



Council Business Meeting Agenda

ASHLAND CITY COUNCIL BUSINESS MEETING AGENDA

Tuesday, February 3, 2026

Council Chambers, 1175 E Main Street

Live stream via RVTV Prime at rvtv.sou.edu or broadcast on Spectrum 180.

Public comment is welcome on public forum topics and agenda items.

To **speak electronically** during the meeting or to submit **written comments** in advance, please complete the online [Public Comment Form](#) by 10 a.m. the day of the meeting.

6:00 p.m. Regular Business Meeting

I. CALL TO ORDER

- a. Land Acknowledgement**

II. PLEDGE OF ALLEGIANCE

III. ROLL CALL

IV. MAYOR'S / CHAIR OF THE COUNCIL ANNOUNCEMENT

- a. Black History Month Proclamation

V. APPROVAL OF MINUTES

- a. Minutes of the January 14, 2026, Special Study Session Meeting
- b. Minutes of the January 20, 2026, Business Meeting

VI. CONSENT AGENDA

VII. SPECIAL PRESENTATIONS

Javier Dubon, Interim Executive Director of the Oregon Shakespeare Festival, will provide a presentation.

VIII. PUBLIC FORUM

IX. PUBLIC HEARING

- a. Public Hearing and First Reading – Ordinance Language Change (Set #2)
- b. First Reading of Ordinance 3282 Creating Section 2.55 of the Ashland Municipal Code: Disposal of Real Property

X. ORDINANCES, RESOLUTIONS AND CONTRACTS

XI. UNFINISHED BUSINESS

XII. NEW BUSINESS

XIII. CITY MANAGER REPORT

- a. February 2026 Report
- b. Look Ahead

XIV. OTHER BUSINESS FROM COUNCIL MEMBERS/REPORTS FROM COUNCIL LIAISONS

XV. ADJOURNMENT





Council Business Meeting Agenda

If you need special assistance to participate in this meeting, please contact Alissa Kolodzinski at recorder@ashlandoregon.gov or 541.488.5307 (TTY phone number 1.800.735.2900). Notification at least three business days before the meeting will enable the City to make reasonable arrangements to ensure accessibility to the meeting in compliance with the Americans with Disabilities Act.

* Items on the Agenda not considered due to time constraints are automatically continued to the next regularly scheduled Council meeting [AMC 2.04.030.(D)(3)]

**** LAND ACKNOWLEDGEMENT**

We acknowledge and honor the aboriginal people on whose ancestral homelands we work—the Ikirakutsum Band of the Shasta Nation, as well as the diverse and vibrant Native communities who make their home here today. We honor the first stewards in the Rogue Valley and the lands we love and depend on: Tribes with ancestral lands in and surrounding the geography of the Ashland Watershed include the original past, present and future indigenous inhabitants of the Shasta, Takelma, and Athabaskan people. We also recognize and acknowledge the Shasta village of K'wakhakha - "Where the Crow Lights" - that is now the Ashland City Plaza.

***Agendas and minutes for City of Ashland Council, Commission and Committee meetings may be found at the City website, ashlandoregon.gov.





A Proclamation in Honor of Black History Month 2026

WHEREAS, Black History Month, first proposed by scholar Carter G Wilson in 1926, seeks to rightfully center the role of Black Americans in our national narrative; and

WHEREAS, Black History Month pays tribute to the contributions that African Americans have made to American history in their struggles for freedom and equality, and deepens understanding of our shared history; and

WHEREAS, the Association for the Study of African American Life and History has named the theme of Black History Month 2026 “A Century of Black History Commemorations” recognizing that what began as a weeklong observance of Black contributions to history and modern culture in 1926 has over time become the Black History Month we know today; and

WHEREAS, this year’s celebration honors the role of museums, archives, libraries, and parks in preserving Black history and culture, particularly as the nation observes the 250th anniversary of U.S. independence; and

WHEREAS, Black history is American history and has an important role in modern public culture, workplaces, and education; and

Whereas, inequality and injustice still linger in our cities, states, and country. It must be the aspiration and responsibility of all Americans to advance the ideals of life, liberty, and the pursuit of happiness for all.

We remain committed to honoring diversity, equity, inclusion, and mutual respect as the fundamental principles of city government, and work to promote these core values throughout our community.

During Black History Month, let us draw inspiration from this legacy as we continue together on the path toward equality, liberty, and opportunity for all. Our shared history shows us that we rise and fall together, an enduring lesson reflected in the words of Dr. Maya Angelou “The truth is no one of us can be free until everybody is free.”

NOW, THEREFORE, I, Tonya Graham, Mayor of the City of Ashland, Oregon, on behalf of the City Council, do hereby proclaim the month of February 2026 as Black History Month and call upon the people of Ashland to observe this month with appropriate reflection and learning and to continue our efforts to create a more just and equitable community and society. In Ashland we are Better Together.

Dated this 3rd day of February 2026

Tonya Graham, Mayor

Alissa Kolodzinski, City Recorder



ASHLAND CITY COUNCIL
SPECIAL STUDY SESSION MINUTES
Wednesday, January 14, 2026

Mayor Graham called the meeting to order at 3:02 p.m.

Council Present: Mayor Graham, Councilors Dahle, DuQuenne, Kaplan, and Sherrell

Council Absent: Councilors Bloom and Hansen

Staff Present:

Sabrina Cotta	City Manager
Alissa Kolodzinski	City Recorder
Scott Fleury	Public Works Director
Jordan Rooklyn	Deputy City Manager

I. Call to Order

II. Reports and Presentations

a. Facility Planning Study Overview

Cotta introduced item as a topic that was not discussed at the retreat due to lack of time. The request of council is to provide direction on next steps. Fleury provided a presentation (included in the agenda packet).

Fleury presented the Facility Planning Study, consisting of a facility condition assessment and a space needs optimization planning study prepared by ORW Architecture with McKinstry as a subcontractor. The last facility plan for the City of Ashland was completed in 2008 and since then, there have been significant changes including structural, operational, staffing, and facility changes. Funds were appropriated in the last budget biennium to undertake a facility space needs planning study and a full facility condition assessment.

Fleury explained that the facility condition assessment evaluated all city facilities and equipment, itemizing capital maintenance costs for a 30-year window. McKinstry assigned each facility a condition rating on a scale of 1-5 (1 being good, 5 being very poor) and provided maintenance cost projections for 5 and 10-year periods. This data is being incorporated into the city's asset management system called Cartograph, which helps staff track maintenance schedules through QR codes and automated reminders.

The assessment revealed that many city buildings have fire life safety issues, ADA compliance problems, and general maintenance needs. In response to questioning, Fleury clarified that the current cost estimates are based on in-kind replacement of equipment and don't yet account for the city's policy to shift from natural gas to electric systems. He noted that recommendations have been included for examining electrical systems in anticipation of this shift.

The facility space needs planning study considered how city operations could be reorganized for greater efficiency. Fleury presented two viable options developed by the consultants:

1. **Briscoe School Option:** Convert Briscoe School into a centralized campus for administrative functions, requiring significant structural modifications and a multi-level parking structure. This option would still require maintaining the service center on North Mountain for electric, water, and some operational staff.
2. **Civic Center Campus Option** (90 North Mountain): Create a consolidated civic complex at the current service center location by modifying existing buildings and constructing some new ones. This was the staff's recommended option as it would allow most city staff to be in one location and offer the greatest efficiency.

Both options would involve multiple phases over 5-10 years and will require significant investment. Each option included relocating the B Street Yard operations to the Hardisty property, which would open opportunities to either sell the B Street property or redevelop it for another city function.

Cotta emphasized that the city has reached a critical point with its facilities, noting that some buildings have serious safety issues affecting staff, including a staff member experiencing seizures due to poor electrical wiring in City Hall. Regardless of which direction Council chooses, significant funding will be required, likely through a bond measure. Fleury highlighted the deteriorating condition of numerous city buildings stemming from outdated infrastructure. The necessity for action was underscored, emphasizing that current facilities are not sustainable in their present state without considerable improvements. The Council was urged to prioritize and provide a vision for the city's future, regarding either maintaining the status quo or consolidating operations.

Council members expressed concerns about making decisions without more detailed cost estimates and questioned the economic development assumptions about divesting downtown city buildings. Caution was expressed about removing civic anchors from downtown that bring activity. These perspectives emphasized the trade-off between consolidating city operations for greater efficiency and maintaining downtown vibrancy to meet economic needs. They highlighted the necessity for a balanced approach informed by comprehensive data, community engagement, and strategic analysis.

Rooklyn addressed economic development considerations, noting that according to the city's economic opportunity analysis, commercial downtown square footage is in high demand and low supply. City-owned buildings in prime downtown locations could potentially better serve the community if they were available for retail or high-access office space.

The Council discussed the need for:

- Better understanding of the cost of the status quo vs. consolidation options
- Appraised values of city properties that might be divested
- Community engagement to determine priorities and values
- Creating a dedicated facilities fund with proceeds from property sales
- Balancing operational efficiency with downtown vibrancy

No formal action was taken, but Cotta requested direction from Council by the next budget season (July–August) and will work with Finance to create a facilities fund with appropriate financial policies and develop a project page to share information with the public.

