

ORDINANCE NO. 2103

**AN ORDINANCE CREATING TITLE 7, REGULATING CAMPING AT PUBLIC PROPERTIES
AND AMENDING IN PART CENTRAL POINT MUNICIPAL CODE CHAPTERS 8.32, 9.68,
10.04 AND 12.20**

FINDINGS:

- A. Pursuant to CPMC, Chapter 1.01.040, the City Council, may from time to time make revisions to its municipal code which shall become part of the overall document and citation.
- B. The state of Oregon is currently experiencing an increase in unsanctioned camping in public spaces and right of way.
- C. ORS 195.500 requires cities and counties to develop a policy that recognizes the problem of homeless individuals camping on public property and implement the policy to ensure the most humane treatment for the removal of homeless individuals from camping sites on public property.
- D. Public rights-of-way are designed and intended for travel and transportation, and provision of utility services, among other uses. They are not designed or intended for overnight use, as is a recreational campsite, and often lack access to safe and sanitary restrooms and trash receptacles, resulting in unsanitary conditions from improper disposal of waste and trash.
- E. The City has the responsibility to maintain its streets and sidewalks as safe, passable, and accessible and to avoid injury and death to all users in the right-of-way, including to those without other homes.
- F. Campfires, warming fires, cooking fires, outdoor fireplaces and other similar types of outdoor burning can create hazards, particularly during fire season. Given the dry climate, the threat of wildfires, and the purpose of City parks and rights of way, open fires on City owned property is a potential danger to the community, year round. The risk to the public from open fires is significant and electrical cords in the public right of way pose related fire and safety hazards. The City's police department has noticed electrical cords which are laid across travel lanes. Electrical cords are not designed to be driven over and the wiring inside is likely to degrade quickly leading to fire potential.
- G. This ordinance is intended to: address health and safety concerns of both the public and individuals residing or camping on City rights-of-way or City property; reduce potential risks of fire; promote a safe environment; eliminate or reduce unsanitary conditions and conditions that impact public health and safety; reduce negative impacts to the environment from hazardous materials including human waste and

other pollutants; allocate public resources effectively; and meet legal and humanitarian standards for all people in the City.

- H. The City recognizes that people experiencing homelessness need a place to sleep, shelter themselves, and store belongings. The City is committed to the safety and security of all people in the City, including people experiencing homelessness, property owners, and the traveling public, while protecting people in the City from unsafe and dangerous conditions.
- I. The City finds that limitations on the time, place and manner on placing Camping Materials on public property and public right-of-way supports the safety of those individuals in the camps as well as the community.
- J. This Ordinance does not criminalize or otherwise subject an individual to citation for the acts of sitting, lying, sleeping or keeping warm and dry on public property, as prohibited by the Ninth Circuit in *Martin v. City of Boise* and *Blake v. City of Grants Pass*. Instead this Ordinance establishes reasonable time, place and manner regulations that balance the rights of the people without shelter to use some public property to meet their basic needs with the City's obligation to manage public property and public spaces to meet their intended uses and to maintain the public health and safety, in compliance with federal law and ORS 195.530.

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

SECTION 1. Central Point Municipal Code Title 7 is created as shown on the attached Exhibit "A".

SECTION 2. Central Point Municipal Code Chapter 8.32 is amended in part as shown on the attached Exhibit "B".

SECTION 3. Central Point Municipal Code Chapter 9.68 is amended in part as shown on the attached Exhibit "C".

SECTION 4. Central Point Municipal Code Sections 10.04.260 and 10.04.360 are amended in part as shown on the attached Exhibit "D".

SECTION 5. Central Point Municipal Code Section 12.20.020.A.4 is amended in part as shown on the attached Exhibit "E".

SECTION 6. 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.

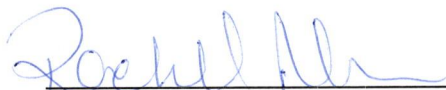
SECTION 7. Effective Date. The Central Point City Charter states that an ordinance enacted by the Council shall take effect on the thirtieth day after its enactment. The effective date of this ordinance will be the thirtieth day after the second reading.

PASSED by the Council and signed by me in authentication of its passage this 13th day of July 2023.



