

CITY COUNCIL MEETING AGENDA

January 9, 2025

6:00 PM

Central Point City Hall, Council Chambers

140 S 3rd St, Central Point, OR

www.centralpointoregon.gov



10. Meeting Called to Order

20. Pledge of Allegiance

30. Roll Call

40. Presentation

A. Audit Presentation for June 30, 2022

50. Public Comments

The City Council sets aside 20 minutes for in-person public comments on non-agenda items. Comments are limited to three (3) minutes per individual, five (5) minutes per group or organization. Please complete a public comment form before speaking.

The City Council encourages written comments. Please submit your comments by regular mail to City Council, 140 S Third St, or by email to meetings@centralpointoregon.gov. Comments must be received by noon on the date of the meeting to be noted in the record. Please include the date of the Council meeting with your comments.

60. Consent Agenda

- A. Approval of December 14, 2024, Meeting Minutes
- B. OLCC Application Ferment & Fire LLC
- C. 2025 Committee Re-Appointments

70. Items Removed from the Consent Agenda

80. Public Hearing

Public comments will be allowed on items under this part of the agenda following a brief staff report presenting the item and action requested. The presiding officer may limit testimony.

For land use matters and other quasi-judicial appeals: Comments are limited to a

total of 30 minutes for applicants and/or their representatives. They may request a 5-minute rebuttal time. Appellants and/or their representatives are limited to a total of 30 minutes and if the applicant is not the appellant they will also be allowed a total of 30 minutes. All other participants are limited to 4 minutes.

For matters that are legislative or administrative and are not quasi-judicial: Comments are limited to 4 minutes per individual, group or organization.

Please complete a public comment form before speaking.

- A. Resolution Setting Administrative Impound Fees
Sydnee Dreyer, City Attorney

90. Ordinances and Resolutions

- A. Parks Ordinance Changes
Dave Jacob, Park Planner

100. Business

- A. Downtown Parking Additions
Matt Samitore, Parks and Public Works Director
- B. Island Annexation Discussion
Chris Clayton, City Manager

110. Mayor's Report

120. City Manager's Report

130. Council Reports

140. Department Reports

150. Executive Session

The City Council will adjourn to executive session under the provisions of ORS 192.660. Under the provisions of the Oregon Public Meetings Law, the proceedings of an executive session are not for publication or broadcast.

160. Adjournment

Individuals needing special accommodations such as sign language, foreign language interpreters or equipment for the hearing impaired must request such services at least 72 hours prior to the City Council meeting. To make your request, please contact the City Recorder at 541-423-1015 (voice), or by e-mail to rachel.neuenschwander@centralpointoregon.gov. Si necesita traductor en español o servicios de discapacidades (ADA) para asistir a una junta pública de la ciudad por favor llame con 72 hora de anticipación al 541-664-3321 ext. 201.

CITY COUNCIL MEETING MINUTES

December 12, 2024

6:00 PM

Central Point City Hall, Council Chambers

140 S 3rd St, Central Point, OR

www.centralpointoregon.gov



1 Meeting Called to Order

2 Pledge of Allegiance

3 Roll Call

The following members were present: Mayor Hank Williams, At Large Rob Hernandez, At Large Michael Parsons, Ward II Kelley Johnson, Ward I Neil Olsen, Ward III Grey Zimmerman

The following members were absent: Ward IV Tanea Browning

The following staff were also present: City Manager Chris Clayton, City Attorney Sydnee Dreyer, Parks and Public Works Director Matt Samitore, Police Chief Scott Logue, Planning Director Stephanie Powers and City Recorder Rachel Neuenschwander

4 Presentation

A. Jackson County Fair Board

Jackson County Expo Jim Teece and Rob Holmbeck thanked Mayor Hank Williams for his years of service, and presented Hank with the naming of a hospitality room as the Hank Williams Hospitality Room as a thank you for his participation and dedication to the Jackson County Expo and the City of Central Point.

B. Audit Presentation for June 30, 2022

This presentation has been postponed.

5 Public Comments

Central Point resident Brian Storrer addressed the council regarding a records request that he is still awaiting a response. He also stated he is awaiting a response to his concerns raised at the November 14, 2024, meeting regarding being harassed.

6 Consent Agenda

A. Approval of November 14, 2024, Meeting Minutes

Motion: Approve

Moved By: Michael Parsons **Seconded by:** Rob Hernandez

Roll Call: Members Hank Williams, Rob Hernandez, Michael Parsons, Kelley Johnson, Neil Olsen, Grey Zimmerman voted yes. None voted no.

7 Items Removed from the Consent Agenda

8 Public Hearing

A. Resolution Adopting the 2025 Water Rates

Parks and Public Work Director Matt Samitore presented to the council a resolution adopting the 2025 water rates. Increasing base fees by 10%, that would be a \$2.00 increase for single-family residents.

The council discussed the backflow fee being charged to residents that are not required to have a backflow device. It was decided to remove the \$0.25 backflow fee currently being charged to residents that are not required to have a backflow device installed.

Mayor Williams opened the public hearing. No one came forward, and the public hearing was closed.

Motion: Approve

Moved By: Neil Olsen **Seconded by:** Kelley Johnson

Roll Call: Members Hank Williams, Rob Hernandez, Michael

Parsons, Kelley Johnson, Neil Olsen, Grey Zimmerman voted yes.
None voted no.

Neil Olsen moved to approve Resolution No. 1808, a Resolution of the City of Central Point adopting Water Rate Adjustment Effective February 21, 2025, and removing the \$0.25 backflow fee for residents not required to have a backflow device installed.

9 Ordinances and Resolutions

A. Ordinance Vacating Public Utility Easements Mendolia Way

City Attorney Sydnee Dreyer presented the second reading of an Ordinance Vacating Public Utility Easements over portions of lots 10 and 11 of Mitchells landing subdivision and that city parcel commonly referred to as mop no. 372W10BB tax lot 800 per ORS 271.130. There were no changes since the first reading.

Motion: Approve

Moved By: Kelley Johnson

Seconded by: Grey Zimmerman

Roll Call: Members Hank Williams, Rob Hernandez, Michael Parsons, Kelley Johnson, Neil Olsen, Grey Zimmerman voted yes.
None voted no.

Kelley Johnson moved to approve Ordinance No. 2119, an Ordinance vacating two public utility easements over portions of Lots 10 and 11 of Mitchell's Landing Subdivision and that city parcel commonly referred to as Map No. 372W10BB Tax Lot 800 per ORS 271.130.

B. Land Development Code Amendments

Planning Director Stephanie Powers presented to the council the second reading of an ordinance amending various sections of the Central Point Municipal Code Title 16 (Subdivisions), and Title 17 (Zoning); adding new Chapters 16.14 (Replats), 16.44 (Property Line Adjustments) and 17.94 (Annexations); and repealing Chapters 1.20 (Annexations) and 17.92 (Enforcement) with the revisions requested at the First Reading being incorporated during the Second Reading.

Motion: Approve

Moved By: Rob Hernandez

Seconded by: Kelley Johnson

Roll Call: Members Hank Williams, Rob Hernandez, Michael Parsons, Kelley Johnson, Neil Olsen, Grey Zimmerman voted yes. None voted no.

Rob Hernandez moved to approve Ordinance No. 2120 an ordinance amending various sections of the Central Point Municipal Code Title 16 (Subdivisions), and Title 17 (Zoning); adding new Chapters 16.14 (Replats), 16.44 (Property Line Adjustments) and 17.94 (Annexations); and repealing Chapters 1.20 (Annexations) and 17.92 (Enforcement) with the revisions presented during the Second Reading.

C. A Resolution Canvassing the Votes Cast at the General Election Held November 5, 2024

City Manager Chris Clayton presented to the council a resolution canvassing the votes cast at the general election held November 5, 2024.

Motion: Approve

Moved By: Grey Zimmerman

Seconded by: Michael Parsons

Roll Call: Members Hank Williams, Rob Hernandez, Michael Parsons, Kelley Johnson, Neil Olsen, Grey Zimmerman voted yes. None voted no.

Grey Zimmerman moved to approve Resolution No. 1809, Canvassing the votes cast at the General Election held on November 5, 2024.

10 Business

A. Planning Commission Report

Planning Director Stephanie Powers presented the Planning Commission report from the December 3, 2024, meeting to the council. One quasi-judicial public hearing was on the agenda for a Tentative Subdivision replat and an update on the Climate Friendly Area (CFA) Designation Project. The Applicant has canceled the Urgent Care project on Biddle Road, the South Front Street Brewery and restaurant that is under construction has expressed interest in obtaining approval for a Mobile Food Court on the Site, and the

Grocery Outlet is expected to submit building plans for review soon with the anticipation of construction to begin in the Spring.

11 Mayor's Report

Mayor Williams reported that:

- He attended the Medford Chamber Forum.
- He attended the Christmas Light Parade.

12 City Manager's Report

City Manager Chris Clayton reported that:

- He presented a slightly modified agreement for the land swap with the School District, which was approved at a prior meeting. Bret and Amy Moore had spoken with the city to put in a low-income senior community. The city spoke to the school district about the project, and the city is suggesting amending the agreement so that the value of this particular piece of property is not included in the property transfer. The school district can honor the agreement to donate the old right-of-way to the Moores with the value being removed from the exchange.
- This is Mayor Williams' last meeting. In 2023, the city held a 20-year celebration lunch for Hank, at which he was given a plaque with a key to the city. Taneea also had his gavel engraved for Hank. Chris also read a very nice thank you to Hank for his dedication and leadership to the community.

13 Council Reports

Council Member Mike Parsons reported that:

- He attended the Rogue Valley Sewer Service Board of Directors Meeting.
- He attended the study session.
- He attended the Planning Commission meeting.
- He attended the Parks and Recreation Foundation meeting that was focused on fundraising techniques.
- He attended the City of Central Point employees appreciation luncheon.

- He attended the Christmas Parade and tree lighting event.