III. **Adjournment of Study Session.**

The meeting was adjourned at 5:00 pm.

City Recorder Alissa Kolodzinski

Mayor Tonya Graham

**ASHLAND CITY COUNCIL
BUSINESS MEETING MINUTES
Tuesday, January 20, 2026**

I. EXECUTIVE SESSION 5:00 p.m.

- a. To conduct deliberations with persons designated by the governing body to carry on labor negotiations pursuant to ORS 192.660 (2)(d).
- b. To consult with counsel concerning the legal rights and duties of a public body with regard to current litigation or litigation likely to be filed pursuant to ORS 192.660 (2)(h).

Mayor Graham and Councilors Dahle, DuQuenne, Hansen, Kaplan, and Sherrell were present. City staff Johan Pietila, Carmel Zahran, Sabrina Cotta, and Alissa Kolodzinski were present.

II. Business Meeting 6:00 pm

Council Present: Mayor Graham, Councilors Sherrell, Bloom, Kaplan, DuQuenne, and Hansen. Dahle appeared via Zoom.

Council Absent: None

Staff Present:

Sabrina Cotta	City Manager
Johan Pietila	City Attorney
Carmel Zarhan	Assistant Deputy Attorney
Alissa Kolodzinski	City Recorder
Scott Fleury	Public Works Director

Graham called the meeting to order at 6:08 p.m.

- a. Land Acknowledgement**

Kaplan read the land acknowledgement.

III. PLEDGE OF ALLEGIANCE

Hansen led the pledge of allegiance.

IV. ROLL CALL

V. MAYOR'S/ CHAIR OF THE COUNCIL ANNOUNCEMENT

Graham announced the upcoming annual Town Hall scheduled for the following evening at 5:30 PM at high school theatre. She thanked community members and organizations that hosted the celebration for Dr. Martin Luther King Jr. and gave special recognition to DuQuenne for her work on the event.

- a. Martin Luther King Jr. Day Proclamation – the proclamation was read into the record.

VI. APPROVAL OF MINUTES

- a. Minutes of the December 15, 2025 – Study Session Meeting
- b. Minutes of the December 16, 2025 – Business Meeting
- c. Minutes of the December 17, 2025 – Special Study Session

Hansen moved to approve the minutes of Dec 15, 16 & 17 as in the agenda packet. Kaplan seconded the motion.

Roll Call Vote: Sherrell, Dahle, Bloom, DuQuenne, Kaplan, and Hansen –YES. Motion passed.

VII. CONSENT AGENDA

- a. Committee Appointments and Reappointment
- b. Jackson County Jurisdictional Transfer of Roadways

Item b was removed from the consent agenda to be discussed under unfinished business.

DuQuenne moved to approve item a on the consent agenda. Bloom seconded the motion.

Roll Call Vote: Sherrell, Dahle, Bloom, Kaplan, DuQuenne, and Hansen –YES. Motion passed.

VIII. SPECIAL PRESENTATIONS

IX. PUBLIC FORUM –

Graham clarified for the audience that the city does not own the hospital buildings and has a limited contractual relationship with Asante, with no ability to compel them to maintain services.

Nineteen community members spoke during public forum. The majority addressed concerns about Asante's planned changes to the Ashland Hospital, particularly the elimination of the obstetrics department and inpatient care. Speakers included healthcare professionals, residents who had received care at the hospital, and concerned citizens. It was requested that the Council schedule a public meeting about the hospital changes with the city attorney and Asante representatives. Additional topics raised included concerns about the use of herbicides, opposition to the FCC's proposed bill, and support for the Trusted Homes community land trust project.

X. PUBLIC HEARING

- a. *First Reading of Ordinance 3282 Creating Section 2.55 of the Ashland Municipal Code: Disposal of Real Property*

Zahran presented an ordinance establishing procedures for the disposal of real property. Zahran explained that the Legal Department had prepared two versions – a "legal requirements" version and a more detailed "process" version. She outlined the goals of the ordinance: ensuring legal compliance, administrative efficiency, and promoting transparency. Pietila added that having a formal process in place would help the city maintain consistency in how it handles property sales across different councils and administrations.

During discussion, councilors raised concerns about potentially limiting future councils' flexibility with overly specific language, such as the section listing factors that could be considered for below-market-value property sales. The council considered removing the specific list or adding "including but not limited to" language to maintain flexibility.

Public hearing open

No speakers

Public hearing closed

After extensive discussion, the Council directed staff to return with a revised version of the ordinance that includes the phrase "including but not limited to" before the list of considerations for below-market-value property sales. Staff were also directed to prepare a separate resolution containing the process elements, rather than codifying them in the ordinance.

XI. ORDINANCES, RESOLUTIONS AND CONTRACTS

- a. Approval of a Construction & Maintenance Agreement and Reimbursement Payment Contract with Central Oregon & Pacific Railroad (CORP) for the N. Mountain Avenue Overlay, Phase II Project (PW 2021-03)*

Fleury presented a request to approve a reimbursement payment to Central Oregon & Pacific Railroad (CORP) for improvements to the North Mountain Avenue railroad crossing as part of the North Mountain Avenue Overlay Phase 2 project. Fleury noted that CORP owns the track and right-of-way, controlling the process, and the city would be reimbursing them for the work.

Fleury spoke of unconfirmed reports that CORP may no longer use the track section between Ashland and Yreka in the future, though they might occasionally use it to bring debris to the ODOT facility. If confirmed, the city would negotiate to reduce the scope of work to only include essential hardscape improvements and pedestrian crossing enhancements, and not the full electrical signaling upgrades.

Several councilors expressed concerns about approving the full contract amount given the uncertainty. Councilors suggested pausing until more information was available, especially with potential facility planning that might affect traffic patterns in the area. Councilors asked about the city's ability to terminate the contract if circumstances changed. Fleury clarified with the Council that the city could terminate the agreement with written notice and would do so if CORP insisted on full improvements that were no longer warranted.

Hansen moved to approve the reimbursement payment contract with Central Oregon & Pacific Railroad for the North Mountain Avenue Overlay Project for a contract amount not to exceed \$1,185,843 that is based on the current Construction & Maintenance Agreement. Sherrell seconded the motion.

Roll Call Vote: Hansen, Sherrell, and Kaplan – YES. Kaplan, DuQuenne, and Bloom – NO. Graham – YES. Motion passed.

- b. Second Reading of Ordinance 3275 Amending AMC 10.68 Public Parks to Include Provision for Special-Use Permitted Activity*

Cotta reminded the Council that this ordinance cleanup would allow for more activity under special use permits within parks by providing greater flexibility for event organizers. The first reading had been approved on December 16, 2025, with no changes. Council noted that they had seen how these changes have already improved livability in the parks, referencing the Epic Ashland concerts with food trucks held the previous summer.

Hansen moved to approve the second reading of AMC Ordinance 3275: An Ordinance relating to public parks to include provision for special use permitted activity; repealing and replacing AMC Chapter 10.68. Kaplan seconded the motion.

Roll Call Vote: Bloom, Sherrell, Dahle, DuQuenne, Hansen, and Kaplan – YES. Motion passed.

XII. UNFINISHED BUSINESS

Item b. from the consent agenda: Jackson County Jurisdictional Transfer of Roadways

Fleury explained that the jurisdictional transfer of the frontage along East Main Street was a requirement from Jackson County as part of the annexation process for the East Main Street Park property. Jackson County's standards do not allow access from a major road when access from a minor road is available, but the park needs access from East Main Street. After the improvements are completed and the park is operational, the city could request a speed zoning study to potentially reduce speed limits in the area for safety.

Kaplan moved to approve Resolution 2026-01, requesting surrender by Jackson County to the City of Ashland all right, title, interest, jurisdiction, maintenance, and control of all subject exchange road sections to the city. DuQuenne seconded the motion.

Roll Call Vote: Sherrell, Bloom, Dahle, DuQuenne, Hansen, and Kaplan – YES. Motion passed.

Council took a short recess.

XIII. NEW BUSINESS

a. Council Liaison Appointments

Graham noted two additions to what were included in the packet: the 2200 ad hoc committee will be represented by Graham, DuQuenne, and Bloom; and added Bloom back to the childcare ad hoc committee along with DuQuenne.

Bloom moved to approve the Council liaison appointments as discussed. Kaplan seconded the motion.

Roll Call Vote: Sherrell, Bloom, Dahle, DuQuenne, Hansen, and Kaplan – YES. Motion passed.

b. Chair of the City Council Election

Bloom nominated Dahle for the position of Council Chair. Dahle accepted the nomination.

Bloom moved to confirm Jeff Dahle as Chair of the Council for one year. DuQuenne seconded the motion.

Roll Call Vote: DuQuenne, Hansen, Kaplan, Sherrell, and Bloom– YES. Motion passed.

c. Ratification of the 3-Year Labor Agreement with IAFF Local 1269

Cotta explained the need to re-ratify the agreement due to clerical errors in the previously approved agreement with the International Association of Fire Fighters (IAFF) Local 1269.

