



MYRTLE CREEK CITY COUNCIL
REGULAR COUNCIL MEETING AGENDA
MYRTLE CREEK COUNCIL CHAMBER

AGENDA PACKET 05/16/2023

All city public meetings are being digitally recorded for sound and video camera surveillance.

The City Council of the City of Myrtle Creek will meet on **Tuesday, May 16, 2023 at 5:30 PM** in the Myrtle Creek Council Chamber, 207 NW Pleasant Street, Myrtle Creek, Oregon.

The meeting location is accessible to persons with disabilities. A request for an interpreter for the hearing impaired, or for other accommodations for persons with disabilities, should be made at least 48 hours in advance of the meeting to the City Recorder at 541-863-3171.

The City Council reserves the right to add or delete items as needed, change the order of the agenda, and discuss any other business deemed necessary at the time of the study session and or/meeting.

REGULAR COUNCIL MEETING – 5:30 PM

Anyone wishing to speak on an agenda item should complete a Public Comment Form and give it to the City Recorder. Public Comment Forms are located at the entrance to the meeting place. Anyone commenting on a subject not on the agenda will be called upon during the “Citizens Heard on Non-Agenda Items” section of the agenda. Comments pertaining to specific agenda items will be taken at the time the matter is discussed by the City Council.

1. Call to Order/Roll Call

2. Pledge of Allegiance

3. Public Presentations – *Items that do not require immediate council action, such as presentations, discussions of potential future action items.*

4. Consent Agenda – *Requires a motion*

The consent agenda consists of items of a repeating or routine nature considered under a single action. Any Councilor may have an item on the consent agenda removed and considered separately upon request.

Consent Agenda Part 1 – *Requires a motion*

4.1 Approval of minutes of the Regular City Council Meeting for May 2, 2023

Consent Agenda Part 2 – Requires a motion

4.2 Acknowledge receipt of Payroll & Claims Report for April 2023

5. Department Reports

Items for discussion by the City Administrator and Department Heads as needed.

5.1 Planning/Community Development Report

5.2 Finance Officer Report

5.3 Police Department Report

5.4 Fire Department Report

5.5 Public Works Report

6. Regular Agenda

Citizens will be provided the opportunity to offer comments on action items after staff has given their report and if there is an applicant, after they have had the opportunity to speak. Action items are expected to result in motions, resolutions, orders, or ordinances.

7. Ordinances and Resolutions

Citizens will be provided the opportunity to offer comments on action items after staff has given their report and if there is an applicant, after they have had the opportunity to speak. Action items are expected to result in motions, resolutions, orders, or ordinances.

7.1 ORDINANCE 848 – FIRST READ – An Ordinance Amending the Myrtle Creek Municipal Code Chapter 9.05 Criminal Code; Defining Prohibited Camping and Addressing Homelessness

7.2 ORDINANCE 849 – FIRST READ – An Ordinance Establishing Regulations and Fees for Use of City Parks and Addressing Homelessness; Superseding Previous Orders and Resolutions

7.3 ORDINANCE 850 – FIRST READ – An Ordinance Amending Ordinance No 836 and Ordinance No 508, the Myrtle Creek Zoning Ordinance; MCMC Section 18.90 Addressing Off-Street Parking and Homelessness

7.4 ORDINANCE 851 – FIRST READ – An Ordinance Amending Ordinance No 508, the Myrtle Creek Zoning Ordinance; MCMC Section 18.125.050 Addressing Parking Regulations and Homelessness and Amending Resolution 216

7.5 ORDINANCE 852 – FIRST READ – An Ordinance Amending Ordinance No 508, the Myrtle Creek Zoning Ordinance; MCMC Section 18.75.110 Addressing Living in Vehicles and Homelessness

8. Citizens Heard on Non-Agenda Items

9. City Administrator Report

10. Mayor and Councilor – Committee Reports and Councilor Comments

11. Executive Session

The Myrtle Creek City Council may go into Executive Session. If an Executive Session is called to order, the appropriate ORS citation will be announced identifying the applicable statute. All discussions are confidential and those present may disclose nothing from the Session.

Representatives of the news media are allowed to attend Executive Sessions, as provided by ORS 192.660 but must not disclose any information discussed. No Executive Session may be held for the purpose of taking any final action or making any final decision. Executive Sessions are closed to the public.

12. Adjournment



CITY OF MYRTLE CREEK

REGULAR MEETING OF THE CITY COUNCIL

DATE: May 2, 2023

PLACE: Council Chambers, 207 NW Pleasant St., Myrtle Creek, Oregon

PRESIDING OFFICER: Council President Susan Harris

COUNCILORS PRESENT: Councilors: Bill Burnett, Diana Larson, Luke Dillon, Robert Chaney, Sr.

COUNCILORS ABSENT: Mayor Matthew Hald

A quorum was present throughout the meeting.

STAFF IN ATTENDANCE: City Administrator Lonnie Rainville, City Recorder Joanna Bilbrey, Finance Officer Lesley Hiscocks

CALL TO ORDER: Council President Susan Harris called the May 2, 2023 meeting to order at 6:10 PM

PUBLIC PRESENTATION

CONSENT AGENDA

Part 1

Motion was made by Councilor Bill Burnett to approve the Meeting Minutes for April 4, 2023 with noted corrections. Motion seconded by Councilor Robert Chaney. Discussion: none followed
Vote: Motion passed unanimously.

REGULAR AGENDA

Park Commission Resignations

City Recorder Joanna Bilbrey shared that three of the Park Commissioners had submitted letters of resignation due to health issues; Pattie Turner, Beverly Powell, and Alvin Ankle.

Motion was made by Councilor Bill Burnett to accept the letters of resignation from the three Parks Commissioners. Motion was seconded by Councilor Diana Larson. Discussion: none followed
Vote: Motion passed unanimously.

Park Commission Applications

City Recorder Joanna Bilbrey shared that the Park Commission has three applications. Olivia See submitted an application to renew her spot on the Park Commission and Jim Davies and Mark Pavlak submitted applications to join the Park Commission.

Motion was made by Councilor Bill Burnett to accept Jim Davies, Mark Pavlak, and Olivia See to the Park Commission. Motion was seconded by Councilor Diana Larson. Discussion: none followed
Vote: Motion passed unanimously.

ORDINANCES & RESOLUTIONS

Resolution 23-04 – A Resolution Extending the City of Myrtle Creek Worker’s Compensation Coverage to Volunteers of the City of Myrtle Creek During Policy Year 2023-2024

Motion was made by Councilor Robert Chaney to approve Resolution 23-04 – A Resolution extending the City of Myrtle Creek Worker’s Compensation Coverage to Volunteers of the City of Myrtle Creek During Policy Year 2023-2024. Motion was seconded by Councilor Bill Burnett. Discussion: none followed
Vote: Motion passed unanimously.

Resolution 23-05 – A Resolution Amending the City of Myrtle Creek Handbook of Fees and Charges

Motion was made by Councilor Bill Burnett to approve Resolution 23-05 – A Resolution Amending the City of Myrtle Creek Handbook of Fees and Charges. Motion was seconded by Councilor Luke Dillon. Discussion: none followed
Vote: Motion passed unanimously.

CITIZENS HEARD ON NON-AGENDA ITEMS

Karen Held

Asked for clarification on the Small Cities Allotment Grant

CITY ADMINISTRATOR REPORT

City Administrator Lonnie Rainville met with the State regarding being able to apply for CDBG (Community Development Block Grant) Grants. Lonnie has a meeting scheduled with Business Oregon that will enable us to be able to apply for CDBG Grants. CDBG is a great funding stream with a cap of funding of up to \$2.5 million per project.

