

**PUBLIC NOTICE
A MEETING OF THE HINES COMMON COUNCIL
FEBRUARY 28, 2023 AGENDA**

- I. FLAG SALUTE
- II. APPROVAL OF FEBRUARY 28, 2023 AGENDA VOTE
- III. APPROVAL OF PREVIOUS MEETING MINUTES VOTE
 - a) Minutes from February 14, 2023
- IV. APPROVAL OF ACCOUNTS PAYABLE: VOTE
 - a) for February 28, 2023 in the amount of \$11,654.84
- V. PUBLIC COMMENTS: NON-AGENDA ITEMS ONLY (SPEAKING TIME MAY BE LIMITED)
- VI. ADMINISTRATOR REPORT
 - a) City Administrator, Kirby Letham
- VII. COUNCIL BUSINESS
 - ~~a) Donation Request: Team Beef Ranch Run — Laurellynn Sewell and Catalina Doverspike~~ VOTE
 - b) Livestock Permit: McElhannon VOTE
 - c) Harney County Little League Sponsor Renewal VOTE
 - d) ORD 334: The Public Camping Ordinance - REVIEW
 - e) Harney County Vet Clinic: Hines Impound Agreement VOTE
 - f) Committees Scheduling
- VIII. PUBLIC COMMENT: (SPEAKING TIME MAY BE LIMITED)
- IX. Mayor and Council Comments
- X. Adjournment VOTE

This meeting is open to the public. It is anticipated to last approximately one hour and a half.

In accordance with ORS 192.630, City of Hines will make a good faith effort to provide accommodations for any person desiring to attend a public meeting, if the request is made at least 48 hours in advance of the meeting time. The meeting room is physically accessible to persons with mobility devices; a sign language or foreign language interpreter may be available, with advance notice.

DATED this 28th day of February 2023

Kirby Letham, City Administrator

**MINUTES FROM
A MEETING OF THE HINES COMMON COUNCIL
FEBRUARY 14, 2023**

Present:

Mayor:

Nikki Morgan

Council:

Councilors Robert Beers, Dean Brizendine, Roxane Worley, Hilda Allison, Misty Shepherd, and Amity York

City Staff:

Kirby Letham City Administrator, Jerry Lewellen Public Works Superintendent, Ryan DeLange Police Chief, and Bob Spence Fire Chief

Public Audience:

Richard Roy, Ashley Norris, Eldon Hart, Dan Grigg, Debbie Johnson and Rodney Johnson

Mayor Morgan called the meeting to order at 6:30pm.

- I. **Mayor Morgan led the flag salute.**
- II. **Approval of February 14, 2023, Agenda**
Mayor Morgan asked if there were any changes to the agenda. Administrator Letham requested that the item listed as 7f under Council Business be moved in front of item 7a. Councilor Beers made a motion to approve the February 14, 2023 agenda as presented. Councilor Shepherd seconded the motion. All ayes, motion carried.
- III. **Approval of Minutes from January 24, 2023**
Councilor Allison made a motion to approve the meeting minutes from January 24, 2023, as presented. Councilor Beers seconded the motion. All ayes, motion carried.
- IV. **Accounts Payable for February 14, 2023**
Councilor Beers made a motion to approve the Accounts Payable for February 14, 2023 in the amount of \$28,237.27. Councilor Brizendine seconded the motion. All ayes, motion carried.
- V. **Public Comment: Non-Agenda Items Only (Speaking Time May Be Limited)**
Eldon Hart – Mr. Hart addressed to Council regarding his concerns regarding low-income homes. He is concerned that such housing will bring in a population that would cause more work for the police. He believes this could bring in more people requiring public assistance. He does not believe the City can afford this. He does not know what the City hopes to get out of this. Administrator Letham explained that lately there has only been one developer that has approached the City about building, and what he discussed was not low-income housing.
- VI. **Department Head Reports**
Public Works Superintendent, Jerry Lewellen – Still pumping about 200K gal/day of water. For the water project, end of April/first of May the new water tank will be drained for an inspection for warranty purposes. Lagoon is pumping about 140K/day. Road grader had a hose go out, it is fixed. They have been trying to get

some of the packed ice scraped off the streets. So far this winter, there has only been one frozen water meter. There has been a water main break out by Rimrock Recycling.

Ryan DeLange, Police Chief – They have had 140 calls. Domestic violence calls are still bad. Theft cases are going down some. Don't leave items in vehicles, and make sure they're locked overnight. A lot of transient complaints at the truck stop. The officers have been attending a lot of trials. Officer Luelling is on week 3 of the Academy. He is doing very well. The police cars received from Molalla are holding up well. City of Burns has a new Police Chief, Steve Macartney. Just received the new radios through the County grant. Mental health + methamphetamine = a bad combo. Lots of trouble with the lack of mental health support.

Bob Spence, Fire Chief – Seven 911 calls. There was a flue fire, there was a false call on a wreck on the OO, there was an electrical fire in Burns, there were two lift assists, there was a Burns call of someone setting a fire in a restroom. He used the backhoe and shovel to clear snow away from fire hydrants. They are still training with Burns.

Kirby Letham, City Administrator

- **Elected Officials Meeting, LOC** – Some of the Council members were able to attend. He thought it was a good meeting, a lot of good information. Council members can discuss it during Council Comments.
- **911 Meeting** – Both cities and their police chiefs, fire, etc. Chief Spence commented that the fire departments do not have voting rights for this committee, and he would like to see that changed. Administrator Letham said he believes that will change at the next meeting. He went on to say that he felt this was a good meeting with good discussion amongst the groups involved. The County received a grant and some of the funds will go to improving the communications system.
- **Police Equipment** – Part of the grant funds will go to upgrading not just the radios, but the body cameras with an in-car video camera, and automatic upload to a system. That particular piece is problematic due to storage issues. Chief Macartney from Burns has a company he has worked with in the past. Chief DeLange and Administrator Letham went over and sat in on a meeting with that company. There are two aspects they liked. One is an evidence control program and the other will deal with the video and storage space required. He and Chief DeLange have also been discussing rearranging their office. There is now a fourth officer, and they need another desk, and need to create more space.
- **Broadband Meeting** – There will be a webinar meeting on Friday discussing how to get broadband pushed out to rural areas of Oregon.

VII. COUNCIL BUSINESS

- f. **Letter of Support: Whittier Project, Rick Roy** – He is the owner of Steens Mountain Brewery. Last May he purchased the Whittier Bldg. in Burns. He is also the President of the Main Street Task Force. The Whittier Project is the project selected by the Main Street Task Force for this year. They will be going after a couple of grants. The first grant they are going for is the Main Street Revitalization Grant, the other is Diamonds in the Rough. The plan is to fix up the hotel rooms on the top floor with the bottom open as a pub. Some of the rooms would be for short term rentals, such as wildland firefighters, and then some rooms would be available for travelers. He is asking the Council for a letter of support. Administrator Letham will draft up the letter of support.
- a. **Business and Vacation Rental Licenses:**
 - o **Business License – Ashley Norris Property Management** – Ms. Norris is the owner/operator of Norris Property Management. *Councilor Beers made a motion to approve the business license for Ashley C. Norris, Property Management. Councilor Brizendine seconded the motion. All ayes, motion carried.*

- **Johnson's Rentals – Vacation Rental – Debra Johnson** – They have two rentals in Hines. They have done the vacation rentals for four years. They are an Air BnB host. It brings people here. They allow pets, which many hotels do not. *Councilor Allison made a motion to approve the business license for Johnson's Rentals. Councilor Beers seconded the motion. All ayes, motion carried.*
- **Acorn Ventures, LLC – Vacation Rental – Dan Grigg** – They have a house on Woldenburg that is an Air BnB unit. *Councilor Allison made a motion to approve the business license for Acorn Ventures, LLC. Councilor Beers seconded the motion. All ayes, motion carried.*
- b. **County On-Site Specialist/DEQ: Jesse Barnes on Septic Systems in Hines UGB** – Administrator Letham explained that last summer the City was notified that DEQ would no longer allow repairs of existing septic systems or installation of new septic systems.
 - Takeaways: 1) This is NOT being driven by the City of Hines; 2) This discussion is just starting. We'll talk a lot more about this, including public hearings scheduled at future times. 3) Right now these are the options for the City and residents: a) Do nothing (probably not realistic); b) Leave it to residents to figure out how to connect privately; c) Make plans to expand City services to these areas including infrastructure, planning, and community involvement. d) Search for other options. 4) City Admin has already started looking into potential funding opportunities IF that is the direction the City decides to go.

Jesse Barnes explained that the County contracts with DEQ for the on-site septic program. They do the permitting for those properties in the County. Many of the septic systems were originally installed prior to DEQ regulations for safety & sanitation. The lot size requirements may no longer be met for new systems. Septic systems these days are very expensive. DEQ would like to see the City extend the sewer system to those homes in the Urban Growth Boundary (UGB) that no longer meet the DEQ guidelines for septic. The Mayor commented that this would fall in line with the Wastewater Master Plan. DEQ has a rule that says if there is City sewer within 300 linear feet of a property boundary, you must connect to City services. The only exception is if a city submits a letter stating that a property is not allowed to connect to city services. With the work on the Wastewater Master Plan, this would be the time to move forward, and look for infrastructure dollars to help pay for it. Administrator Letham has met with DLCD, BizOregon, DEQ and the County. Those discussions have confirmed the required changes for septic systems in the UGB. There will be public hearings to discuss this topic.