Mayor Hank Williams

ATTEST:



City Recorder

Exhibit A to Ordinance

Title 7

REGULATING CAMPING AT PUBLIC PROPERTIES

7.01.010 Findings and Purpose.

A. The City of Central Point finds that each community member of Central Point is entitled to a basic level of dignity, respect, and wellness, regardless of whether they are housed or unhoused. It is the official policy of the City that its responses to homelessness will be undertaken in accordance with these principles.

B. The City Council acknowledges that it is currently unavoidable that some people will live or shelter for survival outdoors until they are able to access affordable or free shelter or housing.

C. Public rights-of-way are generally intended for public use and travel. The City Council is the road authority for rights-of-way within the City; as such, the City must consider the safety of motorists and pedestrians travelling on roadways and sidewalks, including to and from neighboring properties, businesses, and residences. The City has had increasing concerns regarding safety due to camping on or in streets, alleys, bear creek greenway, sidewalks, parks, and public access points.

D. It is the purpose and intent of the City Council to provide standards for survival sheltering on City rights-of-way and City Property which will address issues such as fire risk, unsanitary conditions, trash, and public safety hazards to people camping and neighboring businesses and community members, and environmental degradation, which have occurred with longer-term camping in the City.

E. It is the intent of the City to evaluate each removal of a camp in light of the criteria in CPMC Chapter 7.01.050 and with considerations of public health and safety, including for the people who are sheltering in the camps, potential user conflicts, and available resources.

7.01.020 Definitions.

For purposes of this Chapter, the following words and phrases shall mean:

- A. To "Camp" means to occupy a Campsite for over 24-hours.
- B. "Campsite" means a location upon City Property where Camping Materials are placed. "Camp," and "Camp Materials" do not include vehicles, automobiles, or

Exhibit A to Ordinance

recreational vehicles used for shelter and/or sleeping, which are regulated at CPMC Chapters 10.04, 10.12, 10.16 and 12.20.

- C. "Camping Materials" include, but are not limited to tents, huts, awnings, chairs, tarps, sleeping bags, blankets, mattresses, sleeping or bedding materials, collections of Personal Property and/or similar items that are, or reasonably appear to be, arranged and/or used as sleeping accommodations, or to assist with sleeping activities
- D. "City Property" includes but is not limited to parks, rights of way, city-owned parking lots, bear creek greenway, easements, or other land owned, leased, controlled or managed by the City.
- E. "Personal Property" means any item that can be reasonably identified as belonging to an individual and that has apparent value or utility.
- F. "Relocate" means to move off of City Property or to a different City Property that is at least 600 feet or 3 blocks (whichever is greater) from the then current location. This definition does not include moving to another portion of the same City Property.

7.01.030 Campsites Prohibited on Certain City Property.

- A. It is unlawful for any person to Camp upon City Property unless otherwise authorized by law or by declaration of the City Manager.
- B. Unless otherwise authorized by law or by declaration of the City Manager, it is unlawful to sleep or store Camping Materials or similar Personal Property for any period of time at the following locations:
 - 1. City Hall/Central Point Police and adjacent sidewalks, 140 S. 3rd St and 155 S. 2nd Street;
 - 2. Bear Creek Greenway (as defined in CPMC Chapter 8.32);
 - 3. Don Jones Memorial Park and adjacent sidewalks 223 W. Vilas Road;
 - 4. Mae Richardson Elementary school playground and ballfields, 200 W. Pine Street;
 - 5. Twin Creeks Park, 555 Twin Creeks Crossing;
 - 6. Any place where a Campsite, or Camp Materials create a physical impediment to emergency or nonemergency ingress, egress or access to property, whether private

Exhibit A to Ordinance

or public, or on public sidewalks or other public rights-of-way, including but not limited to driveways providing access to vehicles, and entrances or exits from buildings and/or other real property.

7. Any vehicle lane, bicycle lane, or roundabout within any public right-of-way.
8. On any street or public right-of-way, the City has closed to Campsites or placement of Camp Materials due to construction, heavy vehicle use, or other use of the roadway that is incompatible with placement of Campsites in the right-of-way. The City does not need to close a street to vehicle traffic in order to close a street to sleeping or storing Camping Materials or similar Personal Property in the right-of-way under this section.

