

**ORDINANCE NO. 2458**

**AN ORDINANCE CREATING TITLE 4, CITY RESPONSES TO HOUSELESSNESS,  
AND AMENDING BEND MUNICIPAL CODE CHAPTERS 5.55 AND 5.70**

**Findings:**

- A. The City of Bend is currently experiencing an increase of unsanctioned camping in public spaces and rights-of-way. With a sheltered population of just over 102,000, Bend has an increasing per capita population of homeless individuals. According to the 2022 Point in Time Count published by the Continuum of Care for Central Oregon, the Homeless Leadership Coalition, at least 785 individuals are homeless in Bend, and at least 1,286 individuals are homeless in Central Oregon. In 2015, there were 594 people counted as homeless in Central Oregon, an increase of over 200% in 7 years. 79% of those counted in 2022 are unsheltered, meaning living in a place not meant for human habitation (i.e., vehicle, outside, on streets or public lands, in abandoned buildings, etc.).
- B. The current Bend Municipal Code does not generally ban camping in the right-of-way, although it does regulate erecting structures and obstructing the right-of-way, and does not allow parking in one location for more than three business days at a time. Generally speaking, these code provisions were not designed nor are they adequate to manage the current circumstances of unsheltered homelessness in public places in the City.
- C. ORS 195.500 (formerly ORS 203.077) requires cities and counties to develop a policy that recognizes the social nature of the problem of homeless individuals camping on public property and implement the policy as developed, to ensure the most humane treatment for removal of homeless individuals from camping sites on public property.
- D. In April 2021, the City Manager adopted, and subsequently updated, an administrative policy (ADM 2021-1) setting out guidelines for how the City will respond to and provide notice of removal to campsites established in the right-of-way.
- E. The City recognizes that while a useful tool, the Administrative Policy is a more piecemeal approach applying other existing provisions of the Bend Municipal Code, not drafted directly to regulate camping or sheltering on City rights-of-way. It requires assessment of criteria and, if met, individual camp removal. The policy was not intended to be a long-term solution to meet the City's obligations to manage public places within the City.
- F. The City of Bend has entered into an intergovernmental agreement with Deschutes County and the cities of Redmond, Sisters and La Pine to create a collaborative office to address homelessness, through HB 4123 adopted by the Oregon legislature in 2021.
- G. As part of its 2022-2023 Council Goals, the City Council adopted a goal for

“Safety, Health, Accountability and Justice” and an action item to revise the Bend Municipal Code to update regulations on camping within the public right-of-way. In 2022, Council directed staff to begin developing a code proposal to regulate camping in the City’s rights-of-way, with reasonable time, place, and manner restrictions, including restrictions on camping on public rights-of-way near established shelter locations. The work on the camping code project began in earnest after the Council adopted amendments to the Bend Development Code in spring 2022; those changes were intended to increase the community’s capacity to establish permitted and managed shelters for people experiencing houselessness.

H. After several months of public meetings, an open house, and roundtable discussions, City staff drafted a new Bend Municipal Code (BMC) Title 4, to include the code regulating camping in the public right-of-way. In drafting Title 4, it was clear to staff that BMC Chapter 5.70, Safe Parking Programs, should be moved from Title 5 to the new Title 4. In recognition that the proposed Title 4 addresses rules for camping and sheltering in City rights-of-way and City property, and that the City does not govern or operate parks in the City, it further became clear that BMC Section 5.55.005 should be amended to remove 5.55.005(A)(3) prohibiting camping in parks and on City property.

I. Public rights-of-way are designed and intended for travel and transportation, and provision of utility services, among other uses. Public rights-of-way are not designed or intended for overnight use in the same way as a recreational camp site. People living in makeshift camps in the right-of-way and in vehicles often lack access to safe and sanitary restrooms and trash receptacles, resulting in unsanitary conditions from improper disposal of human waste and trash.

J. The placement of tents, bedding, and other structures in the right-of-way on or next to paved surfaces and/or between curblines is dangerous to those camping or sleeping, because of the proximity to vehicles and other users of the public roadways. Placement of those items on sidewalks can impede the use of sidewalks and other public ways if six feet of passage is not maintained. The City has a responsibility as the road authority to maintain the streets and sidewalks as safe, passable, and accessible, and to act to avoid death and injury to all users of the rights-of-way, including those without other homes.

K. Campfires, warming fires, cooking fires, outdoor fireplaces outdoor kiln fires and other similar type fires not more than three feet in diameter and approved cooking pits are generally allowed within City limits, pursuant to BMC 5.30.005 and Bend Fire Department’s adopted Burning Regulations, subject to the permission of the property owner. In consultation with the Bend Fire Department, given the dry climate, threat of drought conditions, and purpose of the City roadways, open fires on City-owned property and rights-of-way present a potential danger to the community, year-round. The City’s burning regulations require certain distance be kept between property lines, structures, and open fires, among other requirements. There is not space within the right-of-way to meet the requirements in the City’s burning regulations for distance from structures or to safely operate open flames. The risk to the public from open fires is significant. Electrical cords in the right-of-way pose a related fire and safety hazard. The

Fire Department has noticed electrical cords connecting vehicles and laid within the right-of-way and across travel lanes. Electrical cords are not designed to be driven over and the wiring inside is likely to degrade quickly leading to arching and a fire potential. The City also recognizes the need to promote the health and safety of people without homes who require a means to stay warm through the winter.

L. Establishing areas around shelter facilities in which camping is prohibited at all hours and all days will assist in mitigating adverse impacts to established shelter programs and individuals engaged in those programs, as well as mitigating adverse impacts to surrounding businesses and other users of the rights-of-way, for the reasons described in Finding M. Around the City's only low-barrier emergency shelter, located at 275 NE 2<sup>nd</sup> Street, additional restrictions on overnight parking will further assist in mitigating these adverse impacts. The City does not have the enforcement resources to prohibit overnight parking around other shelters or locations at this time and chooses to focus parking restrictions at the only emergency, low-barrier shelter available on a walk-up basis.

M. Shelter providers have communicated with the City that it is difficult for them to run successful programs and support individuals seeking to leave homelessness when people who are not engaged in the program are setting up camps and living in vehicles in the area surrounding the established shelter programs. The City and service providers are likely to see more success in responding to homelessness and helping people find permanent housing if camping and overnight parking are restricted around shelter facilities.