Council Member Kelley Johnson reported that:

- She attended the study session.
- She attended the RVCOG Board meeting.

Council Member Neil Olsen reported that:

- He attended the Planning Commission meeting.
- He attended the study session.

Council Member Rob Hernandez reported that:

- He attended the study session.
- He attended the Medford Chamber forum.
- He attended the Central Point Thanksgiving lunch.
- He attended the Festival of Trees Auction.
- He attended the Crater Foundation Auction.

14 Department Reports

Parks and Public Works Director Matt Samitore reported that he received a call from Jackson County regarding the contract on the Community Center. Things are moving forward.

Police Chief Scott Logue reported that:

- The Police Department is still short-staffed, and a conditional job offer has been given to a potential new hire, and they will interview more candidates after the first of the year.
- The ESCO Radio infrastructure project is moving along.

Jackson County Commissioner Dave Dotterer has really enjoyed coming to the Central Point Council Meetings. He isn't going away and will still be involved in the community.

15 Executive Session

- A. ORS 192.660(2)(i) to review and evaluate the employment-related performance of the City Manager.**

The city council adjourned into Executive Session under the provisions of ORS 192.660(2)(i) to review and evaluate the City Manager, with a 5-minute break at 7:35 pm.

Council returned to regular session at 7:48 pm.

After the Council gave the City Manager a favorable evaluation, they made a motion to increase the City Manager's compensation by 6%, to be allocated between salary, deferred compensation other wage benefits as determined by the City Manager.

Rob Hernandez made a motion to an increase of the City Managers salary and deferred compensation by 6%. Mike Parsons seconded.

16 Adjournment

Neil Olsen moved to adjourn, all said aye and the meeting was adjourned at 7:57 pm.

The foregoing minutes of the December 12, 2024, Council meeting were approved by the City Council at its meeting of _____, 2024.

Dated:

Mayor Tanea Browning

ATTEST:

City Recorder



DEPARTMENT: Administration

MEETING DATE: January 9, 2025

STAFF CONTACT:

SUBJECT: OLCC Application Ferment & Fire LLC

SUMMARY AND BACKGROUND:

The City has received an application for Ferment & Fire LLC located at 410 S Front St.

The ORS requires OLCC applications for new and change of ownership to be approved by the City Council. The Police Department has run its background check and found no information pertinent to the request.

ATTACHMENTS/EXHIBITS:

1. OLCC Application Ferment & Fire
2. CPPD Letter



Local Government Recommendation – Liquor License

Annual Liquor License Types

Off-Premises Sales	Brewery-Public House
Limited On-Premises Sales	Brewery
Full On-Premises, Caterer	Distillery
Full On-Premises, Commercial	Grower Sales Privilege
Full On-Premises, For Profit Private Club	Winery
Full On-Premises, Non Profit Private Club	Wholesale Malt Beverage & Wine
Full On-Premises, Other Public Location	Warehouse
Full On-Premises, Public Passenger Carrier	

Section 1 – Submission – To be completed by Applicant:

License Information

Legal Entity/Individual Applicant Name(s): FERMENT + FIRE LLC

Proposed Trade Name: FERMENT & FIRE

Premises Address: 410 S. FRONT ST

Unit:

City: CENTRAL POINT

County: JACKSON

Zip: 97502

Application Type: ☒ New License Application☐ Change of Ownership☐ Change of Location

License Type: BREWERY-PUBLIC HOUSE

☐ Additional Location for an Existing License

Application Contact Information

Contact Name: KYLE SECCIANI

Phone: 619-742-5029

Mailing Address: 2428 BEALL LN

City: CENTRAL POINT

State: OR

Zip: 97502

Email Address: KSECCIANI@GMAIL.COM

Business Details

Please check all that apply to your proposed business operations at this location:

☒ Manufacturing/Production☒ Retail Off-Premises Sales☒ Retail On-Premises Sales & Consumption

If there will be On-Premises Consumption at this location:

☒ Indoor Consumption☒ Outdoor Consumption☐ Proposing to Allow Minors

Section 1 continued on next page



Local Government Recommendation – Liquor License

Per OAR 845-005-0304(3): The Commission requires an applicant for issuance of a new license issued under ORS chapter 471, to provide written notice of the application to the local government in the form of a complete, accurate, and legible Commission form.

The local government is as follows:

- (a) If the address of the premises proposed to be licensed is within a city's limits, the local government is the city.
- (b) If the address of the premises proposed to be licensed is not within a city's limits, the local government is the county.

INSTRUCTIONS:

Step 1: Applicant completes all of Section 1 (including top of Page 2).

Step 2: Applicant submits both pages of the form to the appropriate local government. NOTE: The local government may require additional forms and/or fees.

Step 3: Local government completes at least Section 2 and returns all pages of the form, or a copy thereof, to the applicant. The local government is allowed up to 45 days to complete Section 3.

Step 4: Applicant takes the form with at least Sections 1 and 2 completed and includes it with their CAMP application to meet the Local Government Recommendation document requirement. Submissions that do not have at least Sections 1 and 2 completed will not be accepted.

Step 5: The local government issues its final recommendation in Section 3 and returns the completed form to the applicant. If the applicant has already submitted their initial application via CAMP, they hold on to the final recommendation and provide it to their investigator, when requested. If they have not already submitted their application, they upload the fully completed Local Government Recommendation form with their initial application submission.

Applicants within the city of Portland ONLY: Instead of using the attached form, please follow these steps to complete the Local Government Recommendation process:

- Apply via the [City of Portland website](#).
- Once you have completed the application with the City of Portland, you will receive an email notifying you that your application has been accepted, usually within two business days. The email will contain an attachment titled "ABC Public Notice."
- Upload the ABC Public Notice document with your CAMP application to meet the Local Government Recommendation document requirement.

NOTE: This document only provides proof of submission. Once you receive your final recommendation from the City of Portland, you will need to provide that to your assigned OLCC investigator.



Local Government Recommendation – Liquor License

Section 1 Continued – Submission - To be completed by Applicant:

Legal Entity/Individual Applicant Name(s): **FERMENT & FIRE LLC**

Proposed Trade Name: **FERMENT & FIRE**

IMPORTANT: You MUST submit this form to the local government PRIOR to submitting to OLCC.

Section 2 must be completed **by the local government** for this form to be accepted with your CAMP application.

Section 2 – Acceptance - To be completed by Local Government:

Local Government Recommendation Proof of Acceptance

After accepting this form, please return a copy to the applicant with received and accepted information

City or County Name:

Optional Date Received Stamp

Date Application Received:

Received by:

Section 3 – Recommendation - To be completed by Local Government:

- ☐ **Recommend this license be granted**
- ☐ **Recommend this license be denied** (Please include documentation that meets [OAR 845-005-0308](#))
- ☐ **No Recommendation/Neutral**

Name of Reviewing Official:

Title:

Date:

Signature:

After providing your recommendation and signature, please return this form to the applicant.



155 South Second Street • Central Point, OR 97502

Scott Logue

Ph: (541) 664-5578 • Fax: (541) 664-2705 • www.centralpointoregon.gov

Chief

Date: 12/16/24

From: Chief Scott Logue
To: Honorable Mayor Williams
Subject: Request for OLCC License

RE: Ferment & Fire LLC
Persons associated therewith: Kyle Secciani

Files of the Central Point Police Department contain no information pertinent to the request.

Respectfully,

A handwritten signature in black ink, appearing to be "S. Logue", written in a cursive style.

Chief Scott Logue
Central Point Police Department

"Dedicated To Service, Committed To Excellence"



DEPARTMENT: Administration

MEETING DATE: January 9, 2025

STAFF CONTACT:

SUBJECT: 2025 Committee Re-Appointments

SUMMARY AND BACKGROUND:

It is time to re-appoint members and a chairperson for various committees. This consent agenda item is for re-appointments and chair appointments only.

Planning Commission

The term for Jim Mock and Alicia Van Riggs expired December 31, 2024. Staff has received word that they would like to be re-appointed to the Commission. Planning Commission appointments are for three year terms.

Tom Van Voorhees is the current Chair of the Commission.

Current members are:

Tom Van Voorhees, Kay Harrison, Patrick Smith, Royce Chambers, Jim Mock, and Alicia Van Riggs

Staff recommends re-appointment Tom Van Voorhees as the Chair and the re-appointment of Jim Mock and Alicia Van Riggs to the Planning Commission with term ending December 31, 2027.

Park and Recreation Commission

Patricia Alvarez is the current Chair of the Commission.

The term for Patricia Alvarez expired December 31, 2024. Staff has received word that she would like to be re-appointed to the Commission. Park and Recreation Commission appointments are for three year terms.

Current members are:

Patricia Alvarez, Steph Hendrickson, Ronald Woodhead, Eden Foster, Deanna Casey, and Connie Moczygemba

Staff recommends re-appointment of Patricia Alvarez with term ending December 31, 2027 and as the Chair of the Commission.

Citizens Advisory Committee

Kristy Painter is the current Chair of the Committee.

The term for Pamela Allister and Justin Idiart expires on December 31, 2024. Staff has received word that they would like to be re-appointed to the committee. Citizens Advisory Committee appointments are for three year terms.

Current members are:

John Eaton, Justin Idiart, Kristy Painter, Carrie Reed, Royce Chambers, and Pamela Allister

Staff recommends re-appointment of Kristy Painter as the Chair and the re-appointment of Pamela Allister and Justin Idiart to the Citizens Advisory Committee with term ending December 31, 2027.

Budget Committee

The term for Eden Foster, and Kathleen (Kit) Flanagan-Clark expired December 31, 2024.

Council:

Mayor Browning, Mike Parsons, Kelley Johnson, Rob Hernandez, Grey Zimmerman, Neil Olsen and Brian Whitaker

Citizen Members:

Kathleen (Kit) Flanagan-Clark, Eden Foster, Lori Garfield, Jim Mock, Michael Quilty, and Kay Harrison

Staff recommends re-appointment of Eden Foster, and Kathleen (Kit) Flanagan-Clark to the Budget Committee with term ending December 31, 2028.