Kaplan moved to approve the three-year labor agreement with IAFF Local 1269 and authorize the City Manager to sign the three-year agreement. Sherrell seconded the motion.

Roll Call Vote: Hansen, Kaplan, Sherrell, Bloom, and Dahle – YES. DuQuenne – NO. Motion passed.

XIV. CITY MANAGER REPORT –

a. Look Ahead

- The town hall scheduled for the following day
- A joint study session with the Planning Commission on January 27
- A discussion of administrative charter changes on February 2
- A joint meeting with the Ashland Parks and Recreation Commission on February 11
- No study session on February 16 due to Presidents' Day
- Executive director of OSF will provide an update to council on February 3

b. January City Manager Report

- Social service grant program and affordable housing trust fund RFPs are due February 20
- Free home energy scores available through May
- Implementation of the SeeClickFix program for reporting issues has been a success
- The "If I Were Mayor" contest for Ashland students in grades 4-12 is live

XV. OTHER BUSINESS FROM COUNCIL MEMBERS/REPORTS FROM COUNCIL LIAISONS

XVI. ADJOURNMENT

Bloom moved to adjourn. The motion was seconded by DuQuenne.

All Ayes. Motion passed.

The meeting was adjourned at 8:37 p.m.

City Recorder Alissa Kolodzinski

Mayor Tonya Graham

City Council Liaison Assignments

January 12, 2026

Commissions & Standing Advisory Committees	2026 First Assignment	2026 Second Assignment
Parks & Recreation Commission (City Charter)	Hansen	Bloom
Planning Commission	Dahle	
Climate and Environmental Policy	Kaplan	Dahle
Historic Preservation	Sherrell	
Housing and Human Services	Kaplan	Sherrell
Public Art	DuQuenne	
Social Equity and Racial Justice	Dahle	DuQuenne
Transportation	Hansen	DuQuenne

City Ad Hoc Committees	2026 First Assignment	2026 Second Assignment
Ashland Water Advisory Committee – Dormant this year	NA	NA
Early Learning Committee	DuQuenne	
2200 Ashland Street Phase 2	Graham, DuQuenne	Bloom

Regional Boards & Committees	2026 First Assignment	2026 Second Assignment
Chamber of Commerce / Travel Ashland	Sherrell	Dahle
Rogue Valley Council of Governments (RVCOG)	DuQuenne	
Jackson County Continuum of Care	Kaplan	
Rogue Valley Metropolitan Planning Org (RVMPO)	Bloom	
Rogue Valley Transportation District (RVTD)	Bloom	
Southern Oregon Regional Economic Development Inc.	Sherrell	
Local Public Safety Coordinating Council	Graham	

State & National Boards and Committees	2026 First Assignment	2026 Second Assignment
League of Oregon Cities General Government Comm. Chair	Graham	

Community Relationships

Unlike typical Council Liaison assignments where the councilor is expected to regularly attend committee or commission meetings, the Community Liaison is expected to open a line of communication with the leadership of the organization and check in quarterly to understand how things might be changing for that organization, learn about new activities, and discuss any challenges. The purpose of this structure is to help the City Council as a body understand the current reality of the City's primary community partners as we, and they, navigate this time of great change. As Community Liaisons, Ashland City Council members will share similar information with those community organizations at their request.

Community Organizations	2026 First Assignment	2026 Second Assignment
Ashland Community Hospital	Graham	Dahle
Ashland School District	Kaplan	Dahle
All Age Friendly Ashland	DuQuenne	
Mount Ashland	Sherrell	
Opportunities for Housing, Resources & Assistance	Kaplan	Sherrell
Oregon Shakespeare Festival (OSF)	Graham	Kaplan
Rogue Valley Mountain Bike Association (RVMBA)	Hansen	
Southern Oregon University (SOU)	Graham	Bloom



SPEAKER REQUEST FORM

Submit this form to the meeting Secretary
prior to the discussion item.

- 1) You will be called forward when it is your turn to speak
- 2) State your name and speak clearly into the microphone
- 3) Limit your comments to the time allotted
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- 5) Speakers are solely responsible for the content of their statement

Date:

1/20/26 PUBLIC Forum

Name: (Please Print)

CHRISTOPHER NADEN

Ashland Resident:

☒ YES ☐ NO City: _____

Agenda Topic/Item Number:

Public Forum

Public Forum Topic (Non-agenda Item):

Student Competition Fund

Please respect the order of proceedings and strictly follow the directions of the presiding officer. Behavior or actions which are loud or disruptive are disrespectful and offenders will be requested to leave.

Disclaimer: By submitting this request to address the Public Body, I agree that I will refrain from the use of any obscene, vulgar, or profane language. I understand that if I do not follow procedure my speaking time may be terminated, and I may be requested to sit down or leave the building.



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Date:

1/20/26 PUBLIC Forum

Name: (Please Print)

CHRISTOPHER NADEN

Ashland Resident:

☐ YES ☒ NO City: 771 HUNTERSON

Agenda Topic/Item Number:

HUNTERSON - Sex Trafficking

Public Forum Topic (Non-agenda Item):

Business - Hunterdon

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Date: 1-20-26

Name: (Please Print)

LESLIE STONE MD

Ashland Resident:

☒ YES ☐ NO City: _____

Agenda Topic/Item Number:

AACH CLOSURE / STATUS CHANGE

Public Forum Topic (Non-agenda Item):

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Leslie Stone



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Date: January 20, 2026

Name: (Please Print)

PAUL MOZINA

Ashland Resident:

☒ YES ☐ NO City: _____

Agenda Topic/Item Number:

Public Forum Topic (Non-agenda Item):

2025-2027 Biennial Budget

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Date:

1/20/26

Name: (Please Print)

LINDA ADAMS

Ashland Resident:

☒ YES ☐ NO City: _____

Agenda Topic/Item Number:

Public Forum Topic (Non-agenda Item):

Trusted HomeSa Community Land Trust

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Date:

1-20-26

Name: (Please Print)

Glenda Rackieff

Ashland Resident:

☒ YES ☐ NO City: _____

Agenda Topic/Item Number:

Hospital

Public Forum Topic (Non-agenda Item):

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Date:

1-20-26

Name: (Please Print)

Debbie Mattsson

Ashland Resident:

☒ YES ☐ NO City: _____

Agenda Topic/Item Number:

Public Forum Topic (Non-agenda Item):

✓ Hospital

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Date:

01/20/26

Name: (Please Print)

Fernando E. Gapsin

Ashland Resident:

☒ YES ☐ NO City: _____

Agenda Topic/Item Number:

Asante Hospital / Closing

Public Forum Topic (Non-agenda Item):

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Date: 1/20/26

Name: (Please Print)
Denise M Berkeley

Ashland Resident:

☒ YES ☐ NO City: _____

Agenda Topic/Item Number:
Public Forum

Public Forum Topic (Non-agenda Item):
The Business of Homelessness
in Ashland

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- 5) Speakers are solely responsible for the content of their statement

Date: 20 Jan 2026

Name: (Please Print)
John Maurer

Ashland Resident:

☒ YES ☐ NO City: _____

Agenda Topic/Item Number:

Public Forum Topic (Non-agenda Item):
Hospital loss

Please respect the order of proceedings and strictly follow the directions of the presiding officer. Behavior or actions which are loud or disruptive are disrespectful and offenders will be requested to leave.

Disclaimer: By submitting this request to address the Public Body, I agree that I will refrain from the use of any obscene, vulgar, or profane language. I understand that if I do not follow procedure my speaking time may be terminated, and I may be requested to sit down or leave the building.



SPEAKER REQUEST FORM

Submit this form to the meeting Secretary prior to the discussion item.

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Date: 1/20/26

Name: (Please Print) PATTY DAWSON

Ashland Resident:

☒ YES ☐ NO City: _____

Agenda Topic/Item Number:

Public Forum Topic (Non-agenda Item):

ASHLAND COMMUNITY HOSPITAL

Please respect the order of proceedings and strictly follow the directions of the presiding officer. Behavior or actions which are loud or disruptive are disrespectful and offenders will be requested to leave.

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Date:

1/20/26

Name: (Please Print)

Lauri Hoagland

Ashland Resident:

☒ YES ☐ NO City: _____

Agenda Topic/Item Number:

~~Ashland Hospital~~

Public Forum Topic (Non-agenda Item):

Ashland Hospital

Please respect the order of proceedings and strictly follow the directions of the presiding officer. Behavior or actions which are loud or disruptive are disrespectful and offenders will be requested to leave.

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Date:

20 Jan 26

Name: (Please Print)

Mary Mettuzhes

Ashland Resident:

☒ YES ☐ NO City: _____

Agenda Topic/Item Number:

Public Forum Topic (Non-agenda Item):

Hospital

Please respect the order of proceedings and strictly follow the directions of the presiding officer. Behavior or actions which are loud or disruptive are disrespectful and offenders will be requested to leave.