7.01.040 Time Place Manner Restrictions for Campsites.

- A. At least once every 24 hours an individual that has placed a Campsite, Camping Materials or Personal Property on City Property must Relocate.
- B. A Campsite, when and where allowed, is subject to all of the following:
 1. Individuals, Camp Materials, Campsites, or Personal Property may not obstruct sidewalk accessibility or passage, clear vision, fire hydrants, City or other public utility infrastructure, or otherwise interfere with the use of the right-of-way for vehicular, pedestrian, bicycle, or other passage. For purposes of this section, sidewalks must retain minimum unobstructed clearance required by the Americans with Disabilities Act.
 2. Any Campsite must be limited within a spatial footprint of 12 feet by 12 feet, or 144 square feet. The intent of this section is to allow a person to sleep protected from the elements and maintain the essentials for living, while still allowing others to use public spaces as designed and intended.
 3. Individuals may not accumulate, discard, or leave behind garbage, debris, unsanitary or hazardous materials, or other items of no apparent utility in public rights-of-way, on City property, or on any adjacent public or private property.
 4. Open flames, recreational fires, burning of garbage, bonfires, fires, or cooking stoves are prohibited from being used on City Property unless the location and use is expressly authorized by Fire District No. 3 and the City.

Exhibit A to Ordinance

5. Dumping of gray water (i.e., wastewater from baths, sinks, and the like) or black water (i.e., sewage) into any facilities or places not intended for gray water or black water disposal is prohibited. This includes but is not limited to storm drains, which are not intended for disposal of gray water or black water.
6. Unauthorized connections or taps to electrical or other utilities, or violations of building, fire, or other relevant codes or standards, are prohibited.
7. Obstruction or attachment of Camp Materials or Personal Property to fire hydrants, utility poles or other utility or public infrastructure, fences, trees, vegetation, vehicles, or buildings is prohibited.
8. Individuals may not build or erect structures, whether by using plywood, wood materials, pallets, or other materials. Items such as tents and similar items used for shelter that are readily portable are not structures for purposes of this section.
9. Storage of Personal Property such as vehicle tires, bicycles or associated components (except as needed for an individual's personal use), gasoline, generators, lumber, household furniture, propane tanks, combustible material, or other items or materials are prohibited from being stored for any amount of time on City Property.
10. Digging, excavation, terracing of soil, alteration of ground or infrastructure, or damage to vegetation or trees is prohibited.
11. Use of power generators on City Property is prohibited.
12. All animals on City Property must be leashed or crated at all times.
13. Placement of extension or electrical cords across streets and alleys is prohibited.

7.01.050 Enforcement

- A. A citation for a violation of this chapter will be a civil infraction. Citations will be issued only when other means of achieving compliance have been unsuccessful or are not practicable for the particular situation.
- B. Upon a determination by enforcement personnel that a Camp is occurring in violation of this chapter, a Camp may be removed pursuant to the following procedures:
 1. The City shall only remove individuals and unclaimed Personal Property from a Camp as provided by ORS 195.505.

Exhibit A to Ordinance

2. If the Campsite or Camp is located within an area of the Bear Creek Greenway which has been closed pursuant to CPMC 8.32.040, such Campsite or Camp shall be Relocated (not removed) to a nearby vicinity which is not in violation of CPMC 8.32.040 where it is lawfully permitted to place a Campsite for less than 24-hours.
- C. Personal Property removed from City Property and unclaimed at the time of removal will be stored by the City for a minimum of 30 days, or the duration required by law at the time of the removal.
1. Items that are perishable, that have no apparent use, are not identifiable as belonging to an individual, or that are in an unsanitary condition due to saturation or contamination from bodily fluids, whether human or animal, or other contamination, will be considered garbage, discarded, and will not be stored. Property discarded, dumped, or otherwise abandoned in the City rights-of-way may be immediately discarded.
 2. The City will store Personal Property at or near one of the City business campuses, where people can reasonably retrieve belongings.
 3. The City will make reasonable efforts to provide a range of times the storage location will be available for people to collect their Personal Property.
- D. Violation of this Chapter is punishable by a fine of not more than \$125. The amount imposed shall be at the discretion of the judge.
- E. If the City refers a service provider to an individual who is cited for a violation of this Chapter and the individual demonstrates they meaningfully engaged with that or another similar service provider after receiving the citation and before the hearing, the fine is eligible to be reduced or eliminated at the discretion of the judge.

Exhibit B to Ordinance

8.32.010 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).