ATTACHMENTS/EXHIBITS:

None



DEPARTMENT: Administration

MEETING DATE: January 9, 2025

STAFF CONTACT: Sydnee Dreyer, City Attorney

SUBJECT: Resolution Setting Administrative Impound Fees

SUMMARY AND BACKGROUND:

The city may set a reasonable administrative fee to release a vehicle from impound pursuant to CPMC 10.04.380. Historically the city has charged a fee in the amount of \$75.00, but seeks to increase the fee to \$100.00 to help defray the city's administrative costs in addressing the release of impounded vehicles. With the proposed increase, the City's fee remains lower than most jurisdictions. Current fees for other cities are as follows:

Talent - \$100
Ashland - \$105
Phoenix - \$125
Rogue River - \$150
Medford - \$200
Jackson County Sheriff - \$241 (changes annually)

FINANCIAL ANALYSIS:

LEGAL ANALYSIS:

The City is authorized to adopt or increase fees following a public hearing.

COUNCIL GOALS/STRATEGIC PLAN ANALYSIS:

Responsible Governance.

GOAL 1 - Maintain a strong financial position that balances the need for adequate service levels and capital requirements against the affordability that is desired by our citizens.

ATTACHMENTS/EXHIBITS:

1. Resolution Setting Impound Fees 2025

STAFF RECOMMENDATION:

Move to approve Resolution with or without revisions.

RECOMMENDED MOTION:

I move to approve Resolution No. _____ a resolution of the city of Central Point setting administrative fee for release from vehicle impoundment.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY OF CENTRAL POINT SETTING ADMINISTRATIVE FEE
FOR RELEASE FROM VEHICLE IMPOUNDMENT

Recitals:

- A. Whereas, the City is authorized to set and charge a reasonable administrative fee to release a vehicle from impound pursuant to Central Point Municipal Code 10.04.380.
- B. Whereas, the City Council finds that it is reasonable and necessary to set an administrative fee for said process.
- C. Whereas, ORS 294.160 requires an opportunity for interested persons to comment on any proposed rate or fee increase.
- D. Whereas on January 9, 2025, the City Council held a duly noticed public hearing to allow comment on the proposed fee increase.

The City of Central Point resolves as follows:

Section 1. Effective January 9, 2025, the administrative fee for the City of Central Point Police Department to administer the impoundment of vehicles shall be \$100.00 per impoundment.

Section 2. This Resolution shall become effective immediately upon its passage.

Passed by the Council and signed by me in authentication of its passage this _____ day of January, 2025.

Mayor Tanea Browning

ATTEST:

City Recorder



DEPARTMENT: Administration **MEETING DATE:** January 9, 2025

STAFF CONTACT: Dave Jacob, Park Planner

SUBJECT: Parks Ordinance Changes

SUMMARY AND BACKGROUND:

Currently provisions regarding parks rules are contained in multiple chapters of the municipal code. Staff seeks to consolidate all parks rules and regulations into a single chapter, Chapter 4. In addition, a number of changes were made to the parks rules for clarity and consistency, to clarify when a parks reservation is required versus a special event permit, updating non-smoking rules for parks, and addressing the use of e-bikes, scooters, etc. Lastly, new provisions are proposed in Chapter 4.10 to allow city staff the ability to eject or exclude individuals from parks for repeated or extreme disruptive behavior.

FINANCIAL ANALYSIS:

LEGAL ANALYSIS:

COUNCIL GOALS/STRATEGIC PLAN ANALYSIS:

Community Investment Goal 4:

Manage growth to provide places that are timeless and loved by the community.

Strategy 5:

When developing new parks or updating features of our older parks, involve community places that provide public amenities associated with needed housing, employment, and other services, including but not limited to: public plazas, opens spaces, parks, affordable housing, value-added design to attract professional office and other uses that provide more living-wage jobs.

ATTACHMENTS/EXHIBITS:

1. Ordinance Amending Parks Ordinances

STAFF RECOMMENDATION:

Make a motion to forward the Ordinance to a second reading, or make a motion to forward the Ordinance to a second reading with revisions.

RECOMMENDED MOTION:

I move to forward the Ordinance amending the Central Point Municipal Code Title 4 to add new chapters 4.04 (rules and regulations of public parks--defining and punishing certain offenses against the public general welfare); 4.06 (bear creek greenway); 4.08 (skate park guidelines rules); and 4.10 (park violation – expulsion remedy) and repealing chapters 9.68 (rules and regulations of public parks--defining and punishing certain offenses against the public general welfare); 8.69 (bear creek greenway); and 8.36 (skate park guidelines and rules) to a second reading.

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE CENTRAL POINT MUNICIPAL CODE TITLE 4 TO ADD NEW CHAPTERS 4.04 (RULES AND REGULATIONS OF PUBLIC PARKS--DEFINING AND PUNISHING CERTAIN OFFENSES AGAINST THE PUBLIC GENERAL WELFARE); 4.06 (BEAR CREEK GREENWAY); 4.08 (SKATE PARK GUIDELINES RULES); AND 4.10 (PARK VIOLATION – EXPULSION REMEDY) AND REPEALING CHAPTERS 9.68 (RULES AND REGULATIONS OF PUBLIC PARKS--DEFINING AND PUNISHING CERTAIN OFFENSES AGAINST THE PUBLIC GENERAL WELFARE); 8.69 (BEAR CREEK GREENWAY); AND 8.36 (SKATE PARK GUIDELINES AND RULES)

Recitals:

- A. Pursuant to CPMC 1.01.040, the City Council, may from time to time revise its municipal code which shall become part of the overall document and citation.
- B. For consistency and consolidation of various provisions regarding City Parks, the City finds it in the public interest to consolidate parks ordinances and regulations in a single chapter.
- C. Cigarette and e-cigarette waste can pollute soil and waterways. Studies have also shown that cigarette and e-cigarette waste is harmful to wildlife.
- D. Fires can result when people leave campfires unattended, negligently discard cigarettes, or commit intentional acts of arson.
- E. Cigarette butts are the most frequently littered item. They do not bio-degrade and are costly for municipalities and property owners to clean-up.
- F. People who use smokeless tobacco spit everywhere, making the area unclean and contaminated, posing a severe threat to the ecosystem
- G. The city has experienced an increase in repeat offenders in city parks. Council finds it is in the public interest to establish a clear process for temporary ejection or expulsions from parks as an effective tool to immediately respond to more serious repetitive violations.
- H. In accordance with CPMC 2.18.020, the City of Central Point Parks Commission considered the proposed amendments at their meeting on _____, 2024 and recommended the City Council approve the amendments with minor adjustments incorporated herein.
- I. Words ~~lined through~~ are to be deleted and words **in bold** are added.

THE PEOPLE OF THE CITY OF CENTRAL POINT DO ORDAIN AS FOLLOWS:

SECTION 1. Chapter 9.68, Rules and Regulations of Public Parks--Defining and Punishing Certain Offenses against the Public General Welfare, is hereby repealed in its entirety.

SECTION 2. Chapter 8.69, Bear Creek Greenway, is hereby repealed in its entirety.

SECTION 3. Chapter 8.36, Skate Park Guidelines and Rules, is hereby repealed in its entirety.

SECTION 4. CPMC Title 4 is hereby amended to add Chapter 4.04, Rules and Regulations of Public Parks--Defining and Punishing Certain Offenses against the Public General Welfare, as set forth below:

Chapter 4.04
RULES AND REGULATIONS OF PUBLIC PARKS--DEFINING AND PUNISHING CERTAIN
OFFENSES AGAINST THE PUBLIC GENERAL WELFARE

Sections:

- 4.04.000 Purpose.**
- 4.04.010 Definitions.**
- 4.04.020 Child supervision.**
- 4.04.030 Fires.**
- 4.04.050 Games and other prohibited activities.**
- 4.04.060 Animals.**
- 4.04.070 Plants--Structures.**
- 4.04.080 Soil--Rock.**
- 4.04.090 Signs.**
- 4.04.100 Hours of operation.**
- 4.04.110 Authority to regulate occupancy and park closure.**
- 4.04.120 Criminal trespass on city property.**
- 4.04.130 Soliciting.**
- 4.04.140 Reservation system.**
- 4.04.150 Vehicles--Parking.**
- 4.04.160 Speed regulations.**
- 4.04.170 Dogs in parks.**
- 4.04.180 Depositing litter, rubbish, garbage or trash.**
- 4.04.190 Water pollution.**
- 4.04.210 Alcohol.**
- 4.04.220 Public nudity.**
- 4.04.230 Smoking in park facilities.**
- 4.04.240 Penalty.**

4.04.000 Purpose.

The city council has determined that it is necessary to adopt regulations in order to ensure the efficient operation, protection and maintenance of city parks and to protect the health, safety, and welfare of the people of the city and this chapter shall be liberally construed to effectuate this purpose.

4.04.010 Definitions.

2 – Ordinance No. _____; (Council Meeting __/__/25)

“Park or City Parks” means all parks and facilities managed by the parks and recreation department of the city of Central Point, including, but not limited to the Twin Creeks, Bear Creek Greenway and the Skate Park.

“Reservation” means, subject to park department rules and regulations for park use, a reservation for use of a park shelter area or athletic field pursuant to CPMC 4.04.140.

“Special event permit” means a special event permit issued under CPMC 5.42.

4.04.020 Child Supervision.

Children under the age of ten years are not allowed to come upon, use or play in the city’s parks without adequate supervision by a responsible older person.

4.04.030 Fires.

A. No person shall build, light or maintain any fire within a city park, as provided in CPMC 7.01.040(B)(4) and CPMC 4.06.050.H, except within bar-b-que or fire pits or similar receptacles provided by the City for this purpose in a City park, or unless authorized as part of a special event permit under CPMC Chapter 5.42.