- c. **Sample Public Camping Ordinance** – House Bill 3115 will go into effect July 1st. The City must pass an ordinance establishing clear policies regarding homeless camping. Administrator Letham has included a sample Camping Ordinance from the City of Burns. The City of Burns has also established a Homelessness Committee. The samples included in the Council packet will provide some direction for the Council and staff to form effective policies. The Governor has also issued three Executive Orders regarding homelessness. Executive Order #23-03 – Directing State Agencies to Prioritize Reducing Homelessness. Executive Order # 23-02 – Declaring a State of Emergency Due to Homelessness. Executive Order #23-04 – Establishing a Statewide Housing Production Goal and Housing Production Advisory Council. The Mayor suggested the Council read the documentation included in their packets and be prepared to discuss this going forward as this will be the opening discussion. There will be further discussions and meetings until an ordinance is passed. Administrator Letham reminded the Council that the Supreme Court has ruled regarding public camping. Your power to regulate public camping comes in time, place and manner. You can regulate when it happens, where it happens, and how it happens. You cannot ban public camping city-wide. Administrator Letham and Chief DeLange suggested that if the Council likes the draft prepared by Burns, that perhaps both cities adopt the same verbiage so that there are no differences between the cities. Councilor Beers suggested that if the Council needs to create a committee, that it needs to be done immediately as any ordinance must be in place by July 1st.
- d. **Elect Council President** – According to Hines City Charter Section 3.6 – The Council shall appoint one of its members to be Council President. Council President shall assume the duties of the Mayor in the

absence of that officer. *Councilor Allison nominated Councilor Worley. Councilor Brizendine nominated Councilor Allison. By show of hands, Councilor Allison was elected Council President.*

- e. **Committee Discussion** – The Council may create sub-committees to facilitate work in specific areas. The City has several upcoming projects, and it would be smart to create committees to facilitate the work for those projects. Administrator Letham brought up the list of Council Assignments. An immediate need is the Master Parks Plan. Administrator Letham asked if Councilors Shepherd & Worley would work this committee. This committee would include them, and then possibly city staff, Harney Parks and Rec Representative, a few community members, and a consultant. Councilors Beers & Brizendine were asked to work the committees for Public Camping and the Deer Cull Program along with Chief DeLange. Councilor Allison and the Mayor will be on the Sewer Extension committee.

VIII. Public Comment: (Speaking Times May Be Limited)
None

IX. Council Comments –

Councilor Worley – None

Councilor Allison – Thanks to Bob for the work put in on the fire hydrants. Thanks to the Public Works crew, and thanks to Ryan.

Councilor York – Thanks to Public Works for the great job on the snow removal. Due to personal circumstances, she resigned from the Council. She thanked the Council for her time on the Council.

Councilor Brizendine – Thanks to the City Administrator, Jerry and Ryan and their guys. They do great. And, thanks to the Council.

Councilor Beers – Thanks to the Department heads and City workers. He attended the LOC meeting. Found it to be an eye opener. Learned a lot of stuff.

Councilor Shepherd – Thanks to Jerry for cleaning off the skate area.

Mayor Morgan – Thanks to Jerry for the streets, and for putting down gravel on E. Hanley headed towards Peter French. She asked Chief DeLange that when he sees Emerson from Burns, to thank him for clearing sidewalks in Burns.

- X. **Adjournment** – *Councilor Beers made a motion to adjourn the meeting. Councilor Shepherd seconded the motion. All ayes, motion carried. Meeting adjourned at 8:35pm.*

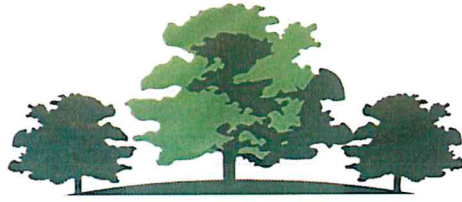
Respectfully Submitted:

Kirby Letham

City Administrator

ACCEPTED AND APPROVED BY THE CITY COUNCIL ON February 28, 2023.

Nikki Morgan, Mayor



You are welcome in **HINES**

101 E. Barnes Avenue / PO Box 336, Hines OR 97738 541-573-2251 FAX 541-573-5827 cityofhines.com

LIVESTOCK PERMIT

Application for keeping livestock, domestic animals (excluding dogs, cats & rabbits), poultry, fowl or bees within the city limits (Hines Municipal Code Chapter 6)

NAME OF APPLICANT(S): Melissa McElhannon
PROPERTY ADDRESS: 412 N Saginaw Ave Hines OR 97738
MAILING ADDRESS: PO Box 1255 Hines OR 97738
PHONE: 541-647-0405
NAME/PHONE OF PROPERTY OWNER: SAME

PERMIT IS SUBJECT TO THE FOLLOWING CONDITIONS AND MAY BE REVOKED BY THE CITY OF HINES, AT ANY TIME, FOR NON-COMPLIANCE

1. Permit applies only to single-family dwelling or duplex (not apartments).
2. No more than six (6) adult poultry allowed per property; no roosters
3. No more than two (2) fowl; two (2) livestock under nine months of age.
4. Any slaughter or euthanasia of animals or birds is limited by state law.
5. Livestock, animals, poultry or fowl must always be inside enclosure.
6. Livestock, animals, poultry, fowl or bees must be kept behind residence.
7. Enclosures and buildings must always be kept in sanitary condition.
8. Enclosures, buildings must be free of noticeable odors, offal and debris.
9. Enclosures and buildings must comply with all setbacks, land use rules.
10. Non-compliance complaints may result in withdrawal of permit by Council.

TYPE AND NUMBER OF LIVESTOCK OR FOWL: 2 Swine 6 Chickens
TYPE AND LOCATION OF STRUCTURE: Wood Shelter
chicken 7ft / 7ft / 10ft / swine 6ft / 2ft / 4ft wood / plywood Back acre
DIMENSIONS: HEIGHT/WIDTH/LENGTH TYPE OF CONSTRUCTION MATERIAL LOCATION

TYPE OF RUN OR PEN: Wood Post wire fence chicken/Hog
chicken 6ft / 7ft / 10ft / swine 3ft / 8ft / 14ft chicken wire / hog panels Back acre
DIMENSIONS: HEIGHT/WIDTH/LENGTH TYPE OF CONSTRUCTION MATERIAL LOCATION

PROVISIONS FOR SANITATION, ODOR CONTROL, DEBRIS REMOVAL AND SEVERE WEATHER:

Cleaning of pens Regularly and Compost for garden

ATTACH A SKETCH OF PROPERTY, SHOWING ENCLOSURE(S) LOCATIONS.

Applicant acknowledges that upon issuance of any permit by the City of Hines, it is obligation of Applicant to comply with any and all laws, ordinances and regulations governing the type of project permitted, whether specified in the permit. The granting of a permit by the City of Hines does not give applicant any authority to violate or modify the provisions of any other federal, state or local ordinance or regulation with respect to construction, performance of construction and/or operation of the project.

Regarding property boundaries, Applicant acknowledges that the only accurate way to locate property lines is by a land survey, conducted by a licensed professional. The city of Hines makes no representation as to the accuracy of location of any boundary related to the project and Applicant, by virtue of issuance of a permit by the City of Hines, agrees to hold harmless, defend and indemnify the City in any legal action related to property lines or boundaries.

I have read and understand the above application and hereby certify that all conditions will be continually met, and that I will abide by all restrictions, administrative rules and applicable ordinance or laws.

APPLICANT SIGNATURE: M. McElhen DATE: _____

PROPERTY OWNER SIGNATURE _____ DATE: _____
(if different from applicant)

FAILURE TO COMPLY with Hines Municipal code may result in denial of an initial application, or revocation of an existing permit, as well as possible further action, including fines and abatements costs.

DENIAL MAY OCCASIONALLY BE BASED SOLELY ON THIS FACTOR: Permittee's action present a reasonable doubt as to the permittee's ability to comply with permit conditions, or to keep livestock, domestic animals, poultry, fowl or bees without endangering or intruding upon the public health, safety or welfare.

APPROVED this day _____ by Hines Common Council

DENIED this day _____ by Hines Common Council

REVOKED this day _____ by Hines Common Council

NOTICE TO SIGNATORS:

Applicant is attempting to obtain a permit from the City of Hines in order to be allowed to maintain livestock, domestic animals, poultry, fowl or bees on property within 300 feet of your residence.

Your signature upon this petition signifies that you have no objections to Applicant's request.

IF YOU ARE NOT THE PROPERTY OWNER, PLEASE REFER APPLICANT TO THE OWNER.

Applicant is requesting a permit to maintain _____
Number and type of animal, poultry, fowl or bees

RESIDENT'S NAME (over age 18)

Steve + Diane Zipser
Ray + Kathleen Dunten

PHYSICAL PROPERTY ADDRESS

402 N. Saginaw, Hines
404 N. Saginaw, Hines

**NAMES AND ADDRESSES OR PROPERTY OWNERS WITHIN 300 FEET OF APPLICANT'S
RESIDENCE MAY BE OBTAINED THROUGH HARNEY COUNTY ASSESSOR'S OFFICE**

2023 Harney County Little League
Business Banner Sponsor



Hello Business Owner,

Harney County Little League is seeking Business Banner Sponsors. We will display your business banner on the fences of the fields from the Opening Ceremonies through the Closing Ceremonies. The banners are approximately 3 feet by 5 feet that display your business name, contact information and a graphic of your choice.

Harney County Little League is continuously making changes and upgrades to the fields, uniforms, concession stand, bleachers, dugouts, and equipment. Without the generosity of businesses and owners in Harney County, the league would not be where it is today.

If you are interested in having your business banner displayed during the 2023 Little League season please complete the form below and return it with a check to **Harney County Little League, PO Box 112, Hines, OR 97738.**

For questions, please contact Amie Scott, HCLL Sponsorship Coordinator at 208-739-6533 or breshearsamie@gmail.com. **I am happy to pick up your donation as well.**

Thank you for your support to Harney County Little League!

Business Name: City of Hines

Contact Name/Number: _____

Single Banner **NEW** Fee: \$175.00 _____

Multiple Banner **NEW** Fee: \$325.00 _____

Single Banner **RENEWAL** Fee: \$150.00 X _____

Multiple Banner **RENEWAL** Fee: \$275.00 _____

Please send your graphic FOR NEW BANNERS to breshearsamie@gmail.com

Information to be displayed on the Banner: _____

Address/Phone Number: _____

Draft

ORDINANCE NO. _____

AN ORDINANCE OF CITY OF _____ ESTABLISHING CAMPING REGULATIONS.