N. Construction or erection of anything, including structures, in the right-of-way is prohibited under BMC 3.40.005, without a permit from the City. Unregulated construction, including erection of structures, in the right-of-way interferes with the intended use of City rights-of-way for travel and transportation, as well as other allowed use of the rights-of-way including provision of utility services. In cases where the City has allowed reservation of the rights-of-way for private uses, including commercial parklets or construction, the City generally requires a responsible party, provision of insurance, traffic control plans, and construction methods and materials designed to protect users from impact from passing vehicles. These protections are not provided when people take shelter on the City rights-of-way in temporary, informal campsites comprised of sleeping bags, tents, or other portable shelters, and the City wishes to continue to prohibit construction of shelters, other than tents or similar structures, in the right-of-way. However, the City Council acknowledges that there is a lack of nightly shelter beds and housing currently available regionally, and recognizes that the systemic lack of state and federal investment in shelter and public health services for those experiencing homelessness has resulted in people taking shelter on City rights-of-way, and that people need at least basic protection from the weather and elements, including in sleeping bags or tents and similar structures. This Ordinance provides a balance between the City's interest in requiring safe, permitted use of the rights-of-way and recognizing that people are likely to continue to seek shelter in the rights-of-way so long as sufficient affordable housing and shelter options are not available in the City.

O. This Ordinance is intended to address health and safety concerns of both the travelling public and individuals residing or camping on City rights-of-way, reduce potential risks of fire, promote a safe environment, eliminate unsanitary conditions and conditions that can impact public health and safety, reduce negative impacts to the environment from hazardous materials including human waste and other pollutants, allocate public resources effectively, and meet legal and humanitarian standards for all people within the City.

P. The City recognizes the social nature of the problem of homelessness that has contributed to individuals locating themselves in the right-of-way and on publicly-owned property and establishing campsites there. This Ordinance is intended to ensure the most humane treatment for removal of homeless individuals from camping sites on public property, as required by ORS 195.500. The City recognizes that people experiencing homelessness need a place to sleep, shelter themselves, and store belongings. The City is committed to the safety and security of all people in the city, including people experiencing homelessness, property owners, and the traveling public, while protecting all people in the city from unsafe and dangerous conditions.

Q. The City finds that limitations on the size and number of campsites that can be set up in City rights-of-way supports the safety of people in the campsites as well as the traveling public and community, by allowing people to shelter together, while limiting larger congregations of people and belongings that in the City's experience has led to more criminal activity and calls for law enforcement services.

R. When the City Manager is considering whether to close an area to camping for up to 14 days after a camp has been removed, as allowed under the Code, the City Manager shall consider whether and to what extent a closure is required to allow for environmental restoration or remediation of contamination by hazardous materials or other dangers to human life or safety. There are constitutional limits on a city's ability to address how public places can be used by people who do not have options for shelter. The Eighth Amendment to the United States Constitution prohibits "cruel and unusual punishment". The Ninth Circuit Court of Appeals has interpreted this prohibition to forbid cities from criminalizing camping in all places, at all times, by those who lack the financial means to pay for adequate shelter unless adequate shelter is available to such person free of charge.

S. This Ordinance does not criminalize or otherwise subject an individual to citation for the acts of sitting, lying, sleeping, or keeping warm and dry on public property, as prohibited by the Ninth Circuit in the *Martin v. City of Boise* case and *Johnson v. City of Grants Pass* case. Instead, this ordinance establishes reasonable time, place, and manner regulations that balance the rights of people without shelter to use some public places to meet basic needs with the City's obligation to manage public spaces to meet their intended uses and to maintain health and safety for everyone in Bend.

T. This Ordinance sets forth when and how the City may remove established campsites in the right-of-way and establishes objectively reasonable regulations on sleeping and keeping warm and dry, in compliance with HB 3115 (2019).

U. The proposed ordinance and camping code are the product of a lengthy public process that has involved time and attention of Council since June of 2022. The City has been open to community feedback throughout the process, and made both the original and revised drafts of the code available for public consumption. The Council continued to provide feedback on the draft code through October and November. The camping code has been on the Council agenda at every meeting since June 15<sup>th</sup>, other than October 19<sup>th</sup>. The City held Informational Open House Question and Answer sessions on the upcoming camping code at a noticed public meetings on August 16 and August 29, 2022, focused on educating the community about federal and state laws regarding management of public places and homelessness. The City Council held two Roundtable meetings on September 27 and September 29, 2022, with advisory bodies, business representatives, service providers, and people who have or are experiencing homelessness. These were intended to engage stakeholders and experts in reviewing the first draft of the camping code. Council held a special meeting on October 27, 2022 on time, place and manner regulations. Council held a public hearing to receive additional public input on the proposed code on November 17, 2022.

V. In addition, the City developed a website on the camping code with Frequently Asked Questions, a Camping Code Quick Reference, a Camping Code Information Sheet, links to all meetings with video recordings, and other resources and materials. Council has given an update on homelessness, including the camping code, during the Good of the Order at almost every meeting during this time.

W. This ordinance will be effective in normal course, 30 days after its second reading. However, the City Council recognizes that the ordinance will implement a new system of regulations that will impact people experiencing homelessness, and desires an interim period where the Deschutes County Coordinated Houseless Response Office, Deschutes County Behavioral Health, service providers, and City staff can engage with houseless community members to inform them of the new regulations. Although the ordinance will be effective in normal course, the Council desires that enforcement not begin before March 1. 2023. The City's administrative policy will remain in place until enforcement begins, but will eventually be repealed and replaced with a policy designed to implement the new ordinance.

Based on these findings, THE CITY OF BEND ORDAINS AS FOLLOWS:

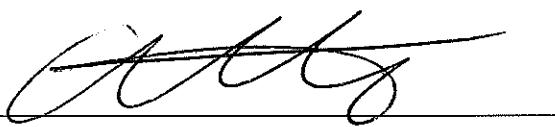
- Section 1. Bend Code Title 4 is created as shown on the attached Exhibit A.
- Section 2. Bend Code Chapters 5.55 and 5.70 are amended as shown on the attached Exhibits B and C.
- Section 3. All other provisions of Bend Municipal Code remain unchanged and in full effect.
- Section 4. If any provision, section, phrase or word of this ordinance or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions that can be given effect without the invalid provision or application.

Section 5. This ordinance takes effect 30 days after its second reading. However, the City does not intend to begin enforcement of the ordinance earlier than March 1, 2023, for the reasons outlined in finding W, above.

