ADMINISTRATIVE ORDER NO. 53-17-03-F
of the
City Manager

ADOPTION OF PERMANENT RULES AND REGULATIONS FOR THE
REST STOP AND DUSK TO DAWN OVERNIGHT SLEEPING PROGRAMS.

The City Manager of the City of Eugene finds that:

A. Section 2.019 of the Eugene Code, 1971 (EC) authorizes the City Manager to adopt rules for administration of provisions of the Eugene Code.

B. On September 25, 2013, the City Council adopted Ordinance No. 20517 which established a temporary permitted overnight sleeping (“Rest Stop”) Pilot Program allowing persons to sleep overnight at approved City locations until March 31, 2014. The Rest Stop Program has since been amended by Ordinance No. 20547, and the sunset date extended, most recently by Ordinance No. 20563.

C. On November 26, 2013, I issued Administrative Order No. 53-13-13 establishing temporary regulations to implement the Rest Stop Pilot Program until March 31, 2014. The regulations have since been amended by Admin Order No. 53-14-03, and the sunset date extended, most recently by Administrative Order No. 53-16-12.

D. On November 23, 2015, the City Council adopted Ordinance No. 20559 which established a temporary permitted overnight sleeping (“Dusk to Dawn”) Pilot Program allowing persons to sleep overnight between specified hours at approved City locations until March 31, 2016. The Dusk to Dawn Program has since been amended and sunset date extended, most recently by Ordinance No. 20563.

E. On December 16, 2015, I issued Administrative Order No. 53-15-18 establishing temporary regulations to implement the Dusk to Dawn Pilot Program. The regulations have since been amended by Admin Order 53-16-06, and the sunset date extended, most recently by Administrative Order No. 53-16-13.

F. On February 27, 2017, Council adopted Ordinance No. 20576 repealing the sunset date of the Rest Stop Program and Dusk to Dawn Program which were set to expire on March 31, 2017.

G. Due to Council’s repeal of the sunset date of the Rest Stop Program and Dusk to Dawn Program, on March 3, 2017, I issued Administrative Order No. 53-17-03 proposing to adopt the temporary Rest Stop and Dusk to Dawn Program Rules and Regulations as permanent Rules.

H. Notice of the proposed Rule adoption was given by making copies of the Notice that was attached as Exhibit A to Administrative Order No. 53-17-03 available to any person who
had requested such notice and by publication of the Notice in the Register Guard newspaper on March 7, 8, 9, 10 and 11, 2017. Copies of the Notice were also provided to the Mayor and City Councilors, and to persons operating Rest Stop and Dusk to Dawn sites. The Notice provided that written comments be submitted within 15 days of the first date of publication of the Notice. No comments were received within the time or in the manner provided in the Notice.

**BASED UPON** the above findings and the findings in Administrative Order No. 53-17-03, and pursuant to the authority contained in Section 2.019 of the Eugene Code, 1971, effective March 31, 2017, the Rest Stop Program and Dusk to Dawn Program Rules and Regulations are adopted to provide as follows:

**PERMITTED OVERNIGHT SLEEPING PROGRAM**

**RULES AND REGULATIONS**

I. **REST STOP PROGRAM**

A. **Rest Stop - Property Provider/Site Manager Responsibilities:**

1. The property provider/operator shall designate a site manager who shall be responsible for providing supervision when provider is not present. Designation of a site manager does not relieve the property provider/operator of responsibility to ensure compliance with the Contract and these regulations.

2. A contract shall be executed providing for one or more portable toilets with weekly cleaning, and weekly trash/recycling pick up.

3. The property provider/site manager shall maintain a roster of individuals who are authorized to be at the property.

4. The property provider/site manager shall ensure that guests and visitors comply with all provisions of these rules, the site agreement, and provisions adopted by City Council.

B. **Rest Stop - Guest Responsibilities:**

1. The following activities/items are prohibited from the property:
   - Alcohol; illegal drugs
   - Weapons
   - Illegal activity
   - Open flames, unless approved by the Fire Marshal.
   - Loud music or other disruptive noise
   - Overnight visitors
   - Physical violence, intimidating or threatening behavior or language while on or in the vicinity of the property; damage or harm to the property or property in the surrounding area.
● Engage in behavior on or near the property that may negatively affect the peace and enjoyment of the property and surrounding property for other overnight sleepers or for neighbors.
● Children, except children who are accompanied by a parent or guardian during daytime hours.

