlawful dumping or unsafe burning, that do not relate to camping or sheltering (for example, dumping of Garbage, waste, or debris unrelated to camping or sheltering at Juniper Ridge).

C. Tailored Enforcement

1. People with disabilities.
 - a. If a person asserts an inability to comply or a need for modified application of this Policy because of a disability, review the requested change in application of the provision at issue. A modification is not required to be given if it would pose an undue financial or administrative burden on the City or would fundamentally alter the nature of the program, activity, or services by the City. City personnel should use their discretion in applying this section and may consult with the City's Accessibility Manager and/or City Attorney's Office on specific or unusual requests.
 - b. City personnel should inquire about the nature of the asserted disability if not already apparent from the request. A person does not have to disclose a diagnosis or specify the disability to qualify for a modification of rules.
 - c. City personnel should ask what the person needs modified due to the disability.
 - d. Requests should be considered on an individual basis. Accommodations must be reasonable and not cause an undue burden or threat to public health or safety.

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D. If a person asserts a need for modified application or enforcement of the provisions of this Policy because they have minor children in their care or have employment obligations that relate to their ability to comply with this Policy or a notice provided under this Policy, the request should be considered on an individual basis. Modifications must be reasonable, related to the reason for the inability to comply or request for alternate enforcement, and not cause an undue burden or threat to public health or safety. In most instances, modifications are likely to be additional time to comply or move.

V. Notices

A. No notice required to remove Garbage or abandoned property.

1. No notice will be given prior to removal of Garbage or abandoned or illegally dumped property. Property will be considered abandoned and not associated with an Established Campsite if it appears from the circumstances a Campsite was previously established at a location but has been abandoned or destroyed and the property at the location has been abandoned or has become soiled and contaminated.

B. 24-hour notice for removal of Personal Property

1. Prior to removing personal property that does not appear abandoned or discarded, City personnel must post a notice as near as practicable to the property that the property is in violation and will be removed not sooner than 24-hours later.

2. When a 24-hour notice for removal of property has been posted, the City may act on the notice and remove the property beginning 72 hours after posting and up to 10 days following the posting.

3. Prior to removal, the City will take reasonable efforts to determine if property is associated with an Established Campsite or belongs to any identifiable individual and provide an opportunity for the individual to remove their own belongings.

C. 72-hour notice for removal of Established Campsites.

1. To remove an Established Campsite, City staff must post a notice at the entrance to the Campsite, if any, or as near as practicable to the Campsite that the Campsite will be removed not sooner than 72-hours later.

2. When a notice is posted, City enforcement personnel will notify the Coordinated Homelessness Response Office and/or other service providers. City staff should also make an effort to notify service providers earlier, when a plan for removal of multiple Established Campsites begins

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to be developed, as appropriate. The intent of the advance notice to service providers is to allow services to be deployed to the Campsite(s) to assist individuals to comply with the rules and remove themselves and their belongings, and connect individuals to services and resources. The City does not provide these services itself.

3. When a 72-hour notice has been posted at an Established Campsite, the City may act on the notice and remove the Campsite beginning 72 hours after posting and up to 10 days following the posting.

D. Campsite removal without notice.

1. An Established Campsite or property at or comprising a Campsite, other than vehicles, may be removed without advance 72-hour notice in the following circumstances:

a. When there are grounds for law enforcement officials to believe that illegal activity, other than camping, is occurring on the Campsite or in the immediate vicinity of the Campsite, or the property that comprises the Campsite is being used or is intended to be used to commit or facilitate the commission of otherwise illegal activity; or

b. In the event of an exceptional emergency, such as possible site contamination by hazardous materials or when there is immediate danger to human life or safety. "Immediate danger to human life or safety," for the purposes of this section, may include, but is not limited to, the presence of a Campsite at property used for critical City infrastructure systems, including the WFF or WRF or any other property associated with the City's water distribution or collection system, when the presence of the Campsite or activities such as discharge of human waste or "blackwater" onto the ground, cooking or warming fires or devices, pose a threat to the City's property or human life and safety, as determined in the sole discretion of the City.

2. A Campsite that has not become established – meaning, it has been in place not more than 24 hours – may be removed without advance 72-hour notice. Personal property removed or recovered from such a Campsite must be stored, and notice provided of where the property is being stored, in accordance with the provisions of this Policy.

E. Notice of removed property. Following removal of property from a Campsite, the City must post a notice stating the location where removed personal property is being stored, and how individuals can contact the City to retrieve their personal property.

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F. If a person does not leave the Established Campsite and the City's property before the expiration given in the notice of removal, or within a reasonable time at the direction of authorized City personnel in the case of exceptional emergency that does not require a 72-hour notice, the person will be considered trespassing and the City may request the assistance of the appropriate law enforcement officials to enforce laws against trespassing, which may include criminal citation and arrest.

VI. Procedure for Removing Campsites and Property

A. The City may remove property not associated with a Campsite, or associated with an apparently abandoned or destroyed Campsite in accordance with this Policy, including provision of notice, if required under Section V. Items that appear to have been abandoned, are of no apparent use, or are in an unsanitary condition due to saturation or contamination from bodily fluids, whether human or animal, or other contamination, will be considered Garbage, and may be immediately discarded. Items that are of apparent use and are not abandoned based on the conditions in which they were found will be stored according to the City's other policies on storage of found or lost property.

B. When removing individuals from an Established Campsite, the City will make reasonable efforts to remove individuals without the use of force, arrest, or citation. The City will not request a person be arrested or cited for trespass because of their failure to move under this Policy prior to asking the person to move and providing notice required under this Policy, if any.