First reading: November 16, 2022

Second reading and adoption by roll call vote: December 7, 2022

YES: Councilor Anthony Broadman	NO: Councilor Barb Campbell
Councilor Melanie Kebler	
Councilor Megan Perkins	
Councilor Stephen Sehgal	



Anthony Broadman, Mayor Pro Tem

ATTEST:



Robyn Christie, City Recorder

Approved as to Form:



Mary A. Winters, City Attorney

## Title 4

### CITY RESPONSES TO HOUSELESSNESS

#### Chapter 4.05 HOUSELESSNESS RESPONSE POLICY

##### **4.05.010 Findings and Purpose**

A. The City of Bend finds that each community member of Bend is entitled to a basic level of dignity, respect, and wellness, regardless of whether they are housed or unhoused. It is the official policy of the City that its responses to homelessness will be undertaken in accordance with these principles.

B. It is the policy of the City of Bend to utilize all existing and potential sources of funding that are made available from the federal and state governments for the provision of services and shelter for homeless individuals.

C. The intent of the City Council is to regulate camping and survival sheltering in public right-of-way only in the context of the work that has been done by the City and will continue to occur at the City and regional level, and the City remains committed to a comprehensive houselessness policy, including through a Camping Resolution Strategy.

D. As its regional efforts continue, the City must appropriately consider various interests and formulate policy to best protect public health, safety, welfare, property, and the environment, with limited resources.

E. The City Council acknowledges the lack of nightly shelter beds and housing currently available regionally and recognizes the systemic lack of state and federal investment in shelter and public health services for those experiencing homelessness.

F. The City Council acknowledges that it is currently unavoidable that some people will live or shelter for survival outdoors until they are able to access affordable or free shelter or housing. In Bend, this has typically meant sheltering, sometimes for extended periods of time, on City rights-of-way and City property, and at times on other agency property (such as ODOT).

G. Public rights-of-way are generally intended for public use and travel. The City Council is the road authority for rights-of-way within the City; as such, the City must consider the safety of motorists and pedestrians travelling on roadways and sidewalks, including to and from neighboring properties, businesses, and residences. The City has had increasing concerns regarding safety due to camping on or in rights-of way in or near streets, roads, sidewalks, and public access points.

H. Over the long term and working with the Deschutes County Coordinated Homeless Response Office, the City's goal is that people should not have to live outside

and there should be safer options because long-term camping for survival sheltering outside is not a solution for people without houses.

I. The City owns extremely limited property where camping can or should be allowed, particularly since the City does not own or manage parks in the City. City utility properties (stormwater, water, sewer) are sensitive and generally closed to the public or have limited access for safety, environmental and security reasons.

J. It is the purpose and intent of the City Council to provide standards for camping and survival sheltering on City rights-of-way, which are intended to be as compatible as possible with the needs of everyone in Bend to be healthy, safe, and have access to public places. Smaller sites support the safety of people who are camping for survival on public property.

K. It is the purpose and intent of the City Council to provide standards for camping and survival sheltering on City rights-of-way which will address issues such as fire risk, unsanitary conditions, trash, and public safety hazards to people camping and neighboring businesses and community members, and environmental degradation, which have occurred with longer-term camping in the City.

L. It is the intent of the City to evaluate each removal of a campsite in light of the criteria in Chapter 4.20 and with considerations of public health and safety, including for the people who are sheltering in the camps, potential user conflicts, and available resources. The City will use a team approach and coordinate with the Deschutes County Coordinated Homeless Response Office as appropriate.

M. When the City of Bend removes a camp or closes a location people are sheltering in the public right-of-way, it will provide a minimum 72-hour notice to everyone that would be affected by the move, except in cases of exceptional emergency or criminal activity, as allowed by state law and set forth in this Title. The City looks for the safest options for cleaning the camp, often hiring a contract company that uses best practices and safe collection and works with service providers and the regional office for trauma informed care and minimizing harm. Unless there is a public health or safety reason for emergency removal, service providers or other community resources will be notified in advance to be on hand for support and outreach ahead of time, consistent with State law.

## Chapter 5.704.10 SAFE PARKING PROGRAMS

Sections:

- [4.10.0105.70.005](#) Purpose and Scope-
- [4.10.0105.70.010](#) Overnight Camping
- [4.10.0205.70.015](#) Transitional Overnight Parking Accommodations-
- [4.10.0255.70.020](#) Enforcement-

#### **4.10.0105.70.005 Purpose and Scope.**

- A. Notwithstanding any other provision of this code or the Bend Development Code, up to three vehicles may be used by people who lack access to permanent or safe shelter and who cannot obtain other low-income housing for overnight camping in a parking lot or paved or gravel surface of a parcel of any size owned or leased by a religious institution, nonprofit, business or public entity, with permission of the property owner and lessee, if applicable.
- B. A property owner or lessee who allows overnight camping on a property pursuant to this section shall:
  - 1. Provide persons camping overnight with access to sanitary facilities, including but not limited to toilet, hand washing and trash disposal facilities at all times people are authorized to be present for overnight camping; and
  - 2. Not require payment of any fee, rent or other monetary charge for overnight camping authorized by this section.
- C. A property owner who permits overnight camping pursuant to this section may revoke that permission at any time and for any reason. Any person who has permission to sleep on that property as provided in this section shall leave the property immediately after permission has been revoked.
- D. The provisions of this section are not intended to limit or otherwise change any land uses that may be permitted on property under the Bend Development Code. [Ord. NS-2402, 2021]

#### **4.10.0155.70.010 Overnight Camping**

- A. Notwithstanding any other provision of this code or the Bend Development Code, up to three vehicles may be used by people who lack access to permanent or safe shelter and who cannot obtain other low-income housing for overnight camping in a parking lot, or paved or gravel surface of a parcel of any size owned or leased by a religious institution, nonprofit, business or public entity, with permission of the property owner and lessee, if applicable.
- B. A property owner or lessee who allows overnight camping on a property pursuant to this section shall:
  - 1. Provide persons camping overnight with access to sanitary facilities, including but not limited to toilet, hand washing and trash disposal facilities at all times people are authorized to be present for overnight camping; and
  - 2. Not require payment of any fee, rent or other monetary charge for overnight camping authorized by this section.
- C. A property owner who permits overnight camping pursuant to this section may revoke that permission at any time and for any reason. Any person who has permission

to sleep on that property as provided in this section shall leave the property immediately after permission has been revoked.

