

City of Brookings **WORKSHOP Agenda**

CITY COUNCIL

Monday December 2, 2019, 4:00pm

City Hall Council Chambers, 898 Elk Drive, Brookings, OR 97415

A. Call to Order

B. Roll Call

C. Topics

1. Building Permits [PW/DS, Pg. 2]
 - a. Five Year Permit History Spreadsheet [Pg. 3]
2. Inflow & Infiltration Program Update [PW/DS, Pg. 4]
 - a. Wastewater Treatment Plant Flow and Rainfall Graph [Pg. 5]
3. Land Development Code Revisions C-2 in C-3 [PW/DS, Pg. 6]
4. Public Urination and Defecation Ordinance [PW/DS, Pg. 7]
 - a. Cottage Grove Public Building Use Code of Conduct [Pg. 9]
 - b. Mt. Angel Oregon – Patron Code of Conduct Ordinance [Pg. 11]
 - c. City of Banks Oregon – Loitering Ordinance [Pg. 16]

D. Council Member Requests for Workshop Topics

E. Adjournment

All public City meetings are held in accessible locations. Auxiliary aids will be provided upon request with at least 72 hours advance notification. Please contact 469-1102 if you have any questions regarding this notice.

CITY OF BROOKINGS

Council WORKSHOP Report

Meeting Date: December 2, 2019

Originating Dept: PW/DS

Signature (submitted by)

City Manager Approval

Subject:

Five year history of building permits

Background/Discussion:

At a prior Council Workshop, Council requested staff to bring building permit history to a future workshop. Attached is a five year history of building permits. The information includes the permit fees, valuations and a breakdown of permit types. Building department revenues have steadily increased over the last five years.

Attachment(s):

- a. Five Year Permit History Spreadsheet

BUILDING PERMIT 2014 THRU 10-31-2019							
	2014	2015	2016	2017	2018	thru 10-31-2019	
Bldg Permit Fees	\$ 25,603.38	\$ 23,319.99	\$ 27,370.33	\$ 34,358.00	\$ 38,254.94	\$	\$ 45,430.79
Plan Review Fees	\$ 10,398.15	\$ 16,059.37	\$ 19,024.63	\$ 22,546.00	\$ 25,025.26	\$	\$ 29,656.18
New Residential Permits	4	4	10	10	14		17
Residential Other (Add/Garages/Deck/Fence)	52	39	29	25	49		24
Mobile Home Permits	0	0	3	1	2		8
Commercial Bldg Permits	1	2	6	0	4		1
Commercial Other (Add/Roof/remodel etc	3	18	10	17	12		8
Mechanical Permits	33	25	35	49	63		67
Multi Family Permits	1	0	0	0	0		0

CITY OF BROOKINGS

COUNCIL WORKSHOP REPORT

Meeting Date: December 2, 2019



Signature (submitted by)

Originating Dept: PW/DS



City Manager Approval

Subject: Inflow and Infiltration Program Update

Background/Discussion: Inflow and Infiltration (I/I) is a universal condition of stormwater entering into a sewer collection system thereby increasing the amount of sewer being conveyed and treated at the wastewater treatment plant. I/I is generally the result of aging and poorly constructed sewer pipes, laterals and manholes, cross connections, tree root intrusion and open sewer cleanouts just to name a few. The results of I/I include the potential for sanitary sewer overflows in manholes and increased energy cost to process higher flows at the wastewater treatment plant.

The City of Brookings implemented an I/I program in 2012 and each year the City is required to submit an annual report on I/I reduction measures to the Department of Environmental Quality (DEQ). The report includes a summary of sewer manholes, mains and laterals repaired and/or replaced, cleaned and smoke tested. Since the implementation of the program in 2012 the City has performed the following I/I reduction measure per DEQ requirements:

- Smoke Tested 36,000 lineal feet of sanitary sewer lines, laterals and manholes
- TV inspected 61,511 lineal feet of sanitary sewer lines
- Cleaned over 100,000 lineal feet of sanitary sewer lines, laterals and manholes
- Repaired 19,427 lineal feet of sanitary sewer line, including sewer pipe lining
- Replaced over 1600 lineal feet of sanitary sewer main line and laterals
- Repaired 72 leaking manholes
- Replaced 4 manholes
- Abated and corrected 10 cross connections identified from smoke testing performed in 2011, 2013 & 2014