2. Only tents are permitted on the property, unless specifically approved in writing by the City Manager or the Manager’s designee.

3. The provider, guests and visitors shall comply with all applicable provisions of federal, state and local laws, including the requirements of the fire code.

4. Guests shall keep personal property in the permitted tent.

5. Visitors are allowed only between 9 a.m. and 9 p.m. and are not permitted to bring animals onto the property. Guests shall be responsible for the behavior of visitors while on the property, and visitors shall adhere to all of the obligations of guests under these regulations. Not more than 20 people, counting both guests and visitors, may be on the property between 9 a.m. and 9 p.m.

6. Guests shall be selected by the property provider and may stay on the property until the provider revokes that permission. If permission to remain on the property is revoked, the guest(s) must immediately remove themselves and their property or risk citation for trespassing, having their vehicle towed, at the owner’s expense, and their property disposed of.

7. Guests shall deposit all garbage in waste receptacles provided by the property provider/site manager or transport it off site and dispose of it lawfully, and shall keep the area where they are sleeping clean.

8. Guests shall use bathroom facilities provided by the property provider/site manager, or available to the public off-site.

II. DUSK TO DAWN PROGRAM

A. Dusk to Dawn - Property Provider/Site Manager Responsibilities:

1. A property provider/site manager will be designated who shall be responsible for providing supervision during site operating hours.

2. Site will be occupied no earlier than 4:30 p.m. and no later than 7:30 a.m. in a 24 hour period. The City Manager, may adjust site operating hours upon considering, among other things, the seasonal sunset. However, the City Manager may not adjust operating hours such that sites are open earlier than 4:30 p.m. or later than 7:30 a.m.
3. Personal property will be stored in compliance with criteria set by the property provider/site manager and must be taken with guests when they vacate the site each day.

4. Provide one or more portable toilets with weekly cleaning, and weekly trash/recycling pick up.

5. Keep the site and surrounding property free from accumulation of trash or items left behind by guests.

6. Maintain a current roster of individuals who are authorized to be at the property ("guests").

7. Shall open a site only after the City Manager has provided written authorization allowing the site to open. The written authorization shall include the number of people permitted to use the site, and any other regulations applicable to the specific site.

8. Make sure that the number of people at the site(s) between 4:30 p.m. and 7:30 a.m. does not exceed the number of people permitted by the City Manager's written authorization.

9. Ensure that guests comply with all provisions of these regulations and provisions adopted by City Council.

10. All applicable provisions of federal, state and local laws will be complied with, including the requirements of the fire code.

B. **Dusk to Dawn - Guest Responsibilities:**

1. The following activities/items are prohibited from the property:
   - Alcohol; illegal drugs
   - Weapons
   - Illegal activity
   - Open flames, unless approved by the Fire Marshal.
   - Loud music or other disruptive noise
   - Overnight visitors
   - Physical violence, intimidating or threatening behavior or language while on or in the vicinity of the property; damage or harm to the property or property in the surrounding area.
   - Behavior on or near the property that may negatively affect the peace and enjoyment of the property and surrounding property for other overnight sleepers or for neighbors.
   - Children.

2. Compliance with all applicable provisions of federal, state and local laws, including the requirements of the fire code.
3. Guests shall be selected by the property provider/site manager and may stay on the property until the property provider/site manager revokes that permission. If permission to remain on the property is revoked, the guest(s) must immediately remove themselves and their property or risk citation for trespassing, having their vehicle towed, at the owner's expense, and their property disposed of.

4. Guests shall deposit all garbage in waste receptacles provided by the property provider/site manager or transport it off site and dispose of it lawfully, and shall keep the area where they are sleeping clean.

5. Guests shall use bathroom facilities provided by the property provider/site manager, or available to the public off-site.

6. Guests must comply with any additional rules or regulations not covered here but established by the property provider/site manager.

C. Dusk to Dawn - Closure of Site by the City Manager.

The City Manager may close a site at any time upon determining that allowing camping at a site would create or continue dangerous conditions or a threat to the public health, safety or welfare, or if the property provider/site manager fails to comply with these regulations or the provisions adopted by the City Council.

Dated this 21st day of March, 2017.

[Signature]
Jon R. Ruiz
City Manager