8.32.020 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 twenty-mile corridor of parks, trails, and adjacent land and waters that is located running north and south and includes sections of Bear Creek between North Mountain Avenue in the city of Ashland and the Seven Oaks Interchange north of the city of Central Point.

“Bicycle” has the meaning given that term in ORS [801.150](#).

~~To “Camp” means to set up, occupy, or to remain in or at a campsite~~ **has that meaning provided in CPMC 7.01.020.**

~~“Campsite” means any place where any bedding, sleeping bag or other material used for bedding purposes, or any stove or fire, is placed, established or maintained for the purpose of maintaining a temporary place to live, whether or not such place incorporates the use of any tent, box, lean-to, shack or any other structure, or any vehicle or part thereof~~ **has that meaning provided in CPMC 7.01.020.**

“Camping Materials” has that meaning provided in CPMC 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.

~~“Dwell” means to regularly or intermittently remain for such a period of time at or near a particular location, premises or area so as to create a circumstance normally or reasonably associated with inhabiting, living, or assuming a possessory interest in such area.~~

“Firearm” has the meaning given that term in ORS [166.210](#).

“Fireworks” has the meaning given that term in ORS [480.110](#).

“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 equines, 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.

“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.

“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).

8.32.030 Intended uses.

The greenway is intended for multiple use for recreational and nonmotorized transportation 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.

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).

8.32.040 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.

D. The greenway authority shall have the authority to eject from the greenway any person acting in violation of the regulations contained in this chapter. (Ord. 1819 §1(part), 2001).

8.32.050 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 drives 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 drive 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, or ride or lead a horse within the greenway, except in areas provided, maintained or designated for such purpose.

2. Horses 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~~ **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](#)(3) and (7).

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. ~~Unless specifically authorized, no person shall camp or dwell within the greenway, or under any bridge or viaduct within the greenway area.~~ **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 is subject to the rules of notification and removal of persons and property set forth in ORS [203.077](#) and adopted under Jackson County Code Sections 1078.03 to 1078.09 which rules are incorporated herein by reference.~~ **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. (Ord. 1819 §1(part), 2001).

8.32.060 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. (Ord. 1819 §1(part), 2001).

8.32.070 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. (Ord. 1819 §1(part), 2001).

8.32.080 Violations--Penalty.

Unless provided otherwise, violations of any provision of this chapter shall, upon conviction, be punished by a fine of not more than two hundred fifty dollars per incident. (Ord. 1819 §1(part), 2001).

Exhibit C to Ordinance

9.68.000 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. (Ord. 1899 §1(part), 2007).

9.68.010 Definitions.

~~“Camp” means to set up, occupy, or to remain in or at a campsite.~~

~~“Campsite” means any place where any bedding, sleeping bag or other material used for bedding purposes, or any stove or fire, is placed, established or maintained for the purpose of maintaining a temporary place to live, whether or not such place incorporates the use of any tent, lean-to, shack or any other structure, or any vehicle or part thereof.~~

~~“Dwell” means to regularly or intermittently remain for such a period of time at or near a particular location, premises or area so as to create a circumstance normally or reasonably associated with inhabiting, living, or assuming a possessory interest in such area.~~

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

“Livestock” means equines, cattle, sheep, goats, llamas, alpacas, and swine. (Ord. 1899 §1(part), 2007).

9.68.020 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. (Ord. 2069 §1, 2020; Ord. 1899 §1(part), 2007).

9.68.030 Fires.

A. No person shall build, light or maintain any fire within a city park, **as provided in CPMC 7.01.040(B)(4).** ~~except in a stove pit or fireplace designated for such purpose by the Central Point city council or its authorized agent or employee.~~

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

C. No person shall build, set or maintain any fire so near to any pile of wood, underbrush, log, snag or stump as to constitute an immediate hazard to such wood, underbrush, log, snag or stump in a city park. (Ord. 1899 §1(part), 2007).

9.68.100 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 written permit issued by the parks and recreation department director.

9.68.110 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. (Ord. 1899 §1(part), 2007).

9.68.120 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 [9.68.110](#); 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. (Ord. 1899 §1(part), 2007).

9.68.150 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 or basketball 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. (Ord. 1915, 2008; Ord. 1899 §1(part), 2007).

9.68.170 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 and spray parks. (Ord. 1958 §1, 2012; Ord. 1899 §1(part), 2007).

9.68.180 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. (Ord. 1899 §1(part), 2007).