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Date:

January 20, 2026

Name: (Please Print)

Breanne Stringfellow

Ashland Resident:

☒ YES ☐ NO City: Ashland

Agenda Topic/Item Number:

Ashland Hospital Closing Services

Public Forum Topic (Non-agenda Item):

Ashland Hospital Closing Ceremony

Please respect the order of proceedings and strictly follow the directions of the presiding officer. Behavior or actions which are loud or disruptive are disrespectful and offenders will be requested to leave.

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Date:

1/20/26

Name: (Please Print)

Cara Crookshank

Ashland Resident:

☒ YES ☐ NO City: _____

Agenda Topic/Item Number:

Public Forum Topic (Non-agenda Item):

Hospital

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Date:

1/20/2026

Name: (Please Print)

Tom Romano

Ashland Resident:

☒ YES ☐ NO City: _____

Agenda Topic/Item Number:

CONCERNED ABOUT SERVICES STOPPING

Public Forum Topic (Non-agenda Item):

Please respect the order of proceedings and strictly follow the directions of the presiding officer. Behavior or actions which are loud or disruptive are disrespectful and offenders will be requested to leave.

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Date:

JAN 20

Name: (Please Print)

Karen Potts

Ashland Resident:

☒ YES ☐ NO City: _____

Agenda Topic/Item Number:

Public Forum Topic (Non-agenda Item):

FCC OVERSIGHT

Please respect the order of proceedings and strictly follow the directions of the presiding officer. Behavior or actions which are loud or disruptive are disrespectful and offenders will be requested to leave.

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Date:

JAN 20, 2026

Name: (Please Print)

CLAUDIA MERLIN

Ashland Resident:

☒ YES ☐ NO City: _____

Agenda Topic/Item Number:

Public Forum Topic (Non-agenda Item):

SPRAYING OF HERBICIDES

Please respect the order of proceedings and strictly follow the directions of the presiding officer. Behavior or actions which are loud or disruptive are disrespectful and offenders will be requested to leave.

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Date:

1-20-26

Name: (Please Print)

BRENDA B. GOULD

Ashland Resident:

☒ YES ☐ NO City: _____

Agenda Topic/Item Number:

Public Forum Topic (Non-agenda Item):

ASH HOSPITAL

Please respect the order of proceedings and strictly follow the directions of the presiding officer. Behavior or actions which are loud or disruptive are disrespectful and offenders will be requested to leave.

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Date:

1/20/26

Name: (Please Print)

Kelly Marcotulli

Ashland Resident:

☒ YES ☐ NO City: _____

Agenda Topic/Item Number:

Study Session Request
for AFN

Public Forum Topic (Non-agenda Item):

Please respect the order of proceedings and strictly follow the directions of the presiding officer. Behavior or actions which are loud or disruptive are disrespectful and offenders will be requested to leave.

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Date:

Jan 20, 2026

Name: (Please Print)

Edward Wesley "Wes" Brainerd

Ashland Resident:

☒ YES ☐ NO City: _____

Agenda Topic/Item Number:

Ashland Community Hospital

Public Forum Topic (Non-agenda Item):

Ashland Community Hospital

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What is the duty of any government?

Its first duty is the responsibility to protect.

In June of 2024 parks staff recommended amending the herbicide IPM and allowing three chemicals to be sprayed, Trifluralin, Dichlobenil and Glyphosate to save staff time and thus money.

All three are extremely dangerous chemicals. They've been banned in such places as the EU, and the UK. Dichlobenil and Glyphosate also been banned in China, Brazil, Thailand, Vietnam, Saudi Arabia, Qatar, and a list of at least 40 countries across the world. Closer to home, they've been banned in Washington State, and the cities of Bend, Eugene, Talent and Phoenix. Further the 9th circuit Court is looking at banning Glyphosate completely with its decision coming sometime this year.

You know who else used to ban these chemicals? The city of Ashland.

Lately the justification for spraying shifted from the unpalatable subject of money to the more savory argument of worker safety. It's alleged that having workers on the medians with weedwhackers is dangerous.

The safety argument falls apart when we look at how Ashland sprayed Glyphosate in September. According to the Parks FAQ posted in response to the public's concern:

Outside of Parks lands, pesticides are only used on select medians by certified operators to reduce the amount of time workers spend working in high-risk areas.

There was no "certified operator" present. The worker designated to spray was newly hired, with less than 3 months on the job, had no protective gear, and no idea what he was spraying. There were no traffic cones nor any kind of traffic barriers erected. Finally he sprayed right next to an open crosswalk where people, including a baby in a stroller, passed by.

Councillors, Madame Mayor and City Manager, this is a bright line. Ashland is going to be facing more and more of these dilemmas as the deficit looms closer and as the national economy gets worse. This decision, however is an easy one. Restore the ban on synthetic herbicides and enforce the policies in we have in place.

Remember your first duty is responsibility to protect.

Claudia M.

Ashland City Council 20 Jan 2026

Thank you Mayor Graham and members of Council for your time. My name is John Maurer working on my second fifty years as a Physician and Surgeon here in Ashland.

When I came to you in early August of 2024 I spoke of the lack of transparency afforded by Asante concerning the future of Ashland Community Hospital. I listed the discrepancies existing between Asante's rhetoric and their actions. Fifteen months ago Asante was on the brink of breaching its contract with the City in which Asante had agreed to maintain ACH as a general hospital until at least July 2028. I made the point to you that such a breach demanded Asante to remit four million dollars to the City payable within 60 days of the facility no longer being a general hospital

As of the first of April of this year the good people of Ashland will no longer be able to take either their first or last breaths in a hospital where the bookends of life have been ongoing for the last one hundred and twenty years.

This tragic loss has happened on your watch. I've been advised from several well vetted sources that our newest City Attorney is exceptionally gifted in contract law and is as focused on our 4 million as a bird dog sniffing a Chukar in the Juniper.

It is my plea to you today that the proceeds of the contract default be placed in a fund restricted to the restoration of our hospital to general hospital status.

As I read the tea leaves, the Asante flag will fail to wave beyond the next three years. Deeper pockets will emerge to purchase the pieces. At that time it would be nice for the city to have \$4 million in negotiating cash at the ready to facilitate the resurrection of our hospital.

Thanks for your attention
John Maurer M.D.

6 Aug 2024 For the record

Mayor Graham, ladies and gentlemen of the council; Thank you for your time.

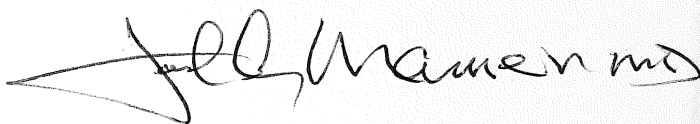
My name is John Maurer. I've been actively licensed as a Physician and Surgeon in the State of Oregon since 1975 when I established Ashland Orthopedic Associates. Over those years I've been privileged to preside over both the ACH Medical Staff and the Jackson County Medical Society. Additionally, I've chaired both the Ashland School Board and the Board of Directors of the YMCA. With that experience I've come to understand what makes Ashland a unique community.

I come here this evening to voice my concern over the fate of our community hospital. It is not my intent to vilify Asante nor my purpose to launch torpedos at a sinking ship. Without Asante's survival ACH is doomed. Rather the time has come for the citizens of Ashland be apprised as to what the future of health care will look like moving forward with the hope their united voices will have some impact on that vision.

Since the City sold ACH to Asante in 2013 the recurring question of what is to become of ACH has gone unanswered. "There is no plan other than to keep it open as a hospital" is the retort one gets when probing the highest levels of the Asante organization. Yet actions speak louder than words. The closure of the ICU 18 months ago has required elective surgeries on high risk patients be diverted to the Mother Ship in Medford. Another hit on the surgical volume has been the non renewal of the contract last month with the penultimate remaining orthopedic surgeon leaving one orthopedist to do the work of the four in 2013. Of greater concern is the failure to renew the contract expiring this month with the long standing team of anesthesia providers raising the question of whether there will be a surgical service come September. The diversion of obstetrical patient to Medford has reduced the patient volume in the Birth Center to a mere trickle of what existed in 2013. These actions on the part of Asante extrapolate into the future of our hospital being reduced to little more than a referral dispensary to the Mother Ship.

Simply keeping the hospital open is not a plan. Rather it is a mandate as was recorded in the 80 page Affiliation Agreement between the City and Asante executed on 31 July 2013. Asante is obligated to maintain the hospital as a General Hospital defined by OAR 333-500-0032 to include surgical and maternity services as well as an Emergency Room until the agreement sundowns in 2028. Failure to do so requires Asante to pay the City a \$ 4 million default penalty. Hopefully, with this sizable stick at the ready the City can influence Asante to be more transparent with the future of Ashlands health care.

Thanks for listening

A handwritten signature in black ink, appearing to read "John Maurer MD". The signature is stylized with a large, sweeping initial "J" and a long, horizontal stroke extending to the right.

In the process of adopting the 2025-2027 biennial budget, the Ashland City Council violated the Ashland Municipal Code, Oregon Revised Statutes and the Ashland Charter.

This is the state of the [City of Ashland Oregon](#): lawless and unaccountable.

