

**BOARD OF COUNTY COMMISSIONERS  
OF BAKER COUNTY**

**IN THE MATTER OF** )  
 )  
**AN ORDINANCE RESTRICTING** )  
**CAMPING ON COUNTY-OWNED** ) **Ordinance 2025-XX**  
**PUBLIC PROPERTY** )  
 )  
 )

**WHEREAS**, Baker County has historically regulated camping on public property at authorized campgrounds and camping spots, through the Baker County Parks Ordinance, No. 2022-03, and has assumed a general prohibition on camping at all times on all other County-owned public property; and

**WHEREAS**, in 2021, the Oregon Legislature passed HB 3115 (later codified as ORS 195.530) requiring any city or county law regulating the act of sitting, lying, sleeping or keeping warm and dry outdoors on public property that is open to the public to be objectively reasonable as to time, place and manner with regards to persons experiencing homelessness; and

**WHEREAS**, like many communities in Oregon, Baker County has experienced an increase in homelessness resulting in some people camping and sheltering outdoors including on public property; and

**WHEREAS**, camping on public property like rights-of-way, parking lots, and sidewalks is inconsistent with the intended use of public property and creates unsafe conditions for campers, pedestrians and motorists, increases trash and litter, increases fire risk through open burning and impedes access and visible sightlines to adjacent roadways and properties; and

**WHEREAS**, the Baker County Board of Commissioners recognizes a need to formally regulate camping on public property that is not a designated campground or designated R.V. space, to protect all users of public property while also taking into account the circumstances of homeless individuals who may be camping on public property, consistent with ORS 195.530; and

**NOW THEREFORE, THE BAKER COUNTY BOARD OF COMMISSIONERS ORDAINS AS FOLLOWS:**

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SECTION 1. This ordinance shall be known as the “Ordinance Restricting Camping on Public Property,” Ordinance No. 2025-XX, including the accompanying Attachment A, which is incorporated herein by reference.

SECTION 2. If any part of this Ordinance, including any part of its attachment, is found to be invalid or unenforceable in any respect for any reason, the validity and enforceability of the remaining provisions of this Ordinance will not in any way be impaired.

SECTION 3. Baker County Counsel’s office is authorized to make any typo correction, spelling, formatting, pagination or similar changes to the text of this Ordinance but may make no substantive changes.

SECTION 4. This Ordinance is adopted pursuant to ORS 203.035, ORS 203.045 and ORS 195.530.

SECTION 5. It being necessary for the immediate preservation of the public health, peace, safety and welfare of the County and its inhabitants, this ordinance is deemed an Emergency Ordinance and shall take effect immediately as prescribed by ORS 203.045(9). The ordinance will become effective immediately after adoption.

ADOPTED BY THE BAKER COUNTY BOARD OF COMMISSIONERS  
on this \_\_\_\_\_ day of \_\_\_\_\_, 2025.

BAKER COUNTY BOARD OF COMMISSIONERS:

\_\_\_\_\_  
Shane Alderson, Commission Chair

\_\_\_\_\_  
Christina Witham, Commissioner

\_\_\_\_\_  
Michelle Kaseberg, Commissioner

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**ATTACHMENT A**

**ARTICLE 1.      PURPOSE & POLICY**

The purpose of this Ordinance is to provide for public safety, to preserve public property for its intended uses, including preserving natural features of public spaces, and to account for circumstances particular to homeless individuals camping on public property. Enforcement of the rules and restrictions established by this Ordinance shall be accomplished in a way that is reasonable with regard to persons experiencing homelessness.