D. The provisions of this section are not intended to limit or otherwise change any land uses that may be permitted on property under the Bend Development Code. [Ord. NS-2402, 2021]

#### **4.10.0205.70.015 Transitional Overnight Parking Accommodations.**

A. With authorization from the City, up to six vehicles and/or tents may be used for overnight accommodation of people who lack permanent or safe shelter and who cannot obtain other low-income housing in a parking lot, or paved or gravel surface of property owned or leased by a religious institution, nonprofit, business or public entity, with permission of the property owner and lessee, if applicable, as temporary transitional overnight parking accommodations. A public entity may allow more than six vehicles and/or tents on property owned or leased by the public entity, with a plan approved by the City, based on the size of the parcel, supervision plan, and sanitation plan proposed by the public entity. Temporary transitional overnight parking accommodations must be located at least 150 feet from a childcare facility or school, unless the parking accommodations are located on property owned or leased by a public entity or religious institution.

B. These temporary transitional overnight parking accommodations are intended to be used by individuals, families, or households on a limited basis for seasonal, emergency or transitional housing purposes. The transitional overnight parking accommodations may provide parking facilities, walkways and access to water, toilet, shower, laundry, cooking, telephone or other services either through separate or shared facilities. Any sanitation or other facilities added to the location for temporary transitional overnight parking accommodation must be temporary and removable.

C. Temporary transitional overnight parking accommodations must, at a minimum:

1. Apply for and receive authorization for operation from the City Manager or designee, and agree to abide by all conditions, including acceptance of liability and demonstration of insurance coverage in amounts acceptable to the City. City authorization is not a land use decision;

2. Provide access to sanitary facilities, including but not limited to toilet, hand washing and trash disposal facilities at all hours, people are authorized to be present for overnight parking, including the additional hours campers may stay at the site;

3. Provide supervision, case management, or supportive services. Supervision must include at a minimum nightly contact with each camper;

4. Develop policies that set out how individuals who may stay at the site will be selected, number of continuous days that someone may stay at the site, hours that overnight campers may stay at the site in addition to 9:00 p.m. to 7:00 a.m.,

what supervision will be provided, and what structures and other items may be placed on the site;

5. Not require payment of any fee, rent, or other monetary charge for temporary transitional housing accommodation; and

6. Prior to allowing any person to stay overnight as part of a temporary transitional overnight parking accommodation, provide notice of the intention to allow temporary transitional overnight parking to each property owner and occupant of each adjacent property, and, every night any person stays overnight, post a notice at a prominent location on the site. These notices must include the following information:

a. The name of the property owner or lessee and person or entity providing site supervision, and a telephone number where the entity or individual providing supervision may be contacted;

b. The number of approved vehicles and/or tents; and

c. The hours that overnight campers may stay at the site in addition to 9:00 p.m. to 7:00 a.m.

D. Property owners who allow temporary transitional overnight parking under this section may revoke permission for program operation at any time and for any reason. Any person who is on property for temporary transitional overnight parking accommodations under this section must leave the property immediately after permission has been revoked.

E. The provisions of this section for temporary transitional overnight parking are not intended to limit or otherwise change any land uses that may be permitted on property under the Bend Development Code. [Ord. NS-2402, 2021]

#### **4.10.025.70.020 Enforcement.**

A. Notwithstanding any other provision of this section, the City Manager or designee may:

1. Revoke authorization for temporary transitional overnight parking for violations of the requirements of this chapter;

2. Prohibit overnight camping or temporary transitional overnight parking on a property if the City finds that any activity related to the overnight camping or temporary transitional overnight parking on that property constitutes a nuisance or other threat to the public welfare; or

3. Revoke permission for a person to camp overnight, whether in a temporary transitional overnight parking accommodation or not, on City-owned property if the City has a reasonable suspicion that the person has violated any

applicable law, ordinance, rule, guideline or agreement, or that the activity constitutes a nuisance or other threat to the public welfare.

B. No activity associated with overnight camping or temporary transitional overnight parking is allowed to occur that constitutes a nuisance or other threat to the public welfare.

C. Violation of the provisions of this chapter is a Class A infraction each day a violation occurs.

D. The City Manager may adopt administrative rules in the manner provided in BC [1.30.005](#) to implement this section.

E. Nothing in this section of this code creates any duty on the part of the City or its agents to ensure the protection of persons or property with regard to permitted overnight camping or temporary transitional overnight parking accommodations. [Ord. NS-2402, 2021]

## **Chapter 4.20 USE OF PUBLIC RIGHTS-OF-WAY AND CITY PROPERTY FOR CAMPING**

Sections:

- 4.20.010 Purpose and Scope.
- 4.20.015 Definitions
- 4.20.020 Camping Prohibited
- 4.20.025 Enforcement.
- 4.20.030 Time, Place and Manner Regulation
- 4.20.035 Vehicles
- 4.20.040 Violations

### **4.20.010 Purpose**

This Chapter is intended to balance and prioritize several interests: recognition of the essential human dignity of everyone in the City of Bend; the need to have safe and orderly conditions in City rights-of-way for the safety and benefit of everyone in Bend; the right of everyone in Bend to have shelter for sleep and safety; and respect for public spaces and public property in service to the entire community.

With this in mind, this Chapter is intended to regulate the use of public rights-of-way and City property to protect and preserve public places for their designed and intended purposes, while also making them available for shelter and sleeping by people who have no other options for shelter.

The City recognizes that surviving on City streets is typically an option of last resort. This Chapter and the City's enforcement efforts will be focused on mitigating the impacts to public health and safety that can arise from survival camping in public places.

#### **4.20.015 Definitions**

A. To "camp" or the act of "camping" means to pitch, use, or occupy camp materials or a camp for the purpose of occupancy, habitation, or sheltering for survival, and in such a way as will facilitate sleeping or storage of personal belongings, carrying on cooking activities, taking measures to keep protected from the elements including heat and cold, or any of these activities in combination with one another or in combination with either sleeping or making preparations to sleep. A "camp" is a location where people camp or are camping.

B. "Camp materials" may include, but are not limited to, tents, huts, awnings, lean-tos, chairs, tarps or tarpaulins, cots, beds, sleeping bags, blankets, mattresses, sleeping or bedding materials, food or food storage items, and/or similar items that are or appear to be used as living and/or sleeping accommodations, or to assist with living and/or sleeping activities.

C. "Established campsite" means a location or locations in the public right-of-way or on City property where a camp, camps, and/or camp materials have been set up for 24-hours or more.