B. No person shall leave a fire unattended while in a city park, and no person shall leave a city park before completely extinguishing any fire built, lighted or maintained by himself in any such park.

C. Any person using a City bar-b-que or fire pit, or other cooking device pursuant to a Special Event Permit under CPMC Chapter 5.42, must take reasonable precautions to ensure the fire is contained within the designated receptacle, take immediate action to carry out any fire control, and report a fire if it does escape.

4.04.050 Games and Other Prohibited Activities.

No person shall participate or assist others in the playing of any game or activity wherein any object such as a stone, arrow, javelin, model aircraft, model rocket, golf ball, or any other sharp or hard object or projectile is thrown or otherwise propelled except in areas specifically designated and posted for that use (in accordance with Section 8.06.010, Restrictions on flying model aircraft.) (Ord. 1899 §1(part), 2007).

4.04.060 Animals.

No person shall in any manner pursue, kill, injure, hunt or molest any bird or animal within any city park except for the control of predatory animals as may be ordered by the city council.

4.04.070 Plants--Structures.

No person shall pick, mutilate, dig or remove from a park any plant or plants or in any way deface or mutilate, burn, destroy, defile or remove any railing, building, seat, fence, park facility, other structure or tree within a city park or remove from the park any logs or wood.

4.04.080 Soil--Rock.

No person shall dig up or remove any soil, rock, stones or other substance whatever, make any excavation, quarry any stone, or lay or set off any blast, or cause or assist in doing any of said things within the limits of a city park without written approval from the parks and recreation department.

4.04.090 Signs.

No person shall erect signs, markers, or inscriptions of any type within the limits of a city park without written approval of the parks and recreation department.

4.04.100 Hours of operation.

A. All parks owned and/or operated by the city of Central Point or to be hereafter owned by the city shall be closed from ten p.m. one day to six a.m. the following day, with exceptions noted in subsection (B) of this section.

B. Exceptions. The park hours prohibitions listed above shall not apply to persons:

1. Attending events sponsored by the city parks and recreation department or events and activities conducted pursuant to a valid special event permit.

4.04.110 Authority to Regulate Occupancy and Park Closure.

A. The parks and recreation department may establish and post maximum occupancies for any park area or facility. Patrons shall not enter into or remain in an area or facility for which an occupancy limit has been established when such action will have the effect of exceeding the established occupancy limits.

B. Police officers of the Central Point police department are authorized to close all or portions of the city parks or city properties prior to or in lieu of any regular closure. The Central Point police department shall attempt to notify occupants of the closed area of the closure. This section shall not be construed to modify the unlawful entering or remaining in a building which is subject to state laws regarding burglary and criminal trespass.

4.04.120 Criminal Trespass on City Property.

A person commits the crime of criminal trespass on city property if the person enters or remains unlawfully in city parks or on other city properties:

A. After regular closure of the park or property, or after having knowledge of the closure provided in Section 4.04.110; or

B. While under the influence of intoxicants, as that condition is defined by the motor vehicle laws of the state of Oregon, after being advised to leave the park or property by a police officer of the Central Point police department; or

C. While continuing to operate any sound amplification system which is plainly audible from fifty or more feet (unless that system is being operated to request assistance or

warn of a hazardous situation), after being advised to cease said operation by a police officer of the Central Point police department.

4.04.130 Soliciting.

No person, while in a city park, may operate a concession, either fixed or mobile, or engage in the business of soliciting, selling or peddling any liquids or edibles for human consumption, or hawk, peddle or vend any goods, wares or merchandise, unless approved as a special event permit under Chapter 5.42, as an approved seasonal vendor at Don Jones Park, or as otherwise approved in writing by the city.

4.04.140 Reservation System.

A. The use of the city parks shelter areas, athletic fields, and athletic courts may be reserved for private functions by individuals or groups. The city shall adopt policies establishing the reservation policy and individuals or groups may apply to reserve such shelter areas, athletic fields, or athletic courts pursuant to said policy.

B. A nonrefundable fee will be established by resolution of the city council and will be charged for reservation of a shelter, athletic field, or athletic court for private use. The fee may be waived by the city manager or his or her designee for public use.

C. It shall be unlawful for anyone to interfere with or prohibit the use of a park shelter, athletic field, or athletic court by the reserved party.

D. Dunk tanks, party ponies, petting zoos, or other similar structures or activities that increase liability to the city as solely determined by the parks and recreation department are prohibited in all parks. Jump/bounce houses may only be permitted as part of a city-sponsored event, in which the city hosts or co-hosts the event.

4.04.150 Vehicles--Parking.

A. No automobiles, trailers or other vehicles shall be driven or parked in any areas other than those provided, maintained or designated for such purposes.

B. No bicycles, motorcycles or other vehicles may be driven or parked upon a tennis court, basketball court, or pickle ball court.

C. No automobiles, trailers, recreational vehicles or other vehicles of any kind may be parked in a city park during hours in which the park is closed to the public.

4.04.160 Speed Regulations.

No person shall drive a vehicle within a city park at a speed greater than is reasonable and prudent having due regard for traffic, surface and strength of roadways, hazards at intersections and other conditions then existing. In no case shall a person operate a vehicle in speeds in excess of fifteen miles per hour, unless otherwise posted.

4.04.170 Dogs in Parks.

Dogs shall be allowed in parks on leash only (not to exceed six feet in length) with the exception of designated dog parks. Any excrement created by an animal shall be

immediately removed by the owner. Some areas in parks may be designated to prohibit dogs and will be posted accordingly. Dogs are prohibited from memorials, playgrounds, athletic courts, and spray parks.

4.04.180 Depositing Litter, Rubbish, Garbage or Trash.

A. No person shall leave any bottles, cans, ashes, waste paper, rubbish or garbage in a city park except in receptacles designated for that purpose.

B. It shall be unlawful for any person to haul household garbage, rubbish, or trash to the city park and deposit the same in the park or on public property.

4.04.190 Water Pollution.

No person shall wash any clothing or other material, or clean any fish in a lake or stream, nor in any way pollute any stream or lake in a city park. (Ord. 1899 §1(part), 2007).

4.04.210 Alcohol.

The possession and use of alcohol is prohibited in all public parks. Special Event Permits pursuant to Chapter 5.42 may be issued for special events involving alcohol when the applicant possesses a liquor license for special events issued by the Liquor Control Commission and otherwise meets the requirements for a special event permit.

4.04.220 Public Nudity.

It is unlawful for any person regardless of age to expose his or her genitals while in a public park. This includes use of water features in parks and is specifically implemented for the purposes of ensuring a hygienic environment for all patrons.

4.04.230 Smoking in Park Facilities.

A. Definitions. For the purposes of this section, and unless the context requires, the subject terms are defined as follows:

1. Tobacco-Free. Means that inhaling, exhaling, burning, or carrying any lighted, heated, or activated tobacco, nicotine, electronic smoking device, hookah, cannabis, or plant product, whether natural or synthetic, intended for inhalation, chewing, smoking in a pipe, absorbing, ingesting or by any other means is prohibited.

2. Parks and Park Facilities. All Parks and recreation department managed properties including but not limited to, playgrounds, athletic fields, athletic courts, walking/hiking/biking trails, maintenance support facilities, restrooms, spectator and concession areas, adjacent pedestrian right-of-way, sidewalks, parking lots and vehicles on the property.

B. All parks and park facilities managed and maintained by the parks and recreation department of the city of Central Point are tobacco free (Ord. 2103 § 3 (Exh. C), 2023; Ord. 1990 §1, 2014; Ord. 1958 §3, 2012).

C. Tobacco product does not include drugs, devices, or combination products authorized for sale by the U.S. Food and Drug Administration, as those terms are defined in the Federal Food, Drug, and Cosmetic Act. Products approved by the U.S FDA are okay to use, such as Nicotine Replacement Therapies.

D. Smoking does not include the use of traditional, sacred tobacco as part of an Indigenous practice or a lawfully recognized religious, spiritual, or cultural ceremony or practice. Approval from city administration must be requested and received prior to the ceremony.

E. Appropriate signs to communicate the tobacco-free park policy shall be posted clearly and prominently at a height, and location easily seen by park visitors in all parks. For example, posted signs shall display words, "This is a tobacco-free park. This includes tobacco products, e-cigarettes, vapor and cannabis."

F. In addition to the remedies set forth in Chapter 4.04.240 below, any person found violating this policy will receive a verbal warning to stop such use immediately. If the smoking or tobacco use continues, the person may be immediately ejected from the park.

4.04.240 Penalty.

A. Violation of this chapter shall be punishable under the general penalty, Chapter [1.16](#).

B. Any person who violates any of the provisions of this chapter may be ejected or expelled from the park per the provisions of Chapter 4.10.

SECTION 5. Title 4 is hereby amended to add Chapter 4.06, Bear Creek Greenway, as set forth below:

Chapter 4.06 BEAR CREEK GREENWAY

Sections:

4.06.010 Purpose.

4.06.020 Definitions.

4.06.030 Intended uses.

4.06.040 Authority--Closure of greenway--Use limitations.

4.06.050 Regulations--Prohibitions.

4.06.060 Severability.

4.06.070 Jurisdiction--Enforcement.

4.06.080 Violations--Penalty.

4.06.010 Purpose.

This chapter establishes the enforceable regulation of activities throughout that portion of the Bear Creek Greenway corridor which lies within the jurisdiction of the city of

Central Point. The provisions of this chapter, unless agreed otherwise, are not intended to preempt any other local government law, ordinance, rule, or regulation, or any property transaction, easement, covenants or similar agreement between any local government and those adjacent landowners with whom those agreements were made. (Ord. 1819 §1(part), 2001).

4.06.020 Definitions.

For the purposes of this chapter, unless the context requires otherwise, the following definitions apply:

“Bear Creek Greenway corridor (greenway)” means that publicly-owned 22-mile corridor of parks, trails, and adjacent land and waters that is located running north and south and includes sections of Bear Creek between the Table Rock Road Overpass in the city of Central Point and the Seven Oaks Interchange north of the city of Central Point.