9.68.190 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).

9.68.200 Camping.

~~No camping or dwelling shall be permitted in city parks except by written permission from the parks and recreation director. (Ord. 1899 §1(part), 2007).~~

9.68.210 Alcohol.

The possession and use of alcohol is prohibited in all public parks. Permits can be issued for special events at the discretion of the city manager or his or her designee and when the applicant possesses a license for special events issued by the Liquor Control Commission. (Ord. 1969 §1(part), 2013; Ord. 1899 §1(part), 2007).

9.68.220 Public nudity.

It is unlawful for any person regardless of age to expose his or her genitals while in a public park. This includes the water features in parks and is specifically implemented for the purposes of ensuring a hygienic environment for all patrons. (Ord. 1958 §2, 2012).

9.68.230 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. Smoke Free. Possessing or to possess a lighted tobacco product, lighted tobacco paraphernalia, or any other lighted weed or plant, or other substance (including but not limited to a lighted pipe, hookah pipe, cigar, or cigarette of any kind) and including a device that simulates smoking of tobacco or other substances that creates a smoke or vapor.

2. Tobacco and Smoke Free Facilities. All parks and recreation department managed properties including the adjacent pedestrian rights-of-way and/sidewalks.

B. All parks and facilities managed and maintained by the parks and recreation department of the city of Central Point are designated as tobacco and smoke free facilities. These parks and facilities include the pedestrian rights-of-way and/or sidewalks adjacent to each such property. (Ord. 1990 §1, 2014; Ord. 1958 §3, 2012).

9.68.240 Penalty.

Violation of this chapter shall be punishable under the general penalty, Chapter [1.16](#). (Ord. 1958 §4, 2012; Ord. 1899 §1(part), 2007. Formerly 9.68.220).

Exhibit D to Ordinance

10.04.260 Drinking in motor vehicle.

No person shall consume alcoholic liquor while an occupant of a motor vehicle on any street **or public right-of-way** in this city. (Ord. 940A §24, 1969).

10.04.360 Streets--Obstruction prohibited.

Except as provided by this chapter or any ordinance of the city, no person shall place, park, deposit or leave upon any street or other public way, sidewalk or curb any article or thing or material which in any way presents, interrupts or obstructs the free passage of pedestrian or vehicular traffic, **creates a safety hazard**, or obstructs a driver's view or traffic or official traffic signs and signals. **Running of extension cords or electrical cords across streets and alleys is prohibited.** (Ord. 940A §34, 1969).

Exhibit E to Ordinance

12.20.020 Prohibited.

A. It is unlawful for any person to place or allow in or over any alley, street or sidewalk, or any street or alley right-of-way, whether improved or not, any of the following:

1. Any garbage or refuse of any nature; provided, however, that garbage or refuse in enclosed containers may be temporarily placed within the street right-of-way upon garbage collection days;
2. Any building, fence, or other structure, including items which are by design intended to be portable; provided, however, that:
 - a. Fences (subject to subsection B of this section) and mailboxes may be placed in a right-of-way, at the owners' expense, if the same do not impede sight distance necessary for the safe use of the street, alley, driveway or sidewalk by vehicular or pedestrian traffic; and further provided, that the same shall be removed upon the request of the city;
 - b. Rubber curb ramps may be placed in a right-of-way, at the owner's expense; provided, that they shall be removed upon the request of the city;
 - c. Rubber curb ramps are only allowed to be installed in areas of the city where rolled curbs are currently located;
3. Any sports equipment or structures;
4. Any vehicle, **parked so as to block a sidewalk, or a driveway, or partially block a street or alley (provided that vehicle access along such street or alley is not blocked or prohibited by such parking)**, for a period of longer than six hours, except in the following circumstances:
 - a. **The vehicle is parked in** a location where parking is otherwise allowed, subject to the restrictions of such allowance; and
 - b. ~~When the vehicle is attended by a driver who is in the immediate vicinity and capable of immediately removing the vehicle, whereupon the vehicle may be parked for loading or unloading for a period, reasonably necessary for the purpose, provided that~~ **The vehicle is parked for loading and unloading purposes, it is attended by a driver who is in the immediate vicinity and capable of immediately removing the vehicle, as reasonably necessary, and** the driver thereof shall forthwith move the same upon request in order to permit ingress and egress to other premises, or upon request of a peace officer or fireman;