

Most Viewed / Update: St. Helens' camping ordinance adopted

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The St. Helens City Council has finalized its ordinance to comply with House Bill 3115, which dictates where, how, and when people can rest in public spaces.

The law, HB 3115, was passed in 2021 and provides “that local law regulating sitting, lying, sleeping or keeping warm and dry outdoors on public property that is open to public must be objectively reasonable as to time, place and manner with regards to persons experiencing homelessness.”

Throughout the process, the issues of time, place, and manner of camping were the aspects that required particular attention to shelter the city from potential litigation.

“The adopted rules regarding time, manner, and place were all revised numerous times over the City Council’s review of proposed ordinance language,” St. Helens Communications Officer Crystal King said. “During several meetings, staff presented the City Council with a menu of options related to each aspect of the ordinance. The City Council began narrowing down preferred options over the course of those meetings.”

While time, place, and manner restrictions are critical to providing structure for those who may camp, the ordinance is prefaced with recognition of “the social nature of the problem of homeless individuals camping on public property,” and the law will ensure “the most humane treatment for removal of homeless individuals from camping sites on public property.”

Time

The city ultimately settled on allowing “camping” to be defined as establishing a campsite either through occupation or storage of personal property on any location of city property for more than 24 consecutive hours. The St. Helens Planning Commission recommended 48 hours as the period after which camping would not be permitted. King explained the council’s decision.

“There is a state law that an individual has at least 72 hours from the time that a notice is posted to move from an area before enforcement can be taken,” King said. “Factoring in an allowed 24-hour sheltering time, law enforcement would then have the option to post a notice to vacate the location, and then the 72-hour period would take effect. This would ultimately give someone a minimum of four days to be in a location before enforcement action could be taken.”

After 24 hours in one location, people will be required to move their camping materials to a different city property, following the other regulations within the ordinance.

Place

The ordinance sparked controversy in St. Helens, causing friction between the City Council and former Planning Commission Chair Steve Toschi.

Toschi felt that by not defining places where people could camp, the city could open itself up to an influx of houseless people from surrounding areas and leave the city vulnerable to legal action.

Ultimately the city went in a different direction than Toschi had hoped.

One of the main changes throughout the process of finalizing the ordinance was approaching the law by outlining where camping was not allowed, as opposed to having designated areas where people could camp.

The ordinance restricts camping in all public parks, city property within 100 yards of schools or buildings that are residential or businesses, and all residential zoning districts and the Riverfront District zoning district, including sidewalks. The ordinance also restricts camping on “any public rights of way” except for “sidewalks not otherwise specifically regulated.”

In the case of those sidewalks, the ordinance maintains that a campsite “that does not restrict the free movement of pedestrian travel, including those pedestrians that require the use of a wheelchair” is permitted until it surpasses the 24-hour limit imposed by the city.

“An example of one of many adjustments made over the course of the Council’s decision making was related to the distance from a residence that camping would not be allowed,” King said. “One of the Planning Commission’s recommendations to the City Council was that no camping be allowed within 400 feet of a residence. The City Council ultimately decided on 100 yards (the length of a football field).”

According to Councilor Patrick Birkle, the city never considered creating “encampments” like many posited online.

“There was never any consideration or dialogue about making St. Helens a destination place for people coming from out of the area and finding a place here,” Birkle said. “The important message is that it was never on the table, ever talked about, to establish camps.”

Manner

As to the manner in which people will camp, the city has put limitations in place to limit the impact those who are camping will have.

Camps must be within a 12-foot x 12-foot area and cannot obstruct any passageways, such as streets, roadways, sidewalks, pedestrian ways, bikeways, and trails.

Clearing of vegetation and ground disturbance are not allowed at campsites, and those occupying the area are also responsible for maintaining an “orderly” campsite and must not litter or spread rubbish. People must also maintain the campsite in a clean, sanitary, and nonpolluting condition during use of and upon vacating the campsite.

For those found non-compliant with the ordinance, law enforcement personnel and/or public services personnel will refer such a person to services that best address their needs. Should people be found in violation of the city's ordinance, they could face up to a \$50 fine.

"The biggest thing I want the community to understand about this complex issue is, we are not alone," Council President Jessica Chilton said. "Cities all over the state of Oregon have been tasked with the same challenge so there will be a learning curve state wide. We have advocated for our city, like other rural communities at the state level to ensure we are getting help with the tasks we are being required to navigate."

An evolving ordinance

One important thing to understand about the ordinance, according to the city, is that it can be changed to reflect the city's needs.

"The ordinance can be changed," King said. "If the rules need to be revised due to unanticipated issues that occur or because of developing case law and changes that occur at the state level, St. Helens can modify its ordinance accordingly."

Regarding the issue of houselessness, Birkle noted that while this ordinance pertains to those who will be publicly camping, it is important to remember that there are people experiencing homelessness in Columbia County that may be less visible.

"There is a problem of houselessness, homelessness, in St. Helens, in our community, but it's not people living necessarily on the streets," Birkle said.

The city council adopted the ordinance on June 21 to meet the July deadline.