The council and administration are acting as if they are above the law, and this behavior warrants our vigilant attention to everything they are doing. I will not remain silent while being lied to.

Please read my series articles on *The Ashland Chronicle* regarding this.

Rules for Thee But Not For Me

<https://theashlandchronicle.com/guest-opinion-rules-for-thee-but-not-for-me-city-council-budget-misconduct>

City Council Violates ORS and Ashland Charter & What is the 10% Rule?

<https://theashlandchronicle.com/guest-opinion-ashland-city-council-violates-oregon-revised-statutes-ashland-charter>

What Is Wrong with Amending the Budget at a Study Session?

<https://theashlandchronicle.com/guest-opinion-part-3-what-is-wrong-with-amending-the-budget-at-a-study-session/>

Why Won't the Ashland City Council Answer Two Simple Questions?

<https://theashlandchronicle.com/guest-opinion-why-wont-ashland-councilors-answer-two-simple-questions/>

Is the Ashland Charter Enforceable?

<https://theashlandchronicle.com/guest-opinion-is-the-ashland-charter-enforceable>

Why I Care About Misconduct in Ashland City Hall

<https://theashlandchronicle.com/why-i-care-about-misconduct-in-city-hall>

From: noreply@civicplus.com
To: [Ashland City Recorder](#)
Subject: Online Form Submittal: City Council Public Comment Form
Date: Monday, January 19, 2026 12:47:09 PM

[EXTERNAL SENDER]

City Council Public Comment Form

Public Comment

Use this form to submit public comment for City Council meetings. This form must be submitted by **10 a.m.** the day of the meeting to be on the record.

If you wish to speak to the Council in person at a meeting, you must fill out a Speaker Request form available on-site. Do not use this form.

Full Name	Scott Calamar
Meeting Date	January 20, 2026
Email Address	[REDACTED]
Are you a City of Ashland resident?	Yes
Indicate if you want to provide written testimony, or if you want to speak via Zoom.	Written
Which agenda item would you like to address?	Asante/Ashland Hospital
Comments (Leave this section blank if you are requesting to speak electronically.)	Dear council members, As a longtime citizen of Ashland, I request that you hold Asante to the conditions of their 2013 purchase agreement to keep the hospital open—without a reduction in services—through 2028. Further, I request that a committee be organized to explore the repurchase of the local hospital or resale to other another health organization that will retain it as a community hospital. An additional option is to require Asante to provide transportation from the Ashland facility to the Medford facility on a frequent basis.

I also request a land use review of what will be done with the facility. Asante owns a number of buildings in Ashland. Will all the satellite offices of physicians in Ashland be relocated to the main Ashland hospital campus if Asante's downsizing plans go through?

(I cannot attend the meeting of January 20.)

Thank you very much,
Scott Calamar

Upload a file or image

Field not completed.

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From: noreply@civicplus.com
To: [Ashland City Recorder](#)
Subject: Online Form Submittal: City Council Public Comment Form
Date: Sunday, December 28, 2025 5:04:12 PM

[EXTERNAL SENDER]

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Full Name	JAMES [REDACTED] EVANHOE
Meeting Date	January 2027
Email Address	[REDACTED]
Are you a City of Ashland resident?	Yes
Indicate if you want to provide written testimony, or if you want to speak via Zoom.	Written
Which agenda item would you like to address?	Moving OSF Off of City owned property 3 new theaters
Comments (Leave this section blank if you are requesting to speak electronically.)	Since 2022 OSF failure which still is happening its past time to have them use the 3 older theaters they own property included and let the citizens and businesses see Trade Shows sports gear to vehicles, concerts to variety shows. OSF failure the entire business community not including Covid 2 years has lost One Billion Dollars in revenue and taxes. They use to bring in 340,000 annually, but their productions and types of talent only 40,000. None of our annual nightly guests have ever returned. That number is 3,250 nightly guests in that 1400 couples. Since 2019 not one of those annual guests has returned to Ashland or OSF. FOR US the exact financial loss is \$750,000.00 2022-2025.

Enough is Enough

OSf can use their own property and 4 theaters. Their numbers require the City Council either protect businesses or get completely out of the way.

Representing many business owners we want to see the 3 theaters on Ashland City property making great money and bring 100,000s more tourists visitors to Ashland and our property.

Don't want them and 4 years of failure has become a major liability for all of us who live full time, manage businesses and pay City taxes property tax and sale tax.

Again OSF HAS FAILED ANNUALLY

WE WANT TOP QUALITY TRADE SHOWS AND CONCERTS
NOT OSF.

Upload a file or image

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From: noreply@civicplus.com
To: [Ashland City Recorder](#)
Subject: Online Form Submittal: City Council Public Comment Form
Date: Friday, January 16, 2026 8:44:39 AM

[EXTERNAL SENDER]

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Full Name	Daniel Cooke
Meeting Date	1/16/2026
Email Address	[REDACTED]
Are you a City of Ashland resident?	Yes
Indicate if you want to provide written testimony, or if you want to speak via Zoom.	Written
Which agenda item would you like to address?	Please Protect the Tree of Hope
Comments (Leave this section blank if you are requesting to speak electronically.)	I read about the grand 250 year old Cottonwood, "Tree of Hope," located at 380 Clay Street. Then I went down and looked at it. It is indeed immense and spectacular. Saving and protecting that tree (plus the Great Horned Owl that inhabits it) should absolutely be a priority for all concerned. While we suffer through the deterioration of our Federal government, protecting a tree that is as old as our nation is a proper Ashland way to celebrate the semiquincentennial of the United States. Please Protect the Tree of Hope! Daniel Cooke [REDACTED]

From: noreply@civicplus.com
To: [Ashland City Recorder](#)
Subject: Online Form Submittal: City Council Public Comment Form
Date: Sunday, December 28, 2025 5:04:12 PM

[EXTERNAL SENDER]

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Full Name	JAMES [REDACTED] EVANHOE
Meeting Date	January 2027
Email Address	[REDACTED]
Are you a City of Ashland resident?	Yes
Indicate if you want to provide written testimony, or if you want to speak via Zoom.	Written
Which agenda item would you like to address?	Moving OSF Off of City owned property 3 new theaters
Comments (Leave this section blank if you are requesting to speak electronically.)	Since 2022 OSF failure which still is happening its past time to have them use the 3 older theaters they own property included and let the citizens and businesses see Trade Shows sports gear to vehicles, concerts to variety shows. OSF failure the entire business community not including Covid 2 years has lost One Billion Dollars in revenue and taxes. They use to bring in 340,000 annually, but their productions and types of talent only 40,000. None of our annual nightly guests have ever returned. That number is 3,250 nightly guests in that 1400 couples. Since 2019 not one of those annual guests has returned to Ashland or OSF. FOR US the exact financial loss is \$750,000.00 2022-2025.

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WE WANT TOP QUALITY TRADE SHOWS AND CONCERTS
NOT OSF.

Upload a file or image

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From: noreply@civicplus.com
To: [Ashland City Recorder](#)
Subject: Online Form Submittal: City Council Public Comment Form
Date: Monday, January 19, 2026 1:08:27 PM

[EXTERNAL SENDER]

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Full Name	Fernando Gapasin
Meeting Date	January 20,2026
Email Address	[REDACTED]
Are you a City of Ashland resident?	Yes
Indicate if you want to provide written testimony, or if you want to speak via Zoom.	Written
Which agenda item would you like to address?	[REDACTED]
Comments (Leave this section blank if you are requesting to speak electronically.)	Closure of Ashland Community Hospital run by Asante. The availability and quality of the hospital was a primary reason for my wife and I relocating to Ashland when we retired. And because of our many healthcare needs we moved within blocks of the hospital. My wife, JoAnn, and I were both shocked and speechless when we heard our hospital was closing. We realize that Asante is a for profit outfit and as our research reflects it is still making money from our Ashland Community Hospital. We have also learned Asante has guaranteed service to Ashland until 2028. We have had to use the Emergency Room at the Community Hospital three times in the last year. My wife and I need our Community Hospital, and we require our City Council to

do everything it can to keep it here. Fernando Gapasin and
JoAnn Sustrick

Upload a file or image

Field not completed.

Email not displaying correctly? [View it in your browser.](#)

From: [REDACTED]
To: [City of Ashland Public Testimony](#)
Subject: ASHLAND HOSPITAL CLOSURE
Date: Wednesday, January 14, 2026 10:13:01 AM

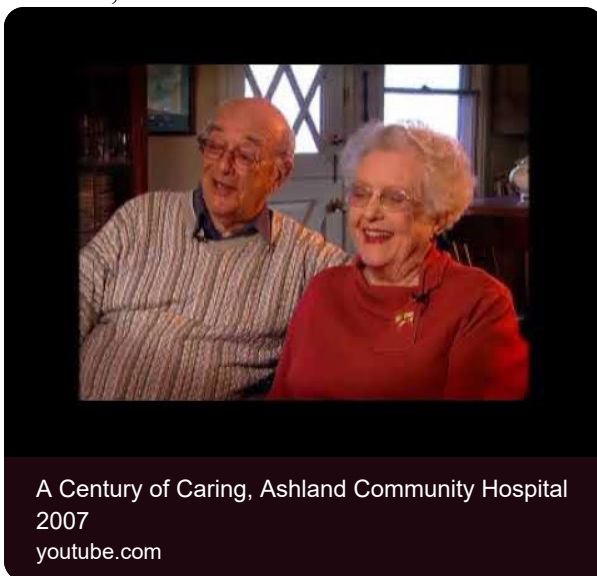
[EXTERNAL SENDER]

To Whom It May Concern.