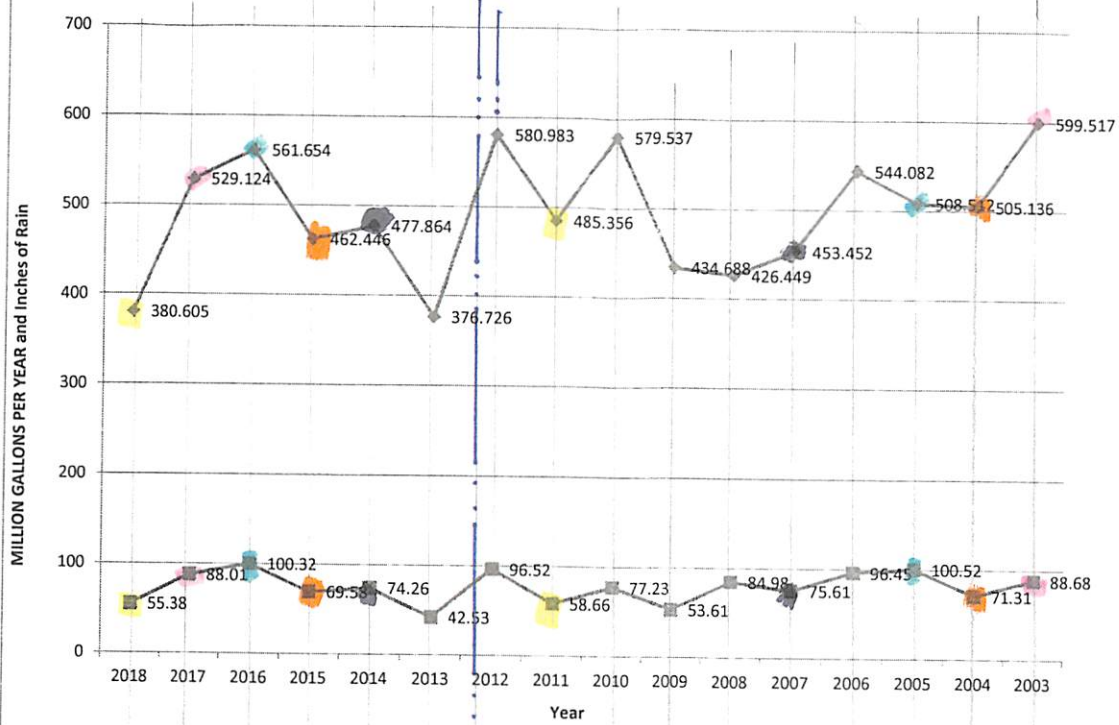
In fiscal year 2019-20, the City budgeted nearly \$170,000 for cast in place pipe lining (CIPP) and manhole repairs. Staff continues to identify and prioritize projects aimed to reduce I/I annually.

Attached is a graph showing a comparison between 2003 to 2018 the amount of rainfall to million gallons of sewage processed at the Wastewater Treatment Facility. There are several instances where by a year to year comparison of equal rainfall we have experienced a lower rate of sewage indicating our program has reduced I/I.

Attachments:

- a. Wastewater Treatment Plant Flow and Rainfall Graph


BROOKINGS WWTP FLOW & RAINFALL



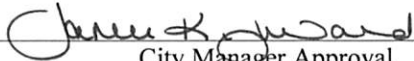
CITY OF BROOKINGS

COUNCIL WORKSHOP REPORT

Meeting Date: December 2, 2019


Signature (submitted by)

Originating Dept: PW/DS


City Manager Approval

Subject: Land Development Code Revisions C-2 in C-3.

Background/Discussion:

Staff recently reviewed a request from a local business to relocate their garden supply/florist store, which is an outright use in a Shopping Center Commercial C-2 District, to a lot in a General Commercial C-3 District. The Land Development Code (LDC) currently has provisions for C-2 District but our zone map doesn't indicate any land for this use.

Staff is proposing to add a provision in a C-3 District to allow any outright permitted use in the C- 2 District.

The same issue occurs for uses in a C-1 District which is referenced as an outright permitted use in a C-2 District.

The proposed addition has minimal impact as there are currently several businesses identified as an outright use in a C2 District operating in a C3 District.