MAYOR AND COUNCILOR – COMMITTEE REPORTS AND COUNCILOR COMMENTS

Susan Harris shared that the Fire Department Golf Tournament will be June 10th. Diana Larson brought up the fact that there are two lights on the bridge coming into town that are out. Councilor Robert Chaney asked about the South County Recreational Project being put together in Riddle and getting the City of Myrtle Creek involved. He also asked to plan a date for a July Town Hall meeting.

ADJOURNMENT

Council President Susan Harris adjourned the regular meeting of the City Council for May 2, 2023 at 6:26 P.M.

Matthew Hald, Mayor

Attest:

Joanna Bilbrey
City Recorder

**CITY OF MYRTLE CREEK
PAYROLL AND CLAIMS
APRIL ~~ 2023**

FUND #	FUND DESCRIPTION	BILLS	P/R	TOTAL
100	GENERAL FUND	110,202.19	10,142.04	120,344.23
200	SEWER FUND	69,711.75	35,620.22	105,331.97
210	SEWER CONSTRUCTION	187,070.05	-	187,070.05
250	WATER FUND	13,708.61	23,515.05	37,223.66
255	METER DEPOSITS	-	-	-
260	WATER CONSTRUCTION	-	-	-
280	AIRPORT FUND	855.26	-	855.26
300	STREET FUND	3,527.55	9,502.17	13,029.72
420	SEWER EFFLUENT LOAN	-	-	-
430	WWTP REPAY FUND	-	-	-
450	WTP E RES DEBT FUND	-	-	-
500	PARK DEVELOPMENT	12.99	-	12.99
550	RV PARK FUND	965.93	-	965.93
580	CAPITAL PROJECTS FUND	-	-	-
	TOTAL ALL FUNDS	386,054.33	78,779.48	464,833.81

Accounts Payable

Checks by Date - Summary by Check Date

User: lhiscocks
Printed: 5/1/2023 3:27 PM



City of Myrtle Creek

Check No	Vendor No	Vendor Name	Check Date	Check Amount
95033123	050S	UMPQUA BANK-EFTPS (STATE)	04/03/2023	4,297.99
888833123	2273	LOWE'S BUSINESS ACCOUNT	04/03/2023	37.02
Total for 4/3/2023:				4,335.01
47314	2398	911 SUPPLY INC	04/07/2023	5,193.00
47315	4561	ADVANTAGE SECURITY LLC	04/07/2023	83.90
47316	1067	ALL ROCK LLC	04/07/2023	168.13
47317	2137	AVISTA UTILITIES	04/07/2023	4,990.45
47318	1818	C & S FIRE SAFE SERVICES	04/07/2023	188.00
47319	1507	COOPERS PEST CONTROL	04/07/2023	48.00
47320	9001	DiJulio Displays, Inc.	04/07/2023	70.20
47321	1422	DOUGLAS COUNTY MAIL	04/07/2023	25.00
47322	8688	DOUGLAS FAST NET	04/07/2023	870.28
47323	8833	FRESH AIRE OFFICE FRAGRANCING C	04/07/2023	44.00
47324	6752	HAPPY HILLS TREE SERVICE, LLC	04/07/2023	550.00
47325	5701	HAYS OIL COMPANY	04/07/2023	694.35
47326	6590	HOME DEPOT PRO formerly Supply Wor	04/07/2023	53.18
47327	2015	IDEXX LABORATORIES, INC	04/07/2023	455.18
47328	2205	LASKEY-CLIFTON CORPORATION	04/07/2023	175,764.85
47329	1407	M C VOLUNTEER FIRE DEPT	04/07/2023	113.88
47330	5460	McCARLEY REPAIR SERVICE	04/07/2023	909.73
47332	1039	MSK BUILDING SUPPLY	04/07/2023	417.02
47333	1119	MYRTLE CREEK SAW SHOP	04/07/2023	218.50
47334	2272	OR DEPT OF TRANSPORTATION	04/07/2023	229.56
47335	1251	OREGON LINEN	04/07/2023	174.56
47336	1159	QUILL CORPORATION	04/07/2023	16.77
47337	3215	RAILROAD MANAGEMENT CO II LLC	04/07/2023	655.89
47338	1283	CITY OF ROSEBURG	04/07/2023	1,250.00
47339	1175	SHIRTCLIFF OIL COMPANY	04/07/2023	377.40
47340	1341	SOUTH UMPQUA DISPOSAL	04/07/2023	1,130.65
47341	2305	SPRINGBROOK HOLDING COMPANY I	04/07/2023	8,002.71
47342	4601	STATE OF OREGON	04/07/2023	40.00
47343	8832	SYSTECH	04/07/2023	3,174.69
47344	4622	TAG The Automation Group, Inc.	04/07/2023	26,833.80
47345	1237	TINKER'S PUMP SERVICE	04/07/2023	5,622.90
47346	1200	UMPQUA RESEARCH COMPANY	04/07/2023	3,584.60
47347	1849	UMPQUA SAND & GRAVEL	04/07/2023	248.15
47348	4598	UMPQUA VALLEY TRACTOR	04/07/2023	135.26
47349	1648	USA BLUE BOOK	04/07/2023	453.17
8884723	8430	SNIDER ENERGY / PACIFIC PRIDE	04/07/2023	487.45
888812023	050S	UMPQUA BANK-EFTPS (STATE)	04/07/2023	280.79
Total for 4/7/2023:				243,556.00
99933123	1224	OREGON PERS	04/12/2023	12,025.77

Check No	Vendor No	Vendor Name	Check Date	Check Amount
			Total for 4/12/2023:	12,025.77
47350	1226	AFLAC INSURANCE	04/14/2023	417.35
47351	1431	CHARTER COMMUNICATIONS	04/14/2023	343.54
47352	5924	COLE INDUSTRIAL, INC	04/14/2023	5,271.09
47353	1507	COOPERS PEST CONTROL	04/14/2023	48.00
47354	5321	HPS PIPE & SUPPLY, INC	04/14/2023	5,611.26
47355	4529	HRA VEBA TRUST	04/14/2023	3,900.00
47356	4558	I.B.E.W. LOCAL UNION 659	04/14/2023	323.05
47357	1407	M C VOLUNTEER FIRE DEPT	04/14/2023	685.35
47358	1523	MOTOROLA, INC	04/14/2023	50.00
47359	1253	THE NEWS REVIEW	04/14/2023	523.00
47360	2716	OCCU HEALTH	04/14/2023	385.00
47361	1228	OREGON DEPT OF JUSTICE	04/14/2023	270.60
47362	1158	QUALITY FENCE CO	04/14/2023	180.00
47363	1159	QUILL CORPORATION	04/14/2023	33.99
47364	3405	SAN DIEGO POLICE EQUIPMENT CO	04/14/2023	533.50
47365	4622	TAG The Automation Group, Inc.	04/14/2023	1,046.87
47366	1220	U S NATIONAL BANK	04/14/2023	200.00
47367	3954	UPS	04/14/2023	20.29
88841423	8430	SNIDER ENERGY / PACIFIC PRIDE	04/14/2023	288.18
88841523	1832	NATIONWIDE RETIREMENT SOLUTIO	04/14/2023	1,275.00
94141523	050F	UMPQUA BANK-EFTPS (FED)	04/14/2023	12,270.79
			Total for 4/14/2023:	33,676.86
99941323	1224	OREGON PERS	04/15/2023	11,538.18
			Total for 4/15/2023:	11,538.18
95041523	050S	UMPQUA BANK-EFTPS (STATE)	04/17/2023	3,990.28
888042023	8657	SAIF CORPORATION	04/17/2023	6,928.84
			Total for 4/17/2023:	10,919.12
85215	2855	BMS TECHNOLOGIES	04/20/2023	848.45
			Total for 4/20/2023:	848.45
47371	8853	RA OUTDOORS LLC ASPIRA	04/21/2023	414.00
47372	4750	G MICHAEL BRANSON	04/21/2023	150.00
47373	1818	C & S FIRE SAFE SERVICES	04/21/2023	553.25
47374	2165	CNA SURETY	04/21/2023	120.00
47375	1507	COOPERS PEST CONTROL	04/21/2023	94.00
47376	1494	THE DYER PARTNERSHIP ENGINEERS	04/21/2023	11,680.20
47377	1583	FERGUSON WATERWORKS #3011	04/21/2023	144.17
47378	5701	HAYS OIL COMPANY	04/21/2023	627.93
47379	8565	i-Secure Information Security	04/21/2023	45.00
47380	4543	ICONIX WATERWORKS (US) INC.	04/21/2023	264.70
47381	4628	LOCAL GOVERNMENT LAW GROUP P	04/21/2023	969.50
47382	1037	MYRTLE CREEK LIONS CLUB	04/21/2023	500.00
47383	1147	PACIFIC POWER & LIGHT	04/21/2023	20,384.39
47384	2283	ROTO-ROOTER OF DOUGLAS COUNT	04/21/2023	150.00
47385	2305	SPRINGBROOK HOLDING COMPANY I	04/21/2023	789.00
47386	1276	SUNRISE ENTERPRISES of ROSEBURG	04/21/2023	1,203.37

