

BEFORE THE COMMON COUNCIL OF CANNON BEACH

AN ORDINANCE AMENDING THE MUNICIPAL) ORDINANCE NO. 22-05
CODE CHAPTERS 12.20 CAMPING)
PROHIBITED AND 12.42 PARK CODE)

WHEREAS, the City of Cannon Beach has an interest in promoting the public health, safety, and general welfare by ensuring that public areas open to the public are readily accessible to the public and by protecting certain public property for its intended public use; and

WHEREAS, the City desires to allow for some constitutionally-protected camping in the City while protecting sensitive areas, children, and businesses that are impacted by the negative effects of such activity; and

WHEREAS, the City desires to discourage camping in areas where such activities create unsafe and unsanitary living conditions which can impact the public health, safety, and welfare of both campers and the community; and

WHEREAS, the City encourages active participation of concerned persons, organizations, businesses and public agencies to work in partnership with the City and the homeless community to address the short and long term impact of homelessness in and on the community.

NOW, THEREFORE, THE COMMON COUNCIL OF THE CITY OF CANNON BEACH
ORDAINS AS FOLLOWS:

1. The Cannon Beach City Council repeals and replaces Chapter 12.20 of the Cannon Beach Municipal Code as described in Exhibit A, which is attached and incorporated by reference.
2. The Cannon Beach City Council amends Chapter 12.42 of the Cannon Beach Municipal Code as described in Exhibit B, which is attached and incorporated by reference.
3. This ordinance is effective 30 days after adoption

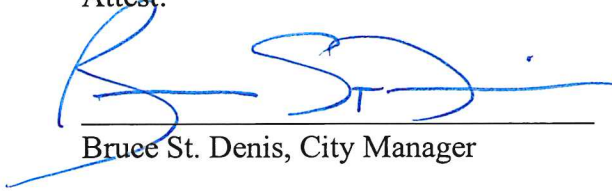
ADOPTED by the Common Council of the City of Cannon Beach this 2nd day of August 2022,
by the following roll call vote:

YEAS: Councilors Benefield, McCarthy, Ogilvie, Risley and Mayor Steidel
NAYS: None
EXCUSED: None




Sam Steidel, Mayor

Attest:



Bruce St. Denis, City Manager

Approved as to Form:



Ashley Driscoll, City Attorney



Chapter 12.20 CAMPING PROHIBITED

- 12.20.010 Definitions.
- 12.20.020 Camping prohibited in certain places.
- 12.20.030 Violation—Penalty.

12.20.010 Definitions.

Definitions used in this chapter have the following meanings:

- (1) “Camp” or “camping” means to set up, use, maintain or remain in or at a campsite.
- (2) “Campsite” means any place where one or more persons have established temporary living accommodations by use of camp facilities and/or camp paraphernalia.
- (3) “Camp facilities” include, but are not limited to, tents, huts, temporary shelters, lean-tos, shacks, or any other structures, vehicles or parts thereof.
- (4) “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.
- (5) “Park” shall have the meaning given in CBMC 12.42.030.

12.20.020 Camping prohibited in certain places.

Unless otherwise specifically authorized by the city code or by declaration of the mayor and/or city manager in emergency circumstances, it is an infraction for any person to camp in or upon any public property:

- (1) within or upon any Park;
- (2) on streets, roads, highways, bridges, alleys, trails, paths, public easements and all other public ways or areas including planter strips, medians and parking spaces;
- (3) on sidewalks, if by doing so, the person or the person’s campsite reduces the clear, continuous sidewalk width to less than three (3) feet;

EXHIBIT A

- (4) within forty (40) feet of a privately owned parcel zoned for residential use, or within forty (40) feet of a residential structure regardless of zoning;
- (5) within one hundred (100) feet of any public or private school attended primarily by children under the age of 18;
- (6) between the hours of 7 a.m. to 9 p.m.; or
- (7) overnight on the ocean shore within the City limits, consistent with OAR 736-030-0020.

