

ORDINANCE NO. 750

AN ORDINANCE OF THE CITY OF WILSONVILLE AMENDING WILSONVILLE CODE CHAPTER 5, VEHICLES AND TRAFFIC, SECTION 5.210, PROHIBITED PARKING OR STANDING

WHEREAS, Wilsonville Code Chapter 5, Vehicles and Traffic, regulates parking, traffic, and impoundment of vehicles on the streets and property of the City of Wilsonville; and

WHEREAS, W.C. 5.210(12) prohibits the use of vehicles for sleeping, camping, or living while parked upon a City street; and

WHEREAS, following a recent opinion issued by the Ninth Circuit, *Desertrain v. The City of Los Angeles*, the City's current ordinance prohibiting sleeping, camping, and living in vehicles is probably unconstitutionally vague; and

WHEREAS, individuals sleeping, camping, and living in exposed conditions is a matter of public health and safety to themselves and others; and

WHEREAS, to protect the health and welfare of Wilsonville's residents and visitors from incidental activities often associated with such persons sleeping, camping, or living in vehicles parked on City streets, such as using public or private property for restroom or sanitation purposes rather than facilities, littering, lighting of camp fires, and indecent exposure; and

WHEREAS, either through the City Community Services, Clackamas County Social Services, or the nearby French Prairie Rest Area on I-5, other more appropriate alternatives to sleeping, camping, or living in a vehicle for the traveling public and/or those needing social service resources exist and can be accessed;

NOW, THEREFORE, THE CITY OF WILSONVILLE ORDAINS AS FOLLOWS:

1. Wilsonville Code Section 5.210, Prohibited Parking and Standing, Subsection (12) is amended to read as follows:

“(12) Unless in a designated area for camping, no person shall, for a period of more than two hours, use any vehicle or trailer to camp in, sleep in, or live in while parked upon any City property, City right-of-way, City easement, or City street.

- (a) For the purposes of this Section,

(i) The term “camp” has the same meaning given it in Code Section 10.425.

(ii) The term “sleep” means the natural periodic suspension of consciousness, during which the powers of the body are restored, or resting or meditating in a manner which leads a reasonable person to conclude that consciousness is suspended.

(iii) The term “live” means the use of a vehicle or trailer for a home, dwelling place, residence, or domicile. Engaging in or the presence of items used for cooking, sleeping, bathing, or other activities normally associated with home life may serve as evidence that a person is living in a vehicle.

(b) It shall be an affirmative defense to “sleep in” if the sleeping was caused by a medical condition and not induced by alcohol, controlled substances, or medication that warns of causing drowsiness or sleepiness, or warnings to that effect.

(c) It shall be an affirmative defense to “live in,” if a legally permissible explanation is provided of the items present or the activity engaged in that a reasonable person could find plausible under the circumstances then and there present.”

2. The City Recorder is directed to amend Wilsonville Code Section 5.210(12) by replacing the existing text with the text as approved above, and to make such format, style, and conforming changes to match the format and style of the Animal section of the Wilsonville Code.
3. Except as set forth above, Chapter 5 of the Wilsonville City Code remains in full force and effect, as written.

SUBMITTED to the Wilsonville City Council and read for the first time at a meeting thereof on the 20th day of October, 2014, and scheduled for second reading on November 17, 2014, commencing at the hour of 7 p.m., at the Wilsonville City Hall, 29799 SW Town Center Loop East, Wilsonville, Oregon.

Sandra C. King, MMC, City Recorder