Check No	Vendor No	Vendor Name	Check Date	Check Amount
47387	7479	SUTHERLIN POLICE DEPT	04/21/2023	228.91
47388	1237	TINKER'S PUMP SERVICE	04/21/2023	8,556.00
47389	1200	UMPQUA RESEARCH COMPANY	04/21/2023	148.00
47390	1648	USA BLUE BOOK	04/21/2023	626.25
47391	1205	VALLEY TIRE CENTER POINT S	04/21/2023	696.32
47392	4045	VERIZON WIRELESS	04/21/2023	161.42
47393	1687	ZIPLY FIBER	04/21/2023	17.88
88842123	1543	ELAN FINANCIAL SERVICES	04/21/2023	4,042.32
Total for 4/21/2023:				52,566.61
88818159	8430	SNIDER ENERGY / PACIFIC PRIDE	04/24/2023	594.57
Total for 4/24/2023:				594.57
888425236	1097	AT&T MOBILITY	04/25/2023	13.73
Total for 4/25/2023:				13.73
888240564	1195	STANDARD INSURANCE	04/26/2023	446.71
Total for 4/26/2023:				446.71
94142723	050F	UMPQUA BANK-EFTPS (FED)	04/27/2023	13,051.98
Total for 4/27/2023:				13,051.98
88842823	1832	NATIONWIDE RETIREMENT SOLUTIO	04/28/2023	1,275.00
Total for 4/28/2023:				1,275.00
Report Total (94 checks):				384,847.99



Community Development Department Monthly Report

May 16, 2023

January General Planning Statistics:

0 Planning Clearances

Significant Planning Activities:

Derelict Hospital Building

The hospital building has been demolished and debris has been removed. The Contractor is now removing excess fill material and completing final grading of the lot. We anticipate the project will be completed by the end of May. Once completed the City Recorder will compile the cost of the project and issue an invoice to the landowner for the cost of the clean-up.

Klimback Subdivision

Owner continues to make progress on the requirements set for the subdivision. They have been working with utility companies on design. The only one they are waiting on now is Pacific Power. Once the designs are finalized the owner intends to complete installation. They also are evaluating the storm system along Klimback and putting a plan together for storm improvements.

Homelessness Review

Code revisions were presented to the Planning Commission and a public hearing was conducted on April 25th to review the recommended amendments to the camping code to comply with state mandates. The Planning Commission unanimously approved moving the recommendations to the City Council for adoption.



City of Myrtle Creek
 207 NW Pleasant, P.O. Box 940, Myrtle Creek, OR 97457
 Phone 541-863-3171, Fax 541-863-6851

FINANCIAL REPORT

2022-2023 Balances as of 04/30/2023 - 75% of Fiscal Year

Comparison - Actual to Budgeted

		Carryover 7/1/2022	Add Revenues	Total Revenue & Carryover	Minus Expenses	%	%
BUDGETED AMOUNT	FUND	ESTIMATED CARRYOVER	REVENUE	YR TO DATE REVENUES	YR TO DATE EXPENSES	Revenue	Expend
4,160,995	100 GENERAL FUND	1,409,490	2,198,492	3,607,982	1,963,617	86.7%	47.2%
2,064,985	200 SEWER FUND	339,728	1,285,714	1,625,442	1,100,295	78.7%	53.3%
2,286,871	210 SEWER CONSTRUCTION	2,094,635	35,097	2,129,732	694,771	93.1%	30.4%
1,852,049	250 WATER FUND	564,484	956,122	1,520,606	792,883	82.1%	42.8%
2,287,672	260 WATER CONSTRUCTION	2,085,158	103,344	2,188,502	16,817	95.7%	0.7%
113,559	280 AIRPORT FUND	85,309	40,535	125,844	10,844	110.8%	9.5%
1,381,809	300 STREET FUND	879,539	411,485	1,291,024	263,625	93.4%	19.1%
45,160	330 STORMWATER FUND	30,060	525	30,585	0	67.7%	0.0%
1,247,600	430 WWTP REPAYMENT	253,967	992,234	1,246,201	1,246,214	99.9%	99.9%
555,190	450 WTP REPAYMENT	246,415	313,097	559,512	307,775	100.8%	55.4%
379,481	500 PARK DEVELOPMENT	333,281	10,365	343,646	89,328	90.6%	23.5%
118,500	550 RV PARK	0	90,577	90,577	12,451	76.4%	10.5%
1,114,672	580 CAPITAL PROJECTS	914,132	14,699	928,831	219,986	83.3%	19.7%
17,608,543	TOTALS	9,236,198	6,452,285	15,688,483	6,718,604	89.1%	38.2%

This chart shows our revenue and expenses for the month of April. We have made another payment towards the Riverside lift station this month. As we only have a quarter of the budget year left, we are watching our expenditures very closely to align with the approved budget.

Lesley Hiscocks, Finance Officer



CITY OF MYRTLE CREEK POLICE DEPARTMENT

P.O. BOX 940 / 215 NW PLEASANT ST
MYRTLE CREEK, OR 97457
BUSINESS: 541-863-5222 FAX: 541-863-6690

Department Report March 2023

Training

Officers from the department attended CPR/First Aid training at the Myrtle Creek Fire Department to renew their CPR/First Aid certifications. The class was taught by Kaitlyn Lowden, a member of the Myrtle Creek Fire Department. Winston Police officers and Cow Creek Tribal police officers also attended the class. This was the first class Kaitlyn taught and she did an outstanding job.

Training

Officers from the department attended Emergency Vehicle Operations training at the Douglas County Fairgrounds. This class was taught by instructors from the Department of Public Safety and Standards Training (DPSST).

Open Position

Rahul Sharma resigned from his position as a police officer and that position has been posted and advertised.

Search Warrant

On March 28, 2023, the Myrtle Creek Police Department executed a Search Warrant in the 800 block of Johnson Street. Officer Murtha began an investigation on the 23rd of March where he recovered a stolen 4-wheeler. During his investigation, Officer Murtha developed probable cause that a residence in the 800 block of Johnson Street contained stolen property that was stolen in different areas of the County. Officer Murtha applied for and was granted a Search Warrant.