As a life long citizen of the Rogue Valley and of Ashland since 1974. I have been fortunate to have gratefully received the care and services many times at the Ashland Community Hospital for myself, husband, mother, children and grandchildren, I am so dismayed that the present full services are about to end. This is not just a loss for the citizens of Ashland but also for citizens in the broader area of the Rogue Valley, Southern Oregon and Northern California. If you haven't already watched this documentary produced for the 100th anniversary of the hospital, I invite you to please do so. It is inspiring to see the history, dedication and fortitude of the City of Ashland and its citizens to creatively overcome the hurdles of having a community hospital. Surely our generation can find a way forward too.

Best,

Barbara Heyerman
Ashland, Or



Sent from my iPad

From: noreply@civicplus.com
To: [Ashland City Recorder](#)
Subject: Online Form Submittal: City Council Public Comment Form
Date: Monday, January 19, 2026 6:14:48 PM

[EXTERNAL SENDER]

City Council Public Comment Form

Public Comment

Use this form to submit public comment for City Council meetings. This form must be submitted by **10 a.m.** the day of the meeting to be on the record.

If you wish to speak to the Council in person at a meeting, you must fill out a Speaker Request form available on-site. Do not use this form.

Full Name	Lauri Hoagland
Meeting Date	1/20/26
Email Address	
Are you a City of Ashland resident?	Yes
Indicate if you want to provide written testimony, or if you want to speak via Zoom.	Written
Which agenda item would you like to address?	Asante proposed changes to Asante Ashland Community Hospital
Comments (Leave this section blank if you are requesting to speak electronically.)	<i>Field not completed.</i>
Upload a file or image	Testimony for Ashland City Council 1_20_26 (1).docx

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Rogue Valley Healthcare for All Oregon is a local nonprofit in Southern Oregon. Our mission is to advocate for an equitable, affordable, comprehensive, high-quality publicly funded universal health care system in Oregon. We insist that Asante honor its 2013 agreement with the community of Ashland to continue through 2028 to provide general hospital services, including birthing, in-patient and surgical services, to the residents of Ashland.

Ashland Community Hospital has been an essential service in our community since 1907. Importantly, the Ashland city charter, grants the city of Ashland the authority and direction to maintain a hospital within the city limits of our community. We hope, as elected officials, you will honor this responsibility by insisting that ASANTE follow the conditions set forth in the 2013 agreement.

The Ashland birthing center, providing a water birth option and doulas, is unique in this region of Oregon. More than 200 births occurred at the hospital last year. Medford will not be able to offer these services in their current form.

Moving in-patient services 11 miles away will impose unnecessary hardship and potentially life-threatening consequences on Ashland residents, particularly the elderly who represent 30 percent of our community's population.

Just a year ago ASANTE had begun a process that included broad stakeholder input and concluded that inpatient services and birthing services would, in fact, be expanded. Just 12 months later, ***without any discussion*** with the hospital staff or our community, ASANTE has abruptly reversed course.

ASANTE claims that Asante Ashland Community Hospital has lost millions of dollars, however, state maintained financial data indicates that Ashland's operations remain relatively stable. In fact, the data from the Oregon Health Authority says that "Asante Ashland Community Hospital itself made millions of dollars in 2024 and continued doing so through the first half of 2025, with operating margins that outpaced those of most hospitals in the state." This financial discrepancy is unsettling; we deserve to know the real reasoning behind this decision.

Oregon's constitution, as amended in 2022, says that access to cost-effective, clinically appropriate healthcare is a fundamental right for every resident in our state. In the spirit of this mandate, changes in hospital services should include input from Oregon residents.

From: noreply@civicplus.com
To: [Ashland City Recorder](#)
Subject: Online Form Submittal: City Council Public Comment Form
Date: Monday, January 19, 2026 9:30:15 PM

[EXTERNAL SENDER]

City Council Public Comment Form

Public Comment

Use this form to submit public comment for City Council meetings. This form must be submitted by **10 a.m.** the day of the meeting to be on the record.

If you wish to speak to the Council in person at a meeting, you must fill out a Speaker Request form available on-site. Do not use this form.

Full Name	Andrew C. Seles
Meeting Date	January 20, 2026
Email Address	[REDACTED]
Are you a City of Ashland resident?	Yes
Indicate if you want to provide written testimony, or if you want to speak via Zoom.	Written
Which agenda item would you like to address?	Asante Ashland Community Hospital Closure of Services
Comments (Leave this section blank if you are requesting to speak electronically.)	I had a specialized surgical procedure in Seattle, Washington that required pneumatic compression devices that squeezed the legs to mimic normal muscle movement that boosts blood flow and, importantly, prevents dangerous blood clots like Deep Vein Thrombosis (DVT) and pulmonary embolisms. Because I was under anesthesia I was unaware that the cuffs either deflated or were, in fact, never turned on. A few days later, back in Ashland, I was admitted to the Emergency Room at Asante Ashland Community Hospital with an acute pulmonary embolism. Had it not been for the fact that the hospital was literally minutes from my door, I would not be

testifying today. (With a pulmonary embolism, you have no time to waste; shortness of breath, chest pain or rapid heart rate can result in permanent damage or death. You must be treated with blood thinners or clot-dissolving drugs. A clot blocking the main pulmonary artery can be fatal in as little as 30 minutes. Many seniors, like myself, cannot afford the time it would take to get to Medford and I fear lives will, in fact, be lost with the closure of inpatient services.

Upload a file or image *Field not completed.*

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Council Business Meeting

Date: February 3, 2026

Agenda Item	Public Hearing and First Reading – Ordinance Language Change (Set #2)
Department	Legal
From	Johan Pietila, City Attorney, Carmel Zahran, Assistant City Attorney, Jordan Rooklyn

TIME ESTIMATE

20 minutes

CATEGORY

Action Needed - Motion to approve an action

SUMMARY

This is the first reading of thirteen ordinances to update the Ashland Municipal Code. Improvements largely fall into three categories (1) updating references to the proper authority, (2) making it so that fees are by resolution, i.e. and (3) correct for stylistic clarifications.

POLICIES, PLANS & GOALS SUPPORTED

It is a good practice to update Code to align with current changes that occur in state and federal contexts. Additionally, these update will promote transparency and ease of access for both the citizens of Ashland as well as staff.

BACKGROUND AND ADDITIONAL INFORMATION

This is the second of several sets of proposed code updates. These code updates are a combination from Table 2 and 3. Following is a list of the ordinances with a brief description of the proposed changes (see attached AMC Code Change Tables_Feb 3 Council Chart_Revised for full descriptions):

3271 AN ORDINANCE ESTABLISHING AN OFFICE OF THE CITY RECORDER IN THE CREATION OF AMC 2.28.530

1. The City Recorder is no longer elected but an appointed position and is now considered a part of the Administrative and Operating Departments of the City.

3283 AN ORDINANCE AMENDING AND UPDATING CHAPTER 2.29 – PUBLIC ART

1. 2.29.020(G) updated to reflect current committee language of 2.10.

3284 AN ORDINANCE AMENDING AMC 2.54.010 TO ALIGN WITH PROCUREMENT LIMITS

1. Disposal of surplus property is handled by our Facilities and Fleet division; changing language to match the definition of "surplus property" provided in AMC 2.54.020; increase dollar value for efficiency and expediency. Applies to personal property only.

3285 AN ORDINANCE AMENDING AMC 2.62.030 TO PROVIDE FOR A CHAIN OF COMMAND IN THE EVENT OF AN EMERGENCY

1. Adding succession clause within Emergency Powers in the event the City Manager is incapacitated or absent.

3286 AN ORDINANCE AMENDING 9.08.120(B) TO PREVENT PROPERTY OWNERS FROM KEEPING HAZARDOUS OR INFESTED TREES





Council Business Meeting

1. Empowers Code Compliance to compel removal of dead trees when determined to pose a fire hazard, or compel removal of insect infested trees that will compromise urban forest health.

3287 AN ORDINANCE AMENDING AND UPDATING CHAPTER 14.12 – ELECTRIC SYSTEM REGULATIONS

1. Standards and requirements changed over time and some code language conflicts with current requirements.

3288 AN ORDINANCE CREATING 15.04.270 TO PROHIBIT PERMITS WHEN CODE VIOLATIONS ARE OUTSTANDING

1. Prohibits issuing building permits when there are active code compliance issues.

3289 AN ORDINANCE UPDATING 15.36.030 TO CORRECT FOR THE PROPER DEPARTMENT THAT ASSIGNS FRONTAGE

1. The management departments are Public Works or Community Development. The change allows for more flexibility in administration of frontage

3290 AN ORDINANCE AMENDING 9.08.170(3) –TO CREATE CERTAIN EXEMPTIONS FOR HEAT PUMPS OR MECHANICAL DEVICES FROM NOISE REGULATION

1. Residential heat pumps and air conditioning units are not generally manufactured to meet the decibel limits in the noise ordinance, and compliance is often impossible. This amendment exempts residential heat pumps and air conditioners from noise regulations for the duration of their typical 25-year operating life provided they were installed under a building permit, inspected, and continue to operate as designed.