WHEREAS, the City of _____ City Council ("Council") recognizes the competing concerns surrounding homeless individuals camping on public property within the City of _____ ("City") and desires to implement regulations to address these concerns;

WHEREAS, ORS 195.530 requires that any city law that regulates the acts of sitting, lying, sleeping or keeping warm and dry outdoors on public property that is open to the public must be objectively reasonable as to time, place and manner with regards to persons experiencing homelessness;

WHEREAS, the Council and City staff solicited input concerning City camping regulations from members of the community including interested stakeholders and organizations that assist low-income and/or homeless members of the community;

WHEREAS, the Council has received important and useful information and input from the community concerning City camping regulations;

WHEREAS, the Council held a work session concerning proposed camping regulations on _____. A public hearing was held during the Council meeting on _____, at the City Hall at _____ at _____ P.M. at which time and place all persons had an opportunity to appear and object to the camping regulations; and

WHEREAS, the Council finds that the camping regulations as stated in Exhibit A and the amendment to _____ Municipal Code ("OMC") Section _____ are in the public interest.

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

1. Findings; Definitions. The above-stated findings are hereby adopted.
2. Purpose. The purpose of this Ordinance No. ____ (this "Ordinance") is to minimize any adverse public safety and health impacts of camping on City property while providing some areas of City property, in the absence of alternative forms of shelter, where homeless persons may keep warm and dry while resting and/or sleeping.
3. Adoption of Camping Regulations. The Council hereby adopts the camping regulations as stated in Exhibit A
4. Interpretation; Severability; Errors. All pronouns contained in this Ordinance and any variations thereof will be deemed to refer to the masculine, feminine, or neutral, singular or plural, as the identity of the parties may require. The singular includes the plural and the plural includes the singular. The word "or" is not exclusive. The words "include," "includes," and "including" are not limiting. All prior and contemporaneous agreements, discussions, understandings, and negotiations, whether written or oral, express or implied, are merged herein, and to the extent inconsistent herewith, are of no further force and effect. The provisions of this Ordinance are hereby declared severable. If any section, subsection, sentence, clause, and/or portion of this Ordinance is for any reason held invalid,

unenforceable, and/or unconstitutional, such invalid, unenforceable, and/or unconstitutional section, subsection, sentence, clause, and/or portion will (a) yield to a construction permitting enforcement to the maximum extent permitted by applicable law, and (b) not affect the validity, enforceability, and/or constitutionality of the remaining portion of this Ordinance. This Ordinance may be corrected by order of the Council to cure editorial and/or clerical errors.

APPROVED AND ADOPTED by the City Council of the City of _____ and signed by the mayor
this _____ day of _____, 2023.

Ayes: _____
Nays: _____
Abstentions: _____
Absent: _____
Vacancies: _____

By: _____

ATTEST:

_____, City Recorder

Exhibit A
Camping Regulations

1. Definitions. For purposes of this Ordinance, the following terms and phrases have the meanings assigned to them below:

"Alley" means a way or thoroughfare, dedicated to public use, but not more than 20 feet wide which is platted or dedicated for the purpose of or in use provides a secondary access to property otherwise served by a street.

"Camp" or "Camping" means to pitch, erect, create, use, or occupy camp facilities for the purposes of habitation, as evidenced by the use of camp paraphernalia.

"Camp Facilities" include, but are not limited to, tents, huts, temporary shelters, lean-tos, shacks, or any other structures or parts thereof.

"Camp paraphernalia" includes, but is not limited to, tarpaulins, cots, beds, sleeping bags, blankets, mattresses, hammocks, or outdoor cooking devices and similar equipment.

"Campsite" means any place where one or more persons have established living accommodations by use of camp facilities and/or camp paraphernalia.

"Campsite Removal Policy" means City's policy concerning removal of established campsites.

"Established campsite" means a campsite in place for over 24 hours.

"Public park" means all property owned or controlled by City and operated for public use for recreational or open space purposes.

"City property" means all real property, land and public facilities owned, leased (either to City or by City), controlled, or managed by City.

"Recreational fire" means a fire for the cooking of food, warmth, fellowship or ceremonial purposes.

"Right-of-way" means streets, public utility easements, and other public rights-of-way.

"School" means public or private elementary, middle or high school or other school attended primarily by children under 18 years of age.

"Street" means any highway, lane, road, street, right-of-way, alley, and every way or place in City that is publicly owned or maintained for vehicular travel.

2. Time, Place and Manner Regulations. Camping is permitted on City property subject to the time, place, and manner regulations contained in this chapter.

2.1 Time Regulations. Except as expressly authorized by City's municipal code, camping is prohibited on any public property between the hours of 7:00 am to 8:30 pm.

2.2 Place Regulations. Unless otherwise specifically authorized by City's municipal code or by declaration of the mayor and/or city manager in emergency circumstances, camping is prohibited on City property: (a) not open to the public; (b) within or upon any alley, right-of-way, parking lot/space, cemetery, public park, or school property; (c) within or upon railroad tracks or within fifteen (15) feet of railroad tracks; (d) within one hundred (100) feet of any street in which it is lawful for vehicular travel to exceed twenty-five (25) miles per hour; (e) within twenty-five (25) feet of the public entrance to a business; (f) within ten (10) feet of a public or private driveway; (g) within one hundred (100) feet of City property located within the following zones: (i) RS-50 Single-family Residence; (ii) RD-40 Duplex Residence; (iii) RM-10 High Density, Multi-Family Residence; (iv) R-MH Manufactured Homes Residence; (v) R-MHO Manufactured Home Residence Overlay; (vi) TRO Transitional Residential Overlay; (vii) C-1 Neighborhood Commercial; (h) All City property along (specify area, street, avenue, etc.); (i) All City property along (specify area, street, avenue, etc.); (j) All City property along (specify area, street, avenue, etc.)

2.3 Manner Regulations. At times and locations where camping is permitted under this chapter, the following regulations apply: (a) Camping in a manner that reduces the clear, continuous sidewalk width to less than three (3) feet is prohibited; (b) At no time may huts, lean-tos, shacks, or any other structures, whether constructed with plywood, wood materials, pallets, or other materials, be built or placed on City property by anyone other than the public entity that owns or controls the City property in question. Items such as tents and similar items used for shelter that are readily portable are not prohibited by this section; (c) Individuals engaged in camping are allowed to use a sleeping bag, bedroll, or other material used for bedding purposes as well as materials used to keep warm and dry while sleeping, provided any tent or tarpaulin used to keep warm and dry may not exceed fifty (100) square feet in surface area. A camp or camping must be limited within a spatial footprint of one hundred fifty (150) square feet in surface area. The intent of this section is to allow a person to sleep and maintain the essentials for living, while still maintaining the ability of everyone to use public spaces as designed and intended; (d) Individuals may not accumulate, discard or leave behind garbage, debris, unsanitary or hazardous materials, or other items of no apparent utility in a right-of-way, on City property, or on any adjacent public or private property; (e) Open flames, recreational fires, burning of garbage, bonfires, or other fires, flames, or heating deemed unsafe by _____ Fire and Rescue are prohibited. Some cooking stoves and other means of keeping warm may be permitted, as allowed by _____ Fire and Rescue; (f) Dumping of gray water (i.e., wastewater from baths, sinks, and the like) or black water (i.e., sewage) into any facilities or places not intended for gray water or black water disposal is prohibited. This includes but is not limited to storm drains, which are not intended for disposal of gray water or black water; (g) Unauthorized connections or taps to electrical or other utilities, or violations of building, fire, or other relevant codes or standards, are prohibited; (h) Obstruction or attachment of camp materials or personal property to fire hydrants, utility poles or other utility or public

infrastructure, fences, trees, vegetation, vehicles or buildings is prohibited; (i) Storage of personal property such as vehicle tire, bicycles or associated components (except as needed for an individual's personal use), gasoline, generators, lumber, household furniture, extra propane tanks, combustible material, lumber, or other items or materials, is prohibited, other than what is related to camping, sleeping, or keeping warm and dry; (j) Digging, excavation, terracing of soil, alteration of property or infrastructure, or damage to vegetation or trees is prohibited; (k) Except as expressly authorized by City's municipal code, all persons are prohibited from leaving personal property, including camp facilities and camp paraphernalia, unattended on any City property for more than twenty-four (24) hours; (l) Notwithstanding the provisions of this chapter, the city manager or designee may temporarily authorize camping or storage of personal property on City property by written order that specifies the period of time and location: (i) In the event of emergency circumstances; (ii) In conjunction with a special event permit; or (iii) Upon finding it to be in the public interest and consistent with City council goals and policies.

3. Health and Safety Fee; Fines, Enforcement.

3.1 Health and Safety Fee. Any person who violates any provision of this chapter will be subject to a health and safety fee in an amount not to exceed \$35. Each day a violation is committed or permitted to continue shall be subject to a separate health and safety fee. The purpose of this subsection is to reimburse City for the expense of maintaining a healthy, safe and organized community for the public.

3.2 Fines. A violation of Sections _____ or continued and willful violation of any other provision of this chapter is a Class D violation as defined by ORS 153.008 and 153.012. A Class D violation carries a penalty of up to two-hundred fifty dollars (\$250.00) provided the actual fine imposed will be determined at the discretion of {insert "the municipal court judge" or other judicial body}. A violation is "continued" if the prohibited camping occurs after issuance of the first health and safety fee. A violation is "willful" if the person committing the violation is not currently experiencing homelessness or camps on the same City property after receiving notice that camping is not permitted on that property. For purposes of this subsection, a person is "not currently experiencing homelessness" if the person has the means to pay for and/or free access to indoor shelter.

