

**BEFORE THE CITY COUNCIL  
FOR THE CITY OF LAFAYETTE, OREGON**

**In the Matter of Amending the** }  
**Lafayette Municipal Code to Comply** } **ORDINANCE NO. 644**  
**With ORS 195.500 - .530** }  
}

THE CITY COUNCIL (the “Council”) OF THE CITY OF LAFAYETTE, OREGON (the “City”) sat for the transaction of City business on May 11, 2023 at 6:30 p.m. in the Council Chambers at City Hall and considered and conducted the first reading of the following Ordinance and on June 8, 2023 at 6:30 p.m. conducted the second reading of the Ordinance.

**WHEREAS**, ORS 19.500 – .530 requires any city law must be objectively reasonable as to time, place and manner with regards to persons experiencing homelessness; and

**WHEREAS**, the City does not intend to regulate the time, place, and manner that persons experiencing homelessness may conduct the acts of sitting, lying, sleeping or keeping warm and dry outdoors on public property that is open to the public and

**WHEREAS**, the Lafayette Municipal Code must be amended to comply with the requirements of ORS 195.500 – .530.

**NOW, THEREFORE, BE IT ORDAINED** by the Council of the City of Lafayette amends the Lafayette Municipal Code as detailed in Exhibit “A” of this Ordinance.

This Ordinance shall take effect on the 30<sup>th</sup> day after its second reading by the Council.

**APPROVED** by the City Council of the City of Lafayette this 8<sup>th</sup> day of June, 2023.

VOTE: Ayes: 5 Nays: 0 Abstentions: 0 Absent: 1

CERTIFIED:

ATTESTED:

  
Hilary Malcomson, Mayor

  
Kevin Perkins, Assistant City Administrator



EXHIBIT A

Lafayette Proposed code changes to address Homelessness Issues – After Council Input on May 10,  
Approved with first reading of ordinance:

**A. 5.555 General Rules.**

(1) **Park Hours.** All parks shall open at sunrise and close one hour after sunset, unless otherwise specifically authorized by the City.

**B. 5.555 General Rules.**

(6) **Use of Property and Materials.** No person shall deface, destroy, damage, or remove any City Facility, amenity, or other improvement, or cause excessive waste of any City-provided materials or supplies. Park equipment shall be used for the purpose it was intended for without regulating the acts of sitting, lying, or sleeping. Any equipment moved for legitimate use shall be replaced by the user in its original location.

**C. 5.555 General Rules.**

(9) **Vehicles. (Deleted entirely)**

**D. 5.555 General Rules.**

(15) **Camping. (Deleted entirely)**

**E. 5.560 Enforcement and Penalties.**

(1) Authorization to Enforce.

(a) Any peace officer or authorized City personnel may refuse to permit any person to enter a Park facility or program, or require any person to leave a Park facility or program, provided however, no peace officer or City personnel shall take such action because an individual is, or has been, engaged in the act of sitting, lying, sleeping or keeping warm and dry outdoors, when not utilizing an open flame or charcoal briquettes Any person directed to leave shall leave immediately. Any person who refuses to leave any Park property, event or program after being asked to do so is a trespasser, and may be arrested and prosecuted for the crime of criminal trespass in the second degree.

(b) The City Administrator, designated City Personnel, and all peace officers of the State of Oregon may enforce this Ordinance, and are authorized to issue a citation as provided by Oregon law to any person who violates any provision of this Ordinance.

(c) It shall be a violation of this Ordinance to interfere with its enforcement.

(2) Exclusion.

(a) In addition to other penalties provided for in this Ordinance, any other City or County ordinance, with the exception of any County ordinance that regulates the acts of homeless individuals sitting, lying, sleeping or keeping warm and dry outdoors on public property, or under the laws of the State of Oregon, any peace officer or designated City employee may exclude from all or part of any park facility or program any person who violates any provision of this Ordinance, and any other City or

## EXHIBIT A

County ordinance, except a county ordinance as noted above, or any state law in the course of using any Park, recreation area or facility, or while participating in any Park program or event. An exclusion may be delivered verbally or by citation by a peace officer, and/or verbally by a designated City employee, followed by a notice from the City Administrator establishing the length of the exclusion for a period of time not to exceed one year.

(b) During the stated period of exclusion, any person excluded under this Section may not enter or remain upon any Park facility, or participate in any Park program or event, from which the person is excluded. Any excluded person who enters or remains upon any part of the Park or facility from which the person has been excluded is a trespasser, and may be arrested and prosecuted for the crime of criminal trespass in the second degree.

### **F. 5.565 Penalties.**

(1) In addition to the penalty of exclusion, and any other penalty imposed by City or County ordinance or state law, an individual who violates this Ordinance may be subject to the following penalties:

(a) Violation of subsections (2), (4), (5), (6), (8), (9) (b), (12), or (14) or Section 5.550, or Section 5.560 (1) (c), is a Class A violation, punishable upon conviction by a fine not to exceed \$600.

(b) Violation of subsections (3), (7), (9) (a), (9) (d), (10), (11), (13), or (16) of Section 5.555 is a Class B violation, punishable by a fine not to exceed \$300.

### **G. 6.510 Occupancy Unlawful.**

No individual may sleep in a mobile home unless the mobile home has been sited pursuant to a duly issued building permit, or the individual has obtained a temporary occupancy permit from the city. A recreational vehicle may be occupied on private property only if the recreational vehicle is parked in a designated recreational vehicle park which has been sited pursuant to a duly issued City permit.