Proposed additions:

17.52.020 Permitted Uses.


Q. Any permitted use in the C-2 district, except residential uses.

Attachments: none

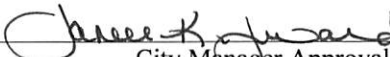
CITY OF BROOKINGS

COUNCIL WORKSHOP REPORT

Meeting Date: December 2, 2019


Signature (submitted by)

Originating Dept: PW/DS


City Manager Approval

Subject: Public Urination and Defecation Ordinance

Background/Discussion: Staff was recently made aware of a female transient urinating on the sidewalk in multiple locations downtown. Parks staff has also been called out several times to clean up human feces in Azalea Park, Mill Beach Access and the bus shelter at Bankus Park.

Staff is researching several options to prohibit this activity – code of conduct, a loitering ordinance and a public urination and defecation ordinance. Staff is proposing the addition of language to the Brookings Municipal Code that would restrict public urination and defecation in public places.

For your review, several Oregon cities have drafted language to address a similar problem in their respective communities.

Medford:

5.125 Public Urination

- (1) No person shall urinate or defecate in public view or in a public place other than a restroom.
 - (2) Violation of this section constitutes a violation.
- [Amd. Ord. No. 2000-45, March 16, 2000.]

Portland:

20.12.030 Unlawful Urination or Defecation.

No person shall urinate or defecate in any park except in a convenience station designed for that purpose; or blow, spread, or place any nasal or other bodily discharge; or spit, urinate, or defecate on the floors, walls, partitions, furniture, fittings, or on any portion of any public convenience station or in any place in such station, excepting directly into the particular fixture provided for that purpose; or place any bottle, can, cloth, rag, or metal, wood, or stone substance in any of the plumbing fixtures in any such station.

Newport:

8.20.010 Urination and Defecation

No person shall knowingly urinate or defecate in any public place or in view of the public or in any portion of any right of way. For the purposes of this section, a public restroom is not a public place.

Grants Pass:

6.03.080 Regulating Conduct Within Public Parking Lots, on Public Sidewalks, or Public Alleys

While in a public parking lot, on a public sidewalk, or on a public alley (unless specifically permitted herein), no person shall:

K. Urinate, defecate, or fornicate.

Astoria:

5.115 Public Indecency. (1) No person may, while in or in view of a public place, perform an act of urination or defecation, except in toilets provided for that purpose.

Oregon City:

9.12.030 - Obscene conduct.

It is unlawful for any person to urinate or defecate in any place open to the public or in the public view

Staff recommends bringing draft “Public Urination and Defecation” to Council after it is reviewed by legal Council. Staff is also seeking direction on whether to further look into a “Code of Conduct” ordinance or other options.

Attachments:

- a. Cottage Grove Public Building Use Code of Conduct
- b. Mt. Angel Oregon – Patron Code of Conduct Ordinance
- c. City of Banks Oregon – Loitering Ordinance



Cottage Grove Public Building Use Code of Conduct

The purpose of this Citizen Code of Conduct is to maintain a safe and pleasant environment for all users of City buildings – including the Cottage Grove City Hall, Library/Community Center, Middlefield Golf Course Pro-shop and Cottage Grove Armory. It also ensures the access for all citizens to City facilities, the safety of all users and staff, and the protection of the materials, resources, equipment and facilities.

Citizens have the responsibility to use the City facilities in a manner that:

- Does not interfere with the rights of other individuals to access or use City materials, resources and services;
- Does not limit the ability of City staff to conduct City business; and
- Does not threaten the secure and comfortable environment of City facilities.

Prohibited conduct includes any illegal activity and includes, but is not limited to, the following:

- Willfully annoying, harassing, intimidating or threatening another person.
- Damaging a City building, furnishings or equipment or using furniture or equipment in a manner that could cause harm to self, others or personal or public property.
- Soliciting, campaigning, fundraising or selling, unless allowed pursuant to an executed rental agreement.
- Posting notices, posters or flyers unless on authorized bulletin boards.
- Behaving in a loud, boisterous, offensive, indecent or disruptive manner, using abusive or threatening language or gestures, fighting or threatening to fight, running, pushing, shoving or throwing things.
- Children under the age of six years of age must be accompanied at all times by a responsible individual(*exceptions may be made at the discretion of City personnel if the responsible individual is in the building*). Responsibility for the safety and behavior of children while in a City building belongs to the parent or caregiver. The City staff will not act as babysitters and will assume no responsibility for children left unattended on City premises.
- Using a cell phone or other electronic device in a manner that is disruptive.
- Impeding access to the building or an area of the building or blocking passageways, doorways or aisles.
- Bringing animals into buildings, except service animals, without prior written approval of the City Manager or designee.
- Leaving unattended personal items in the building. The City assumes no responsibility for lost, stolen, or unattended personal items. Items left longer than 5 minutes or suspicious packages, bags or materials that, in the opinion of staff, are a potential threat, may be removed from the premises without notice.
- Entering non-public areas unaccompanied by a staff member or without prior authorization from a staff member.
- Having offensive hygiene, odor or scent including but not limited to scented products, such as colognes, after-shave lotions, perfumes, deodorants, body/face lotions, or hair sprays that constitutes a nuisance to other persons.
- Failing to exit the building at closing or not following directions from staff.
- Relocating or tampering with tables, chairs, equipment or other furniture without staff permission.
- Failing to wear appropriate clothing including footwear and shirts.
- Sleeping or loitering in public spaces without prior written approval of the City Manager or designee.
- Eating or drinking, unless as part of an approved program, meeting room event or in designated areas.
- Using public restrooms for bathing, shaving, washing hair, changing clothes or other activities without prior written approval from the City Manager or designee.

Anyone whose actions are prohibited conduct may be asked to leave the City facility or they may be removed from the building by the Cottage Grove Police Department. Serious or repeated violations of the rules may result in a person being excluded from the specific City building or buildings for a designated period of time. Exclusions may be appealed to the City Manager.

Staff Guidelines: *(not to be posted - for staff reference only)*

In most cases, persons who are behaving inappropriately in a City building will be given one warning and asked to behave in an appropriate manner. People who do not modify their behavior after one warning will be asked to leave the building for the rest of the day.

In the event of misconduct that is considered extreme by the City staff, the offender will be ordered to leave the building immediately or the police will be called. If the police are called the person may be excluded from the City building for a period of time. The excluded individual will be provided notice of the basis for and length of the exclusion in a form approved by the City Manager, Police Chief and City Attorney.

Persons who behave inappropriately on a regular basis or who engage in unlawful activities while on City property may be excluded from the City building for a period of time, as well as face the possibility of legal charges. Police officers will be responsible for excluding persons from buildings for any period of time beyond one day. Any person wishing to appeal an exclusion must submit a written appeal to the City Manager within five days of being excluded.

Unattended Children

The City has the responsibility to provide a safe and comfortable environment for every citizen, including children. Children are expected to adhere to the same rules of conduct as adult patrons.

If an accompanying adult fails to notice or correct a child's violation, staff will inform the adult of the problem behavior. Disruptive children and accompanying adult, may be asked to leave the building after receiving a warning from the City staff. Unattended minor children will not be ordered out of a City building, but a reasonable attempt will be made to locate the responsible party. If no responsible party is found, the police shall be called to take custody of the child.

Unattended children will not be taken from the City property by staff members. If the building is closing and children have not been picked up, a reasonable attempt will be made to locate the responsible party. If no responsible party is found, the police shall be called to take custody of the child.

ORDINANCE NO. 757

AN ORDINANCE AMENDING THE MT. ANGEL MUNICIPAL CODE TITLE IX, AND CREATING CHAPTER 98 "PATRON CODE OF CONDUCT"

WHEREAS, The City is committed to providing for the public health to preserve a quality of life for its residents; and

WHEREAS, it is the goal of the City to provide City buildings and spaces that are comfortable, safe and welcoming to all patrons and

WHEREAS, the objective of this policy is to provide patrons with a clear understanding of expected behavior in City buildings and spaces. This policy also provides employees with a clear understanding of their responsibilities and authority in dealing with certain behaviors on City property.

NOW THEREFORE, THE CITY OF MT. ANGEL ORDAINS AS FOLLOWS:

SECTION 1. § 98 of the Mt. Angel Municipal Code is hereby amended to read as follows:

§ 98 Patron Code of Conduct

98.1 PURPOSE OF PATRON CODE OF CONDUCT

It is the goal of the City to provide City buildings and spaces that are comfortable, safe and welcoming to all patrons.

98.2 OBJECTIVE

The objective of this policy is to provide patrons with a clear understanding of expected behavior in City buildings and spaces. This policy also provides employees with a clear understanding of their responsibilities and authority in dealing with certain behaviors on City property.