**ARTICLE 2.      DEFINITIONS**

- a. Camp or Camping: To pitch, use or occupy camp materials or a camp for the purpose of occupancy, habitation or sheltering for survival; use of camp materials for sleeping or preparing for sleep, storage of non-hazardous personal belongings, engaging in cooking activities, protecting oneself from the elements (cold and heat), or any of these activities in combination. A “camp” is a location where people camp or are camping.
- b. Camp materials: Materials used for camping. Examples include tents, huts, awnings, lean-tos, chairs, tarps, cots, beds, sleeping bags, blankets, food or food-storage items, or similar items that are used as living or sleeping tools, or to assist with living or sleeping activities in a camp. The term “camp materials” does not include vehicles, automobiles or recreational vehicles.
- c. Camper: An individual occupying a camp, engaged in camping, or using camp materials for living activities, including cooking; or sleeping activities including sitting, sleeping or lying down; or sheltering activities including keeping warm, keeping cool, or keeping dry.
- d. County property: Real property, land and public facilities owned, leased, controlled, or managed by Baker County, including parking lots.
- e. Established Campsite: A location or locations on County-owned public property where camping materials have been set up for 24-hours or more. An established campsite does not include vehicles, automobiles or recreational vehicles.
- f. Graywater: Wastewater from baths, sinks or similar implements.
- g. Homeless person, homeless individual, person experiencing homelessness: A person without access to shelter in a structure designed for and fit for human habitation. For the purpose of this Ordinance the terms person and individual have the same meaning and the terms homeless person, houseless

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person, unhoused person, unsheltered person, person experiencing homelessness or person experiencing houselessness, or similar terms have the same meaning.

- h. Public property: Real property, land and public facilities owned, leased, controlled, or managed by Baker County, not including structures. For the purposes of this ordinance, public property does not include spaces at authorized County-owned campgrounds or R.V. spaces.
- i. Vehicle: Includes personal vehicle or automobile, trailer or R.V.

**ARTICLE 3.        APPLICABILITY**

- a. This Ordinance applies only to the public property owned by Baker County including public property designated as Fair property.
- b. This Ordinance does not apply to property owned by the United States, the State of Oregon or any city, special district or other public body.
- c. This Ordinance does not apply to County-owned public property designated as paid campgrounds or camping spaces, including paid RV spaces at Baker County Fairgrounds. Such property is governed by the Baker County Parks Ordinance (for campgrounds), or Fair property policies and procedures (for Fair property) and the conditions and restrictions under which a paid camping permit is issued.
- d. This Ordinance does not apply to private property.

**ARTICLE 4.        Camping Prohibited on Public Property.**

Except for site-specific authorization by Order, Resolution or other written approval of the Board of Commissioners, or the Baker County Fair Board (for Fair property), no person shall camp or construct shelter to use for camping or habitation, on County-owned property.

Except for site-specific authorization by Order, Resolution or other written approval of the Board of Commissioners, or the Baker County Fair Board (for Fair property) or as otherwise allowed by this Ordinance, use of R.V.'s, trailers and personal vehicles shall be limited to existing parking lots and parking spaces during business hours and may be operated only on established roads.

Baker County Board of Commissioners, or the Baker County Fair Board (for Fair property) may, in its discretion, designate certain public property or portions thereof as areas where camping or using vehicles for sheltering or sleeping may be

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allowed on a limited basis, and may set terms and conditions of any camping or vehicle use. Any use on public property must follow all legally required processes, including, where applicable, County land use and/or structural and specialty building codes and inspections.

ARTICLE 5.       Camping at Own Risk.

All persons camping on public property as permitted by this Ordinance do so at their own risk, and nothing in this ordinance creates or establishes any duty or liability for the County or its officers, employees, elected officials or agents with respect to any loss or damage to property, or bodily injury or death.

ARTICLE 6.       Restrictions regarding Time, Place and Manner.

In those circumstances where the Board of Commissioners, or Baker County Fair Board (for Fair property), has given site-specific authority for camping on public property, the following restrictions apply.

1. Time restrictions.
  - a. Unless otherwise specified in a written authorization, any camping or camp may only occur during the hours of 8:00 p.m. to 7:00 a.m.
2. Place restrictions.
  - a. In addition to other provisions of this Ordinance, camping is not permitted at any time in any of the following places:
    - i. Public roads, easements, rights of way or access points to, across or egress from other public or private property.
    - ii. On any property, if the camping or camping materials create a physical impediment to vehicle or pedestrian traffic. This includes driveways, entrances or exits to buildings, sidewalks, bicycle lanes, roundabouts, road intersections, nature trails, roads, streets or rights of way.
    - iii. Any specific location, posted in a conspicuous manner, as the Board of Commissioners, or Baker County Fair Board (for Fair property) may establish in its discretion.
3. Manner restrictions. Camping, where allowed, is subject to all the following conditions:
  - a. Any form of camping, when allowed, may not obstruct accessibility to fire hydrants or any other public infrastructure; may not obstruct clear vision or otherwise interfere with safe passage within rights-of-way for vehicle, pedestrian or other traffic.