3.3 Campsite Removal. Upon a determination by enforcement personnel that a camp or camping in violation of this chapter has become an established campsite or in the event that enforcement personnel determine a campsite otherwise in compliance with this chapter endangers public health and safety, the campsite may be removed consistent with this subsection. Upon a determination by enforcement personnel that a camp or camping in violation of this chapter is not an established campsite, the campsite may be removed without complying with subsections _____, but otherwise the removal must comply with subsections _____; (a) Prior to removing personal property from an established campsite or removing personal property unlawfully stored on public rights-of-way or City property, at least 72-hours in advance, the City must post notice at the location that all individuals must leave and all personal property remaining will be removed, and must inform

local agencies that deliver services to homeless individuals that such notice has been posted and the location of the notice. The notice required under this subsection must state the location where removed personal property is being stored and how individuals can contact the City to retrieve their personal property; (b) An established campsite may be removed without posting a 72-hour notice: (i) When there are grounds for law enforcement officials to believe that illegal activity, other than camping, is occurring on the campsite or in the immediate vicinity of the campsite, or the property that comprises the campsite is being used or is intended to be used to commit or facilitate the commission of otherwise illegal activity; or (ii) In the event of an exceptional emergency, such as possible site contamination by hazardous materials or when there is immediate danger to human life or safety; (c) Once the 72-hour notice has been posted, or there are grounds to remove the established campsite without advance notice, the City may act on the notice and remove the campsite beginning 72 hours after posting and for up to ten (10) days following the posting; (d) When removing individuals and property from a campsite, enforcement personnel will make reasonable efforts to remove individuals without the use of force, arrest, or citation. No person may be arrested or cited for failing to move under this chapter prior to being asked by enforcement personnel or other City personnel to move; (e) When removing personal property, the City will make reasonable efforts to determine if the property belongs to an individual and has any apparent utility. Items that are perishable, or that have no apparent use, or that are in an unsanitary condition due to saturation or contamination from bodily fluids, whether human or animal, or other contamination, will be considered garbage, discarded, and need not be stored; (f) Weapons, drug paraphernalia, or other contraband, and items that appear to be either stolen or evidence of a crime shall be given to law enforcement officials; (g) Personal property removed from an established campsite and unclaimed at the time of removal will be stored by the City for a minimum of thirty (30) days, or the duration required by law at the time of the removal. Stored personal property will be reasonably available for any individual claiming ownership. The City will make reasonable efforts to provide a range of times the storage location will be available for people to collect their property. The City may dispose of any personal property that remains unclaimed after thirty (30) days, or such duration as required or allowed by law.

4. City Manager Authority. The city manager may adopt administrative rules to implement any of the provisions of this chapter.

Campsite Removal Policy under ORS 195.500-195.505

1. Intent. City recognizes the social nature of the problem of homeless individuals camping on public property and developed the following policy to ensure the most humane treatment for removal of homeless individuals from campsites on public property.

2. Definitions. Unless otherwise defined in this policy, the following terms have the following meanings.

“Campsite” means any place where one or more persons have established camp facilities and/or camp paraphernalia on public property.

“Camp facilities” include, but are not limited to, tents, huts, temporary shelters, lean-tos, shacks, or any other structures or parts thereof.

“Camp paraphernalia” includes, but is not limited to, tarpaulins, cots, beds, sleeping bags, blankets, mattresses, hammocks, or non-city designated cooking facilities and similar equipment.

“Established campsite” means a campsite in place for over 24 hours.

“Personal property” means any item that can reasonably be identified as belonging to an individual and that has apparent value or utility.

“City property” means all real property, land and public facilities owned, leased (either to City or by City), controlled, or managed by City.

3. Removal/Clearing of Campsites. Any campsite on public property may be cleared and removed, including removal of individuals, camp facilities, camp paraphernalia, and personal property in accordance with the requirements of this policy.

4. Notice Requirements. The following notice requirements and exceptions apply to the removal and clearing of campsites.

4.1 Unestablished Campsites. Notice is not required prior to removal and clearance of a campsite that is not an established campsite.

4.2 Established campsites. At least 72 hours before removing individuals and personal property from an established campsite, law enforcement officials must post a written notice, in English and Spanish, at all entrances to the campsite to the extent that the entrances can reasonably be identified.

4.3 Written Notice Required Contents. The written notice required by this policy must state, at a minimum:

- a. Where unclaimed personal property will be stored;
- b. A phone number that individuals may call to find out where personal property will be stored; or
- c. If a permanent storage location has not yet been determined, the address and phone number of an agency that will have the information when available.

4.4 Exceptions. The following exceptions apply to the 72-hour notice requirement.

- a. The 72-hour notice requirement does not apply:
 - i. When there are grounds for law enforcement officials to believe that illegal activities other than camping are occurring at an established campsite.
 - ii. In the event of an exceptional emergency at an established campsite, including, but not limited to, possible site contamination by hazardous materials, a public health emergency or other immediate danger to human life or safety.
- b. If a funeral service is scheduled with less than 72-hours' notice at a cemetery at which there is a campsite, or a campsite is established at a cemetery less than 72 hours before the scheduled service, the written notice required under this policy may be posted at least 24 hours before removing homeless individuals from the campsite.

4.5 Communication with Local Agencies. When a 72-hour notice is posted, law enforcement officials must inform the local agency that delivers social services to homeless individuals as to where the notice has been posted. The local agency may arrange for outreach workers to visit the campsite that is subject to the notice to assess the need for social service assistance in arranging shelter and other assistance.

5. Personal Property. The following requirements apply to personal property located at a campsite upon removal or clearance of a campsite.

5.1 Custodian of Unclaimed Personal Property. All personal property at a campsite that remains unclaimed after removal/clearing, whether notice is required under this policy or not, must be given to:

- a. a law enforcement official;
- b. a local agency that delivers social services to homeless individuals;
- c. an outreach worker;
- d. a local agency official; or
- e. a person authorized to issue a citation for unlawful camping under state law, administrative rule or city or county ordinance.

5.2 Storage Location. Unclaimed personal property must be stored in a facility located in the same community as the campsite from which it was removed.

5.3 Trash/Rubbish. Items that have no apparent value or utility or are in an unsanitary condition may be immediately discarded upon removal of the homeless individuals from the campsite.

5.4 Other Items. Weapons, controlled substances other than prescription medication, and items that appear to be either stolen or evidence of a crime must be given to or retained by law enforcement officials.

6. Storage of Unclaimed Personal Property. Unclaimed personal property removed from campsites must be stored in the following manner.

6.1 Organization. Unclaimed personal property must be stored in an orderly fashion, keeping items that belong to an individual together to the extent that ownership can reasonably be determined. Unclaimed personal property must be stored in a manner in which it is possible to identify the date the property was removed and location where the property was removed.

6.2 Duration. Unclaimed personal property must be stored for a minimum of 30 days during which it must be reasonably available to any individual claiming ownership. Any personal property that remains unclaimed after 30 days may be disposed of or donated to a corporation described in section 501(c)(3) of the Internal Revenue Code as amended and in effect on December 31, 2020.

7. Evaluation of Removal of Individuals. Following the removal of homeless individuals from a campsite on public property, law enforcement officials, local agency officials and outreach workers may meet to assess the notice and removal policy, to discuss whether the removals are occurring in a humane and just manner and to determine if any changes to this policy are needed.

8. Prohibition on Citations in Limited Circumstances. A person authorized to issue a citation for unlawful camping under state law, administrative rule or city or county ordinance may not issue the citation if the citation would be issued within 200 feet of a notice required by this policy and within two hours before or after the notice was posted.

9. Preemption. Any city law or policy that offers greater protections to homeless individuals subject to removal from an established campsite preempts contrary provisions of this policy.

BURNS

AN ORDINANCE OF THE CITY OF BURNS, OREGON,
ADDING TITLE _____ TO THE CODE OF BURNS, ESTABLISHING CAMPING
REGULATIONS, DEFINITIONS, TEMPORARY CAMPING PROGRAM, PROHIBITED
CAMPING, PENALTIES AND ENFORCEMENT

WHEREAS, the City Council is interested in creating a Camping Ordinance in the City of Burns,
Oregon.

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

SECTION 1: Title ____ of the Burns Municipal Code is hereby created and added to read:

TITLE ____ CAMPING REGULATIONS

____. Title and purpose.

The title of this chapter shall be known as the "City of Burns, Oregon, camping regulations." The purpose of this chapter is to protect the safety of citizens and regulate use of publicly owned property by establishing time, manner, and place guidelines.

____. Definitions.

For the purpose of this chapter, the following definitions shall apply unless the content clearly indicates or requires different meaning:

- A. "Camp" or "camping" means to pitch, erect, create, use, or occupy camp facilities for the purposes of habitation, as evidenced by the use of camp paraphernalia.
- B. "Camp facilities" include, but are not limited to, tents, huts, temporary shelters, or vehicles.
- C. "Camp paraphernalia" includes, but is not limited to, tarpaulins, cots, beds, sleeping bags, blankets, mattresses, hammocks, or outdoor cooking devices or utensils and similar equipment.
- D. "Campsite" means any place where one or more persons have established temporary Sleeping accommodations by use of camp facilities and/or camp paraphernalia.
- E. "City manager" means the Burns City Manager, or the city manager's designee.
- F. "Family" means two or more persons related by blood, marriage, adoption, legal guardianship, or other duly authorized custodial relationship, or not more than two unrelated adults.
- G. "Motor vehicle" has the meaning given that term in ORS 801 360.
- H. "Park areas" has the meaning of all public parks in the City of Burns.
- I. "Parking lot" means a developed location that is designated for parking motor vehicles, whether developed with asphalt, concrete, gravel, or other material.
- J. "Prohibited campsite" means any campsite not authorized under the Burns Municipal Code.
- K. "Public owned property" means any real property or structures owned, leased, or managed by the city or other government agency including public rights-of-way.
- L. "Public rights-of-way" has the meaning set forth in Burns Municipal Code Chapter 12

- M. "Recreational fire" means a fire for the cooking of food, warmth, fellowship or ceremonial purposes.
- N. "Recreational vehicle" has the meaning given that term in ORS 174.101.
- O. "Solid waste" means any garbage, trash, debris, yard waste, food waste, or other discarded materials.
- P. "Solid waste disposal services" means contracted solid waste collection service for a campsite with the city's exclusive franchisee for the collection of solid waste.
- Q. "Store" or "storage" means to put aside or accumulate for use when needed, to put for safekeeping, to place or leave in a location.
- R. "Street" means any highway, lane, road, street, right-of-way, alley, and every way or place in the City of Burns that is publicly owned or maintained for public vehicular travel.
- S. "Time of allowed occupancy" meaning times one hour after sunrise, to one hour before sunset.