During the execution of the Search Warrant, several items that were earlier reported stolen were recovered at the residence. One subject was arrested for theft by receiving and another individual was arrested on a felony abscond probation warrant. The Douglas County Sheriff's Office assisted with the execution of the Search Warrant.

Calls For Service

Officers from the department handled 152 calls for service during the month of March and made 23 arrests.

Respectfully submitted,

Chief Jonathan Brewster
Myrtle Creek Police



MYRTLE CREEK POLICE

P.O. BOX 940, 215 NW PLEASANT ST., MYRTLE CREEK OR 97457

(541) 863-5222 FAX (541) 863-6690

"Where Nature Is Your Neighbor"

Department Report April 2022

Training

The police department did quarterly firearms training plus firearms qualifications. All officers from the department qualified with their weapons. This was a joint training with the Sutherlin and Winston Police Departments.

I attended the Oregon Association of Chiefs of Police conference in Bend. The training was focused on ethics, leadership, and providing mental health support and resources for officers.

Officer Update

Officer Michael Oneslager graduated from the DPSST Academy on April 14th and was a member of the Color Guard. Officer Oneslager is now back to full-time duty for the police department. Below is a picture of Officer Oneslager receiving his certificate at graduation.



Reading Event

On April 21st, I had the honor of reading to the two Myrtle Creek Elementary kindergarten classes. This is something I hope to do each month and the kids seemed to really enjoy it. This is a good way to start building the connection between the police and the youth in our community.



Open Police Officer Position

Saturday April 29th the department administered a written and physical test for candidates regarding the open police officer position. Interviews were conducted on May 2nd, and a candidate was selected to move on to the background phase.

Calls for service

The Myrtle Creek Police Department responded to 180 calls for service for the month of April and made 14 arrests.

Respectfully submitted,

Chief Jonathan Brewster
Myrtle Creek Police

2023 MCFD Call Responses

Call Type	Jan	Feb	March	April	May	June	July	Aug	Sept	Oct	Nov	Dec	TOTAL
MVA-Non Injury	3	1	1	2									7
MVA - UTL			1										1
MVA - Injury				2									2
MVA - Fatal	1	1											2
MVA - Cancelled	1	1	3	4									9
Medical Aid	5	7	3	6									21
Medical Aid - Cancelled	1	1	1										3
Public Assist				1									1
Public Assist-Lift Assist	9	7	10	10									36
Public Safety	1	2	2	1									6
Unattended Death	1			1									2
Fire/Carb Alarm	1			1									2
False Alarm Activation	1												1
Alarm Testing													0
Flue Fire	1												1
Fire - Vehicle				1									1
Fire				1									1
Fire - Illegal Burn		1		2									3
Fire - Controlled Burn		2											2
Fire - UTL	1	1	1	1									4
Fire-Nat Cover			1										1
Fire - Cancelled			1	2									3
Structure Fire	2	4	1	2									9
Structure Fire - Cancelled	2	2	4										8
Structure Fire -Commercial	2	2		1									5
Over Bank Rescue													0
Water Rescue													0
Water/Over Bank-Cancelled	1												1
TOTAL	33	32	29	38	0	0	0	0	0	0	0	0	132

Public Works and Parks

May 16, 2023 Activities Report

- Streets
 - 17 Utility Locates in the month of April
 - Weekly downtown garbage collection
 - Regular street sweeping
 - Started weekly street maintenance focusing on pothole repairs
- Sewer
 - Weekly lift station maintenance
 - Address sewer line blockage resulting in tree root abatement in sewer pipe off of Leon Street
- Water
 - 19 delinquent water turnoffs in April
 - Monthly meter reads
 - Completed Meter replacements on Wildwood and Redwood
 - 1 service line repair
 - Sandy Terrace
- Parks and Public Building Department
 - Monthly park maintenance
 - Blackberry removal along Myrtle Creek near RV Park
 - Planted new shrubs at Fire Hall
 - Removed graffiti from Bandshell and Evergreen bathrooms
 - Prepared site for Arbor Day celebration
 - Installed backflow devices for food truck irrigation system.
- Water Treatment
 - South Umpqua River Plant produced 14.221 (MG) - 27 days of operation
- Wastewater Treatment
 - Total effluent flow to the South Umpqua River = 42.924 M.G.
 - Total Effluent flow to the M.C. Golf Course = 0 M.G.
 - Myrtle Creek influent flow = 18.380 M.G.
 - Tri-City Influent Flow = 22.951 M.G.
 - Total Effluent = 42.924 M.G.

Myrtle Creek - City Council Agenda Report

Agenda item: Ordinance amendments to comply with House Bill 3115

Meeting Date:	May 16, 2023	Primary Staff Contact:	Lonnie Rainville
Department:	Administration	E-Mail:	lrainville@myrtlecreek.org
Secondary Dept.:		Secondary Contact:	

Issue before the Council:

Ordinance amendments to comply with House Bill 3115.

Staff Recommendation:

Staff recommends approval of the presented ordinances as recommended by the Planning Commission to bring city codes addressing camping and homelessness into compliance with Oregon House Bill 3115 requirements.

Background:

See attached Homelessness in Public Spaces review document.

Related City Policies:

MCMC 9.05.120 Prohibited Camping Code
MCMC 12.25 Parks
MCMC 18.75.110 (3) Supplemental Districts-Living in Vehicles
MCMC 18.125 Trailer Houses
MCMC 18.90 Off Street Parking

Fiscal Impact:

None at this time.

Council Options:

Council can approve the ordinances as presented.

Council can approve the ordinances with amendments.

Council can refer the issue back to committee for revisions.

Potential Motion:

I make the motion to approve the first read of Ordinance XXX, Title.



Myrtle Creek

Homelessness in Public Spaces Review

January 2023

Background on Issue:

Over the past few years, the homelessness crisis has intensified and the legal parameters around how a city manages its public property to comply with all legal principles and protects its public investments and become a priority for city governance. Two key federal court cases, *Martin v. Boise* and *Blake v. Grants Pass*, have created precedence for manner in which cities regulate their public property. In addition to these two cases Oregon enacted HB 3115 which expanded and codified several of the key holdings within the court decisions and HB 3124 which dictated the manner in which cities can regulate their public property regarding its use by people experiencing homelessness.

Legal Review:

A. The Eighth Amendment to the U.S. Constitution

The Eighth Amendment to the U.S. Constitution states that excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishment inflicted. In 1962, the U.S. Supreme Court, in *Robinson v. California*, established the principle that “the Eighth Amendment prohibits the state from punishing an involuntary act or condition if it is the unavoidable consequence of one’s status or being.” 370 U.S. 660 (1962).

B. Martin v. Boise

In 2018, the U.S. 9th Circuit Court of Appeals, in *Martin v. Boise*, interpreted the Supreme Court’s decision in *Robinson* to mean that the Eighth Amendment to the U.S. Constitution prohibits the imposition of criminal penalties for sitting, sleeping, or lying outside on public property for homeless individuals who cannot obtain shelter because sitting, lying, and sleeping are universal and unavoidable consequences of being human. The court declared that a governmental entity cannot criminalize conduct that is an unavoidable consequence of being homeless – namely sitting, lying, or sleeping.

The 9th Circuit clearly stated in its *Martin* opinion that its decision was intentionally narrow, and that some restrictions on sitting, lying, or sleeping outside at particular times or in particular locations, or prohibitions on obstructing the rights of way or erecting certain structures, might be permissible.