Note: "camp" "camping" "camp materials" and "established campsite" do not include vehicles, automobiles, or recreational vehicles used for shelter and/or sleeping, which are regulated at Section 4.20.025 of this Chapter.

D. "City parking lot or parking structure" is a type of City property, and means a developed or undeveloped area or facility owned, maintained, and/or leased by the City that is designated and/or used for parking vehicles.

E. "Public rights-of-way" means all City-owned or controlled rights-of-way, whether in fee title or as holder of a public easement for right-of-way or public access purposes. Public rights-of-way include but are not limited to any public road, street, sidewalk, or private street or other property that is subject to a public access easement dedicated or granted to the City for vehicular, pedestrian, or other means, and any planter strip or landscaped area located adjacent to or contained within streets that is part of the public right-of-way.

F. "City property" includes all real property, land and public facilities owned, leased (either to the City or by the City), controlled, or managed by the City of Bend including City parking lots or parking structures, but excluding City owned or managed rights-of-way.

#### **4.20.020 Camping Prohibited on City Property**

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, provided that the City Manager may, in their discretion, designate certain City properties or portions of properties as areas where camping or using vehicles for sheltering and/or sleeping may be allowed on a limited

basis, and may set the terms and conditions of any camping or vehicle use that may be allowed. Any use of City property will follow the applicable processes, including, where applicable, the Bend Development and/or Municipal Code.

#### **4.20.025 Enforcement**

- A. The City Manager is specifically authorized to modify or suspend enforcement of any section or element of this Chapter in the event of a declared emergency, pursuant to administrative rules or policies, weather conditions (including but not limited to extreme heat or cold), or for any other reason within the City Manager's authority, regardless of whether an emergency has been declared.
- B. The City Manager may adopt administrative rules or policies governing or guiding enforcement of this Chapter, including but not limited to ensuring consistent and appropriate enforcement for various circumstances.
- C. Enforcement should be tailored for various circumstances, including but not limited to situations where a person has a disability under the Americans with Disabilities Act, where minor children are present or otherwise involved, where a person has employment obligations that may relate to their ability to comply with the code, or for other reasons that may support discretion in enforcement.
- D. Methods of enforcement for violations of this Chapter are not exclusive and may consist of multiple enforcement mechanisms where legally authorized and appropriate. However, the intent of the City is to always resolve violations at the lowest possible level, and to engage to seek compliance and solve problems while maintaining the dignity of all involved. To that end, violations of this Chapter should only result in citations when other means of achieving compliance have been unsuccessful, or are not practicable for the particular situation.

#### **4.20.030 Time, Place and Manner Regulations**

- A. People who do not have any other permanent residence or domicile and/or are involuntarily homeless are not prohibited from camping in the public rights-of-way, provided camping is occurring in compliance with the following time, place and manner regulations.
- B. Time
  - 1. Unless otherwise specified, any camping or camp, where allowed, may only occur for 24-hours at a time in any one location. After a camp has been in one place for 24-hours or more, the City may post notice at the location that the camp, and all associated camp materials, must be removed no more than 72-hours later and all personal property remaining will be removed, as described in Section 4.20.030.
  - 2. After 24-hours in one location, the camp and all associated camp materials must be moved at least one block or 600 feet.

3. Enforcement of time restrictions may be suspended when an individual does not have access to shelter and when an individual is engaged in case management or behavioral health services, or when necessary or appropriate to respond to an individual's disability, as further set forth in the City's comprehensive administrative policy implementing this Chapter, adopted by the City Manager.

C. Place.

1. In addition to the prohibition on camping on City property in Section 4.20.020, camping is not allowed at any time in any of the following places:

- a. Any area zoned Residential (RL, RS, RM, RH) on the City of Bend Zoning Map in effect at the time.<sup>1</sup>
- b. Within the Waterway Overlay Zone, as determined by the City of Bend Zoning Map and Bend Development Code.
- c. Any place where camping, a camp, or camp materials create a physical impediment to emergency or non-emergency ingress, egress or access to property, whether private or public, or on public sidewalks or other public rights-of-way, including but not limited to driveways providing access to vehicles, and entrances or exits from buildings and/or other real property.
- d. Any vehicle lane, bicycle lane, or roundabout within any public right-of-way.
- e. Within 1000 feet from any Safe Parking Site or shelter approved under the Bend Development Code and/or any applicable provision of state law.
- f. On any street or public right-of-way, the City has closed to camping due to construction, heavy vehicle use, or other use of the roadway that is incompatible with camping in the right-of-way. The City does not need to close a street to vehicle traffic to close a street to camping under this section.

D. Manner

1. Camping, when and where allowed, is subject to all of the following:

- a. Individuals, camp materials, camps, or personal property may not obstruct sidewalk accessibility or passage, clear vision, fire hydrants, City

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<sup>1</sup> Zone changes amend the City of Bend Zoning Map but may not always be evident on the most recently published version of the map. The formal zoning designation of an area will control even if not reflected on the most recently published map. For public rights-of-way adjacent to properties with different zoning designations, the designation that is more restrictive for purposes of this Chapter will govern the use of that segment of the right-of-way.

or other public utility infrastructure, or otherwise interfere with the use of the right-of-way for vehicular, pedestrian, bicycle, or other passage.

b. A camp or camping must be limited within a spatial footprint of 12 feet by 12 feet, or 144 square feet. The intent of this section is to allow a person to sleep protected from the elements and maintain the essentials for living, while still allowing others to use public spaces as designed and intended.

c. To prevent larger camping sites from forming and the impacts that can result, no more than three camps may be set up per block. If there are any camps set up on a particular block, no other camp may be within 150 feet of any of those camps, including but not limited to across the street or on another block face. A group of up to three camps may not be within 150 feet of any other group of camps.

d. Individuals may not accumulate, discard, or leave behind garbage, debris, unsanitary or hazardous materials, or other items of no apparent utility in public rights-of-way, on City property, or on any adjacent public or private property.

e. Open flames, recreational fires, burning of garbage, bonfires, or other fires, flames, or heating deemed unsafe by Bend Fire and Rescue are prohibited. Types of cooking stoves and other devices for keeping warm are permitted, as allowed by adopted City policies.

f. Dumping of gray water (i.e., wastewater from baths, sinks, and the like) or black water (i.e., sewage) into any facilities or places not intended for gray water or black water disposal is prohibited. This includes but is not limited to storm drains, which are not intended for disposal of gray water or black water.

