

ORDINANCE NO. 2099

**AN ORDINANCE AMENDING IN PART THE CENTRAL POINT MUNICIPAL CODE
ADDING CHAPTER 3.27 ESTABLISHING A RECREATION FEE**

RECITALS:

- A. Pursuant to CPMC, Chapter 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. As part of the city's plan to fund future operational and programming costs for the Community Center and Little League Fields the city has determined that it is necessary to adopt a new recreation fee.
- C. The proposed Recreation Fee would begin collections as of July 1, 2023, to be held in the City's general fund until such time that operations begin at the Community Center, in approximately July 2025.

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

SECTION 1. A new Chapter 3.27, Recreation Fee is added to Title 3 of the Central Point Municipal Code.

SECTION 2. 3.27.010 Creation of recreation fee, purpose.

There is hereby created a recreation fee for the purpose of providing funding for operations and programming at the Community Center and the Little League Fields. Fees collected shall be deposited in the city of Central Point general fund recreation fee account to be used only for the purposes identified in this chapter. The council hereby finds, determines and declares the necessity of supporting operations and programming for the Community Center and Little League Fields, including such activities as are necessary to properly operate, maintain and program said facilities and to assure that the health, safety and welfare of the city and its inhabitants may be safeguarded.

SECTION 3. 3.27.020 Definitions.

"Developed property" means property on which improvements have been constructed, as defined in the land use planning code.

"Multiple-family unit" means a residential structure with three or more attached dwelling units in one or more structures in which the units are served by common meters for water.

"Nonresidential unit" means a use of developed property not for personal, domestic accommodation, such as a business, commercial, or industrial enterprise. A

nonresidential unit which provides facilities for one or more businesses shall be charged as a single unit for purposes of the recreation fee.

“Residential unit” means a residential structure accommodating one dwelling unit, including manufactured structures and mobile homes. In the case of attached dwelling units such as duplexes, townhomes, condominiums, and accessory or ancillary dwelling units which include permanent provisions for sleeping, cooking and sanitation, each unit which is separately metered for water shall be considered a separate residential unit for purposes of collecting the fee.

“Responsible party” means the person(s) having the right to occupy the property unless another responsible person has agreed in writing to pay and a copy of that writing is filed with the City. If the City is not able to identify any other responsible person, or if the person(s) having the right to occupy the property refuses to pay the City’s recreation fee, the owner of record shall be the responsible party.

“Undeveloped property” means unimproved land and open space as defined by the city of Central Point land use codes.

SECTION 4. 3.27.030 City to operate, maintain and provide programming at recreational facilities.

The City intends to operate, maintain and provide programming at the Community Center, Little League Fields and any other recreational facility accepted by the city. Such facilities exclude private facilities not yet accepted by the city for operations, maintenance and programming. The city parks director shall develop and implement a maintenance and operations plan for accepted city recreation facilities, and the city’s investment therein shall be preserved, insofar as possible to do so, with funds available and in accordance with policies adopted by the council.

SECTION 5. 3.27.040 Administrative Officer designated.

In addition to such other duties and responsibilities as may be assigned to the director, the parks and recreation director shall be responsible for developing operations, maintenance and programming standards for the Community Center and Little League Fields and for programming at such facilities, and all other activities related to the purpose of the recreation fee, subject to approval by the budget committee for any such fee.

SECTION 6. 3.27.050 Establishment and revision of recreation fee.

The city council hereby establishes a recreation fee to be paid by the responsible party for each developed property within the corporate limits of the city. Such fee shall not be imposed in amounts greater than that which is necessary, in the judgment of the City Council, to provide sufficient funds to properly operate and maintain the Community Center and Little League Fields. Collection of the fee for each property shall be made by a monthly charge which shall commence on the first day of July, 2023. The City Council may, from time to time, by resolution, change the fee based upon revised estimates of the cost of operating and programing the Community Center and Little

League fields, as well as additional costs of operation and programming at any other accepted recreation facility within the corporate limits of the city.

SECTION 7. 3.27.060 Imposition of the recreation fee.

A. Residential Unit. There is hereby imposed upon developed residential units in the city a recreation fee for each dwelling unit existing on that parcel.