Cities are allowed to impose city-wide prohibitions against persons sitting, sleeping, or lying in public, provided the city has a shelter that is accessible to the person experiencing homelessness against whom the prohibition is being enforced. Even if a city lacks enough shelter space to accommodate the specific person experiencing homelessness against whom the prohibition is being enforced, it is still allowed to limit sitting, sleeping, and lying in public places through reasonable restrictions on the time, place and manner of these acts (where, when, and how) although what constitutes a reasonable time, place and manner restriction is often difficult to define.

What is clear from the *Martin* decision is the following:

1. Cities cannot punish a person who is experiencing homelessness for sitting, sleeping, or lying on public property when that person has no place else to go;
2. Cities are not required to build or provide shelters for persons experiencing homelessness;
3. Cities can continue to impose the traditional sit, sleep, and lie prohibitions and regulations on persons who do have access to shelter; and
4. Cities are allowed to build or provide shelters for persons experiencing homelessness.

After *Martin*, the following is unknown:

1. What other involuntary acts or human conditions, aside from sleeping, lying and sitting, are considered to be an unavoidable consequence of one's status or being?
2. Which specific time, place and manner restrictions can cities impose to regulate when, where, and how a person can sleep, lie or sit on a public property?
3. What specific prohibitions can cities impose that will bar a person who is experiencing homelessness from obstructing the right of way?
4. What specific prohibitions can cities impose that will prevent a person who is experiencing homelessness from erecting a structure, be it temporary or permanent, on public property?

C. Blake v. Grants Pass

Adding to the *Martin* case the 9th Circuit or the U.S. Supreme Court, issued an opinion, *Blake v. Grants Pass*, which provided some clarity, but also provided an additional layer of complexity.

From the *Blake* case the following was defined:

1. Whether a city's prohibition is a civil or criminal violation is irrelevant. If the prohibition punishes an unavoidable consequence of one's status as a person experiencing homelessness, then the prohibition, regardless of its form, is unconstitutional.
2. Persons experiencing homelessness who must sleep outside are entitled to take necessary minimal measures to keep themselves warm and dry while they are sleeping.
3. A person does not have access to shelter if:
 - a. They cannot access the shelter because of their gender, age, disability or familial status;

- b. Accessing the shelter requires a person to submit themselves to religious teaching or doctrine for which they themselves do not believe;
- c. They cannot access the shelter because the shelter has a durational limitation that has been met or exceeded; or
- d. Accessing the shelter is prohibited because the person seeking access is under the influence of some substance (for example alcohol or drugs) or because of their past or criminal behavior.

Much like *Martin*, the *Blake* decision left some unanswered questions. The key unknown after *Blake*, is: What constitutes a minimal measure for a person to keep themselves warm and dry – is it access to a blanket, a tent, a fire, etc.?

D. House Bill 3115

HB 3115 requires that any city or county law regulating the acts of sitting, lying, sleeping or keeping warm and dry outside on public property must be “objectively reasonable” based on the totality of the circumstances as applied to all stakeholders, including persons experiencing homelessness. What is objectively reasonable may look different in different communities. The bill retains cities’ ability to enact reasonable time, place, and manner regulations, aiming to preserve the ability of cities to manage public spaces effectively for the benefit of an entire community.

HB 3115 has an implementation date of July 1, 2023, to allow local governments time to review and update ordinances.

HB 3115 codified into state law the requirements defined in *Martin* and *Blake*. The bill provided no further clarity to the judicial decisions, but it also imposed no new requirements or restrictions.

E. House Bill 3124

HB 3124 does two things. First, rules for how a city is to provide notice to homeless persons that an established campsite on public property is being closed, found at ORS 195.500, *et seq.* Second, it gives instructions on how a city is to oversee and manage property it removes from an established campsite located on public property. HB 3124 applies to public property; it is not applicable to private property. This means that the rules and restrictions imposed by HB 3124 are not applicable city-wide, rather they are only applicable to property classified as public.

When a city seeks to remove an established campsite located on public property, it must do so within certain parameters. A city is required to provide 72-hour notice of its intent to remove the established camp site. Notices of the intention to remove the established camp site must be posted at each entrance to the site. In the event of an exceptional emergency, or the presence of illegal activity other than camping at the established campsite, a city may act to remove an established camp site from public property with less than 72-hour notice. Examples of an

exceptional emergency include possible site contamination by hazardous materials, a public health emergency, or immediate danger to human life or safety.

While HB 3124 fails to define what constitutes an established camping site. With no clear definition of what the word established means, guidance on when the 72-hour notice provisions of HB 3124 apply is difficult to provide.

When removing items from established camp sites, the following are statutory requirements:

1. Items with no apparent value or utility may be discarded immediately;
2. Items in an unsanitary condition may be discarded immediately;
3. Law enforcement officials may retain weapons, drugs, and stolen property;
4. Items reasonably identified as belonging to an individual and that have apparent value or utility must be preserved for at least 30 days so that the owner can reclaim them; and
5. Items removed from established camping sites must be stored in a facility located in the same community as the camping site from which it was removed.

Other Factors to be aware of

A. Motor Vehicles and Recreational Vehicles

The City should consider how its ordinances and policies relate to car and RV camping, and any legal consequences that might arise if such regulations are combined with ordinances regulating sitting, lying, sleeping, or camping on public property. Motor and recreational vehicles, their location on public property, their maintenance on public property, and how they are used on or removed from public property are heavily regulated by various state and local laws, and how those laws interact with a city's ordinance regulating sitting, lying, sleeping, or camping on public property is an important consideration of this process.

B. State Created Danger

In 1989, the U.S. Supreme Court, in *DeShaney v. Winnebago Cnty. Dep't of Soc. Servs.*, interpreted the Fourteenth Amendment to the U.S. Constitution to impose a duty upon the government to act when the government itself has created dangerous conditions. This interpretation created the legal principle known as State Created Danger. 489 U.S. 189 (1989). The 9th Circuit has interpreted the State Created Danger doctrine to mean that a governmental entity has a duty to act when the government actor "affirmatively places the plaintiff in danger *Human Rights v. City of Los Angeles*, 2021 WL 1546235.

The State Created Danger principle has three elements. First, the government's own actions must have created or exposed a person to an actual, particularized danger that the person would not have otherwise faced. Second, the danger must have been one that is known or

obvious. Third, the government must act with deliberate indifference to the danger. *Id.* Deliberate indifference requires proof of three elements:

- (1) there was an objectively substantial risk of harm;
- (2) the [state] was subjectively aware of facts from which an inference could be drawn that a substantial risk of serious harm existed; and
- (3) the [state] either actually drew that inference or a reasonable official would have been compelled to draw that inference.

Many cities are choosing to respond to the homeless crisis, the legal decisions of *Martin* and *Blake*, and HB 3115, by creating managed homeless camps where unhoused persons can find shelter and services that may open the door to many State Created Danger based claims of wrongdoing (e.g. failure to protect from violence, overdoses, etc. within the government sanctioned camp).

In California, at least one federal district court has recently ruled that cities have a duty to act to protect homeless persons from the dangers they face by living on the streets, with the court's opinion resting squarely on the State Created Danger principle.

When imposing reasonable time, place, and manner restrictions to regulate the sitting, sleeping or lying of persons on public rights of way, the City should consider whether its restrictions, and the enforcement of those restrictions, trigger issues under the State Created Danger principle. When removing persons and their belongings from public rights of way, cities should be mindful of whether the removal will implicate the State Created Danger principle.

