

ORDINANCE NO. 2012

AN ORDINANCE AMENDING SECTION 8.02.010 DEFINITIONS CHRONIC NUISANCE PROPERTY OF THE CENTRAL POINT MUNICIPAL CODE

RECITALS:

1. Words ~~lined through~~ are to be deleted and words **in bold** are added.
2. Oregon Measure 91 and House Bill 3460 Failed to address local concerns regarding the growth of medical and home-grown recreational marijuana. As a "home-rule" city, Central Point believes marijuana-related impacts to the safety, welfare and property of Central Point residents is important and feels the need to address related concerns.
3. The Central Point City Council has recently amended the Municipal Code to apply new regulations regarding home-grown marijuana and medical marijuana as it pertains to residential property.
4. Although specifically regulated via city ordinance, medical and homegrown recreational marijuana have the potential to negatively impact adjacent property and property owners.
5. The Central Point City Council believes the proposed chronic nuisance ordinance amendments, to include medical and recreational marijuana, are prudent.

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

SECTION 1. Section 8.02.010 Definitions is hereby amended as follows:

**Chapter 8.02
CHRONIC NUISANCE PROPERTY**

Sections:

8.02.010 Definitions.

8.02.010 Definitions.

For purposes of this chapter, the following definitions apply:

"Chronic nuisance property" means property on which two or more nuisance activities **(as defined below)** have occurred during any thirty-day period; property on which, or

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within two hundred feet of, any person associated with the property has engaged in two or more nuisance activities during any thirty-day period; or property which, upon request for execution of a search warrant, has been the subject of a determination by a court that probable cause that possession, manufacture, or delivery of a controlled substance or related offenses under Oregon law have occurred within the previous thirty days; and the execution of the search warrant has resulted in the discovery of such controlled substances, **and/or property on which two or more citations for violations of the Nuisance Ordinance Chapter 8.04 have been served on the owner, tenant, agent, guest or licensee of the property in any consecutive thirty (30) day period.**

“Nuisance activities” means any of the following activities, behaviors or criminal conduct, as defined under Oregon state law: harassment; intimidation; disorderly conduct; assault or menacing; sexual abuse, contributing to the delinquency of a minor, or sexual misconduct; public indecency; prostitution or related offenses; alcoholic liquor violations; theft; arson or related offenses; possession, manufacture, or delivery of a controlled substance or related offenses; illegal gambling; criminal mischief; any attempt to commit (as defined by ORS 161.405), or conspiracy to commit (as defined by ORS 161.455), any of the above offenses; unlawful discharge of a firearm; unlawful operation of sound-producing or reproducing equipment or unnecessary noise.

“Control” means the ability to regulate, restrain, dominate, counteract or govern conduct that occurs on a property.

“Person in charge” means any person, in actual or constructive possession of a property, including but not limited to an owner or occupant of property under his or her dominion, ownership or control.

“Permit” means to suffer, allow, consent to, acquiesce by failure to prevent, or expressly assent or agree to the commission of an act.

“Person” means any natural person, agent, association, firm, partnership or corporation capable of owning, occupying or using property in the city of Central Point.

“Property” means any property, including land and that which is affixed, incidental or appurtenant to land, including but not limited to any business or residential premises, room, house, parking area, loading area, landscaping, building or structure or any separate part, unit or portion thereof, or any business equipment, whether or not permanent. For property consisting of more than one unit, property is limited to the unit or the portion of the property on which any nuisance abatement has occurred or is occurring, but includes areas of the property used in common by all units of property

including without limitation other structures erected on the property and areas used for parking, loading and landscaping.

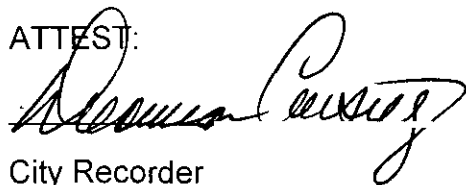
“Person associated with” means any person who, on the occasion of a nuisance activity, has entered, patronized, visited, or attempted to enter, patronize or visit, or waited to enter, patronize or visit a property or person present on a property, including without limitation any officer, director, customer, agent, employee, or any independent contractor of a property, person in charge, or owner thereof.

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 11th day of June, 2015.


Mayor Hank Williams

ATTEST:

City Recorder