 . Temporary Private Property Camping

- A. With written authorization of the private property owner of the property:
- (a) Up to three total motor vehicles or tents, in any combination, may be used for camping in any parking lot on the following types of property:
 - (1) Real property developed and owned by a religious institution, place of worship, regardless of the zoning designation of the property;
 - (2) Real property developed with one or more buildings occupied and used by any organization or business primarily for nonprofit, commercial or industrial purposes.
- B. Up to one family may use a residentially zoned property developed with an occupied residential dwelling, with further authorization from property owner and tenants of the property, for camping by using a tent to camp in the backyard of the residence, as long as the backyard is enclosed by a fence.
- C. A property owner who authorizes any person to camp on a property pursuant to subsection (A) and (B) of this section must:
- (a) Provide or make available sanitary facilities; (i.e., including toilets, wash facilities, and drinking water facilities).
 - (b) Provide garbage disposal services so that there is no accumulation of solid waste on the site;
 - (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 residential backyard to be not less than five feet away from any property line; and
 - (e) Not require or accept the payment of any monetary charge nor performance of any valuable service in exchange for providing the authorization to camp on the property; provided, however, that nothing in this section will prohibit the property owner from requiring campers to perform services necessary to maintain safe, sanitary, and habitable conditions at the campsite.
- D. A property owner who permits camping pursuant to subsection (1) of this section may revoke that permission at any time and for any reason.
- E. Notwithstanding any other provision of this chapter, the city manager or their designee may:

(a) Revoke the right of any person to authorize camping on property described in subsection A of this section upon finding that any activity occurring on that property by the camper(s) 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 or family to camp overnight on city-owned property upon finding that the person or family member has violated any applicable law, ordinance, rule, guideline or agreement, or that any activity occurring on that property by a camper(s) is incompatible with the use of the property or adjacent properties.

F. Any person whose authorization to camp on property has been revoked pursuant to subsections (3) and (4) of this section must vacate and remove all belongings from the property within four hours of receiving such notice.

G. All persons participating in the temporary camping program described in this section do so at their own risk, and nothing in this code creates or establishes any duty or liability for the city or its officers, employees or agents, with respect to any loss related to bodily injury (including death) or property damage.

. Temporary Public Camping

A. At times and locations where camping is permitted under this chapter, the following regulations apply:

(a) Camping in a manner that reduces the clear, continuous sidewalk width to less than three (3) feet is prohibited;

(b) At no time may huts, lean-tos, shacks, or any other structures, whether constructed with plywood, wood materials, pallets, or other materials, be built or placed on City property by anyone other than the public entity that owns or controls the City property in question. Items such as tents and similar items used for shelter that are readily portable are not prohibited by this section;

(c) Individuals engaged in camping are allowed to use a sleeping bag, bedroll, or other material used for bedding purposes as well as materials used to keep warm and dry while sleeping, provided any tent or tarpaulin used to keep warm and dry may not exceed fifty (100) square feet in surface area. A camp or camping must be limited within a spatial footprint of one hundred fifty (150) square feet in surface area. The intent of this section is to allow a person to sleep and maintain the essentials for living, while still maintaining the ability of everyone to use public spaces as designed and intended;

(d) Individuals may not accumulate, discard or leave behind garbage, debris, unsanitary or hazardous materials, or other items of no apparent utility in a right-of-way, on City property, or on any adjacent public or private property;

(e) Open flames, recreational fires, burning of garbage, bonfires, or other fires, flames, or heating deemed unsafe by the Burns Fire Department are prohibited. Some cooking stoves and other means of keeping warm may be permitted, as allowed by the Burns Fire Department;

(f) Dumping of gray water (i.e., wastewater from baths, sinks, and the like) or black water (i.e., sewage) into any facilities or places not intended for gray water or black water disposal is prohibited. This includes but is not limited to storm drains, which are not intended for disposal of gray water or black water;

(g) Unauthorized connections or taps to electrical or other utilities, or violations of building, fire, or other relevant codes or standards, are prohibited;

(h) Obstruction or attachment of camp materials or personal property to fire hydrants, utility poles or other utility or public infrastructure, fences, trees, vegetation, vehicles or buildings is prohibited;

(i) Storage of personal property such as vehicle tires, bicycles or associated components (except

as needed for an individual's personal use), gasoline, generators, lumber, household furniture, extra propane tanks, combustible material, lumber, or other items or materials, is prohibited, other than what is related to camping, sleeping, or keeping warm and dry;

(j) Digging, excavation, terracing of soil, alteration of property or infrastructure, or damage to vegetation or trees is prohibited;

(k) Except as expressly authorized by

City's municipal code, all persons are prohibited from leaving personal property, including camp facilities and camp paraphernalia, unattended on any City property for more than twenty-four (24) hours;

(l) Notwithstanding the provisions of this chapter, the city manager or designee may temporarily authorize camping or storage of personal property on City property by written order that specifies the period of time and location:

- (1) In the event of emergency circumstances;
- (2) In conjunction with a special event permit;
- (3) or Upon finding it to be in the public interest and consistent with City council goals and policies.

. **Prohibited camping.**

A. Except as expressly authorized by the Burns Municipal Code, at all times it is unlawful for any persons to establish or occupy a campsite on the following city property:

- (a) All Park areas;
- (b) All publicly owned or maintained parking lots; and
- (c) All publicly owned or maintained restrooms; and
- (d) All publicly owned property located within and adjacent to the following residential zoning districts:
 - (1) Low density residential (R1)
 - (2) Medium density residential (R2)
 - (3) High Density Residential (R3)
 - (4) Resort Residential (RR)
 - (5) Residential Commercial (RC)
- (e) All publicly owned property along HWY 20; and
- (f) All publicly owned property along HWY 78; and
- (g) All publicly owned property that is used for water or sewage works; and
- (h) All publicly owned property that is utilized by The City of Burns Cemetery.

B. Except as expressly authorized by the Burns Municipal Code, it shall be unlawful for any person to camp or maintain a campsite on any publicly owned property outside the time of allowed occupancy.

C. Except as expressly authorized by the Burns Municipal, it shall be unlawful for any person to store personal property, including camp facilities and camp paraphernalia, on any public property outside the time of allowed occupancy.

D. Except as expressly authorized by the Burns Municipal Code or special permit, it shall be unlawful to have a recreational fire on public property. Warming fires may only be used from the month of _____ to _____, as long as there is no fire hazard, in areas specified by the city.

E. A person or persons camping in a vehicle or recreational vehicle must adhere to parking regulations, Code of Burns Chapter 10, and public right-of-way regulations, Code of Burns Chapter 12.

F. Notwithstanding the provisions of this chapter, the city manager or designee may temporarily authorize camping or storage of personal property on public property by written order that specifies the period of time and location:

(a) In the event of emergency circumstances;

(b) In conjunction with a special event permit; or

(c) Upon finding it to be in the public interest and consistent with council goals and policies.

The city manager may adopt administrative rules to implement any of the provisions of this chapter.

____.____ Penalties and enforcement.

A. Violation of any provisions of the Burns Municipal Code _____.____ is a Class D violation pursuant to ORS 153.012. Each day that a violation occurs will be considered a separate offense.

B. Violation of any provisions of the Burns Municipal Code _____.____ is a Class D violation and may result also in a violation of Oregon Revised Statutes.

C. 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 public nuisance and may be abated as such.

SECTION 2: Ordinance ____-____ will take effect on the _____ day after its adoption.

ADOPTED by the City Council of the City of Burns on this ____ day of _____, 2021 by the following roll call vote:

YEAS:

NAYS:

ABSTAIN:

ABSENT:

SUBMITTED to and **APPROVED** by the Mayor on this day of _____, 2023,

Jerry Woodfin, MAYOR

ATTEST: Nancy Gardner, City Manager



EXECUTIVE ORDER NO. 23-03

DIRECTING STATE AGENCIES TO PRIORITIZE REDUCING HOMELESSNESS

On January 10, 2023, the Governor issued Executive Order No. 23-02, which declared a state of emergency in the following federally designated continuum of care regions across the state: Eugene, Springfield/Lane County; Portland, Gresham/Multnomah County; Medford, Ashland/Jackson County; Central Oregon; Salem/Marion, Polk Counties; Hillsboro, Beaverton/Washington County, and Clackamas County, hereafter the “emergency areas” due to a significant increase in unsheltered homelessness in these areas since 2017 and directed certain state agencies to take specific actions to immediately reduce unsheltered homelessness and its impacts. Executive Order No. 23-02 calls for a reduction in the total number of people experiencing unsheltered homelessness in emergency areas.

Working in tandem with Executive Order No. 23-02, this Executive Order No. 23-03 instructs state agencies to prioritize reducing both sheltered and unsheltered homelessness in all areas of the state—not solely those in which a state of emergency has been declared—using their existing statutory authorities. Although the significant increase in unsheltered homelessness constitutes an emergency in specific geographic areas, homelessness is a significant issue across the State of Oregon. The number of individuals experiencing homelessness has increased by almost forty percent across the State since 2017. According to the 2022 Point in Time Count, an estimated 18,000 individuals were experiencing homelessness and the Point in Time Count is an underestimate of total need. In terms of the total number of people experiencing homelessness, approximately 4,000 of those 18,000 individuals reside in the Balance of State continuum of care, which was not designated an emergency area, and spans across Eastern Oregon, parts of the Columbia River Gorge, portions of Southern Oregon, and the Southern Coast.