C. What the City cannot do:

1. The City cannot punish a person who is experiencing homelessness for sitting, sleeping, or lying on public property when that person has no place else to go.
2. The City cannot prohibit persons experiencing homelessness from taking necessary minimal measures to keep themselves warm and dry when they must sleep outside.
3. The City cannot presume that a person experiencing homelessness has access to shelter if the available shelter options are:
 - a. Not accessible because of their gender, age, or familial status;
 - b. Ones which require a person to submit themselves to religious teaching or doctrine for which they themselves do not believe;
 - c. Not accessible because the shelter has a durational limitation that has been met or exceeded; or

- d. Ones which prohibit the person from entering the shelter because the person is under the influence of some substance (for example alcohol or drugs) or because of their past or criminal behavior.

D. What the City may potentially do:

1. The City may impose reasonable time, place, and manner restrictions on where persons, including those persons experiencing homelessness, may sit, sleep, or lie. Any such regulation imposed by a city should be carefully vetted with the city's legal advisor.
2. The City may prohibit persons, including those persons experiencing homelessness, from blocking rights of way. Any such regulation should be carefully reviewed by the city's legal advisor to ensure the regulation is reasonable and narrowly tailored.
3. The City may prohibit persons, including those persons experiencing homelessness, from erecting either temporary or permanent structures on public property. Given that cities are required, by *Blake*, to allow persons experiencing homelessness to take reasonable precautions to remain warm and dry when sleeping outside, any such provisions regulating the erection of structures, particularly temporary structures, should be carefully reviewed by a legal advisor to ensure the regulation complies with all relevant court decisions and Oregon statutes.
4. If a city chooses to remove a camp site, when the camp site is removed, cities may discard items with no apparent value or utility, may discard items that are in an unsanitary condition, and may allow law enforcement officials to retain weapons, drugs, and stolen property.
5. Cities may create managed camps where person experiencing homelessness can find safe shelter and access to needed resources. In creating a managed camp, cities should work closely with their legal advisor to ensure that in creating the camp they are not inadvertently positioning themselves for a State Created Danger allegation.

Next Steps:

Review all ordinances and policies with your legal advisor to determine which ordinances and policies, if any, are impacted by the court decisions or recently enacted statutes.

Review the City's response to the homelessness crisis with its legal advisor to ensure the chosen response is consistent with all court decisions and statutory enactments.

Decide if the City will exclude persons experiencing homelessness from certain areas of the city for violating a local or state law, the person must be provided the right to appeal that expulsion order, and the order must be stayed while the appeal is pending.

If the city chooses to remove a homeless person's established camp site, the city must provide at least 72-hour notice of its intent to remove the site, with notices being posted at entry point into the camp site.

If the city obtains possession of items reasonably identified as belonging to an individual and that item has apparent value or utility, the city must preserve that item for at least 30 days so that the owner can reclaim the property, and store that property in a location that complies with state law.

Codes Already Identified to be Reviewed for Compliance with Homelessness Legislation

- A. 18.90 – Off Street Parking
- B. 9.05.150 – Criminal Code-Prohibited Camping
- C. 18.75.110 – Land Use Declared to be Nuisance
- D. 12.25 – Parks
- E. 18.125 – Trailer Houses and Trailer Coaches

Reference:

League of Oregon Cities (June, 2022). Guide to Persons Experiencing Homelessness in Public Spaces.

CITY OF MYRTLE CREEK
OREGON
ORDINANCE NO. 848

**AN ORDINANCE AMENDING THE MYRTLE CREEK MUNICIPAL CODE
CHAPTER 9.05 CRIMINAL CODE; DEFINING PROHIBITED CAMPING AND
ADDRESSING HOMELESSNESS**

WHEREAS, Oregon Revised Statute 195.530 requires, “Any city or county law that regulates the acts of sitting, lying, sleeping or keeping warm and dry outdoors on public property that is open to the public must be objectively reasonable as to time, place and manner with regards to persons experiencing homelessness; and

WHEREAS, ORS 195.530 becomes effective on July 1, 2023; and

WHEREAS, Chapter 2, Section 4 of the City of Myrtle Creek Charter provides: The City has all powers that the constitution, statutes, and common law of the United States and of the State of Oregon now or hereafter expressly or impliedly grant or allow the City, as fully as though this Charter specifically enumerated each of those powers.

WHEREAS, Myrtle Creek City Council has determined a need to amend Myrtle Creek Municipal Code (MCMC), Chapter 9.05 in order to address homelessness.

NOW, THEREFORE THE CITY OF MYRTLE CREEK ORDAINS AS FOLLOWS:

SECTION 1. Section 9.05 of the City of Myrtle Creek Municipal Code is hereby amended with the addition of item E. Exceptions to Section 9.05.150 as follows:

9.05.150 Prohibited Camping

A. Definitions

1. Camp/Camping. To set up or to remain in or at a campsite, for the purpose of establishing or maintaining a temporary or permanent place to live/reside. Using or maintaining a fire or stove without other evidence of a temporary place to live/reside shall also be considered camping.
2. Campsite. Any place where any indicia of camping is placed, established, or maintained.
3. Indicia of camping. Items or activities that may include but are not limited to: any stove or fire or cooking activity outside of authorized areas; storage of personal belongings; use of tents, lean-tos, shacks, vehicles or any other temporary structures or any part thereof for sleeping or storage of personal belongings; designation of an area in a manner to exclude other members of the public by maintaining, using or storing personal belongings or items. Bedding (such as blankets, sleeping bags, or other sleeping matter), by itself, is not indicia of camping.

- B. Except by permit issued by the City Recorder for camping in non-designated areas, it is unlawful to camp in or upon any sidewalk, street, alley, lane public right-of-way or any other place to which the general public has access, or under any bridgeway or viaduct.
- C. No RV or campsite shall be used or occupied on any tract of ground within the corporate limits of the City except as provided in this Section.
- D. No person shall use or occupy any RV on the premises of any occupied dwelling or on any lot which is not part of the premises of any occupied dwelling, unless a permit therefor shall have been first obtained as prescribed in the Trailer Houses and Trailer Coaches Ordinance 216, nor shall any person permit such use or occupancy unless the occupant of the RV or camp has obtained a permit therefor.

E. Exceptions.

- Those experiencing homelessness may sleep, lie, or keep warm and dry outside on public property in compliance with the following Time, Place, and Manner requirements:

- Time:

Those experiencing homelessness may sleep, lie, or keep warm and dry on public property, that has not been identified as impermissible, from dusk until 30 minutes before sunrise.

Place:

Those experiencing homelessness may sleep, lie, or keep warm and dry in conformance with time and manner provisions on public property with the following location exclusions:

- Public Works Water and Wastewater complex;
- Areas fenced and being used for potable water storage;
- Maggie Steinbaugh Park;
- All areas of Millsite Park with the exception of the Disk Golf Course;
- Public Parking Lots and Right-of-Ways;
- Property adjacent to the Volunteer Fire Department;
- Sidewalks where ADA access would be impacted;
- Evergreen Park;
- Library Building;
- Right of Way

- Manner:

During times allowable under the time provision of this code, those experiencing homelessness may use small tents, or other temporary means of portable shelter that must be fully removed daily without impacting the grounds.

- Automobile and Recreational Vehicle (RV) Use:

For those experiencing homelessness, an automobile or RV as defined in ORS [446.310\(2\)](#) shall be allowed for sleeping outside of a permitted or authorized campground, without a permit, provided the following conditions exist and are complied with:

- Shall be permitted for sleeping during periods that do not exceed 24 hours.
- Parked in an area that is graveled or hard surface either asphalt or concrete that would not impede traffic or create a traffic safety issue.