3291 AN ORDINANCE AMENDING 13.16.035 TO REQUIRE PROPERTY OWNERS TO REMOVE OR PRUNE DANGEROUS TREES WITHOUT A PERMIT

1. Empower Code Compliance and the Streets Division to compel removal of dead trees and clarify maintaining required street, sidewalk, and utility clearances for branches is exempt.

3292 An Ordinance amending Chapter 6.50 to reflect Marijuana Retail Regulations

1. Amended to include non-medical sales and updated dispensaries to "marijuana retailers" - per ORS. Adds retailer to the definition of "dispensary" and changes times of operation.

3293 AN ORDINANCE AMENDING 9.08.170.D.2 TO REFER TO 9.16.070 FOR DOG NUISANCE MATTERS

1. Currently, regulation around dog noise occur in two spots. This change moves it to one place. The amendment adds a distinction between daytime dog noise and nighttime dog noise. Violations of this section are subject to a Class IV violation.

3294 AN ORDINANCE AMENDING 9.16.070 TO DISTINGUISH BETWEEN DAYTIME VERSUS NIGHTTIME DOG NOISE

1. To distinguish between daytime vs. nighttime dog noise.

FISCAL IMPACTS

There will be no fiscal impact to the City outside of staff time. In some instances, such as the recent removal of the Alarm Systems Ordinance, these updates may save the City costs.





Council Business Meeting

SUGGESTED ACTIONS, MOTIONS, AND/OR OPTIONS

I move to approve First Reading of the following ordinances and schedule Second Reading during the April 21, 2026 Council meeting:

- **3271** AN ORDINANCE ESTABLISHING AN OFFICE OF THE CITY RECORDER IN THE CREATION OF AMC 2.28.530
- **3283** AN ORDINANCE AMENDING AND UPDATING CHAPTER 2.29 – PUBLIC ART
- **3284** AN ORDINANCE AMENDING AMC 2.54.010 TO ALIGN WITH PROCUREMENT LIMITS
- **3285** AN ORDINANCE AMENDING AMC 2.62.030 TO PROVIDE FOR A CHAIN OF COMMAND IN THE EVENT OF AN EMERGENCY
- **3286** AN ORDINANCE AMENDING 9.08.120 TO PREVENT PROPERTY OWNERS FROM KEEPING HAZARDOUS OR INFESTED TREES
- **3287** AN ORDINANCE AMENDING AND UPDATING CHAPTER 14.12 – ELECTRIC SYSTEM REGULATIONS
- **3288** AN ORDINANCE CREATING 15.04.270 TO PROHIBIT PERMITS WHEN CODE VIOLATIONS ARE OUTSTANDING
- **3289** AN ORDINANCE UPDATING 15.36.030 TO CORRECT FOR THE PROPER DEPARTMENT THAT ASSIGNS FRONTAGE
- **3290** AN ORDINANCE AMENDING 9.08.170(3) –TO CREATE CERTAIN EXEMPTIONS FOR HEAT PUMPS OR MECHANICAL DEVICES FROM NOISE REGULATION
- **3291** AN ORDINANCE AMENDING 13.16.035 TO REQUIRE PROPERTY OWNERS TO REMOVE OR PRUNE DANGEROUS TREES WITHOUT A PERMIT
- **3292** An Ordinance amending Chapter 6 to reflect Marijuana Retail Regulations
- **3293** AN ORDINANCE AMENDING 9.08.170.D.2 TO REFER TO 9.16.070 FOR DOG NUISANCE MATTERS
- **3294** AN ORDINANCE AMENDING 9.16.070 TO DISTINGUISH BETWEEN DAYTIME VERSUS NIGHTTIME DOG NOISE

REFERENCES & ATTACHMENTS

1. AMC Code Change Tables_Feb 3 Council Chart_Revised
2. 3271 ESTABLISHING AN OFFICE OF THE CITY RECORDER IN THE CREATION OF AMC 2.28.530
3. 3283 AMENDING AND UPDATING CHAPTER 2.29 – PUBLIC ART_D2
4. 3284 AMENDING AMC 2.54.010 TO ALIGN WITH PROCUREMENT LIMITS
5. 3285 AMENDING AMC 2.62.030 TO PROVIDE FOR A CHAIN OF COMMAND IN THE EVENT OF AN EMERGENCY
6. 3286 AMENDING 9.08.120 TO PREVENT PROPERTY OWNERS FROM KEEPING HAZARDOUS OR INFESTED TREES
7. 3287 AMENDING AND UPDATING CHAPTER 14.12 – ELECTRIC SYSTEM REGULATIONS
8. 3288 CREATING 15.04.270 TO PROHIBIT PERMITS WHEN CODE VIOLATIONS ARE OUTSTANDING
9. 3289 UPDATING 15.36.030 TO CORRECT FOR THE PROPER DEPARTMENT THAT ASSIGNS FRONTAGE
10. 3290 AMENDING 9.08.170(3) –TO CREATE CERTAIN EXEMPTIONS FOR HEAT PUMPS OR MECHANICAL DEVICES FROM NOISE REGULATION
11. 3291 AMENDING 13.16.035 TO REQUIRE PROPERTY OWNERS TO REMOVE OR PRUNE DANGEROUS TREES WITHOUT A PERMIT
12. 3292 AMENDING CHAPTER 6.50 TO REFLECT MARIJUANA RETAIL REGULATIONS
13. 3293 AMENDING 9.08.170.D.2 TO REFER TO 9.16.070 FOR DOG NUISANCE MATTERS
14. 3294 AMENDING 9.16.070 TO DISTINGUISH BETWEEN DAYTIME VERSUS NIGHTTIME DOG NOISE



Recommended Code Language Changes

These language changes are substantive changes that are to help improve city processes, align with current practices, and/or increase efficiencies or improve clarity.

AMC Section	AMC Title	Proposed Change	Reason for Change
2.29.020(G)	Administrative and Operating Departments	Add new section that details the Office of the City Recorder.	The City Recorder is now a appointed position, rather than an elected position, so is now considered a part of the Administrative and Operating Departments of the City.
2.29.020(G)	Public Art; Definitions	" Commission ! ' Committee ' means the Ashland Public Arts Commission Advisory Committee created by AMC 2.17.010 2.13.010.D , consisting of seven (7) members appointed by the Mayor and confirmed by the Council."	Updated language.
2.29.020(K)	Public Art; Definitions	"' Public art' means all forms of original works of art in any media that has been planned and executed with the specified intention of being sited or staged on City property or on property owned or on property owned or property controlled by the City of Ashland, <u>including within public rights of way</u> , usually outside and accessible to the public."	Clarification.
2.29.100(B)	Public Art; Process for acquiring public art	Selection Panel. A selection panel, separate from the Public Art Commission Advisory Committee , consisting of art professionals and enthusiasts, residents near the proposed site, community members, and city administrators will be chosen to evaluate the proposals received from artists. <u>may be composed of representatives from, but not necessarily limited to, the following groups: art professionals and enthusiasts, residents living near the proposed site, community members, Committee members, and City administrative staff. This panel will be responsible for evaluating the proposals submitted by artists and providing a recommendation to the full Committee.</u> A different selection panel shall be chosen for each project by the Commission Committee after the following notifications have been made <u>City has placed a notice on the City's website, and the Committee has endeavored to solicit participation of property owners within 300 feet of the proposed site.</u> 1. An ad is placed in a newspaper of general circulation in the City, 2. Postcards are sent out to all property owners located within 300 feet of the proposed site, and 3. A notice is placed on the City's website.	Recognize general operating procedures for establishment of a selection panel makeup including "may" as it has been difficult to ensure representation as codified currently; address the lack of newspaper of general circulation; and reduce postcard mailing preparation and costs.
2.29.120	Public Art; Public Art on Private Property	Add a section of code that allows for public art that is privately-owned and on private property. Currently, all public art on private property is considered "city-owned" and requires that the City is granted access to install, maintain, and remove art.	The purpose of this amendment is to create a pathway for private property owners to install and maintain privately owned artwork that is viewable by the public, with City approval. This ensures such installations are consistent with the City's Public Art Program while clarifying that the City does not assume ownership of the artwork and is not obligated to maintain, repair, or remove it.
2.29.140(A)(4)	Public Art; Standards for the Ashland Public Art Collection	"The City shall only acquire artworks if: 1) the artist warrants that he they will not make a duplicate of the artwork, or permit others to do so, without written permission by the City,..."	Grammar correction.