98.3 RULES AND REGULATIONS

I. Definitions and Scope

These Behavior Rules shall apply to all buildings, interior and exterior, and all grounds and spaces controlled and operated by the City (such buildings and grounds are hereafter referred to as the "Premises") and to all persons entering in or on the Premises. The Premises include but are not limited to:

- Public Library
- Community Center
- City Hall
- Municipal Court

- Council Chambers
- Public Restrooms

II. Code of Conduct Rules

Persons who violate the City's Behavior Rules may be ejected and/or excluded from the Premises, may lose all privileges related to those Premises, or may be subject to arrest, as specified below.

- A. Any person who violates Rules 1-3, below, while in or on City Premises will be immediately ejected and excluded from such Premises without a warning. The incident will be reported to the appropriate law enforcement agency. Any person so excluded shall lose all privileges related to such Premises for a period of up to three years, which shall be determined at the sole discretion of the applicable Department Head, or designee. The Department Head shall consider the following criteria when making such determination:
 - The nature and severity of the offense;
 - Whether or not this is a repeated offense;
 - Whether past warnings were provided;
 - Whether the conduct poses a risk of continuing disruption and/or threat to the comfort or safety of other customers and/or staff;
 - The level of disruption created by the conduct;
 - The designated uses of the particular building or space (ie: is it a library requiring low noise levels? Is it a park where children frequently gather?)
 - Whether or not security personnel and/or law enforcement involvement is required to address the situation;
 1. Committing or attempting to commit any activity that would constitute a violation of any federal, state or local criminal statute or ordinance.
 2. Engaging in sexual conduct, as defined under ORS 167.060, including, but not limited to, the physical manipulation or touching of a person's sex organs through a person's clothing in an act of apparent sexual stimulation or gratification.
 3. Possessing, selling, distributing or consuming any alcoholic beverage, except as allowed at a City-approved event.
- B. Any person who violates Rules 4-27, below, while on or in City Premises will be given one warning to cease such conduct by appropriate staff. If a person fails or refuses to comply, then the person will be required to leave the Premises immediately for the remainder of the day. If a person fails to leave the Premises, the appropriate law enforcement agency will be summoned. Subsequent violations of these rules by that person will result in that person's immediate ejection and exclusion from such Premises. Any person so excluded shall lose all

related privileges for a period of time up to one year, which shall be determined at the sole discretion of the appropriate Department Head, or designee.

4. Disruptive conduct indicating impairment or intoxication from drugs, controlled substances, or alcohol.
5. Engaging in conduct that disrupts or interferes with the normal operation of the Premises, or that disturbs staff or patrons, including, but not limited to: the use of abusive or threatening language or gestures and the creation of unreasonable noise levels for that particular Premises.
6. Using Premises materials, equipment, furniture, fixtures or buildings in a manner inconsistent with the customary use thereof; or in a destructive, abusive or potentially damaging manner; or in a manner likely to cause personal injury to the actor or others.
7. Disobeying the reasonable direction of a City staff member or security officer.
8. Soliciting, petitioning, distributing written materials or canvassing for political, charitable or religious purposes inside a City building, including the doorway or vestibule of any such City building or in a manner on the Premises that unreasonably interferes with or impedes access to the building.
9. Interfering with the free passage of City staff or patrons in or on the City Premises, including, but not limited to, placing objects such as bicycles, skateboards, backpacks or other items in a manner that interferes with free passage.
10. Placing personal belongings on or against buildings, furniture, equipment or fixtures in a manner that interferes with staff or patron use of the City facility. Unattended packages or items may be inspected if deemed suspicious by City staff.
11. Bringing bicycles or other similar devices inside City buildings, including, but not limited to, vestibules or covered doorways if no bicycle rack is provided within that area.
12. Operating roller skates, skateboards or other similar devices in areas where posted signs indicate such activity is prohibited.
13. Parking vehicles on City Premises for purpose other than City use. Vehicles parked in violation of this rule may be towed at the owner's expense.
14. Smoking or other use of tobacco including electronic cigarettes in any area except designated smoking areas.