F. Any person who violates this Section [9.05.150] shall be punished, upon conviction, by a fine of not more than \$200 for each violation. Conviction of a violation does not give rise to any disability or legal disadvantage based on conviction of a crime.

SECTION 2. All other Sections and Subsections of Chapter 9.05 of the Myrtle Creek Municipal Code remain in full force and effect as written.

ADOPTED BY THE MYRTLE CREEK CITY COUNCIL THIS 16th day of May 2023

APPROVED BY THE MAYOR THIS 6th day of June 2023

Matthew Hald, Mayor

ATTEST:

Joanna Bilbrey, City Recorder

CITY OF MYRTLE CREEK

ORDINANCE NO 849

AN ORDINANCE ESTABLISHING REGULATIONS AND FEES FOR USE OF CITY PARKS AND ADDRESSING HOMELESSNESS; SUPERSEDING PREVIOUS ORDERS AND RESOLUTIONS

WHEREAS, Oregon Revised Statute 195.530 requires, “Any city or county law that regulates the acts of sitting, lying, sleeping or keeping warm and dry outdoors on public property that is open to the public must be objectively reasonable as to time, place and manner with regards to persons experiencing homelessness; and

WHEREAS, ORS 195.530 becomes effective on July 1, 2023; and

WHEREAS, the City Council of the City of Myrtle Creek finds that it is in the best interest of the citizens of Myrtle Creek to include language within the Myrtle Creek Municipal Code that addresses homelessness within the parks.

NOW THEREFORE, THE CITY OF MYRTLE CREEK ORDAINS AS FOLLOWS:

TITLE 12.25 PARKS

The official Myrtle Creek Municipal Code is updated as follows:

USE OF PARK AND RECREATION FACILITIES

SECTION 1. Permits: Permits may be obtained at Myrtle Creek City Hall. The City Administrator or Administrator’s designee shall have authority to issue permits for the following activities:

- A. To secure temporary entry into a designated camping area.
- B. To camp overnight at Millsite RV Park up to the following maximum number of days:
 - a. May 15 to September 15 of each year there is a five (5) day camping limit out of every seven (7) days.
 - b. September 16 to May 14 of each year there is a fourteen (14) day camping limit out of every eighteen (18) days.
- C. To conduct any special events or group activities within park facilities, application must be made 7 business days in advance. Special requirements may be applied, based on the nature of the event, for approval of permit.

No person shall engage in any activity described in this section without first obtaining a permit. The City Administrator or City Administrator’s designee may require reasonable terms and conditions for the issuance of permits which are not inconsistent with the terms of the Ordinance. The duration for the permits shall be set by the City Administrator. Fees for all permits shall be as set forth by Resolution ~~17-01~~ in the Handbook of Fees and Charges or as otherwise posted.

SECTION II. Park Use Requiring Fees: Fees and deposits for permits, camping and rental of park facilities shall be posted in each park and recreational area as set forth by Resolution ~~17-01~~ in the Handbook of Fees and Charges or as otherwise posted.

- A. RV Camping
 - a. Campsite providing hookups

- b. Campsite without hookups
- c. Extra vehicle within campsite
- B. User Fees Required as Follows:
 - a. Non-Youth Baseball or Softball Tournaments
 - b. Groups Reserving Park Areas
 - c. Commercial Uses
 - d. Other activities as adopted by resolution

NOTE: The City of Myrtle Creek requires a clean-up deposit which will be refunded if all litter and debris is picked up after usage and no damage is done to park facilities. (Baseball or Softball Tournament deposits are per day per field.)

- C. RV Dump Station
 - a. Included in fee for campsite with hookup.
 - b. Non-park user. HONOR SYSTEM. Deposit fee in box.

SECTION III. Park Hours. Parks and Recreational areas shall be closed a half hour after sunset until a half hour before sunrise unless otherwise posted. [Refer to Myrtle Creek Municipal Code Section 09.05.150 for exceptions for those experiencing homelessness.](#)

SECTION IV. Park Closures: The City Administrator or the Administrator's designee is hereby authorized to close or restrict public use of any park and recreational area or a portion thereof when it is deemed necessary to protect the public health, safety or welfare or for the protection of the park and recreational area facilities.

SECTION V. Prohibited Acts in City Parks: It shall be unlawful for any person to commit any of the following acts in a city park or recreational area:

- A. To fail to pay any fees, deposits, rentals or costs assessed for use or rental of park facilities.
- B. To fail to secure a permit or to violate the terms of any permit required by Section 1. of these rules.
- C. To disregard, deface, remove, tamper or damage any sign or notice posted or erected by the City.
- D. To camp in areas not designated for overnight camping.
- E. To operate or park motor vehicles, bicycles or trailers outside designated spaces in a manner that prevents access to park facilities in excess of designated speed limits.
- F. To erect, place, post or maintain any advertising matter, sign, or printed matter other than legal notices in a park facility ~~in excess of designated speed limits~~ [without prior approval of the City Administrator.](#)
- G. To solicit, sell, offer for sale, peddle or vend any food, liquids, goods, merchandise or any items without approval of the Park Commission or the Commission's designee.
- H. To allow any animal:
 - a. To run at large within park boundaries.
 - b. To be present inside any park buildings except service animals as defined by the Americans with Disabilities Act. Service animals are defined as animals that are individually trained to do work or perform tasks for people with disabilities.
 - c. No horses allowed in parks unless on vehicle roadways.

- I. To operate or use a public address system or any sound system without the approval of the Park Commission or the Commission's designee.
- J. To shoot archery or golf within park boundaries without a special permit.
- K. To build an open campfire.
- L. To use a portable stove during fire season.
- M. To leave, deposit, scatter waste, refuse, garbage, including but not limited to a person's residential waste, refuse or garbage.
- N. To allow animal excrements that are not disposed of properly to remain.
- O. To possess or consume alcohol without approval from the City.
- P. Smoking or other use of tobacco products: Smoke free zones are designated as follows:
 - a. Millsite Park – from the NW corner of the bunker south to Myrtle Creek, then west to the western edge of the sidewalk along the west side of the leisure lawn area, then north along the western side of the aforementioned sidewalk to the sidewalk along Volunteer Way, then east along the sidewalk on the south side of Volunteer Way to the starting point.
 - b. Evergreen Park - All of the area on the interior of the paved loop inside the park.
 - c. Creekside - All area west of a line drawn from the southeast corner of the parking lot by Tommy's running north to a point where the east side of the Creekside parking lot meets NE Oak Street.
 - d. Maggie Steinbaugh Park – in its entirety.

“Smoking” as used herein shall include: electronic smoking devices, tobacco, marijuana, bidis, cigarettes, cigarillos, cigars, clove cigarettes, nicotine vaporizers, nicotine liquids, hookahs, kreteks, pipes, chew, snuff, smokeless tobacco, and any burning or smoldering substance in any form. “Electronic smoking device” as used herein includes an electronic or battery-operated device and delivers vapors for inhalation. Electronic smoking devices includes every variation and type of such devices whether they are manufactured, distributed, marketed or sold as an electronic cigarette, and electronic cigar, an electronic cigarillo, an electronic pipe, an electronic hookah, or any other product name or descriptor.

SECTION VI. Penalties: A violation of any provision of Section V. of these rules is punishable upon conviction by a fine of not more than \$500.00

SECTION VII. Supersede: These rules supersede all other existing park ordinances.

PASSED BY THE CITY COUNCIL ON THE FIRST READING this 16th day of May 2023.

APPROVED BY THE MAYOR this 6th day of June 2023.