g. Unauthorized connections or taps to electrical or other utilities, or violations of Building, Fire, or other relevant codes or standards, are prohibited.

h. Obstruction or attachment of camp materials or personal property to fire hydrants, utility poles or other utility or public infrastructure, fences, trees, vegetation, vehicles, or buildings is prohibited.

i. Individuals may not build or erect structures, whether by using plywood, wood materials, pallets, or other materials. Items such as tents and similar items used for shelter that are readily portable are not structures for purposes of this section.

j. Storage of personal property such as vehicle tires, bicycles or associated components (except as needed for an individual's personal use), gasoline, generators, lumber, household furniture, extra propane

tanks, combustible material, lumber, or other items or materials, is prohibited, other than what is related to camping, sleeping, or keeping warm and dry.

k. Digging, excavation, terracing of soil, alteration of ground or infrastructure, or damage to vegetation or trees is prohibited.

l. Use of emergency power generators that result in a violation of BMC 5.50.020.A. is prohibited.

m. All animals must be leashed or crated at all times.

#### **4.20.035 Vehicles**

A. Chapter 6.20 of the Bend Municipal Code governs where and for how long individuals may legally park vehicles on public rights-of-way within the City of Bend. Those standards are applicable to all individuals, including those who use vehicles for shelter and/or sleeping on public rights-of-way in the City.

B. Individuals may use vehicles for shelter and/or sleeping on public rights-of-way under the following circumstances:

1. The vehicle is legally parked in compliance with the Bend Municipal Code and any applicable policies.

2. Open flames, recreational fires, burning of garbage, bonfires, or other fires, flames, and/or heating deemed unsafe by Bend Fire and Rescue are prohibited in, on, or around vehicles. Types of cooking stoves and other devices for keeping warm are permitted, as allowed by adopted City policies.

3. Dumping of gray water (i.e., wastewater from baths, sinks, and the like) or black water (i.e., sewage) into any facilities or places not intended for gray water or black water disposal is prohibited. This includes but is not limited to storm drains, which are not intended for disposal of gray water or black water.

4. Storage of material outside vehicles is prohibited, other than what is incidental to activities such as short-term loading or unloading a vehicle.

5. Vehicles must be operational, i.e., capable of being started and driven under their own power, or ready to be towed if designed to be towed and may not be discarded or left inoperable in public rights-of-way or on City property.

6. No building or erecting of any structures connecting or attaching to vehicles is permitted, including tents that are not designed and manufactured to be attached to a vehicle.

7. Persons may not accumulate, discard or leave behind garbage, debris, unsanitary or hazardous materials, or other items of no apparent utility in public rights-of way, on City property, or on any adjacent public or private property.

8. Use of emergency power generators that result in a violation of BC 5.50.020.A., is prohibited.

9. All animals must be leased or crated at all times.

C. Notwithstanding Bend Municipal Code 6.20 or any other applicable rules or policies governing parking on public rights-of-way, under no circumstances may anyone use a vehicle for shelter and/or sleeping:

1. Within 500 feet of any Safe Parking Site or shelter approved under the Bend Development Code and/or any applicable provision of state law.

2. Within 1000 feet of the City's emergency shelter at 275 NE 2<sup>nd</sup> Street, but bound by the geographic barriers of the US-97/Parkway to the west and 3<sup>rd</sup> Street to the east, generally described as follows:

- NE 2<sup>nd</sup> Street between NE Burnside Ave and NE Franklin Ave;
- NE Emerson Ave from its western terminus east of US-97/Parkway to NE 3<sup>rd</sup> Street;
- NE Dekalb Ave from its western terminus east of US-97/Parkway to NE 3<sup>rd</sup> Street;
- NE Burnside Ave from NE 2<sup>nd</sup> Street to NE 3<sup>rd</sup> Street;
- SE Scott Street from the US-97/Parkway overpass to SE 3<sup>rd</sup> Street; and
- SE Aune Street from the US-97/Parkway overpass to SE Scott Street.

2. In any City parking lots or parking structures.

D. Enforcement of violations of this section will be in accordance with applicable state law and City ordinances and policies, including laws, ordinances, and policies governing towing and impounding of vehicles.

#### **4.20.040 Violations**

A. A citation for a violation of this Chapter will be for a Class C civil infraction. Citations will be issued only when other means of achieving compliance have been unsuccessful or are not practicable for the particular situation.

B. Before a civil infraction citation is issued, the enforcement personnel will contact the person and provide a reasonable opportunity to cure or remedy the alleged violation. In most cases, enforcement personnel will assess whether the person subject to citation has been referred to service providers and/or the Deschutes County Coordinated Homeless Response Office, and make a referral if it appears none has

been made. The following will be communicated to the person in a manner designed to help them understand the issue or problem:

1. A description or identification of the activity constituting the alleged violation and identification of the recipient as being the person responsible for the violation;
2. A written or verbal statement that the enforcement personnel has determined the activity to be a violation;
3. A written or verbal statement of the action required to fix the violation and the time and/or date by which the violation must be fixed; and
4. A written or verbal statement advising that if the violation is not fixed within the time specified, a citation will be issued and that a civil penalty in the maximum amount provided for the particular infraction may be imposed.

C. A violation of this Chapter may result in the removal and/or clean-up of the camp or camps, camp material, or other personal property that are creating or contributing to the violation(s), typically after a request for voluntary compliance has been made as described in Section B, above, except in the case of an exceptional emergency, such as possible site contamination by hazardous materials or when there is danger to human life or safety or illegal activities, where removal can be immediate or be accomplished more quickly, depending on the severity of the situation. Any camp, camp materials, or personal property in violation of any of the standards in this Chapter may be removed or cleaned-up by the City or its designated contractors, subject to the requirements of storage of personal property and notice of storage described in Section E, below. Camps in violation will generally be prioritized for removal or clean-up based on factors such as risks and negative impacts to public health and safety and repeated violations of this chapter. A camp may be subject to removal or citation, or both.

D. Upon a determination by enforcement personnel that a camp or camping is occurring in violation of this Chapter, an established campsite may be removed pursuant to the following procedures:

1. Prior to removing an established campsite on public rights-of-way or City property, at least 72-hours in advance, except in the case of exceptional emergency or criminal activity, the City must post notice at the location that the campsite must move and all personal property remaining will be removed and must inform local agencies that deliver services to homeless individuals where the notice has been posted that such notice has been posted, including the Deschutes County Coordinated Homeless Response Office.
2. A campsite may be removed for violation of this chapter without posting a 72-hour notice:
  - 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 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. If the danger to human life or safety can be reduced by moving the established campsite to a safer location, such as an adjacent landscape strip, the campsite should be moved rather than removed.