NOW THEREFORE, IT IS HEREBY DIRECTED AND ORDERED THAT:

1. From the date of this Executive Order, all executive state agencies not headed by an elected official as directed by the Governor or her delegate:
 - a. Expansion of services. Exercise any and all authority and discretion vested in the state agency by law to expand low-barrier shelter, rehouse people experiencing homelessness, and prevent homelessness.



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- b. Expedite agency processes. Prioritize and expedite any processes and procedures, including but not limited to rule making processes, that may be used, consistent with each state agency's authority and other pertinent laws to reduce or prevent homelessness. Each agency shall provide an initial report to the Governor no later than March 31, 2023, describing the processes and procedures that it has available to expand low-barrier shelter, and reduce or prevent homelessness, including a description of how it has and will expedite implementation of such processes and procedures.
 - c. Agency decisions. As consistent with each agency's authorities, prioritize reduction and prevention of homelessness in their planning, budgets, investments, and policy making decisions.
 - d. Procurement and legal sufficiency exemptions. For purposes of an emergency exemption from competitive procurement requirements an emergency exists as that term is defined in ORS 279A.010(1)(f). For the purposes of an emergency exemption from legal sufficiency review requirements under ORS 291.047(5)(b) and OAR 137-045-0070, an emergency exists. Reliance on such exemptions to address the emergency shall be at the direction of the Governor or her delegatee.
 - e. Participation in interagency council on homelessness. The Governor's Office will continue the interagency council on homelessness to develop strategies to guide the state response to homelessness.
2. Discretion; No Right of Action. Any decision made by the Governor pursuant to this Executive Order is made at her sole discretion. This Executive Order is not intended to create, and does not create, any individual right, privilege, or benefit, whether substantive or procedural, enforcement at law or in equity by any party against the State of Oregon, its agencies, departments, or any officers, employees, or agents thereof.
3. Severability. If any portion of this Executive Order is held by a court of competent jurisdiction to be invalid, all remaining portions of this Executive Order shall remain in effect.



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4. Duration. This Executive Order is effective immediately and shall remain in effect until January 10, 2024, unless extended or terminated earlier by the Governor. The Governor shall reassess the necessity of this Executive Order every two months and shall retain, modify, or supplement it as circumstances warrant.

Done at Salem, Oregon, this 10th day of January, 2023.




Tina Kotek
GOVERNOR

ATTEST:


Shemia Fagan
SECRETARY OF STATE



EXECUTIVE ORDER NO. 23-02

DECLARING STATE OF EMERGENCY DUE TO HOMELESSNESS

Over the past six years, the number of people experiencing homelessness in Oregon has increased by 63%. The 2022 Point in Time count, an estimate of the number of people experiencing homelessness that is conducted every other year as required by the US Department of Housing and Urban Development, found at least 18,000 individuals experiencing homelessness across the state. From 2017 to 2022, there was a particularly dramatic increase in those who were experiencing unsheltered homelessness. For purposes of this order, “unsheltered homelessness” describes a person who resides in a place not meant for human habitation, including but not limited to cars, parks, sidewalks, abandoned buildings, and streets. Currently, across the state, about 62% of those who are experiencing homelessness are unsheltered. Oregon has the fourth-highest rate of unsheltered homelessness in the country and the highest rate of unsheltered homelessness for families with children.

The federal government created the Continuum of Care program to promote a community-wide commitment to end homelessness. The program provides funding to state and local governments and nonprofits to rehouse and provide services to people experiencing homelessness. The federal government has recognized eight continuums of care across the State of Oregon, covering the entire geography of the state. These continuum of care regions directly receive federal resources to address homelessness. Continuums of care play a key role in coordinating funding and services across their service areas to advance the goal of ending homelessness in each region. Oregon’s eight continuum of care regions are: Eugene, Springfield/Lane County; Portland, Gresham/Multnomah County; Medford, Ashland/Jackson County; Central Oregon; Salem/Marion, Polk Counties; Hillsboro, Beaverton/Washington County; Clackamas County; and the Balance of State. Three continuum of care regions are located within the Portland Metro region: Portland, Gresham/Multnomah County; Hillsboro, Beaverton/Washington County; and Clackamas County (collectively, the “Metro region”). For the purposes of evaluating changes in unsheltered homelessness over time, the data for the Metro region has been combined for reporting in this Executive Order.

Four continuum of care regions and the Metro region have experienced an increase in unsheltered homelessness of 50% or more from 2017 to 2022:

- Metro region Continuums of Care¹ (50.4%);
- Central Oregon (86%);

¹ Portland, Gresham/Multnomah, Hillsboro, Beaverton/Washington County, and Clackamas County.



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- Eugene, Springfield/Lane County (110%);
- Medford, Ashland/Jackson County (132%); and
- Salem/Marion, Polk Counties (150%).

Homelessness in Oregon has caused and is threatening to cause widespread injury to people and property, widespread human suffering, and widespread financial loss.

In terms of widespread injury to property, local jurisdictions and businesses have spent and continue to spend significant resources to address the impact of people experiencing unsheltered homelessness. Examples include, but are not limited to, picking up and disposing of debris, garbage, waste, and biohazards to restore land to its intended public use.

Above all, unsheltered homelessness leads to widespread human suffering. According to the United Nations Human Rights Office of the High Commissioner: “Homelessness is a profound assault on dignity, social inclusion and the right to life. It is a *prima facie* violation of the right to housing and violates a number of other human rights in addition to the right to life, including non-discrimination, health, water and sanitation, security of the person and freedom from cruel, degrading and inhuman treatment.”² Undoubtedly, people experiencing unsheltered homelessness are suffering most acutely, but Oregonians with housing also suffer significant moral injury as a result of the crisis of homelessness in our state. As defined by Syracuse University, moral injury means “the damage done to one’s conscience or moral compass when that person perpetrates, witnesses, or fails to prevent acts that transgress one’s own moral beliefs, values, or ethical codes of conduct.”³

Oregonians are gravely concerned about homelessness across our state. According to a survey conducted by the Oregon-based, nonpartisan Oregon Values and Beliefs Center in September 2022, respondents identified homelessness as a top priority. Homelessness was also the top issue in local and statewide elections

² United Nations Office of the High Commissioner, *Homelessness and Human Rights Special Rapporteur on the Right to Adequate Housing*, December 26, 2019, <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G19/353/90/PDF/G1935390.pdf?OpenElement> (accessed January 7, 2023).

³ *What is Moral Injury*, <https://moralinjuryproject.syr.edu/about-moral-injury/> (accessed January 7, 2023).



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in 2022, reflecting the widespread concern Oregonians have about homelessness in the State.

ORS 401.165 *et seq.* empowers the Governor to declare a state of emergency upon determining that an emergency has occurred or is imminent. Pursuant to that authority, I find that unsheltered homelessness in the continuum of care regions for Eugene, Springfield/Lane County; Portland, Gresham/Multnomah County; Medford, Ashland/Jackson County; Central Oregon; Salem/Marion, Polk Counties; Hillsboro, Beaverton/Washington County; and Clackamas County (collectively, “emergency areas”), has caused and is threatening to cause widespread injury to people and property, widespread human suffering, and widespread financial loss and thus constitutes an emergency under ORS 401.025(1).

To reduce homelessness and its impacts, this declaration of emergency is necessary to rapidly expand the state’s low-barrier shelter capacity, to rehouse people experiencing unsheltered homelessness, and to prevent homelessness to the greatest extent possible. This Executive Order directs the state’s emergency management response capacity and an initial infusion of targeted funding and other resources that will meaningfully reduce the level of unsheltered homelessness in Oregon, while establishing a framework to support the continued reduction of homelessness in the long term, even after the state of emergency has ended.

NOW THEREFORE, IT IS HEREBY DIRECTED AND ORDERED THAT:

There is a state of emergency in the emergency areas due to unsheltered homelessness. I declare this emergency for these areas because they have experienced an increase in unsheltered homelessness of 50% or greater since 2017.

1. Oregon Department of Emergency Management (OEM). OEM shall activate the State’s Emergency Operations Plan and coordinate access to and use of personnel and equipment of all state agencies necessary to assess, alleviate, respond to, mitigate, or recover from this emergency.
 - a. OEM coordination efforts shall include, but not be limited to:
 - i. Activating the Comprehensive Emergency Management Plan in the emergency areas.



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- ii. Establishing a multiagency coordination (MAC) team in the tri-county Metro region to be led by the Governor or her designee.
 - iii. Coordinating with local jurisdictions in emergency areas to determine unmet needs.
 - iv. Providing technical assistance support to establish MAC teams in the emergency areas.
 - v. Providing additional support and capacity to local jurisdictions to address emergency management gaps to the greatest extent possible.
 - vi. Coordinating an inventory of vacant and surplus lands owned by state agencies and agency recommendations regarding suitability of inventoried land for use in responding to the emergency.
 - b. In conformance with the Comprehensive Emergency Management Plan and ORS chapter 401, state agencies are directed to provide any assistance and supports requested by OEM as needed to assist in the response to this emergency.
 - c. Any local government requests for state resources to respond to or recover from this emergency must be submitted through county or city governing bodies to OEM, in compliance with ORS 401.165(2).
2. Oregon Housing and Community Services (OHCS). OHCS, in coordination with any executive state agencies necessary, shall repurpose up to \$40 million in funds appropriated to OHCS for the 2021-2023 biennium to respond to the emergency, as further directed by me or my delegate.
3. Executive State Agencies.
- a. As necessary to respond to the emergency, all executive state agencies are authorized, upon further direction from me and my office, to take any actions authorized under the provisions set forth in ORS 401.168 through ORS 401.192.