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- b. A camp or camping material may not create a public nuisance, by accumulation of rubbish, garbage, or hazardous materials, the improper disposal of solid waste, graywater, human or animal waste.
  - c. Individuals may not be in possession of stolen items, illegal drugs or substances, and may not conduct illegal activities while camping on public property. Prescription medication is not prohibited.
  - d. While camping individuals may not connect to taps, electricity or other utilities without prior written permission from the owner of the public property, or in any manner that violates building, fire, electricity, plumbing or similar codes or standards.
  - e. Individuals may not build or erect structures by any means, including wood, pallets, cinder blocks or other materials. Items such as tents used for shelter that are readily portable are not prohibited.
  - f. Digging, excavation, terracing of soil, alteration of ground or infrastructure, or damage to vegetation or trees is prohibited.
  - g. All animals must be leashed or crated at all times.
  - h. Camping materials must be limited to those things necessary for living while camping. Storage of personal or household items such as household furniture, scrap metal or construction materials is prohibited.
  - i. Unattended camp material and/or personal property may not be stored on public property at any time and are subject to removal.
  - j. Sleeping, lying down or sitting on outdoor public property in a manner that does not create a camp or constitute camping, and otherwise complies with this Ordinance is not prohibited.
4. Manner Restrictions; fires on public property.
- a. Fires and open flames are not permitted anywhere on public property, including where site-specific authorization has been granted.
  - b. Notwithstanding subsection (a.), above, a person cited for violating this section of this Ordinance may claim as an affirmative defense that he or she acted in exigent circumstances due to extreme cold weather and lighting a fire was necessary to prevent death or serious bodily injury. The fire or open flame must be limited to the minimum size necessary to prevent death or serious bodily injury.

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**ARTICLE 7.**      Camping in vehicles.

Individuals experiencing homelessness may use vehicles for sheltering or sleeping on public property in the following circumstances.

- a. The vehicle does not violate the time, place or manner restrictions of this Ordinance, or violate any other provision of federal, state or local law.
- b. Storage of material outside the vehicle is prohibited, other than incidental activities such as short-term loading and unloading.
- c. Vehicles must be operational and capable of being started and driven away under their own power, or ready to be towed if designed to be towed and may not be discarded or left inoperable on public property.

**ARTICLE 8.**      Camping by individuals experiencing homelessness.

Baker County adopted an ordinance (An Ordinance Regulating the Removal of Homeless Individuals Camping on Public Property; Ordinance No. 2023-01) that recognizes the social nature of the problem of homeless individuals camping on public property. ORS 195.500. When an individual experiencing homelessness is believed to be in violation of this Ordinance Restricting Camping on Public Property, and removal of the camp or camper from an established camp site is necessary, Baker County staff and any law enforcement officer authorized to enforce this Ordinance shall follow the procedure outlined in Baker County Ordinance No. 2023-01.

**ARTICLE 9.**      Enforcement; Discretion.

- a. Discretion. The Board of Commissioners, or the Fair Board (for Fair property), is authorized to suspend or modify enforcement of this Ordinance in the event of an emergency, weather conditions or for other good cause.
- b. Citations. A violation of this Ordinance shall be prosecuted in the name of Baker County, Oregon. Baker County Sheriff's Office and the Oregon State Police have authority to issue citations for any violation of this ordinance.
- c. Violations and Penalties. Violation of this Ordinance is subject to enforcement action, which may include a citation or other remedies. The Court in which the violation is filed has discretion to set penalties or other remedies as it deems appropriate, with monetary fines up to the maximum fine for a Class A violation set out in ORS 153.018.
- d. Jurisdiction. Jurisdiction for violations arising under this ordinance is vested concurrently with the Baker County Justice Court and Baker County Circuit Court.

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