3. Once the 72-hour notice has been posted, the City may act on the notice and remove the campsite beginning 72 hours after posting and for up to ten (10) days following the posting.

4. After a camp has been removed subject to a 72-hour notice or under circumstances when no advance notice is required, the camp and all associated camp facilities must be moved at least one block or 600 feet, whichever is greater, and the City may order that no camp be set up in that same location or a 100-foot radius for up to 14 days. The City will post signs informing the public that camping is prohibited at the location.

5. When removing individuals and property from an established campsite, personnel will make reasonable efforts to remove individuals without the use of force, arrest, or citation. No person may be arrested or cited for failing to move under this Chapter prior to being asked by City personnel to move.

6. When removing personal property, the City will make reasonable efforts to determine if the property belongs to an individual and has any apparent utility. The City will make reasonable efforts to identify which established campsite property was removed from, to aid in connecting people with their property. Items that are perishable, or that have no apparent use, or that are in an unsanitary condition due to saturation or contamination from bodily fluids, whether human or animal, or other contamination, will be considered garbage, discarded, and need not be stored.

7. Weapons, drug paraphernalia, or other contraband, and items that appear to be either stolen or evidence of a crime, shall be given to law enforcement officials. Items that appear 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 Section E., below.

8. Following removal of personal property from the right-of-way, the City must post a notice at or as near as possible to the location the property was collected, stating where the personal property is being stored, and listing the phone number and hours a person claiming ownership can collect or make arrangements to collect their personal property.

E. Personal property or camp materials may be removed from City rights-of-way, City property, or a camp or campsite if in violation of the provisions of this Chapter. Advance notice and an opportunity to cure will be provided in most cases.

F. Personal property removed from City rights-of-way or City property and unclaimed at the time of removal will be stored by the City for a minimum of thirty (30) days, or the duration required by law at the time of the removal.

1. Items that are perishable, that have no apparent use, are not identifiable as belonging to an individual, or that are in an unsanitary condition due to saturation or contamination from bodily fluids, whether human or animal, or other contamination, will be considered garbage, discarded, and will not be stored. Property discarded, dumped, or otherwise abandoned in the City rights-of-way may be immediately discarded.

2. The City will store personal property at or near one of the City business campuses, where people can reasonably retrieve belongings.

3. The City will make reasonable efforts to provide a range of times the storage location will be available for people to collect their personal property. The City may dispose of any personal property that remains unclaimed after thirty (30) days, or such duration as required or allowed by law.

## Chapter 5.55

# PARKS

Sections:

- [5.55.000 Definitions.](#)
- [5.55.005 Violations.](#)

### 5.55.000 Definitions.

For purposes of this chapter, the following mean:

- A. **Public parks** means all property owned or controlled by the City or by the Bend Metropolitan Park and Recreation District and operated for the public's recreational use.
- B. **Person** means a person, firm, or corporation, not including City or Bend Metropolitan Park and Recreation District personnel or their agents. [Ord. NS-2142, 2010]

### 5.55.005 Violations.

A. Persons using public parks and other City property shall obey the following rules and regulations:

- 1. No unauthorized person shall cut, remove or damage vegetation except property owners may engage in normal landscaping activities in adjacent rights-of-way.
- 2. No person shall build a fire. Portable propane camp stoves and propane barbecues may be used in the parks only if in safe operating condition and only if operated in a safe manner and in such a way as to avoid damage to park property.
- 3. ~~No person shall camp except in areas designated for camping or in connection with activities authorized by the City or the District.~~
- 4. No person shall damage or injure a building, installation, equipment or other property in public parks.
- 5. No person shall sell merchandise or services, or operate a concession in public parks without permission of the Bend Metropolitan Park and Recreation District and shall possess, on their person, evidence of the permission.

6. No person shall litter in the parks or City-owned property. Garbage and refuse shall be deposited in proper receptacles provided for this purpose or carried off for disposal. Garbage and refuse shall not be brought to parks or City-owned property.
7. No person shall operate or park a motor vehicle except on roads or designated parking areas unless a special permit has been issued by the Park District.
8. Except as authorized by the Park District, no person shall ride or lead a horse in a public park except on a designated bridle path, except with a special permit. Horses or other animals shall not be tied to a tree or shrub in such a manner as to cause damage to the tree or shrub.
9. No person shall project items into the air that may harm parks or people, such as golf equipment, archery equipment, discus, javelin, or shot put in parks except as permitted by the Park District.
10. Except as authorized by the Oregon Department of Fish and Wildlife or the Bend Metropolitan Park and Recreation District, no person shall feed, hunt, pursue, trap, kill, injure or disturb the habitat of a bird or animal.
11. Except as authorized by State or Federal law, no person shall possess a loaded firearm in a park.
12. No person shall dig up, deface or remove dirt, stones, rock or other substances nor make any excavation.
13. No person shall erect signs, markers or instructions without City or District permission.
14. No person shall wash clothing or materials or clean fish in streams or pools.
15. No one may use any rolling device such as a bicycle, skateboard, scooter, inline skates, etc., in a manner that is likely to cause potential harm to other people, pets, wildlife or District property; or on sports fields, playgrounds, tennis courts, off-leash areas or in areas reserved for special events. This does not prohibit the use of rolling devices in designated areas.
16. All public parks and adjacent parking lots, with the exception of Brandis Square, shall be open from 5:00 a.m. until 10:00 p.m. and closed from 10:00 p.m. until 5:00 a.m. unless otherwise authorized. Transitory use shall be exempt.
17. Alcohol use in parks is prohibited except when allowed by a permit issued by the Park District and/or the Bend Police Department. The fee for an alcohol consumption permit when issued by the Bend Police Department shall be set by Council resolution. The permit must be available for inspection during the term of use.

B. A violation of this section is a Class B civil infraction. [Ord. NS-2142, 2010]

**The Bend Code is current through Ordinance NS-2453, passed August 17, 2022.**

Disclaimer: The city recorder's office has the official version of the Bend Code. Users should contact the city recorder's office for ordinances passed subsequent to the ordinance cited above.

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## Chapter 5.70

# SAFE PARKING PROGRAMS

### Sections:

- 5.70.005 Purpose and Scope.
- 5.70.010 Overnight Camping.
- 5.70.015 Transitional Overnight Parking Accommodations.
- 5.70.020 Enforcement.