C. Storage.

1. Property that is removed from Campsites, including vehicles being lived in or used for survival sheltering, removed (towed) for noncompliance with this Policy, shall be stored in accordance with Policy ADM 2023-4 or other applicable City policies.

2. Abandoned vehicles (not used for shelter) may be towed and stored in accordance with ORS 98.812 or ORS 98.830, or other applicable laws, including tow and storage to a private towing facility subject to all required process and allowable liens. See Section VII, below, for additional process regarding vehicles.

D. Following removal of a Campsite or personal property from a Campsite, the City must post a notice stating the location where removed personal property is being stored, and how individuals can contact the City to retrieve their personal property.

E. When removing personal property from Campsites, the City will make reasonable efforts to determine if property belongs to an individual and has any apparent utility. The City will make reasonable efforts to identify which Campsite

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property was removed from and aid in connecting people with their property removed by the City. Items that are of no apparent use or are in an unsanitary condition due to saturation or contamination from bodily fluids, whether human or animal, or other contamination, will be considered Garbage, and discarded as part of any cleanup efforts by the City.

F. Weapons, controlled substances other than prescription medication, and items that appear to be either stolen or evidence of a crime shall be given to law enforcement officials. Additionally, items that appear to have a value of \$1,000 or more may be given to law enforcement officials for storage.

VII. Procedure for Removing Vehicles

A. Abandoned vehicles:

1. Vehicles that appear to have been abandoned or are parked on City Property on which parking is not allowed, may be removed by the following procedure.
2. Process (ORS 98.830):
 - a. City staff must affix a notice to the vehicle stating that the vehicle will be towed if it is not removed within the next 72-hours;
 - b. The notice required by paragraph (ii) of this subsection must remain on the vehicle for at least 72 hours before the vehicle is towed; and
 - c. City staff fills out and signs a form that includes:
 - i. A description of the vehicle to be towed;
 - ii. The location of the property from which the vehicle will be towed; and
 - iii. A statement that the staff person has complied with paragraphs (a) and (b) of this subsection.
 - d. City staff will provide the form with the above-required information to the City's towing contractor for towing in accordance with ORS 98.812(2) to (4).

B. Vehicles parked contrary to a sign displayed in plain view, or parked on City Property where it is apparent to a reasonable person that parking is not permitted.

1. Vehicles that are parked in violation of a sign on property where parking is allowed, or vehicles that are parked on property on which

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parking is not allowed and where a reasonable person would conclude that parking is not normally permitted at all, and which do not appear to be used as a shelter or for human habitation, may be removed from City-owned property by the following procedure.

2. Process (98.812):

a. City staff notify the City's towing contractor and request a private-property tow, pursuant to ORS 98.812, and have the tower tow the vehicle from the parking facility or the proscribed property and place the vehicle in storage at a secure location under the control of the towing contractor.

3. City staff should remove vehicles that do not appear to be used as shelter without notice under this section when it is impractical or would impede City operations to leave a vehicle eligible to be towed under this section for the duration of a 72-hour notice. Where a vehicle will not impede City operations by remaining in its location or appears to be used as a shelter, the City should use the 72-hour notice process described below.

4. A 72-hour notice is not required before removing a vehicle under this section that appears to be used as a shelter, if the vehicle poses an immediate danger to human life or safety. "Immediate danger to human life or safety," for the purposes of this section, may include, but is not limited to, the presence of a camp at property used for critical City infrastructure systems, including the WFF or WRF or any other property associated with the City's water distribution or collection system

C. Vehicles used as shelter. City staff, in consultation with the City Attorney and City Manager as appropriate, may choose from the following options to remove vehicles that appear to be used as shelter:

1. For vehicles that appear to be used as shelter and have been in place at least 24-hours, that do not pose an immediate risk to human health or safety, and are parked on property where parking is not allowed, or in violation of a sign on property where parking is allowed:

a. City staff may remove vehicles by affixing a notice to the vehicle that it will be towed if it is not removed within the next 72-hours. Following expiration of the 72-hour period, and up to ten (10) days later, the City may have the vehicle towed (as a private property tow under ORS 98.812) to another location under the City's control for storage for at least 30 days as personal property removed from an Established Campsite.

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b. Vehicles towed under this section must be stored for at least 30 days and made available for pick up by a person reasonably claiming ownership, without cost.

c. After a period of at least 30 days, the vehicle should be treated as abandoned and may be towed using the process under Section VII.B., above.

2. For vehicles that appear to be used as shelter and are parked on property where parking is not allowed or parked contrary to a sign posted in plain view, where the vehicle poses an immediate danger to human life or safety.

a. City staff will notify the City's towing contractor and request a private-property tow, pursuant to ORS 98.812, using the process described above in Section B, and have the towing contractor tow the vehicle to another location under the City's control for storage for at least 30 days as personal property removed from an Established Campsite.

b. "Immediate danger to human life or safety," for the purposes of this section, may include, but is not limited to, the presence of a Campsite at property used for critical City infrastructure systems, including the WFF or WRF or any other property associated with the City's water distribution or collection system.

c. Vehicles towed under this section must be stored for at least 30 days and made available for pick up by a person reasonably claiming ownership, without cost.

d. After a period of at least 30 days, the vehicle may be treated as abandoned and may be towed using the process under Section VII.B., above.

D. As an alternative to the removal processes described in this Section VII, if the cost of the removal or tow will be paid by the City, the City, in its sole discretion, and the owner or person apparently in charge of a vehicle used as shelter may jointly request a tower remove the vehicle to private or publicly-owned property designated for camping or safe parking purposes, or other private property on which the person has the consent of the property owner to locate the vehicle.