EXECUTIVE ORDER NO. 23-02

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- b. For purposes of an emergency exemption from competitive procurement requirements, an emergency exists as that term is defined in ORS 279A.010(1)(f), Reliance on such an exemption to address the emergency shall be at the direction of the Governor or her delegee.
 - c. For purposes of an emergency exemption from legal sufficiency review requirement under ORS 291.047(5)(b) and OAR 137-045-0070, an emergency exists. Reliance on such an exemption to address the emergency shall be at the direction of the Governor or her delegee.
- 4. Discretion; No Right of Action. Any decision made by the Governor pursuant to this Executive Order is made at her sole discretion. This Executive Order is not intended to create, and does not create, any individual right, privilege, or benefit, whether substantive or procedural, enforcement at law or in equity by any party against the State of Oregon, its agencies, departments, or any officers, employees, or agents thereof.
- 5. Delegation. Where this Executive Order delegates the Governor's authority to an agency, that delegation does not deprive the Governor of that authority.
- 6. Legal Effect. This Executive Order is issued under the authority conferred on the Governor by ORS 401.035, ORS 401.165 to 401.236, and ORS 401.525. Pursuant to ORS 401.192, this Executive Order and the actions taken pursuant to it have the full force and effect of law, and any existing laws, ordinances, rules, and orders shall be inoperative to the extent they are inconsistent with this exercise of the Governor's emergency powers.
- 7. Severability. If any portion of this Executive Order is held by a court of competent jurisdiction to be invalid, all remaining portions of this Executive Order shall remain in effect.



EXECUTIVE ORDER NO. 23-02
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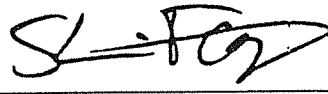
8. Duration. This Executive Order is effective immediately and shall remain in effect until January 10, 2024, unless extended or terminated earlier by the Governor. The Governor shall reassess the necessity of this Executive Order every two months and shall retain, modify, or supplement it as circumstances warrant.

Done at Salem, Oregon, this 10th day of January, 2023.




Tina Kotek
GOVERNOR

ATTEST:


Shemia Fagan
SECRETARY OF STATE

House Bill 3115

Sponsored by Representative KOTEK

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure as introduced.

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. Creates affirmative defense to charge of violating such local law that law is not objectively reasonable. Creates cause of action for person experiencing homelessness to challenge objective reasonableness of such local law. Authorizes court to award attorney fees to prevailing plaintiff in such suit in certain circumstances.

Declares emergency, effective on passage.

A BILL FOR AN ACT

Relating to the regulation of public property with respect to persons experiencing homelessness; and declaring an emergency.

Be It Enacted by the People of the State of Oregon:

SECTION 1. (1) As used in this section:

(a) "City or county law" does not include policies developed pursuant to ORS 203.077 or 203.079.

(b)(A) "Keeping warm and dry" means using measures necessary for an individual to survive outdoors given the environmental conditions.

(B) "Keeping warm and dry" does not include using any measure that involves fire or flame.

(c) "Public property" has the meaning given that term in ORS 131.705.

(2) Any city or county law that regulates the acts of sitting, lying, sleeping or keeping warm and dry outdoors on public property that is open to the public must be objectively reasonable as to time, place and manner with regards to persons experiencing homelessness.

(3) It is an affirmative defense to a charge of violating a city or county law described in subsection (2) of this section that the law is not objectively reasonable.

(4) A person experiencing homelessness may bring suit for injunctive or declaratory relief to challenge the objective reasonableness of a city or county law described in subsection (2) of this section. The action must be brought in the circuit court of the county that enacted the law or of the county in which the city that enacted the law is located.

(5) For purposes of subsections (2) and (3) of this section, reasonableness shall be determined based on the totality of the circumstances, including, but not limited to, the impact of the law on persons experiencing homelessness.

(6) In any suit brought pursuant to subsection (4) of this section, the court, in its discretion, may award reasonable attorney fees to a prevailing plaintiff if the plaintiff:

(a) Was not seeking to vindicate an interest unique to the plaintiff; and

(b) At least 90 days before the action was filed, provided written notice to the governing

NOTE: Matter in boldfaced type in an amended section is new; matter [italic and bracketed] is existing law to be omitted. New sections are in boldfaced type.

1 body of the city or county that enacted the law being challenged of an intent to bring the
2 action and the notice provided the governing body with actual notice of the basis upon which
3 the plaintiff intends to challenge the law.

4 (7) Nothing in this section creates a private right of action for monetary damages for any
5 person.

6 SECTION 2. Section 1 of this 2021 Act becomes operative on July 1, 2023.

7 SECTION 3. This 2021 Act being necessary for the immediate preservation of the public
8 peace, health and safety, an emergency is declared to exist, and this 2021 Act takes effect
9 on its passage.

10

HARNEY COUNTY VETERINARY CLINIC

DR. MASIE A. CUSTIS, DVM

1050 CRANE BLVD, BURNS OR 97720

(541) 573-6450



February 16, 2023

City of Hines
PO Box 336
Hines, OR 97738

RE: City of Hines Impound Agreement

To Whom It May Concern:

Per Ryan —
increase impound
fee to \$150
per dog.



I have attached the current revised City of Hines Impound Agreement and Special Hold Agreement.

Two points to note within the Impound Agreement are item #14 and #15.

- Item #14: Due to the rising cost of employees, food, and utilities, I have been forced to reexamine my fees for impounded animals. The fee has increased to \$75.00 for any animal impounded for more than 8 hours or with an overnight stay.
- Item #15: For all animals impounded for less than 8 hours (animal must come and go within the same business day, with no overnight stay), the city will pay \$35.00 per animal.

Please return the signed contract and questionnaire by March 15, 2023. Your contract will be cancelled and access to Harney County Veterinary Clinic, for impounded animals, will be denied if not returned signed by this date. Please notify myself if approval of this contract will be delayed for any reason or if amendments are requested.

After reviewing the attached agreements, please feel free to contact me with any questions or concerns.

Sincerely,

Masie A. Custis, DVM,
Owner/Veterinarian
Harney County Veterinary Clinic

HARNEY COUNTY VETERINARY CLINIC

DR. MASIE A. CUSTIS, DVM

1050 CRANE BLVD, BURNS OR 97720

(541) 573-6450



CITY OF HINES IMPOUND AGREEMENT AS OF FEBRUARY 16, 2023

This agreement, entered into this 16th of February 2023, by and between the City of Hines, Hines, Harney County, Oregon, hereinafter referred to as the City, and Harney County Veterinary Clinic, Burns, Oregon hereinafter referred to as HCVC.

WITNESSETH

Whereas the City desires to utilize the facilities at HCVC as a pound, and further, to contract HCVC on a monthly basis for supervising the animals placed in the pound on behalf of the City;

Therefore the parties agree as follows:

1. HCVC agrees to provide boarding for all dogs impounded by the City for a period not to exceed five (5) HCVC business days and not to include the day of admittance.
2. HCVC will not admit any impound without approval from the City in the form of admittance by an officer of the City or via phone approval thru dispatch.
3. HCVC shall return all dogs to their owners:
 - A. When the owner can exhibit proof of current rabies vaccination. If the animal is not up-to-date on its rabies vaccination, the animal, if more than 12 weeks of age, must be vaccinated prior to leaving HCVC (as per Oregon Administrative Rules Division 19 § 333-019-0017).
 - AND**
 - B. When the owner can exhibit proof that any fee imposed by the City has been paid and/or the dog's release permitted.
4. No dog will be released from HCVC without a current rabies vaccination or proof thereof. The only exceptions are animals less than 12 weeks of age or animals deemed not healthy enough to receive a vaccination.
5. Any dog not claimed by the end of the impound period stated in section (1), may be adopted by a new owner or organization upon payment, by that adoptee, to the City, any fee imposed by the City; and upon payment, by the adoptee, to HCVC any fee imposed by HCVC.
6. HCVC shall humanely euthanize any sick or injured dog within a reasonable period of time (24 hours or less) to alleviate any undue suffering. The City will be notified this action is necessary prior to euthanasia. No animal will be allowed to suffer while on HCVC property.

7. Any dog not claimed by the owner or adopted by the end of the impound period stated in section (1), will be promptly humanely euthanized and disposed of.
8. The City will be provided with the combination to the hide-a-key to the impound facility.
 - a. The City will have 24-hour access to the impound facility with no access to the clinic proper or supplies.
 - b. It is the responsibility of the City to ensure that the impound facility is locked and secured when the officer leaves the premises.
 - c. The City will be responsible for any loss or damage to the impound facility and attached veterinary clinic if the facility is not properly locked up and secured.
 - d. The City is responsible for the safe keeping of the provided key.
 - e. Should the key become lost – it will be the responsibility of the City to cover the cost of replacing the lock at HCVC.
 - f. Should the key become lost – the clinic is to be informed immediately.
 - g. No further impounds will be received from the City until the lock has been changed and a new key has been issued.
9. HCVC will keep the impound facility open only during the regular hours of HCVC.
10. All animals impounded during regular business hours, must be brought to the attention of the front office staff, by the admitting officer, at the time of admittance.
11. No dog is to be released from the impound facility outside of the regular business hours of HCVC at any time.
12. No dog is to be released from the impound facility by the City.
13. For all animals impounded for more than 8 hours or with an overnight stay, the City will pay HCVC the sum of \$75.00 per dog. This fee is to cover the days of care for the impounded animal including examination on arrival, feeding, watering, exercising twice daily, maintaining clean and safe accommodations, and advertising impounded animals. (*This fee reflects a 45% discount.*)
14. For all animals impounded for less than 8 hours (animal must come and go within the same business day, with no overnight stay), the City will pay HCVC the sum of \$35.00 per dog. This fee is to cover care for the impounded animal including examination on arrival, watering and cleaning of accommodations, and advertising impounded animals. (*This fee reflects a 37% discount.*)
15. Should the doctor on-call be called in by the City, outside of regular veterinary clinic business hours, for any reason (including but not limited to impoundment of an animal, special circumstance impound release, or treatment of an injured animal) – the City will be charged an out-of-hours emergency fee plus any service fees incurred during this call.
16. No veterinary care will be provided to an impounded animal without the prior approval of the City (with the exception of Section 6). All fees incurred for veterinary care provided will be the responsibility of the City.
17. There will be additional fees imposed for veterinarian services rendered during and after regular business hours or for services rendered in addition to regular impoundment service.
18. Harney County Veterinary Clinic will not collect impound fees for the City.
19. Rabies observation, dangerous, and inmate hold animals are not included under this impoundment agreement. Please refer to HCVC's "Special Hold Agreement".

