

ORDINANCE NO. 20255

**AN ORDINANCE CONCERNING PERMITTED OVERNIGHT
SLEEPING AND AMENDING SECTION 4.816 OF THE
EUGENE CODE, 1971.**

THE CITY OF EUGENE DOES ORDAIN AS FOLLOWS:

Section 1. Section 4.816 of the Eugene Code, 1971, is amended to provide:

4.816

Permitted Overnight Sleeping.

(1) Notwithstanding any other provision of this code:

(a) Persons may sleep overnight in a vehicle, camper or trailer in a parking lot of a religious institution, place of worship, business or public entity that owns or leases property on which a parking lot and occupied structure are located, with permission of the property owner. The property owner may not grant permission for more than three vehicles used for sleeping at any one time.

(b) Persons may sleep overnight in the back yard of a single family residence in a residential zoning district, with permission of the owner and tenant of the residence. Not more than one family may sleep in any back yard, and not more than one tent or camping shelter may be used for sleeping in the back yard. As an alternative, but not in addition to sleeping overnight in the back yard, not more than one family may sleep in a vehicle, camper or trailer parked in the driveway of a single family residence in a residential zoning district, with permission of the owner and tenant of the residence. For purposes of this subsection, "family" means persons related by blood or marriage, or no more than two unrelated adults.

(c) Persons may sleep overnight in a vehicle, camper or trailer on a paved or graveled surface located on a vacant or unoccupied parcel, with the permission of the property owner, if the owner registers the site with the city or its agent. The city may require the site to be part of a supervised program operated by the city or its agent. The property owner may not grant permission for more than three vehicles used for sleeping at any one time.

(2) A property owner who allows a person or persons to sleep overnight on a property pursuant to subsections (1)(a), (1)(b) or (1)(c) of this section shall:

(a) Provide or make available sanitary facilities;

(b) Provide garbage disposal services as required by sections 6.050 and 6.055 of this code;

(c) Provide a storage area for campers to store any personal items so the items are not visible from any public street;

(d) Require a tent or camping shelter in a backyard to be not less than five feet away from any property line; and

(e) Not require payment of any fee, rent or other monetary charge for overnight sleeping, as authorized by this section.

(3) A property owner who permits overnight sleeping pursuant to subsection (1) and (2) of this section, may revoke that permission at any time and for any reason. Any person who receives permission to sleep on that property as provided in this section shall leave the property immediately after permission has been revoked.

(4) Notwithstanding any other provision of this section, the city manager or the manager's designee may:

(a) Prohibit overnight sleeping on a property if the city finds that such an activity on that property is incompatible with the uses of adjacent properties or constitutes a nuisance or other threat to the public welfare; or

(b) Revoke permission for a person to sleep overnight on city-owned property if the city finds that the person has violated any applicable law, ordinance, rule, guideline or agreement, or that the activity is incompatible with the use of the property or adjacent properties.

(5) The city manager or the manager's designee may impose administrative civil penalties on property owners who fail to comply with the requirements of subsections (1) and (2) of this section, as provided in section 2.018 of this code.

(6) In addition to any other penalties that may be imposed, any campsite used for overnight sleeping in a manner not authorized by this section or other provisions of this code shall constitute a nuisance and may be abated as such. As used in this section, "campsite" has the meaning given in section 4.815 of this code.

(7) The city manager may adopt administrative rules in the manner provided in section 2.019 of this code to implement this section.

(8) With authorization from the city manager or designee in connection with a specific special event, persons may sleep overnight on public property which has a community center, swimming pool, or other city-operated athletic facility located thereon at which the special event is being held. The authorization shall be limited to no more than eight days in any two-week period.

(9) Nothing in section 4.815 or 4.816 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 sleeping.

Section 2. The City Recorder, at the request of, or with the concurrence of the City Attorney, is authorized to administratively correct any reference errors contained herein or in other provisions of the Eugene Code, 1971, to the provisions added, amended or repealed herein.

**Passed by the City Council this
10th day of June, 2002.**

**Approved by the Mayor this
10th day of June, 2002.**

/s/ Kathleen A. Fieland
City Recorder

/s/ James D. Torrey
Mayor