Matthew Hald, Mayor

ATTEST:

Joanna Bilbrey, City Recorder

CITY OF MYRTLE CREEK

ORDINANCE NO 850

AN ORDINANCE AMENDING ORDINANCE NO 836 AND ORDINANCE NO 508, THE MYRTLE CREEK ZONING ORDINANCE; MCMC SECTION 18.90 ADDRESSING OFF-STREET PARKING AND HOMELESSNESS

WHEREAS, Oregon Revised Statute 195.530 requires, “Any city or county law that regulates the acts of sitting, lying, sleeping or keeping warm and dry outdoors on public property that is open to the public must be objectively reasonable as to time, place and manner with regards to persons experiencing homelessness; and

WHEREAS, ORS 195.530 becomes effective on July 1, 2023; and

WHEREAS, Ordinance 508 the Myrtle Creek Zoning Ordinance establishes code for off-street parking and which recent State mandates have required cities to address homelessness and public place; and

WHEREAS, the Planning Commission held a public hearing on the question of amending the Zoning Ordinance on April 25, 2023, and provided an opportunity for public participation in the matter; and

WHEREAS, the City Council finds that the proposed amendment is in the best interest of the citizens of the City of Myrtle Creek and that the enactment of this Ordinance is necessary to preserve the health, safety and general welfare of the City of Myrtle Creek; and

NOW THEREFORE, THE CITY OF MYRTLE CREEK ORDAINS AS FOLLOWS:

TITLE 18 ZONING

The official Myrtle Creek Municipal Code is hereby amended to the extent described as follows:

SECTION: 18.90.010 (2) Parking, storage, or use of major vehicle and equipment.

- (2) Parking. No major recreational equipment shall be parked on any city street for a period exceeding 24 hours during loading or unloading except with a “permit for sleeping purposes only” [or for those experiencing homelessness, refer to MCMC 09.05.150](#). Unless authorized by the City Administrator or Public Works Director, vehicles or trailers designed to be towed by a vehicle are prohibited from parking on a street within the city at any time if the combination of motor vehicle and trailer is longer than 40 feet, wider than eight feet six inches or weighs in excess of 26,000 pounds gross vehicle weight (GVW) or any vehicle that requires a commercial driver’s license.

PASSED BY THE CITY COUNCIL ON THE FIRST READING this 16th day of May 2023.

APPROVED BY THE MAYOR this 6th day of June 2023.

Matthew Hald, Mayor

ATTEST:

Joanna Bilbrey, City Recorder

CITY OF MYRTLE CREEK

ORDINANCE NO 851

AN ORDINANCE AMENDING ORDINANCE NO 508, THE MYRTLE CREEK ZONING ORDINANCE; MCMC SECTION 18.125.050 ADDRESSING PARKING REGULATIONS AND HOMELESSNESS AND AMENDING RESOLUTION 216

WHEREAS, Oregon Revised Statute 195.530 requires, “Any city or county law that regulates the acts of sitting, lying, sleeping, or keeping warm and dry outdoors on public property that is open to the public must be objectively reasonable as to time, place and manner with regards to persons experiencing homelessness; and

WHEREAS, ORS 195.530 becomes effective on July 1, 2023; and

WHEREAS, Ordinance 508 the Myrtle Creek Zoning Ordinance establishes code for parking regulations and which recent State mandates have required cities to address homelessness and public places; and

WHEREAS, the Planning Commission held a public hearing on the question of amending the Zoning Ordinance on April 25, 2023, and provided an opportunity for public participation in the matter; and

WHEREAS, the City Council finds that the proposed amendment is in the best interest of the citizens of the City of Myrtle Creek and that the enactment of this Ordinance is necessary to preserve the health, safety and general welfare of the City of Myrtle Creek; and

NOW THEREFORE, THE CITY OF MYRTLE CREEK ORDAINS AS FOLLOWS:

TITLE 18 ZONING

The official Myrtle Creek Municipal Code is hereby amended to the extent described as follows:

SECTION: 18.125.050 Parking - Regulations

It shall be unlawful to park or place any trailer coach used for sleeping or living purposes within the city for any period of time exceeding ~~three~~ 24 hours, except in a trailer camp, and no cooking shall be done in a trailer coach outside a trailer camp. [Refer to MCMC 09.05.150 for exceptions for those experiencing homelessness.](#) It is to be understood that the parking of trailer coaches in the city that are not used for sleeping or living purposes is not regulated by this chapter, but is regulated by the general ordinances of the city regulating vehicular parking when parked on the city streets or alleys; provided, however, that a trailer coach used for sleeping or living purposes may be parked in the city outside of a trailer camp for a period of not to exceed 15 days, with no cooking permitted outside of a trailer camp, after the owner or occupant thereof has secured from the City Recorder a permit therefor and has paid a permit fee set by resolution in the handbook of fees and charges. This permit shall be temporary only; and when a permit shall have been issued for a particular trailer coach once in a calendar year, another temporary permit shall not be issued for that particular coach in the same calendar year.

The removal of the wheels or the setting of a trailer coach on posts or footings shall not be considered as removing said trailer coach from the regulations affecting trailer coaches unless such trailer is made to

conform with the building code and other ordinances of the City of Myrtle Creek regulating dwellings and land uses.

PASSED BY THE CITY COUNCIL ON THE FIRST READING this 16th day of May 2023.

APPROVED BY THE MAYOR this 6th day of June 2023.

Matthew Hald, Mayor

ATTEST:

Joanna Bilbrey, City Recorder

CITY OF MYRTLE CREEK

ORDINANCE NO 852

AN ORDINANCE AMENDING ORDINANCE NO 508, THE MYRTLE CREEK ZONING ORDINANCE; MCMC SECTION 18.75.110 ADDRESSING LIVING IN VEHICLES AND HOMELESSNESS

WHEREAS, Oregon Revised Statute 195.530 requires, “Any city or county law that regulates the acts of sitting, lying, sleeping or keeping warm and dry outdoors on public property that is open to the public must be objectively reasonable as to time, place and manner with regards to persons experiencing homelessness; and

WHEREAS, ORS 195.530 becomes effective on July 1, 2023; and

WHEREAS, Ordinance 508 the Myrtle Creek Zoning Ordinance establishes code for land use and sleeping in vehicles and which recent State mandates have required cities to address homelessness and public places; and

WHEREAS, the Planning Commission held a public hearing on the question of amending the Zoning Ordinance on April 25, 2023, and provided an opportunity for public participation in the matter; and

WHEREAS, the City Council finds that the proposed amendment is in the best interest of the citizens of the City of Myrtle Creek and that the enactment of this Ordinance is necessary to preserve the health, safety and general welfare of the City of Myrtle Creek; and

NOW THEREFORE, THE CITY OF MYRTLE ORDAINS AS FOLLOWS:

TITLE 18 ZONING

The official Myrtle Creek Municipal Code is hereby amended to the extent described as follows:

SECTION: 18.75.110 (3) Living in Vehicles

(3) Living in Vehicles. Pursuant to Chapter [18.125](#) MCMC, it shall be unlawful to use a travel trailer, camper, recreational vehicle or similar vehicle for living or sleeping purposes while parked on public or private property (including public streets) without a “permit for sleeping purposes only,” unless said vehicle is legally parked in a park designed for such purpose. [Refer to MCMC 09.05.150 for exceptions for those experiencing homelessness.](#)

PASSED BY THE CITY COUNCIL ON THE FIRST READING this 16th day of May 2023.

APPROVED BY THE MAYOR this 6th day of June 2023.

Matthew Hald, Mayor

ATTEST:

Joanna Bilbrey, City Recorder