“Bicycle” has the meaning given that term in ORS 801.150 and includes electric assisted bikes (e-bikes) as defined in ORS 801.258.

To **“Camp”** has that meaning provided in Section [7.01.020](#).

“Campsite” has that meaning provided in Section [7.01.020](#).

“Camping materials” has that meaning provided in Section [7.01.020](#).

“Destructive device” means any device with an explosive, incendiary or poison gas component, including but not limited to a bomb, grenade, rocket having a propellant charge of more than four ounces, missile having an explosive or incendiary charge of more than one-quarter ounce, mine, or any combination of parts either designed or intended for use in converting any device into any destructive device described in this paragraph and from which a destructive device may be readily assembled.

“Firearm” has the meaning given that term in ORS 166.210.

“Fireworks” has the meaning given that term in ORS 480.111.

“Greenway authority” means the city of Central Point, its designees, or its employees, who have lawful control of regulating use of the greenway by nature of jurisdiction, ownership, tenancy, or official position.

“Horse,” in addition to its ordinary meaning includes mules, donkeys and other rideable animals.

“Keeper” means a person who owns, possesses, controls or otherwise has charge of a companion animal, as that term is defined in ORS 164.055(2)(a).

“Livestock” means equine, cattle, sheep, goats, llamas, alpacas and swine.

“Occupy” or **“occupancy”** means the purpose for which a premises or structure, or parts thereof, is used or intended to be used. The definition of **“occupy”** is not limited to

human or animal inhabitation and can include the improvement, development, or the placement of a structure or building on a premises, or any condition thereof.

“Open to the public” means premises that, by their physical nature, function, custom, usage, notice or lack of notice, or other circumstances at the time, would cause a reasonable person to believe that no permission to enter or remain is required.

“Possess” has the meaning given that term in ORS 161.015.

“Premises” includes any real property, facility, structure, shelter or building whether privately or publicly owned.

“Scooters/skateboards” includes non-motorized and motorized scooters, skateboards, Segways, and e-boards as defined in ORS 801.259.

“Skate” or “skating” means roller skating, skate boarding or roller blading, or otherwise the use or application of a similar contrivance propelled exclusively by human power and/or by use of electric or battery powered motors or similar propulsion device.

“Weapon” means any instrument, article or substance specifically designed for and presently capable of causing death or serious physical injury. A weapon includes any knife having a blade that projects or swings into position by force of a spring or by centrifugal force and commonly known as a switchblade knife, any dirk, dagger, ice pick, slingshot, metal knuckles, or any similar instrument by the use of which injury could be inflicted upon the person or property of any other person. A “deadly” weapon has the meaning given that term in ORS 161.015(2). (Ord. 1819 §1(part), 2001).

4.06.030 Intended Uses.

The greenway is intended for multiple use for recreational activities. None of the provisions of this chapter relieves the pedestrian or relieves the cyclist, skater, or equestrian from the duty to exercise due care concerning other users of the greenway or adjacent land owners. Recreational use of bicycles, skateboards, scooters, or similar devices are permitted provided they do not exceed a 15-mph speed limit.

A. All greenway users should maintain their own common or standard lane of travel without impeding travel of other users.

B. Bicyclists and skaters yield to all other trail users, and hikers yield to equestrians.

C. Unless otherwise marked, greenway users are permitted only on paths or paved trails specifically designed for such use.

D. Companion animals are allowed if on a leash no longer than six feet and in strict control of its keeper. Keeper shall remove the animal’s waste.

E. All users are expected to observe and obey all Oregon state and greenway traffic, as well as informational, warning, and closure signs.

F. All persons within the greenway will be held responsible for any damage they cause. Parents or guardians will be held responsible for the damage caused by their children

under the age of eighteen years old, whether or not the parent or guardian is present. (Ord. 1819 §1(part), 2001).

4.06.040 Authority--Closure of Greenway--Use Limitations.

A. The greenway authority is authorized to establish and post regulations governing the use of the greenway within its jurisdiction which promote public health and safety and the preservation of property.

B. The greenway authority is authorized to close to public use the greenway corridor or any portion thereof, restrict the times when the same shall be open to such use and limit or prohibit any recreational use whenever such action is necessary to protect the health or safety of the public or the safety of the greenway or its facilities. Causes for greenway closure or limitations on greenway use include, but are not limited to, scheduled public events, fire hazard, dangerous weather or water conditions, sanitary protection of the watershed, park construction or repairs, conservation of fish and wildlife, unsafe or overcrowded shoreline, ramp, parking or road conditions, the prevention of damage to the greenway or any of its facilities or any dangerous, unsafe or unhealthful condition.

C. Unless otherwise posted, greenway closure shall occur between the hours of ten p.m. and six a.m. except as follows:

- 1. Pedestrians crossing the greenway on a paved section of the path;**
- 2. Participants or spectators of an athletic contest or approved public event in greenway areas;**
- 3. Persons attending a scheduled event in a greenway building designated for community recreation or instruction; or**
- 4. Government employees during the course of official activities.**

4.06.050 Regulations--Prohibitions.

All regulations of the greenway shall apply to and be in full force and effect within the greenway area unless otherwise specifically authorized by this chapter.

A. Closure. No person shall enter the greenway or area which has been closed if notice of prohibited entry has been posted.

B. Basic Speed Rule.

- 1. A person commits the offense of violating the basic speed rule if the person bicycles, skates or rides a horse upon the greenway at a speed greater than is reasonable and prudent, having due regard to all the following:**
 - a. The traffic;**
 - b. The surface and width of the pathway;**
 - c. The hazard at intersections;**
 - d. Weather;**

e. Visibility;

f. Any other conditions then existing.

- 2. In no case shall a person ride a bicycle, skate or ride a horse in speeds in excess of fifteen miles per hour, unless otherwise posted.**

C. Obstruction of the Right-of-Way. No person, unless specifically authorized, shall:

- 1. Stand, gather with others upon any street, street crossing, sidewalk, trail or area within the greenway in a manner that obstructs free passage of users of the greenway; or**
- 2. Place, cause to be placed, or permit to remain on any street, sidewalk, trail or area within the greenway anything that obstructs or interferes with such area or interferes with the normal flow of users of the greenway.**

D. Vehicles/Horses.

- 1. No unauthorized person shall operate, park, stand or use any motorized vehicle, motorcycle, motor truck or motor home as those terms are defined in ORS Ch. 801, except in areas provided, maintained or designated for such purpose.**
- 2. Horses, regardless of whether they are ridden or led, are permitted only on posted equestrian trails, where located.**
- 3. The provisions of subsections (D)(1) and (2) of this section do not apply to governmental officials or their agents acting within their official capacity.**

E. Animals.

- 1. Companion animals are allowed if on a leash no longer than six feet and in strict control of its keeper.**
- 2. No person within the greenway shall allow any pet or animal in his or her custody:**
 - a. To annoy or molest any person; or**
 - b. To be tied up and left unattended; or**
 - c. Except for areas provided, maintained or designated for such purpose, to deposit its waste on any street, sidewalk, trail or managed landscape area unless the person immediately removes the waste from the area.**
- 3. No horse or pack animal shall be tied, secured or hobbled in such a manner as to injure any tree, shrub or greenway improvement.**
- 4. No person shall cause or knowingly permit livestock within the greenway.**

F. Access to Private Lands. No person shall use the greenway to gain unauthorized access to private property adjacent or otherwise to the greenway.

G. Property Destruction. No unauthorized person shall:

1. Pick, cut, mutilate, blaze, paint or remove any flowers, shrubs, foliage, trees or plant life, or property of any kind, within the greenway area without written permission therefor from the greenway authority;
2. Mutilate, deface, damage, move or remove any greenway equipment, including but not limited to streets, sidewalks, bicycle paths or any part of the public right-of-way, tables, benches, buildings, signs, markers, plaques, barriers, fountains, faucets, traffic recorders or other structures or facilities of any kind within the greenway area; or
3. Dig, dredge, deface or remove any dirt, stones, rocks, artifacts or other substances, make any excavation, quarry any stones or other objects or cause or assist in doing any of such things within the greenway area, except upon written permission from the greenway authority.

H. Fires.

1. Unless specifically authorized, no person shall build, light or maintain any fire, portable gas, gasoline or oil stoves or other portable cooking devices, or leave a fire unattended, throw or deposit any burning substance, or other substance capable of burning or combustion within the greenway.
2. A person shall be responsible for damage resulting from fires caused by such person and for the cost of suppressing such fires.

I. Offensive Littering.

1. No person shall:
 - a. Throw, dump, deposit or leave any trash, refuse, garbage, litter, cigarettes or tobacco products, or waste material within the greenway area, except in receptacles designated by the greenway authority for that purpose;
 - b. Bring into the greenway area any trash, refuse, garbage, litter, waste material or vehicle for the purpose of leaving it therein;
 - c. Wash any clothing or other materials in the waters of any pond or stream, or throw, dump or deposit into such waters, or onto the banks thereof, any trash, refuse, garbage, litter, waste material or other polluting product of any kind. Pollution and waste, for the purpose of this subsection I, are as defined in ORS [468B.005](#)(5) and (9).
2. In addition to any fine imposed for violation of any provision of this section, the violator is responsible for any and all costs resulting from necessary response, clean up, or damage caused by the act of offensive littering.

J. Campsites Prohibited.

1. As provided in CPMC Chapter 7.01.030, it is unlawful to sleep or store Camping Materials or similar Personal Property, as defined in Chapter 7.01, for any period of time in the greenway, unless authorized by law or by declaration of the City Manager.