12.20.030 Violation—Penalty.

Any person who is convicted of a violation of any provision of CBMC 12.20.020 shall be subject to a civil fine of not more than one hundred dollars for each offense. The fine amount should reasonably relate to the damage the violation caused to public use, enjoyment, or property.

Chapter 12.42 PARK CODE

- 12.42.010 Title.
- 12.42.020 Purpose.
- 12.42.030 Definitions.
- 12.42.035 Park Hours.
- 12.42.040 Restrictions.
- 12.42.050 Violation—Penalty.

12.42.010 Title.

This chapter may be cited as the “Park Code for the City of Cannon Beach.” (Ord. 20-01 § 1)

12.42.020 Purpose.

The parks of this city are established and maintained as areas of recreation, relaxation, and enjoyment for the public. It is intended that they shall be regulated and used to permit enjoyment by a maximum number of people engaged in widely diverse interests and activities as may be practical within the limits of space, design, and accommodations available in each park unit. Limitations may be required to ensure the use of park areas in safety and to protect the rights of others in surrounding areas. (Ord. 20-01 § 1)

12.42.030 Definitions.

For the purposes of this chapter, the following terms, phrases, words, and their derivations shall have the meaning given in this section:

“Park,” as used in this chapter, means and includes all the properties controlled by the city, and operated as parks available for use of the public. These are including, but not limited to, City Main Park, Les Shirley Park (including the Haney Addition and Ecola Pump Station), Ne Cus’ Park, Ecola Creek Park, Whale Park, Madison Park, Elk Run Park, Sitka Spruce Reserve, Tolovana Hall Property, and the Sewage Lagoon Loop Trail System. (Ord. 20-01 § 1)

12.42.035 Park Hours.

All Parks shall be open only from dawn to dusk. Unless specifically authorized by city permit, it shall be unlawful for any person to be in a Park at any other time.

12.42.040 Restrictions.

For the conduct of persons using or frequenting the parks of Cannon Beach, the following rules and regulations to be observed and enforced within the parks are established.

A. All city ordinances shall apply to and be in full force and effect within the parks of the city.

B. No person shall cut, remove, or damage any flowers, trees or shrubs without written permission from the public works director.

C. No person shall build any fire within a park. Private cooking stoves, whether propane or charcoal, are allowed for the preparation of food.

D. No person shall set up or operate a powered public address system, amplified music speaker system or other means of amplifying sound except such systems may be operated at the bandstand at the city's main park with written permission from the public works director. Battery-operated portable music players are permitted provided they shall not be operated at a volume or in any manner that can be heard outside of park boundaries.

E. No person shall set up or construct any temporary structures or enclosures, including, but not limited to, tents, arbors, and other structures. Open-sided canopies up to and including ten feet by ten feet in size are allowed if approved under city permitted event application.

F. No person shall set up, construct, or operate temporary lighting or generators.

G. No person shall engage in any activity or conduct which is disruptive or incompatible with the appropriate use of the premises or which interferes with the reasonable use and enjoyment of the park by others.

H. No motor vehicle shall be operated, stopped, parked, or left standing any place in a public park except on roads and parking areas provided thereof. This section does not apply to maintenance vehicles, vehicles with city issued permits, emergency vehicles, bicycles, and wheel chairs.

EXHIBIT B

I. No person shall allow horses under their control to enter any park, city parking lot with the exception of horse trailers, for the temporary loading and unloading of animals, in the west Les Shirley parking lot and the east end of Elk Creek Road.

J. No person shall enter any area in a park that has been designated and posted by the public works director as a “restricted area” or “closed area.”

K. Commercial activities, defined as the exchange of any goods or services for money, are not allowed.

L. Usage of all park facilities is on a “first come-first serve” basis, except for events of fifty or more persons, which must go through the city event permit process. (Ord. 20-01 § 1)

12.42.050 Violation—Penalty.

A fine not to exceed five hundred dollars shall punish any person violating any of the provisions of this chapter, on conviction thereof before the municipal court. (Ord. 20-01 § 1)