### 5.70.005 Purpose and Scope.

A. ~~Safe parking, provided through overnight camping and transitional overnight parking accommodations described in this chapter, is intended to be used by individuals, families, or households who lack permanent or safe shelter and who cannot obtain other low income housing on a limited basis for seasonal, emergency or transitional shelter purposes.~~

B. ~~For purposes of this chapter, the term “vehicle” includes a car, camper, trailer, or recreational vehicle, and “tent” includes fabric structures, hard shelled huts (so called Conestoga hut or similar), or similar movable structure. All vehicles must be operable and movable, either by their own power or towing if designed to be towed.~~ [Ord. NS-2402, 2021]

### 5.70.010 Overnight Camping.

A. ~~Notwithstanding any other provision of this code or the Bend Development Code, up to three vehicles may be used by people who lack access to permanent or safe shelter and who cannot obtain other low income housing for overnight camping in a parking lot, or paved or gravel surface of a parcel of any size owned or leased by a religious institution, nonprofit, business or public entity, with permission of the property owner and lessee, if applicable.~~

B. ~~A property owner or lessee who allows overnight camping on a property pursuant to this section shall:~~

- ~~1. Provide persons camping overnight with access to sanitary facilities, including but not limited to toilet, hand washing and trash disposal facilities at all times people are authorized to be present for overnight camping; and~~
- ~~2. Not require payment of any fee, rent or other monetary charge for overnight camping authorized by this section.~~

C. ~~A property owner who permits overnight camping pursuant to this section may revoke that permission at any time and for any reason. Any person who has permission to sleep on that property as provided in this section shall leave the property immediately after permission has been revoked.~~

~~D. The provisions of this section are not intended to limit or otherwise change any land uses that may be permitted on property under the Bend Development Code. [Ord. NS 2402, 2021]~~

5.70.015 Transitional Overnight Parking Accommodations.

~~A. With authorization from the City, up to six vehicles and/or tents may be used for overnight accommodation of people who lack permanent or safe shelter and who cannot obtain other low-income housing in a parking lot, or paved or gravel surface of property owned or leased by a religious institution, nonprofit, business or public entity, with permission of the property owner and lessee, if applicable, as temporary transitional overnight parking accommodations. A public entity may allow more than six vehicles and/or tents on property owned or leased by the public entity, with a plan approved by the City, based on the size of the parcel, supervision plan, and sanitation plan proposed by the public entity. Temporary transitional overnight parking accommodations must be located at least 150 feet from a child care facility or school, unless the parking accommodations are located on property owned or leased by a public entity or religious institution.~~

~~B. These temporary transitional overnight parking accommodations are intended to be used by individuals, families, or households on a limited basis for seasonal, emergency or transitional housing purposes. The transitional overnight parking accommodations may provide parking facilities, walkways and access to water, toilet, shower, laundry, cooking, telephone or other services either through separate or shared facilities. Any sanitation or other facilities added to the location for temporary transitional overnight parking accommodation must be temporary and removable.~~

~~C. Temporary transitional overnight parking accommodations must, at a minimum:~~

- ~~1. Apply for and receive authorization for operation from the City Manager or designee, and agree to abide by all conditions, including acceptance of liability and demonstration of insurance coverage in amounts acceptable to the City. City authorization is not a land use decision;~~
- ~~2. Provide access to sanitary facilities, including but not limited to toilet, hand washing and trash disposal facilities at all hours people are authorized to be present for overnight parking, including the additional hours campers may stay at the site;~~
- ~~3. Provide supervision, case management, or supportive services. Supervision must include at a minimum nightly contact with each camper;~~
- ~~4. Develop policies that set out how individuals who may stay at the site will be selected, number of continuous days that someone may stay at the site, hours that overnight campers may stay at the site in addition to 9:00 p.m. to 7:00 a.m., what supervision will be provided, and what structures and other items may be placed on the site;~~
- ~~5. Not require payment of any fee, rent, or other monetary charge for temporary transitional housing accommodation; and~~
- ~~6. Prior to allowing any person to stay overnight as part of a temporary transitional overnight parking accommodation, provide notice of the intention to allow temporary transitional overnight parking to each property owner and occupant of each adjacent property, and, every night any person stays overnight, post a notice at a prominent location on the site. These notices must include the following information:~~

- a. ~~The name of the property owner or lessee and person or entity providing site supervision, and a telephone number where the entity or individual providing supervision may be contacted;~~
- b. ~~The number of approved vehicles and/or tents; and~~
- c. ~~The hours that overnight campers may stay at the site in addition to 9:00 p.m. to 7:00 a.m.~~

~~D. Property owners who allow temporary transitional overnight parking under this section may revoke permission for program operation at any time and for any reason. Any person who is on property for temporary transitional overnight parking accommodations under this section must leave the property immediately after permission has been revoked.~~

~~E. The provisions of this section for temporary transitional overnight parking are not intended to limit or otherwise change any land uses that may be permitted on property under the Bend Development Code. [Ord. NS 2402, 2021]~~

#### 5.70.020 Enforcement.

~~A. Notwithstanding any other provision of this section, the City Manager or designee may:~~

- ~~1. Revoke authorization for temporary transitional overnight parking for violations of the requirements of this chapter;~~
- ~~2. Prohibit overnight camping or temporary transitional overnight parking on a property if the City finds that any activity related to the overnight camping or temporary transitional overnight parking on that property constitutes a nuisance or other threat to the public welfare; or~~
- ~~3. Revoke permission for a person to camp overnight, whether in a temporary transitional overnight parking accommodation or not, on City owned property if the City has a reasonable suspicion that the person has violated any applicable law, ordinance, rule, guideline or agreement, or that the activity constitutes a nuisance or other threat to the public welfare.~~

~~B. No activity associated with overnight camping or temporary transitional overnight parking is allowed to occur that constitutes a nuisance or other threat to the public welfare.~~

~~C. Violation of the provisions of this chapter is a Class A infraction each day a violation occurs.~~

~~D. The City Manager may adopt administrative rules in the manner provided in BC 1.30.005 to implement this section.~~

~~E. Nothing in this section of this code creates any duty on the part of the City or its agents to ensure the protection of persons or property with regard to permitted overnight camping or temporary transitional overnight parking accommodations. [Ord. NS 2402, 2021]~~

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**The Bend Code is current through Ordinance NS-2453, passed August 17, 2022.**

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