2. Violation of subsection (J)(1) of this section shall be subject to enforcement as provided in CPMC 7.01.050.

K. Peddlers and Solicitors--Advertising--Signs.

1. Unless otherwise specifically permitted by the greenway authority, no person shall, within the greenway:
 - a. Operate a concession, either fixed or mobile, or engage in the business of soliciting, selling or peddling goods, wares, merchandise, liquids or edibles for human consumption;
 - b. Advertise in any manner, including but not limited to distributing circulars, or using fixed or mobile display; or
 - c. Erect any sign, marker or inscription.

2. Unauthorized signing or trail marking is prohibited.

L. Alcoholic Beverages. Possessing or drinking alcoholic beverages within the greenway is prohibited.

M. Firearms, Air Guns and Other Weapons. No person, other than law enforcement officers performing their official duties, shall discharge any firearm, air gun, pellet gun, bow and arrow, slingshot or other projectile propelling device within the greenway.

N. Fireworks. No person shall possess or use fireworks or explosives of any type within the greenway.

O. Hunting. Unless specifically authorized, no person shall, or attempt, to pursue, hunt, trap, kill or injure any wild bird or animal within, into or out of the greenway area.

P. Noise. Loudspeakers, public address systems and amplified musical instruments are allowed within the greenway only upon approval from the greenway authority as part of a special event permit under CPMC 5.42.

4.06.060 Severability.

If any section, subsection, sentence, clause, phrase or portion of this chapter is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

4.06.070 Jurisdiction--Enforcement.

A. Persons are subject to the jurisdiction of the greenway authority for violations alleged to have been committed within that portion of the greenway that lies within the boundaries of the city of Central Point.

B. Enforcement of this chapter may be performed by any law enforcement officer or code enforcement officer designated by the greenway authority.

4.06.080 Violations--Penalty.

A. Violation of this chapter shall be punishable under the general penalty, Chapter 1.16.

B. Any person who violates any of the provisions of this chapter may be ejected or expelled from the greenway per the provisions of Chapter 4.10.

SECTION 6. Title 4 is hereby amended to add Chapter 4.08, Skate Park Guidelines and Rules, as set forth below:

Chapter 4.08 SKATE PARK GUIDELINES AND RULES

Sections:

4.08.010 General Guidelines and Policies.

4.08.020 Prohibited Acts/Regulations.

4.08.030 Penalties.

4.08.010 General Guidelines and Policies.

In addition to the rules generally applicable to city parks under CPMC 4.04, the following rules and guidelines apply to the use of the skate park:

A. This is an unsupervised park. All users of the skate park are deemed to use the park at their own risk. Inspect the surfaces before riding. Remove all trash, debris and objects that may prevent a smooth, safe ride. The City does not assume any responsibility for loss or injuries.

B. Users should refrain from using the park when the concrete skating/riding surfaces are either wet and slippery or damaged. Users observing damage should promptly notify city parks department at 664-3321 extension 265.

C. For the safety of park users, the city reserves the right to temporarily exclude users at such times as the city determines the park to be at full capacity.

D. The city reserves the right to subject the park to video surveillance at any or all times.

E. All organized events or formal contests must receive prior written approval from the city parks and recreation director or designee.

F. The city reserves the right to close the park in the event of violation of park rules or for any other circumstances deemed necessary including inclement weather.

4.08.020 Prohibited Acts/Regulations.

A. A safety helmet must be worn at all times by any person that is on the concrete skating/riding surface of the park. A "safety helmet" as used in this chapter means, at a minimum, a helmet carrying a sticker indicating that the helmet meets the standards established by the United States Consumer Product Safety Commission (CPSC). Higher

levels of safety certification such as the American Society for Testing and Materials (ASTM) or Snell Certification are also permitted.

B. No person shall enter or be inside the concrete skating/riding surface of the park, unless such person is wearing a safety helmet.

C. No person shall use the concrete skating/riding surface area of the park with any type of motorized vehicle or device. Skateboards, nonmotorized scooters (like razor scooters), BMX bikes, and inline skates are permissible as long as the individual is wearing a safety helmet and abiding by the rules of the park.

D. No person shall modify or attempt to modify any element, surface or area within the park.

E. All spectators must stand, sit or observe outside the concrete skating/riding surface of the park.

F. Spectators and park users are prohibited from standing, trampling or injuring in any way the shrubs, trees and bedding plants that are around the park.

G. No person shall use the Skate Park in a manner which is unsafe, physically intimidating, which places others at risk of physical harm, or which interferes unreasonably with the safe and enjoyable use of others.

H. Profanity is prohibited.

I. Trash containers will be furnished and must be used for disposal of waste. Littering is prohibited.

J. No person shall bring into the park or possess within the park any glass containers.

K. No person shall bring into or possess within the park any alcohol or controlled substances.

L. Use of tobacco products, marijuana or other inhaling device is prohibited as provided in CPMC 4.04.230.

M. The city reserves the right to limit the number of persons allowed inside the concrete skating/riding surface of the park at any given time.

4.08.030 Penalties.

A. Violation of this chapter shall be punishable under the general penalty, Chapter 1.16.

B. Any person who violates any of the provisions of this chapter may be ejected or expelled from the park per the provisions of Chapter 4.10.

SECTION 7. Title 4 is hereby amended to add Chapter 4.10, Park Violation – Ejection or Exclusion Remedy, as set forth below:

Chapter 4.10

PARK VIOLATION – EJECTION OR EXCLUSION REMEDY

4.10.010 Definitions

4.10.020 Ejection

4.10.030 Oral Warning

4.10.040 Exclusion

4.10.050 Knowingly Remaining in Park after Expulsion

4.10.060 Park Expulsion Process; Appeal

4.10.070 Penalty

4.10.010 Definitions.

For the purposes of this Chapter, the following definitions apply:

1. **Disruptive Activity.** Disruptive Activity is behavior, conduct or activity that obstructs, disrupts or interferes with the operation or business being conducted by the City, or authorized users, or other permitted activities at a Park.
2. **Ejection.** An ejection is an order given by an authorized park officer directing a person to immediately leave a park and not to return for the remainder of the day.
3. **Exclusion.** An exclusion is an order made by an authorized park officer prohibiting a person from entering or remaining at a park for a specified period of time.
4. **Park Officer.** Any peace officer, park official, or city code compliance officer.
5. **Park Violation.** Park Violation is behavior, conduct or activity at a park that would constitute a violation of:
 - a. Federal, state or local law.
 - b. Provisions of the code applicable to parks, including but not limited to Chapters 4.04, 4.06 and 4.08.
 - c. Any rule or regulation applicable to parks.

4.10.020 Ejection.

A. In addition to other remedies provided for violation of CPMC Chapters 4.04, 4.06 and 4.08, or any other provision of the municipal code, or of any of the laws of the State of Oregon, any park officer may issue an ejection to a person who engages in a disruptive activity or a park violation and direct that person to immediately leave the park for the remainder of the day. Nothing in this section shall be construed to authorize the ejection or expulsion of any person lawfully exercising free speech rights or other rights protected by the state or federal constitutions.

4.10.030. Oral Warning.

1. A park officer shall attempt to give a person who may be subject to an ejection or exclusion under this Chapter an oral warning and a reasonable opportunity to stop engaging in the disruptive activity or park violation; provided, however, failure to give an actual oral warning does not nullify the effectiveness or enforceability of an ejection or exclusion.

2. A park officer is not required to attempt to give an oral warning before issuing an ejection or exclusion where the behavior, conduct or activity constitutes one or more of the following:

a. A felony, misdemeanor, or motor vehicle offense.

b. A violation of Chapter 7.01, which shall be governed by the rules set forth in that Chapter.

c. Dangerous or threatening behavior. Behavior is dangerous or threatening if a reasonable person, exposed to or experiencing such behavior could believe that the person would be in imminent danger of physical harm. Actual bodily injury to a person is not required. The belief of a person engaging in self-harming behavior is not deemed reasonable.

4.10.040. Exclusion.

A. Except as provided in subsections B through D below, the length of exclusion from a park shall be for 30 days, unless:

1. The person to be excluded has also been excluded previously from any park for any reason within three years before the date of the present exclusion, then the exclusion shall be for 90 days.

2. The person to be excluded has also been excluded previously from any parks for any reason on two or more occasions within 3 years before the date of the present exclusion, then the exclusion shall be for 180 days.

B. The length of exclusion shall be 60 days if the disruptive activity or park violation giving rise to the present exclusion:

1. Constitutes child abuse under ORS Chapter 419B, elder abuse under Chapter ORS 124, or abuse of adults with mental illness or development disabilities under ORS Chapter 430, that may trigger mandatory reporting by a park officer or a “public or private official” under the mandatory reporting statutes;

2. Constitutes any offenses against persons under ORS Chapter 163;

3. Constitutes intimidation under ORS 166.155 or ORS 166.165; or

4. Results in property damage to a park of \$1,000 or more.

C. The length of exclusion shall be 120 days if the person to be excluded for a reason described in Subsection B has also been issued an exclusion for any reason previously from any park within 3 years before the date of the present exclusion.

D. The length of exclusion shall be 270 days if the person to be excluded for a reason described in Subsection B has also been excluded from any parks for any reason on two or more occasions within 3 years before the date of the present exclusion.

E. Location of Exclusion.

Except as otherwise provided in this subsection, the place of exclusion shall be the Park where the disruptive activity or park violation occurred. Where the behavior giving rise to the expulsion is a violation under subsection B.1 or B.2, the place of exclusion may be one or more parks.

4.10.050. Knowingly Remaining in Park after Expulsion.

No person shall knowingly enter or remain in any park at any time in violation of a park expulsion order as issued and served upon the person in accordance to the provisions of this section.

4.10.060. Park Expulsion Process; Appeal.

A. Written notice shall be given to any person expelled from any city park(s). Such notice shall specify the dates and places of expulsion, a brief description of the disruptive activity or park violation resulting in the expulsion notice, and information on right to appeal. It shall be signed by the issuing party; warning of consequences for failure to comply shall be prominently displayed on the notice. Such written notice shall be delivered in person, or by certified mail along with an additional copy by first class mail to the last known mailing address of said individual.

