

ORDINANCE NO. 2008

AN ORDINANCE AMENDING THE CENTRAL POINT MUNICIPAL CODE TO ADD SECTION 3.25 PARK MAINTENANCE FEE REGARDING THE ADOPTION OF A PARKS MAINTENANCE FEE FOR CITY PARKS

RECITALS:

- 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 City has adopted a budget authorizing the imposition and collection of a utility fee for the continued maintenance of the City's parks.
- C. Section 3.25 is necessary to impose said fee and set forth the standards for collection of such fee and use of the funds generated thereby.
- D. Words ~~lined through~~ are to be deleted and words **in bold** are added.

THE PEOPLE OF CENTRAL POINT DO ORDAIN AS FOLLOWS:

SECTION 1. Chapter 3.25, Parks Maintenance Fee, is adopted herein to be incorporated into the Central Point Municipal Code.

**Chapter 3.25
PARKS MAINTENANCE FEE**

Sections:

- 3.25.010 Creation of Parks Maintenance Fee, Purpose**
- 3.25.020 Definitions**
- 3.25.030 City to Maintain Parks and Related Facilities; Exception**
- 3.25.040 Administrative Officer Designated**
- 3.25.050 Establishment and Revision of Parks Maintenance Fee**
- 3.25.060 Imposition of Parks Maintenance Fee**
- 3.25.070 Rate Adjustment**
- 3.25.080 Billing and Collection of Parks Maintenance Fee**
- 3.25.090 Parks Maintenance Fee Discount for Extreme Hardship**
- 3.25.100 Moneys to be Paid in Parks Maintenance Fee account**
- 3.25.110 Appeal Procedure**

3.25.010 Creation of Parks Maintenance Fee, Purpose

There is hereby created a Parks Maintenance Fee for the purpose of providing for the operation and maintenance of parks and facilities within the City of Central

Point. Fees collected shall be deposited into the City of Central Point general fund park fee account to be used only for purposes identified within this ordinance. The Council hereby finds, determines and declares the necessity of providing operation and maintenance of the City's parks and facilities as a comprehensive Park Maintenance Fee, with such operation and maintenance to include such activities as are necessary in order that the parks and facilities may be properly operated and maintained and that the health, safety and welfare of the City and its inhabitants may be safeguarded.

3.25.020 Definitions

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

“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, town homes, 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.

“Multiple Family Unit” means a residential structure with three (3) 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 Parks Maintenance Fee.

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

“Responsible Person” means the person owing the Parks Maintenance Fee.

3.25.030 City to Maintain Parks and Related Facilities; Exception

The City intends to maintain all accepted parks and facilities, and City easements and may maintain other accepted areas within or adjacent to the City. Such areas specifically exclude private areas and private areas not yet accepted by the City for maintenance. The City Parks Director shall develop and implement a maintenance plan for accepted City parks and facilities to be maintained and that 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.

3.25.040 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 maintenance programs and standards for the operation and maintenance of parks and related facilities, and all other activities related to the purpose of the Parks Utility Fee, subject to approval by the Budget Committee for any such fee.

3.25.050 Establishment and Revision of Parks Maintenance Fee

The City Council hereby establishes a Parks Maintenance 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 maintain parks and facilities. Collection of the fee for each property shall be made by a monthly charge which shall commence on the first day of July, 2015. The City Council may, from time to time, by resolution, change the fee based upon revised estimates of the cost of properly maintaining parks and related facilities, or other factors identified in the ordinance.

3.25.060 Imposition of Parks Maintenance Fee

A. Residential Unit. There is hereby imposed upon developed Residential Units in the City, an initial Parks Maintenance Fee of \$1.00 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, an initial Parks Maintenance Fee equal to \$.50 for each separate dwelling unit within the Multiple Family Unit existing on that parcel. By way of example, an apartment complex containing 30 units would be subject to a monthly Parks Maintenance Fee of \$15.00.

C. Nonresidential Unit. There is hereby imposed upon the Responsible Party for a Nonresidential Unit, an initial Parks Maintenance Fee of \$1.00 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 maintenance of parks and facilities within the City. The effective starting date of this fee will be July 1, 2015, and will appear on water bills delivered in July 2015.

3.25.070 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 31 of each year. The adjustment shall be made to the customer's water bill beginning the following March. The first adjustment may be made in March 2016 upon resolution duly adopted and approved by the City Council.

3.25.080 Billing and Collection of Parks Maintenance Fee

A. Parks Maintenance Fees shall be collected monthly on the City water bill per section 3.25.050.

B. The person normally responsible for paying the City water charges is responsible for paying the Parks Maintenance 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 Parks Maintenance 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 un-serviced building will automatically initiate appropriate billing for Parks Maintenance 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 Parks Maintenance Fee not received within 30 days of billing. The charge is established under administrative fees by resolution.

G. Notwithstanding the above, if the Parks Maintenance 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.

3.25.090 Parks Maintenance Fee Discount for Extreme Hardship

A. Any household in the city with a combined total income falling below the federal poverty level shall be considered eligible to apply for a Parks Maintenance Fee rate discount. Persons applying for a Parks Maintenance Fee rate discount

must be the person who receives the monthly water bill and is the head of a household.

B. Any person desiring to receive the Parks Maintenance Fee rate discount must submit an application to the city on forms to be provided by the city. Subsequent to initial qualifications for utility fee discount, any person must reapply on or before June fifteenth of each year thereafter. The city manager shall determine whether any applicant meets the qualifications and requirements for discount as set forth in this chapter.

C. The amount of Parks Maintenance Fee rate discount for eligible persons, provided under this chapter, shall be equal to the percentage water rate discount for extreme hardship, as established in Section [13.16.030](#).

D. It is unlawful for any person to make, assist in making or to derive the benefits from any false application for discounts provided under this chapter. In addition to other penalties provided by law, the city shall be entitled to recover from any person or persons receiving the benefit of discounts as a result of any false statement made in any application the amount therefor, including interest at the rate of nine percent per year from the date such discounts were granted.

3.25.100 Moneys to be Paid in Parks Maintenance Fee account

All fees collected by the city shall be paid into the Parks Maintenance Fee account. It shall not be necessary that the operations and maintenance 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 maintain parks and facilities, 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 to such funds if additional fees are thereafter collected. All amounts on hand in the Parks Utility account shall be invested by the Chief Financial Officer in investments proper for City funds. The fees paid and collected by virtue of this ordinance 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 5% 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 and reconstruction of the parks and facilities of the City and costs.

3.25.110 Appeal Procedure

A person aggrieved by a decision required or permitted to be made by the Parks Director under this ordinance may appeal the decision or the expenditure to the City Council as provided in Section 1.04.060.

SECTION 2. 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 other word, and the sections of this Ordinance may be renumbered, or re-lettered, provided however that any Whereas clauses and boilerplate provisions need not be codified and the City Recorder is authorized to correct any cross references and any typographical errors.

SECTION 3. 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 28th day of May 2015.



Mayor Hank Williams

ATTEST:



City Recorder