- 20. This contract will be automatically renewed yearly unless either HCVC or the City indicates renegotiation of some term is requested.
- 21. It is understood by both parties hereto that the City will not be liable in any way for the operations conducted by Harney County Veterinary Clinic.
- 22. Either party can terminate this agreement with a written 45-day notice to the other party.

City of Hines

Date

City of Hines Attest

Date

Harney County Veterinary Clinic

Date

Masie A. Custis, DVM

Harney County Veterinary Clinic Witness

Date

HARNEY COUNTY VETERINARY CLINIC

DR. MASIE A. CUSTIS, DVM

1050 CRANE BLVD, BURNS OR 97720

(541) 573-6450



Boarding Fees as of February 16, 2023

For dogs, cats, small mammals, birds, or reptiles

Animals weighing 0-30 pounds **\$16.00** per animal per day

Animals weighing 31-59 pounds **\$18.00** per animal per day

Animals weighing 60+ pounds **\$20.00** per animal per day

See attached "Boarding Admission Form" for boarding vaccination requirements and external parasite requirements. The out-of-hours release times for boarders do not apply to animals covered under Harney County Veterinary Clinic's Special Hold Agreement.

Boarding fees are subject to change at any time.

HARNEY COUNTY VETERINARY CLINIC

DR. MASIE A. CUSTIS, DVM

1050 CRANE BLVD, BURNS OR 97720

(541) 573-6450



IMPOUND AGREEMENT AND SPECIAL HOLD AGREEMENT QUESTIONNAIRE

Please answer the following questions so we can ensure appropriate handling of all impounded animals.

1. Who do we call in order to get authorization to impound an animal during regular business hours?

2. Are citizens required to pay an impound fee to the City prior to release of their impounded animal? (Please circle one) YES NO

3. Is there a fee, to be paid to the City, to adopt an animal that goes unclaimed by the owner? (Please circle one) YES NO

4. If yes to (3.) – does this fee also apply to rescue organizations such as Herd You Need A Home (HUNAH) or Save-A-Stray? (Please circle one) YES NO

HARNEY COUNTY VETERINARY CLINIC

DR. MASIE A. CUSTIS, DVM

1050 CRANE BLVD, BURNS OR 97720

(541) 573-6450



City Of Hines
Special Hold Agreement
As of February 16, 2023

This agreement, entered into this 16th day of February 2023, by and between the City of Hines, Hines, Harney County, Oregon, hereinafter referred to as the City, and Harney County Veterinary Clinic, Burns, Oregon hereinafter referred to as HCVC.

WITNESSETH

Whereas the City desires to utilize the facilities of HCVC for holding animals due to circumstances described below, and further, to contract HCVC on a monthly basis for supervising the animals placed in their facility on behalf of the City;

Therefore the parties agree as follows:

1. HCVC will not admit any Special Hold animals under the City without direct approval from the City.
2. All animals accepted under a Special Hold will be accepted by HCVC only with direct consent from Dr. Masie Custis, DVM.
3. All animals accepted under a Special Hold will require the attached "Special Hold Admittance Form" to be filled out in its entirety on arrival.
4. All animals under a Special Hold are placed as such by the City and the City will be responsible for all incurred costs.
5. HCVC staff will not communicate directly with special hold animal owners or family members in regards to the housing of their animal other than to provide basic housing and care information.
6. HCVC agrees to provide their boarding facility for animals under special hold by the City for the following circumstances:
 - ❖ Rabies Observation:
 - Rabies observation animals are animals that have injured a person and are not current on their Rabies vaccination.
 - These animals will be held at HCVC according to HCVC's Rabies Observation protocol for a period of 10 days.

- The City will pay \$275.00 for animals less than 60 pounds or \$330.00 for animals more than 60 pounds.
 - No animal will be released early from a City mandated Rabies Observation.
 - Once an animal is placed on Rabies Observation, the animal must stay in HCVC's possession for 10 days.
 - At the end of the Rabies Observation period, the animal MUST be Rabies vaccinated at the owners cost.
 - The City will be notified a minimum of 24 hours prior to the animal's release date, what charges were incurred.
 - The owner will be responsible for all charges incurred.
 - If the owner refuses to pay, the City will be charged.
- ❖ Jailed Inmate hold:
- Any animal placed in HCVC's possession because the animal is being "housed" by the City while the owner is incarcerated, for any reason, will be housed by HCVC at the standard current boarding charge.
 - In order to be housed at HCVC, the animal is required to be up-to-date on its Rabies vaccination and if it is not up-to-date, it will be vaccinated at the cost of the owner.
 - The owner will be responsible for all charges incurred.
 - If the owner refuses to pay, the City will be charged.
- ❖ Dangerous Animal hold:
- Dangerous animal holds are animals that have injured a person or other animal that the City has taken possession of due to the animal being under investigation.
 - These animals will be held at HCVC according to HCVC's Rabies Observation protocol.
 - The animal will be held at a fee of \$30.00 per day for less than 60 pounds or \$35.00 for animals more than 60 pounds.
 - No animal will be released from HCVC without the written consent of the City.
 - At the end of the Dangerous Animal hold, the animal MUST be Rabies vaccinated at the owners cost.
 - If the owner refuses to pay, the City will be charged.
 - Animals that can be held on a Dangerous animal hold include: dogs and cats ONLY.
- ❖ Extenuating Circumstances hold:
- Any animal collected by the City due to extenuating circumstances, including but not limited to car accidents with hospitalized owners or vehicle breakdown, will be dealt with on an individual basis and must be approved with direct consent from Dr. Masie Custis, DVM.
7. All other animals requiring special hold by the City but not included in any of the above categories will be dealt with on an individual basis and must be approved with direct consent from Dr. Masie Custis, DVM.
 8. Due to the dangerous and unpredictable nature of the animals covered under this agreement, HCVC assumes no liability for damage caused by these animals. The City assumes all liability for damage caused by these animals.

9. If HCVC deems an animal is too dangerous to be handled by HCVC's staff, HCVC will provide minimal care for this animal as to protect their staff and visitors. HCVC can refuse to house any animal too dangerous to be cared for via direct consent from Dr. Masie Custis, DVM.
 10. HCVC shall return all dogs to their owners:
 - A. When the owner can exhibit proof of current rabies vaccination. If the animal is not up-to-date on its rabies vaccination, the animal, if more than 12 weeks of age, must be vaccinated prior to leaving HCVC (as per Oregon Administrative Rules Division 19 § 333-019-0017).
 - AND**
 - B. When the City provides a written release approval.
 11. No dog will be released from HCVC without a current rabies vaccination or proof thereof. The only exceptions are animals less than 12 weeks of age or animals deemed not healthy enough to receive a vaccination.
1. The City will be provided with the combination to the hide-a-key to the impound facility.
 - a. The City will have 24-hour access to the impound facility with no access to the clinic proper or supplies.
 - b. It is the responsibility of the City to ensure that the impound facility is locked and secured when the officer leaves the premises.
 - c. The City will be responsible for any loss or damage to the impound facility and attached veterinary clinic if the facility is not properly locked up and secured.
 - d. The City is responsible for the safe keeping of the provided key.
 - e. Should the key become lost – it will be the responsibility of the City to cover the cost of replacing the lock at HCVC.
 - f. Should the key become lost – the clinic is to be informed immediately.
 - g. No further impounds will be received from the City until the lock has been changed and a new key has been issued.
 2. HCVC will keep the impound facility open only during the regular hours of HCVC.
 3. No dog on a Special Hold is to be released from HCVC's facility outside of the regular business hours of HCVC at any time.
 4. No dog is to be released from the impound facility by the City.
 5. Should the doctor on-call be called in by the City, outside of regular veterinary clinic business hours for any reason, including but not limited to impoundment of an animal, special circumstance impound release, or treatment of an injured animal – the City will be charged an out-of-hours emergency fee plus any service fee incurred during this call.
 6. No veterinary care will be provided to an impounded animal without the prior approval of the City. All fees incurred for veterinary care provided will be the responsibility of the City.

7. There will be an additional fees imposed for veterinarian services rendered after regular business hours or for services rendered in addition to regular impoundment service.
8. Harney County Veterinary Clinic will not collect City fees for the City.
9. Impounded animals are not included under this Special Hold agreement. Please refer to HCVC's City Impound Agreement.
10. This contract will be automatically renewed yearly unless either HCVC or the City indicates renegotiation of some term is requested.
11. It is understood by both parties hereto that the City will not be liable in any way for the operations conducted by Harney County Veterinary Clinic.
12. Either party can terminate this agreement with a written 45-day notice to the other party.

City of Hines

Date

City of Hines Attest

Date

Harney County Veterinary Clinic

Date

Masie A. Custis, DVM

Harney County Veterinary Clinic Witness

Date

Harney County Veterinary Clinic Special Hold Admittance Form

ADMITTING ENTITY

Circle One: City of Burns City of Hines Harney County Paiute Tribe

Admitting Officer: _____

Officer's Phone Number: _____

Primary Contact: _____

Primary Contact's Phone Number: _____

ANIMAL INFORMATION

Animal's Name: _____

Owner's Name: _____

Owner's Address: _____

Owner's Phone Number: _____

Reason for Special Hold: _____

Length of stay: _____

Method for release: _____

I attest that I am an authorized representative of the above circled entity. I understand that the above listed animal(s) will be housed by Harney County Veterinary Clinic in accordance with the terms of the Harney County Veterinary Clinic Special Hold Agreement.

Officer

Date

Masie A. Custis, DVM

Date