B. A person issued such notice may appeal in accordance with CPMC 1.04.060 to have the written notice rescinded or the period shortened. The appeal notice shall specify the relief sought and the reason for said relief. Pending the date of the appeal hearing, the expulsion shall be temporarily stayed.

C. The Council shall uphold the expulsion if, upon de novo review, the preponderance of the evidence convinces the Council that, more likely than not, the person in fact committed the crime or violation, and that the expulsion is otherwise appropriate as to purpose and length of expulsion.

4.10.070. Penalty.

In addition to the ejection/expulsion remedies in this Chapter:

A. Violation of this chapter shall be punishable under the general penalty, Chapter 1.16.

B. Any violation of 4.10.050 of this Chapter is deemed a Criminal Trespass II, a Class C misdemeanor.

SECTION 8. Codification. Provisions of this Ordinance shall be incorporated in the City Code and the word "ordinance" may be changed to "code", "article", "section", "chapter" or another word, and the sections of this Ordinance may be renumbered, or re-lettered, provided however that any Whereas clauses and boilerplate provisions (i.e. Recitals A-C) need not be codified and the City Recorder is authorized to correct any cross-references and any typographical errors.

SECTION 9. Effective Date. The Central Point City Charter states that an ordinance enacted by the Council shall take effect on the thirtieth day after its enactment. The effective date of this ordinance will be the thirtieth day after the second reading.

PASSED by the Council and signed by me in authentication of its passage this ____ day of _____ 2025.

Mayor Taneea Browning

ATTEST:

City Recorder



DEPARTMENT: Public Works

MEETING DATE: January 9, 2025

STAFF CONTACT: Matt Samitore, Parks and Public Works Director

SUBJECT: Downtown Parking Additions

SUMMARY AND BACKGROUND:

This report proposes the delineation of parking spaces on side streets between North Front and North 1st Streets, from Cherry to East Pine Streets. This initiative is driven by local businesses who see a need for increased parking availability in the area. The proposed solution will help address parking congestion, improve pedestrian safety, and enhance the overall appeal of the district.

Background

The area between North Front and North 1st Streets, from Cherry to East Pine Street, is a vibrant commercial district in Central Point. However, the lack of designated parking spaces on side streets has led to parking congestion, particularly during peak hours. Local businesses have raised this issue, believing that additional parking spaces would positively impact their operations and attract more customers.

Proposal

To address the parking shortage, the City of Central Point proposes delineating parking spaces on the side streets within the specified area. This will involve

- **Street Survey and Assessment:** Conduct a thorough survey of the side streets to identify suitable locations for parking spaces.
- **Parking Space Design:** Designate parking spaces of appropriate size and orientation to ensure safe and efficient parking.
- **Signage Installation:** Install clear and visible signage to indicate parking regulations, including parking time limits and restrictions.
- **Pavement Markings:** Paint pavement markings to delineate parking spaces and pedestrian walkways.

Staff is bringing this proposal to the Council for recommendation because the parking and signage delineation was previously set when the downtown district was established and did not include these areas.

FINANCIAL ANALYSIS:

This would expand yearly sign inspection and pavement markings by approximately \$5,000.

LEGAL ANALYSIS:

N/A

COUNCIL GOALS/STRATEGIC PLAN ANALYSIS:

GOAL 5 - Support business development and entrepreneurship.

ATTACHMENTS/EXHIBITS:

1. downtownparking

STAFF RECOMMENDATION:

Staff recommends expanding the downtown district to include the area between N. Front and N. 1st Street from E. Pine to Cherry.

RECOMMENDED MOTION:

Approve expanding the downtown district to include the area between N. Front and N. 1st Street from E. Pine to Cherry.





DEPARTMENT: Administration

MEETING DATE: January 9, 2025

STAFF CONTACT: Chris Clayton, City Manager

SUBJECT: Island Annexation Discussion

SUMMARY AND BACKGROUND:

Summary

In October 2024 Council was presented a report reviewing and analyzing the process, requirements, and potential benefits of annexing territories into the City. The report outlined each type of annexation processes, including Island Annexation, Contract Annexation, and Annexation without Consent, along with the timing, requirements, and after-effects of such annexations which are briefly outlined below. At that time, it was agreed that staff would continue to work with the City Surveyor to determine properties that could potentially be considered for annexation under the island annexation process. Attached to this report is a map depicting the properties that are eligible to be considered for island annexation. The map also shows other properties that may be eligible for annexation in the future and is color coded as follows:

Blue: Properties eligible for island annexation.

Violet: Properties that are islands, but do not meet the criteria for island annexation as the amount of right-of-way exceeds 25%.

Orange/Yellow: Properties that have signed consents to annex, and could be considered in the future for annexation.

Green: Properties that may be beneficial to annex at a future date, but would require 100% owner consents or the requisite approvals by double or triple majority at an election of the territory.

Benefits of Annexation

1. **Economic Development:** Annexation can promote economic growth, bring in commercial entities and expand the tax base.
2. **Controlled Development:** City jurisdiction allows for better planned and sustainable development according to the City's long-term goals.
3. **Increased Services:** Newly annexed areas may benefit from City services such as improved emergency services, road maintenance, and other utilities.
4. **Policy Uniformity:** Harmonizes regulations and zoning policies, allowing for more cohesive governance.

5. Efficiency: Reduces jurisdictional confusion, streamlining administrative tasks like utility servicing, law enforcement, and emergency services.

Types and Processes of Annexation (summarized from attached legal memorandum)

1. Island Annexation (Focus of tonight's discussion):

- ☐ Requirements: The property must be surrounded by the City's corporate boundaries.
- ☐ Process: At least one public hearing is required. Consent of property owners or residents is not required.

2. Contract Annexation:

- ☐ Requirements: Property must be contiguous to City limits or separated by public right-of-way, stream, etc.
- ☐ Process: Deemed as written consent to annexation.

3. Unanimous Landowner Consent:

- ☐ Requirements: 100% of property owners and at least 50% of electors in the territory must consent.
- ☐ Process: No public hearing or election is required. The City sets final boundaries and proclaims annexation.

4. Annexation Without Consents:

- ☐ Requirements: None, can be initiated by the City Council.
- ☐ Process: A public hearing and territory election is required. Territory can be annexed by ordinance after the hearing.

Non-Conformity

Properties under County jurisdiction can maintain their existing activities even if they don't meet City regulations, subject to certain limitations.

Conclusion

Annexation can offer various benefits to both the City and the annexed territories. It is crucial to follow the legal processes as outlined in the ORS and to make strategic choices that align with the City's long-term objectives.

FINANCIAL ANALYSIS:

LEGAL ANALYSIS:

The City may annex property with or without the consent of a property owner where that property is surrounded by the corporate boundaries of the City. A property is an "Island" if it is: "surrounded by the corporate boundaries of the city, or by the corporate boundaries of the city and the corporate boundaries of another city, the ocean shore, a river, a creek, a bay, a lake or Interstate Highway 5...." However, if the subject property is bordered in part by public right of way (other than I-5) such right-of-way may not constitute more than 25% of the property's boundaries. If greater than 25% of the boundary is right of way (other than I-5) then the City cannot use the Island Annexation process. If the City seeks to annex an island, it must annex the entire "island"

territory. Annexing a portion of the island is not permitted.

a) Process to Annex.

The City may annex the territory pursuant to ORS 222.750 after holding at least one public hearing on the subject for which notice has been mailed to each record owner of real property in the territory proposed to be annexed. Consent of the owner or resident of the subject property is not required.

The annexation may be by Ordinance or Resolution and is subject to referendum meaning that registered voters in City limits may seek to reject the Ordinance or Resolution by election, using the referendum process.

b) Timing for Annexation.

For property zoned for, and in use as, residential at the time the annexation is initiated, the City must specify an effective date for the annexation that is not less than 3 nor more than 10 years from the date of the approval of the annexation.

Within 60-days following approval of the annexation, the City recorder must record with the County a notice stating that the annexation is delayed and specify the effective date of such annexation. Additionally 90-120 days before the annexation takes effect, the City recorder must notify the County clerk of the annexation.

If the property is sold during the period of delayed annexation, the property becomes part of the City immediately upon transfer of ownership. It is advisable to include such language in the notice recorded with the County.

c) Post Annexation Obligations.

The City Recorder must notify all utilities, cooperatives, and carriers by certified mail within ten working days.

- ☐ Any boundary changes must be reported to the county clerk and assessor.
- ☐ City must notify the Oregon Department of Revenue.

COUNCIL GOALS/STRATEGIC PLAN ANALYSIS:

Strategic Priority - Vibrant Economy

GOAL 1 - Manage growth to provide a timely and orderly provision of facilities and services to serve existing and new development.

