

City struggles with new state homeless rules

By **CINDY YINGST**
The Columbia Press

New state laws meant to prevent municipalities from punishing homeless people will require Warrenton to change portions of its city code.

During a city work session Tuesday night, Police Chief Matt Workman went over the new legislation and recent federal lawsuits that have benefited those without permanent homes. Already the chief had been working on tightening the city's rules that cover camping in residential areas and the use of trailers and other recreational vehicles as permanent residences.

"If there's nowhere else for them to go ... and they're just trying to survive, we can't have an ordinance or law that (makes them leave) because they're homeless," Workman said.

The cities of Medford and Grants Pass in Oregon and Boise in Idaho had cases go through the courts that found parts of their municipal codes unconstitutional.

Boise was sued by 11 homeless people after they were cited for sleeping in public. They claimed enforcement of the ordinance violated their Eighth Amendment rights, making them criminals for carrying out basic bodily functions.

The case drew local and national attention and found the city was attempting to force homeless people to stay out of the city. Boise changed its ordinance, restricting overnight

stays on public property but not afternoon naps in public parks.

Oregon's response earlier this year was to pass House Bill 3115, which requires local law enforcement to be "objectively reasonable" about when, where and how people experiencing homelessness can sit, lie down and sleep.

The law takes effect July 1, 2023, but local entities are encouraged to make changes now to prevent future lawsuits, Workman said.

Preventing the problems caused by homeless camps — fires, needles and other drug

paraphernalia, human waste — is tricky.

"You have to be cautious," Workman said. "You start providing some things and you have to provide all things. You can't just put in a honeypot (outhouse); you have to have a full sanitary station there."

The new state law does allow police action when there is illegal activity, such as drug sales and use, retaliatory fires between individuals at large homeless camps, and offensive littering.

Workman is comparing ordinances recently passed in Dayton, Gladstone, McMinnville and Medford and cleaning ideas for what will work in Warrenton.

Mayor Henry Balensifer said his biggest concern was needles left on the ground, a threat to police, firefighters and volunteers cleaning up debris, as well as the recent spate of fires.

"Some of these could potentially burn through neighborhoods," he said.

As the city struggles to make its laws fair to all, commissioners got their first taste of the difficult decisions they'll be required to make.

Neighbors of a property in the 800 block of Fifth Avenue in Hammond complained to the city that junk vehicles were parked in the public right-of-way and an old RV was being used as a residence.

"It's not just random stuff parked on the street by people we don't know. I've seen who's doing it," said Bryan Kasler, who owns adjacent property. "(Someone) is living in a broken-down motorhome. ... It doesn't look safe and it's not right for the neighborhood."

Mark Simonsen told commissioners he owns three properties there, two of them with family members who have allowed the RV to be used as a residence by another family member down on his luck.

"I've resolved (many of) the issues; I think the church will see that," Simonsen said. "I don't know why the cars are still there. I truly understand your grief. I'm at my wit's end trying to clean this up."

He spoke of the new state law that says it's not right "to punish a homeless individual when there aren't enough shelter beds," and asked whether the city preferred the RV be moved to one of the city's parks.

In the end, commissioners voted 4-0-1, with Commissioner Rick Newton abstaining, to declare the property a nuisance. The action allows the city to take further steps to ensure the property is cleaned and sets in motion the possibility of fines.

Items confiscated by Oregon State Police from a man hunting illegally in an Astoria neighborhood.

Courtesy OSP



Illegal poacher apprehended

Residents of an Astoria neighborhood helped State Police catch a poacher.

Earlier this month, a resident reported they'd found a large black-tail buck injured in their yard. When officers arrived, they found the animal was unlikely to survive treatment and Sgt. Joe Warwick put the buck down. As it was being skinned for salvage — meat is donated to local food banks — they discovered the deer had been shot with an arrow or bolt.

The next day, Trooper Greg Schuerger went to the home and, after a lengthy search, found some dried blood on a nearby trail. The blood trail led to another residence and the owner there was contacted.

The resident provided a detailed description and photo of a suspicious man who'd been in the yard the night before looking around with night vision binoculars. The resident also was able to describe the man's vehicle.

Officers developed a potential suspect who'd previously been arrested for shooting a deer in town. On several occasions, the man was spotted lurking in the area looking for the deer.

About a week later -- on Oct. 17 -- the man's vehicle was spotted in the area about

1 a.m. by an Astoria Police officer who called Schuerger.

The trooper and officer contacted the man together. He admitted he'd recently shot a deer and led officers to it; he denied having shot the deer earlier in the week. After further questioning, the man admitted shooting the other deer on Oct. 11, saying he'd been unable to find it after shooting it.

James Lee Ogier Jr., 25, was arrested and booked at Clatsop County Jail on multiple unrelated charges. He also was cited on two counts of unlawfully taking a deer, hunting with a prohibited method (crossbow), hunting within city limits, trespassing to hunt, and hunting during prohibited hours.

His crossbow, spotlight, and night-vision binoculars were seized as evidence.

On Oct. 18, another resident reported finding an arrow, which turned out to be another hunting bolt, stuck in their wooden fence in the same neighborhood where Ogier had been arrested.

OSP offers rewards to those who provide information on illegal hunting or related wildlife/habitat law violations. Call the Turn-In-Poachers tip line at 800-452-7888 or email tip to TIP@osp.oregon.gov.

Public safety calls

MEDICAL CALLS

•Medical response, 6:31 p.m.
Oct. 20, Astoria Ford.

•Medical response, 5:03 p.m.
Oct. 21, 500 block Pacific Drive.

•Medical response, 5:08 p.m.
Oct. 21, 91500 block Highway 101.

•Medical response, 4:28 a.m.
Oct. 22, 200 block Southwest Alder Avenue.

•Medical response, 7:06 a.m.
Oct. 22, 600 block Fifth Avenue.

•Medical response, 5:30 p.m.
Oct. 22, 1400 block Southeast 12th Place.

•Medical response, 6:19 p.m.
Oct. 22, 90900 block Highway 101.

•Medical response, 12:19 a.m.
Oct. 24, 200 block Alder Avenue.

•Medical response, 2:43 p.m.
Oct. 26, 0-100 block Southeast Third Street.