

Guidelines for Removing Personal Property From Illegal Campsites

The purpose of these Guidelines is to outline and guide the process for removal of personal property from state highway rights of way where the property is reasonably believed to be the result of illegal camping.

Background

According to ORS 377.650, ODOT may remove personal property from state highway rights of way after mailing written notice to the property owner. In the case of illegal campsites, a mailing address of the personal property owner may not be known. When the personal property is under a bridge, along a river, and within an urban growth boundary, Chapter 84, 2011 Oregon Laws (SB 447) requires notice to be posted in a conspicuous location within 30 feet of the personal property.

Oregon Administrative Rules OAR 734-035-0010 to 734-035-0040 were adopted to establish a process specific to removing personal property from illegal campsites.

Where illegal campsites are regularly established, a permanent sign may be posted announcing that camping is not allowed such as No Camping, or Prohibited Activities on Highway Right of Way. However, notice of the cleanup must be posted prior to removing personal property from the area.

Personal Property

“Personal property” for this purpose includes items that are reasonably recognized as belonging to individual persons and that have apparent utility. This may include books, photographs, personal documents such as identification and social security cards, camping equipment, bicycles, clothing, etc.

Weapons (such as guns and knives), drug paraphernalia and items that reasonably appear to be either stolen or evidence of a crime should be turned over to the appropriate law enforcement agency.

Notice of Clean up

A temporary notice, form 734-2865, Notice Personal Property Must Be Removed, is to be posted prior to removal of personal property from an illegal campsite, regardless of whether or not a permanent sign such as No Camping is posted at the site. It is recommended that the posting of the Notice be documented such as by photos and a daily journal or diary entry.

The Notice must be:

- posted in the area of the clean up at least 10 days but not more than 19 days before the removal of personal property
- posted in a conspicuous place in the general vicinity of the personal property to be removed. When the personal property is under a bridge, near a river, and within the urban growth boundary the notice must be posted in a conspicuous place within 30 feet of the personal property.
- laminated or otherwise made to be weather resistant.

Note: It is recommended the Notice not be posted on or attached to personal property in the area.

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In addition to posting the Notice, up to 10 copies of the notice are to be distributed in the general vicinity of the personal property to be removed. Copies of the notice that are handed out do not need to be laminated or be weather resistant. It is recommended that the number of notices distributed be documented such as by a daily journal or diary entry.

When completing form 734-2865:

- In the first blank, insert the date (mm-dd-yyyy) the notice is posted.
- In the second blank, insert the date the personal property must be removed. This date should be 10 days from the date the notice is posted.
- In the third blank, insert the first date on which ODOT may begin the cleanup. This day would be the same as the second blank: 10 days from the date the notice is posted.
- In the fourth blank, insert the last date within which the cleanup may occur. This date should be 19 days from the date the notice is posted.
- In the fifth blank, insert the telephone number to call to schedule an appointment to recover the stored property.

Note: The notice needs to be posted in a conspicuous location in the general vicinity of the personal property to be removed. Personal property relocated during the waiting period may be removed by ODOT if it remains on ODOT property within 1,500 feet of the posted notice. Notice postings should be well distributed around the area.

If the posted notice has been removed during the waiting period, it is to be replaced on the day of the clean up. (Complete the replacement notice using the dates from the original notice.) It is recommended that the reposting of the notice be documented such as by photos and a daily journal or diary entry.

Documentation of Clean Up

At the time the illegal campsite is to be cleaned up, photos need to be taken showing the general condition of the area before items are removed, including the major personal property items at the location (bicycles, camping equipment, etc.). Photos and other documentation should be held at least 2 years after the storage period ends.

The items to be stored are to be placed on a tarp or other covering and a photo taken. The personal property is to be arranged so that each item is distinguishable in the photo. Note that crews are not obligated to open boxes, bags, or other containers to display and photograph the contents.

Personal property to be stored should be identified with the date and location the items were collected. Small items may be placed in plastic bags for ease of transport and storage. Consider using clear plastic bags to aid in identifying the personal property when claimed.

Storage of Personal Property

Store personal property removed from illegal campsites in a reasonably secure location and in a manner reasonable likely to protect the property from harm. The location should be generally accessible to the clean up area, preferably near public transportation.

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Personal property collected from an illegal campsite is to be held for 30 days from the last date that clean up could occur. If the final day for storage falls on a weekend or holiday, extend the storage period to at least the next business day. Trash may be immediately discarded.

Recovery of Personal Property

If personal property is claimed, a charge of \$2 per item may be made for the cost of removing and storing the personal property. When several items are contained in a bag, box or other container, the bag, box or other container will be considered one item when assessing the recovery charge. The payment is to be forwarded to Financial Services as miscellaneous revenue.

Disposal of Unclaimed Personal Property

After the 30 day storage period, unclaimed personal property can be disposed of by either discarding or recycling. If the unclaimed personal property has apparent value, such as a bicycle, it should be disposed of following the Department's procedures for lost and found items (ADM 06-13).

Training

The ODOT employee responsible for the removal of the personal property should be familiar with the statutes, administrative rules, and guidelines on the removal of personal property from illegal campsites. A review of what is considered personal property should be conducted onsite each time a contract or inmate crew is used to assist in the removal of personal property. A review should be conducted for ODOT crews as needed to stay familiar with these guidelines.

Resources

In addition to these Guidelines, the following resources are available to assist in the posting and removal of personal property from illegal campsites:

- Notice (Form 734-2865)
- Employee Review for Removal of Personal Property from Illegal Campsites
- Contractor Tailgate Review for Removal of Personal Property from Illegal Campsites
- Clean-Up Procedure Checklist

Other Debris or Personal Property

Debris cleared from highway rights of way such as from illegal dumping or other littering is not subject to the notice requirements of OAR Chapter 734, Division 35 unless that debris is reasonably identified as personal property from an illegal campsite.

Removal of personal property, other than from illegal campsites, should follow the steps outlined in ORS 377.650 and Chapter 84, 2011 Oregon Laws. If the personal property is a sign, the steps outlined in ORS 377.655 and OAR 734-060-0060 through -0070 should be followed.

Related Authorities

The Department's removal of personal property from an illegal campsite is not to be confused with trespass regulations. The removal of personal property under OAR Chapter 734,

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Division 35 is focused on the property left on state highway rights of way. Trespass regulations focus on the person or behavior and require action by a law enforcement officer.

It may be appropriate to post an area as “no trespassing” when the area is not open to the general public such as stockpile sites, sand sheds, and some areas under bridges. The enforcement of “no trespass” regulations is by law enforcement officers. If the “no trespass” area is not clearly defined, an ODOT employee may be requested to be present when the law enforcement officer takes action.

In some metropolitan areas, individuals may be excluded from specific sections of highway right of way, deemed as “exclusion areas”. Special arrangements must be established with the local or state law enforcement agencies including having the exclusion areas identified on a map or drawing. However, an area does not need to be designated as an “exclusion area” for ODOT to remove personal property resulting from illegal camping or for law enforcement to enforce trespass laws.

Immediate removal of personal property may be accomplished as a police matter as a part of the trespass citation or exclusion notice.