B. Multiple-Family Unit. There is hereby imposed upon the responsible party for a multiple-family unit a recreation fee for each separate dwelling unit within the multiple-family unit existing on that parcel. By way of example, an apartment complex containing thirty units would be subject to a monthly recreation fee of 30 units x multi-family recreation fee.

C. Nonresidential Unit. There is hereby imposed upon the responsible party for a nonresidential unit a recreation fee for each common meter to serve the nonresidential unit existing on that parcel.

D. This fee is deemed reasonable and is necessary to pay for the operation and programming of the Community Center and Little League Fields. The fee amount is established in the most recent fee schedule approved by resolution of the City Council. The effective starting date of this fee will be July 1, 2023, and will appear on water bills delivered in July 2023.

SECTION 8. 3.27.070 Rate Adjustment.

An annual rate adjustment may be made based on the Consumer Price Index (CPI-U) for the Portland, Oregon MSA and index period 1982-1984 = 100. The adjustment shall be the percent change in the CPI for the calendar year ending December 31st of each year. The adjustment shall be made to the customer's water bill beginning the following July 1. The first adjustment may be made in July 2024 upon resolution duly adopted and approved by the city council.

SECTION 9. 3.27.080 Billing and Collection of recreation fee.

A. Recreation fees shall be collected monthly on the city water bill per Section [3.27.060](#).

B. The person normally responsible for paying the city water charges is responsible for paying the recreation fee, if the property is located within the city limits.

C. In the event a developed property is not served by a domestic water meter, or if water service is discontinued, the recreation fee shall be billed to the persons having the right to occupy the property. If unpaid by the occupants of the property the bill will be the responsibility of the property owner ultimately.

D. A request for water or sewer service, a building permit, or the occupancy of an unserved building will automatically initiate appropriate billing for the recreation fee.

E. There shall be no charge for an undeveloped property until such time as any permit is issued for that property.

F. A late charge shall be attached to any recreation fee not received within thirty days of billing. The charge is established under administrative fees by resolution.

G. Notwithstanding the above, if the recreation fee is not paid for a period of three months, the fee, with any attendant late fees, shall be imposed on the responsible party. Unpaid amounts will ultimately become a lien against the property and the responsibility of the property owner. Water is subject to shut-off by the city.

SECTION 10. 3.27.090 Recreation fee discount for extreme hardship.

Eligible households may apply for a discount of the recreation fee pursuant to that procedure set forth in Chapter [13.16](#).

SECTION 11. 3.27.100 Moneys to be paid in recreation fee account.

All fees collected by the city shall be paid into the recreation fee account. It shall not be necessary that the operations and programming expenditures from the account specifically relate to any particular property from which the fees for said purposes were collected. To the extent that the fees collected are insufficient to properly operate and provide programming, the cost of the same may be paid from such other city funds as may be determined by the city council, but the city council may order the reimbursement of such funds if additional fees are thereafter collected. All amounts on hand in the recreation fee account shall be invested by the chief financial officer in investments proper for city funds. The fees paid and collected by virtue of this chapter shall not be used for general or other governmental or proprietary purposes of the city, except to pay for the equitable share of the cost of accounting, management and government which is attributable to the account, which shall not exceed five percent of the gross revenues of the account during any fiscal year. Other than as described above, the fees and charges shall be used solely to pay for the cost of operation, administration, maintenance, repair, improvement, renewal, replacement, reconstruction and programming of the Community Center and Little League Fields and any other recreation facility accepted by the city.

SECTION 12. 3.27.110 Appeal Procedure.

A person aggrieved by a decision required or permitted to be made by the parks director under this chapter may appeal the decision or the expenditure to the city council as provided in Section [1.04.060](#).

SECTION 13. 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.

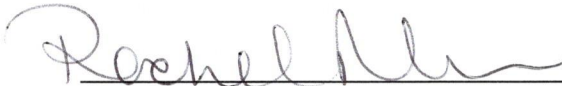
SECTION 14. Effective Date. The Central Point City Charter states that an ordinance enacted by the Council shall take effect on the thirtieth day after its enactment. The effective date of this ordinance will be the thirtieth day after the second reading.

PASSED by the Council and signed by me in authentication of its passage this 25th day of may, 2023.



Mayor Hank Williams

ATTEST:



City Recorder