15. Eating and drinking inside City buildings with the following exceptions:
 - Eating and drinking in designated areas.
 - Eating and drinking at a City-approved function.
16. Bringing animals inside City buildings (with the exception of service animals), except as allowed at a City-approved event.
17. No unattended animals are allowed in or on City Premises.
18. Sleeping in City buildings in a manner that disrupts other patrons or staff or occupies excess space in the Premises.
19. Improper use of City restrooms, including, but not limited to: bathing, shaving, or washing hair.
20. Leaving one or more children unsupervised or unattended anywhere in or on City Premises. For purposes of this rule, a “child” is a person 6 years or under who is unaccompanied by a responsible adult in the immediate vicinity of the child, or a person aged 7-10 who is unaccompanied by a responsible adult in the Building.
21. Entering City buildings with bare feet or a bare chest.
22. Disturbing others because of offensive body odor.
23. Loitering on Premises for over one hour when not engaged in related business or activities.
24. Carrying guns and other items that could reasonably be perceived as a dangerous weapon, including but not limited to: knives, swords, box-cutters, mace, machetes.
25. Disturbing others by use of electronic equipment including but not limited to excessive noise from cellular phones and laptops.
26. Entering areas designated as staff only, unless specifically authorized by City staff.

98.4 WRITTEN NOTICE OF RULE VIOLATION AND EXCLUSION FROM CITY PREMISES

City staff shall provide all persons who have been excluded from City Premises with a written Notice of Rule Violation informing the person of the specific nature of the rule violation and of the appeal procedure. City staff will provide such written notice in person at the time a person is excluded from the Premises, or by mail, within a reasonable time thereafter.

98.5 APPEAL PROCESS

Persons who have received an exclusion notice may request a hearing. The request must be in writing and filed at the [City Recorder/City Manager's Office] within one week (exclusive of weekends of legal Holidays) of receipt of the notice. The [City Manager or designee] will schedule a hearing, which shall not be more than two weeks after receipt of the request. However, the [City Manager] may extend these timelines for good cause. The hearing will be informal and the [City Manager] will consider testimony from City staff involved in the incident, from the person requesting the hearing, and from any other witnesses. The person requesting the hearing has a right to be represented by legal counsel, at his or her own expense and the right to present rebuttal testimony. At the conclusion of the hearing, the [City Manager] may affirm, modify, or cause the notice to be canceled. A written copy of the decision, on the date it is issued, will be retained in the appropriate City records and will be delivered or mailed to the person requesting the hearing.

1st Reading: Conducted and approved by the City Council this 5th day of September, 2017.

2nd Reading: Conducted and approved by the City Council this 5th day of September, 2017, by the following vote:

AYES:

NAYS:

APPROVED BY THE MAYOR this 5th day of September 2017.

Andrew Otte, Mayor

ATTESTED BY:

Amber Mathiesen, City Manager

Filed in the office of the City Recorder this 5st day of September 2017.

Rita Ritz

From: Angie Lanter
Sent: Wednesday, October 2, 2019 10:51 AM
To: Rita Ritz
Subject: RE: [OAMR] Loitering ORD

Here is ours.....

📖 **§ 130.33 LOITERING.**

(A) No person shall loiter or prowl at a time or place or in a manner not unusual for law abiding person under circumstances that warrant alarm for the safety of persons or property in the vicinity.

(B) No unauthorized person shall remain in the area of a business after the business has been closed.

(Ord. 2007-130.37, passed 2-13-2007) Penalty, see § 130.99

📖 **§ 130.99 PENALTY.**

(A) Violation of a provision of this chapter is punishable by a fine not to exceed \$500. The maximum penalty for a violation of this chapter shall not exceed the maximum penalty prescribed for a substantially similar offense prescribed by the current Oregon Criminal Code.

(B) A violation of § 130.40 is a civil infraction that may be prosecuted pursuant to Chapter 37 (Civil Enforcement) of the Banks Code of Ordinances, or in any other manner provided by law, and shall be punishable by a fine of not more than \$500 per violation. Each instance of a violation of § 130.40 shall be deemed a separate citable infraction.

(Ord. 60.01, passed 1-8-1991; Am. Ord. 2009-01-02, passed 1-13-2009; Am. Ord. 2010-01-01, passed 1-12-2010; Am. Ord. 2015-03-01, passed 7-14-2015)

Angie Lanter, MMC

City Recorder/Human Resource Manager



<https://www.facebook.com/BanksOregongovernment>

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From: Oamr <oamr-bounces@oamr.org> **On Behalf Of** Rita Ritz

Sent: Wednesday, October 02, 2019 10:44 AM