ATTACHMENTS/EXHIBITS:

1. GIS Annex Map 2024-11-15
2. Memo regarding Annexation Procedures Updated August 2023

STAFF RECOMMENDATION:

Staff is recommending the City Council discuss the following options and provide direction to staff as follows:

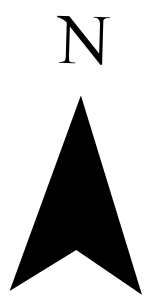
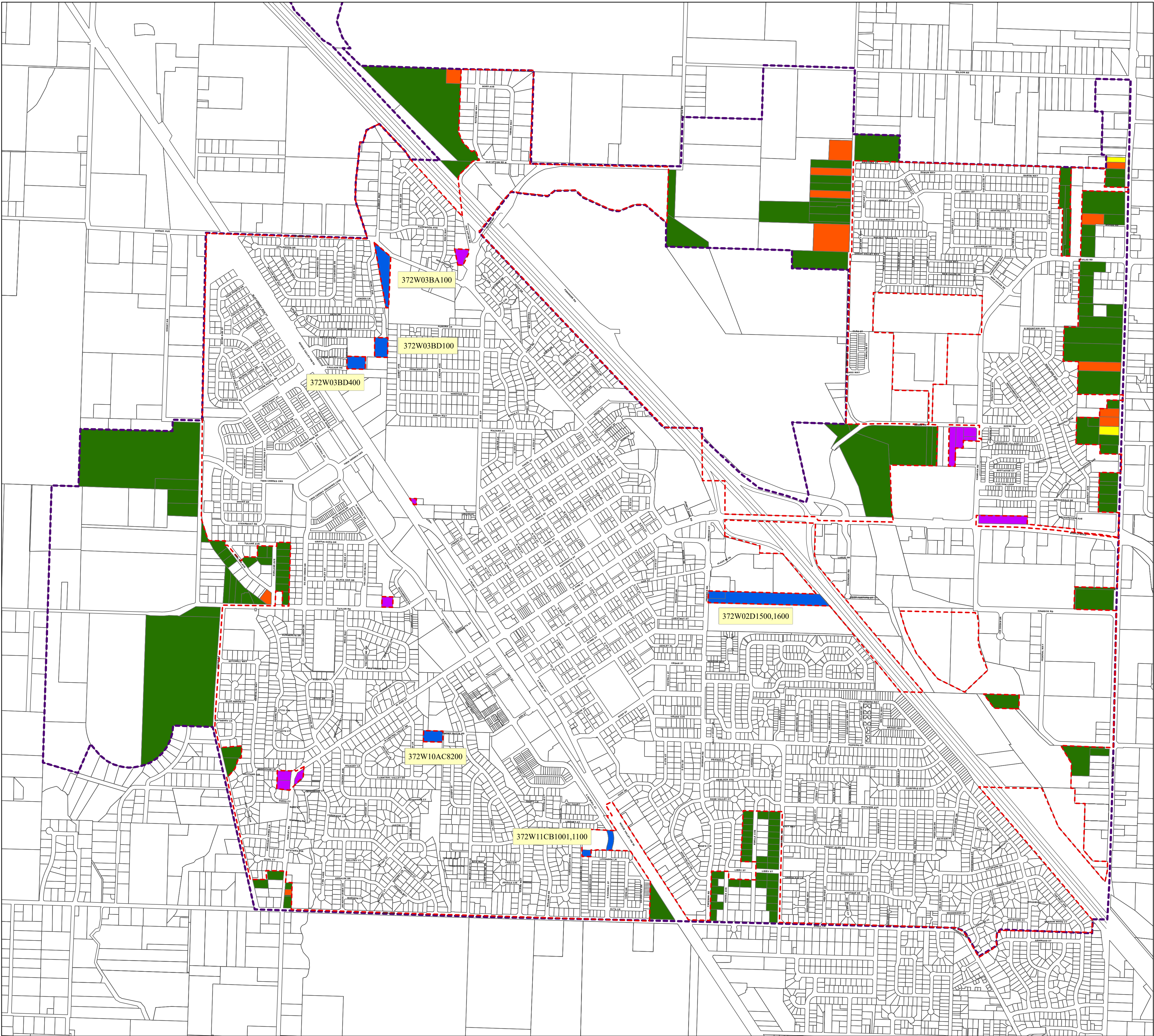
1. Discuss whether all or some of the properties indicated in blue should be brought forward for annexation through the island annexation process.
2. If Council desires to proceed with island annexation, discuss the timing for scheduling a public hearing for same.

RECOMMENDED MOTION:

I move to direct staff to proceed with island annexations for properties as depicted in blue on the attached map;

I move to direct staff to proceed with island annexations for the following properties:
_____; or

I move to direct staff not to proceed with island annexations at this time.



- City Limits
- Urban Growth Boundry
- Island Annexations

- Properties Exceeds 25%
- Annexation without Consents

- Contract Annexations
- Phase
- 1
 - 2



MEMORANDUM

TO: Chris Clayton, City Manager

FROM: Sydnee Dreyer

RE: **Annexation Processes**

DATE: December 31, 2024

The City may only annex properties that are contiguous to City limits and only if it is “reasonable” to do so. To be contiguous means there must be some connection to the City, either by a narrow strip of land or by annexing right-of-way that extends to the property proposed for annexation.

Absent an exception, an annexation must be approved by a majority of City electors and a majority of the territory proposed for annexation. The two elections may be held concurrently, or within 12-months of each other. Best practice often would be to hold the territory election first, to see if it passes, and only then have the more costly City election. However, in many instances the City may dispense with one or both of the election proceedings as further explained below.

Island Annexation (Shown in [Blue](#) on Map)

The City may annex property with or without the consent of a property owner where that property is surrounded by the corporate boundaries of the City. A property is an “Island” if it is: “surrounded by the corporate boundaries of the city, or by the corporate boundaries of the city and the corporate boundaries of another city, the ocean shore, a river, a creek, a bay, a lake or Interstate Highway 5....” However, if the subject property is bordered in part by public right of way (other than I-5) such right-of-way may not constitute more than 25% of the property’s boundaries. If greater than 25% of the boundary is right of way (other than I-5) then the City cannot use the Island Annexation process. If the City seeks to annex an island, it must annex the entire “island” territory. Annexing a portion of the island is not permitted.

a) Process to Annex.

The City may annex the territory pursuant to ORS 222.750 after holding at least one public hearing on the subject for which notice has been mailed to each record owner of real property in the territory proposed to be annexed. Consent of the owner or resident of the subject property is not required.

The annexation may be by Ordinance or Resolution and is subject to referendum meaning that registered voters in City limits may seek to reject the Ordinance or Resolution by election, using the referendum process.

b) Timing for Annexation.

For property zoned for, and in use as, residential at the time the annexation is initiated, the City must specify an effective date for the annexation that is not less than 3 nor more than 10 years from the date of the approval of the annexation.

Within 60-days following approval of the annexation, the City recorder must record with the County a notice stating that the annexation is delayed and specify the effective date of such annexation. Additionally 90-120 days before the annexation takes effect, the City recorder must notify the County clerk of the annexation.

If the property is sold during the period of delayed annexation, the property becomes part of the City immediately upon transfer of ownership. *It is advisable to include such language in the notice recorded with the County.*

Contract Annexation (Property shown in Orange on map).

A requirement for any annexation is that the property be contiguous to City limits, or separated from the City only by public right-of-way or a stream or other body of water. Properties that have signed annexation agreements, but are not yet contiguous to City limits, are not candidates for annexation at this time.

In determining what procedures apply, a contract annexation is also deemed a written consent to annexation. As such, the discussions below regarding consent to annexation are applicable to contract annexations as well.

Unanimous Landowner Consent.

If 100% of the property proposed for annexation has consented, (and at least 50% of the electors in the territory) then the City can annex the territory without a public hearing or an election and may by resolution or ordinance set the final boundaries of the area to be annexed by a legal description and proclaim the annexation.

Annexation without Consents (All other eligible properties shown in green).

The City may initiate the annexation process by motion of the Council regardless of whether the City has received consents to annex or a petition to annex. In that event, the City is not required to hold a City election if the City holds a public hearing, which is noticed once each week for two successive weeks prior to the day of the hearing in a newspaper of general circulation in the city, and shall cause notices of the hearing to be posted in four public places in the city for a like period.

After the public hearing, the City may adopt an ordinance annexing the territory. The Ordinance would provide that either: a) the territory is annexed to the city where electors or landowners in the contiguous territory consented in writing to such annexation, as provided in ORS 222.125 or 222.170, prior to the public hearing; or that b) the territory is annexed upon the condition that a majority of the votes cast in an election of the territory is in favor (the latter applies if there are insufficient consents to avoid the territory election).

The City may include a special rate of taxation for the new territory that is a ratio of the highest rate of taxation applicable to property in the city for a term of up to 20-years (note if the annexation is initiated by petition of the property owners the term of the special taxation rate is limited to 10-years). The special rate may increase from fiscal year to fiscal year pursuant to a proposed schedule. If the annexation is approved, the city cannot tax the annexed territory at any other rate than the special rate for the term that is in effect. Notwithstanding the foregoing, during the term of fiscal years provided for, the ratio shall be 100 percent for property that is sold or transferred to new ownership, beginning with the first property tax year that begins after the sale or transfer.

In determining whether there are sufficient consents to avoid a territory election, the following apply:

Triple Majority Consents: A territory election is not required if written consents are received by: 1) more than $\frac{1}{2}$ of the landowners in the territory, who 2) also own more than $\frac{1}{2}$ of the total land in the territory, 3) the assessed value of which is more than $\frac{1}{2}$ of the assessed value of all land in the territory.

Double Majority Consents: A territory election is not required if written consents are received by: 1) more than ½ of the registered voters in the territory; and 2) the owners of more than ½ of the land, whether or not they are the same individuals.

A statement of consent (unlike a contract annexation) is only valid for 1-year unless a longer period of time is expressly stated.

Effect of Annexation on Uses.

Annexation may result in some non-conformity. Typically, if what was occurring on the property while it was under County jurisdiction was legal, it can continue once the property is annexed, even if it does not fully meet City regulations. Any non-conforming activity is subject to the provisions in CPMC, meaning discontinuing or abandoning a use can result in having to comply with City regulations.

Post Annexation Obligations.

If annexation is approved by the Council, the City Recorder must, within 10-working days after passage of the resolution or ordinance, provide by certified mail to all public utilities, electric cooperatives and telecommunications carriers operating within the city each site address to be annexed as recorded on county assessment and tax rolls, a legal description and map of the proposed boundary change and a copy of the city council's resolution or ordinance approving the proposed annexation. ORS 222.005.

In addition the Recorder must report to the county clerk and county assessor of the county within which the city is located all changes in the boundaries or limits of the city. The report shall contain a detailed legal description of the new boundaries established by the city. The report shall be filed by the city within 10 days from the effective date of the change of any boundary lines. ORS 222.010.

For purposes of ad valorem taxation, a boundary change must be filed in final approved form with the county assessor and the Department of Revenue as provided in ORS 308.225.