AMC Section	AMC Title	Proposed Change	Reason for Change
2.54.010	Disposal of Surplus and Abandoned Property	The City of Ashland Finance Department may transfer, trade, auction, or sell surplus or abandoned property to other City Departments, political subdivisions, state agencies, or nonprofit organizations, <u>or the general public</u> . However, the disposal of surplus property having residual value of more than \$10,000 shall be subject to <u>signatory authority limits, zation based on the residual value of the surplus, as adopted</u> by the Local Contract Review Board.	Disposal of surplus property is handled by our Facilities and Fleet division; changing language to match the definition of "surplus property" provided in AMC 2.54.020; increase dollar value for efficiency and expediency.
2.62.030	Declaration and Ratification of Emergency	Add new section (C): <u>"If the City Manager is unable to act due to absence or incapacity, then the duties shall be performed in the following order of succession:</u> <u>1. Deputy City Manager</u> <u>2. Fire Chief</u> <u>3. Police Chief</u> <u>4. Emergency Management Coordinator</u> <u>5. Incident Commander(s)"</u>	Add a succession clause within Emergency Powers in the event the City Manager is incapacitated or absent.
6.04.020(B)	Business Licenses; Definitions	Add definition for "kitchen" or "cooking facility."	The purpose of this definition amendment is to clearly distinguish between full kitchens or cooking facilities that enable independent living and incedental appliances or fixtures that do not. This clarity ensures consistent code compliance in determining when a space constitutes a separate dwelling unit. A similar amendment would be made to Chapter 18.
6.50	Medical Marijuana Dispensaries- Retailer	Remove "medical" and add "and retailers" throughout E. "Dispensary" means a medical marijuana dispensary, and <u>or marijuana retailer, licensed by the Oregon Liquor and Cannabis Commission to sell marijuana items to consumers</u> . H. "Medical Marijuana" means all parts of marijuana plants that may be used to treat or alleviate a qualifying patient's debilitating medical condition or symptoms associated with the patient's debilitating medical condition. I. H. "Medical Marijuana Dispensary" means a medical marijuana facility that is registered by the Oregon Health Authority under ORS 475.300 through 475.346 Chapter 475C and that sells, distributes, transmits, gives, dispenses or otherwise provides medical marijuana to medical marijuana qualifying patients consumers. 5. Certification that the proposed dispensary is registered as an Oregon medical marijuana facility pursuant to ORS 475.300 to 475.346 475C and is licensed to conduct business in compliance with Chapter 6.04 of the Ashland Municipal Code. E. Operating hours for retail sales to Medical Marijuana Qualifying Patients must be no earlier than 9:00 a.m. 8:00 a.m. or later than 7:00 p.m. 10:00 p.m. on the same day. H. No minor is allowed on the premises unless the minor is a medical marijuana Medical Marijuana Qualifying Patient cardholder <u>authorized by the State of Oregon</u> and is accompanied by a parent or guardian whose for the purpose is to procure of obtaining the minor's medicine. No minor is allowed to enter the <u>Minors are prohibited from entering any area</u> of the facility where medical marijuana products are <u>is</u> present. J. The Dispensary must have an accounting system specifically designed for enterprises reliant on transactions conducted primarily in cash and sufficient to maintain detailed, auditable financial records.	This section needs amending as it was drafted before non-medical sales were allowed, and made updated changes since the wording for dispensaries "marijuana retailers" - per ORS These make for these corrections. It adds marijuana retailer to the definition of "dispensary". Time changes were also made as no dispensary in Ashland is currently compliant with the early closing time (7:00) required by ch.6., nor do other general retailers have that limit, so I pushed it to 10:00

AMC Section	AMC Title	Proposed Change	Reason for Change
9.08.120(B)	Nuisances; Trees - Hedges	B. No owner or person in charge of property shall allow to stand a dead or decaying tree that is a hazard to the public or to persons or property on or near the property, <u>poses a fire hazard as determined by the Ashland Fire Marshall or designee, or harbors insects or diseases that constitute a potential threat to other trees within the city.</u>	To empower Code Compliance to compel removal of dead trees where they are determined to pose a fire hazard, or compel removal of insect infested trees that will otherwise compromise the health of the urban forest.
9.08.170(D)(2)	Unnecessary Noise	D. <i>Noises Prohibited.</i> The following acts are declared to be per se violations of this chapter. This enumeration does not constitute an exclusive list: 2. Animals and Birds. Unreasonably loud and raucous noise emitted by an animal or bird for which a person is responsible. A person is responsible for an animal if the person owns, controls or otherwise cares for the animal or bird. Public nuisance matters related to dogs and dog noise shall be first addressed under AMC Chapter 9.16.070.	Currently, regulation around dog noise occurs in two spots: (1) 9.08.170.D.2 in the regulation of “Unnecessary Noise” and (2) 9.16.070 in public nuisance regulation. For clarity of administration, it makes sense to keep the regulation of dog noise in one spot in the code. Since Chapter 9.16 already addresses dog nuisance with specificity, it made sense for dog noise to be addressed in that chapter. At the same time, since 9.08.170 addresses animals more generally, it made sense to keep the existing language in for other animals that may create unreasonable noise. Additionally, the code revision adds a distinction between daytime dog noise and nighttime dog noise. Daytime dog noise are still subject to the time restrictions outlined in Chapter 9.16.070(A)(8) (e.g. no barking for more than 10 minutes) and violations are still subject to a Class IV violation, which carries a maximum fine of \$138 and a presumptive fine of \$110. The added section provides that dogs shall not have excessive noise between the hours of 10p.m. and 7a.m. Violations of this section are subject to a Class IV violation, which carries a maximum penalty of \$500 and a presumptive fine of \$435. Noise restrictions that distinguish between nighttime and daytime hours are common in the “Unreasonable Noise” section of the AMC, likely for the practicable public policy consideration that people, in residential areas, commonly sleep during the nighttime hours and it is a reasonable health and wellness restriction to reduce noise during the night.
9.08.170(E)(3)	Nuisances; Heat Pumps or Mechanical Devices	Exempt residential heat pumps and air conditioners from noise regulations if they're within their 25-year operating life and installed under a building permit.	In urban neighborhoods with small lots, homes are often in very close proximity to one another. Residential heat pumps and air conditioning units are not generally manufactured to meet the decibel limits in the noise ordinance, and compliance is often impractical or impossible even with baffled covers when houses are this close together. Since residential climate control is essential during both summer heat and winter cold, this amendment is intended to exempt residential heat pumps and air conditioners from noise regulations for the duration of their typical 25-year operating life, provided they were installed under a building permit, inspected, and continue to operate as designed.
9.16.070	Public Nuisance (A) Relating to Dogs or Wolf-dog Hybrids	8. <u>As applied to the daytime hours of 7:00a.m. to 10:00p.m., a</u> dog excessively makes disturbing noises, including, but not limited to continued and repeated howling, barking, whining for more than ten (10) minutes or intermittent barking for more than thirty (30) minutes in a sixty (60) minutes period, causing unreasonable annoyance, disturbance, or discomfort to neighbors or others in close proximity to the property of the keeper. If the barking is caused by the continued presence of a cat or the presence of predators such as coyotes, or deer, or other wildlife or by a person intentionally taunting the dog, then the dog is not a public nuisance; 8. 10. It is unlawful for any keeper of a dog to permit such dog to be a public nuisance as described in 9.16.070A 1-9 and is a Class IV violation <u>B. It is unlawful for a dog or wolf-dog hybrid to excessively whine, bark, howl, or emit any similar noise in a residential area between the hours of 10 p.m. and 7 a.m. in a manner that unreasonably disturbs the quiet, comfort, or repose of reasonable persons of ordinary sensitivities. Such behavior constitutes a public nuisance and shall be classified as a Class 1 violation under AMC 9.08.990.</u>	To distinguish between daytime vs.nighttime dog noise.

AMC Section	AMC Title	Proposed Change	Reason for Change
13.16.035	Permission to Prune	Allow trees in public planting strips or public right-of-way to be pruned without a City-issued permit for the purpose of maintaining clearance requirements.	Empower Code Compliance and the Streets Division to compel removal of dead trees where they are determined to pose a fire hazard and to clarify that maintaining required street, sidewalk, and utility clearances for branches is an exempt activity.
14.12.030	Electric System - Regulations; Permanent Service	Remove much of the prescriptive language and replace it with a reference to the Electric Service Requirements (ESR) Manual.	Standards and requirements change over time and some of the current code language is in conflict with the current requirements.
14.12.090(G)	Electric Systems - Regulations; General Provisions	The City may request permission to will trim trees on private property if such trees, in the judgement of the City, create a hazard to electric service lines on the same or adjacent properties. In the event such permission is refused, the property owner refusing permission shall be liable for all damages and costs that may result there from.	Oregon Public Utility Commission (PUC) requires that utilities follow the PUC vegetation management rules. Those rules now include maintaing minimum clearances around electric infrastructure within the utility's right-of-way.
14.12.092	Location of meters	Add new sentence: " <u>Consult Electric Service Requirements Manual or contact the Electric Department with questions regarding meter locations.</u> "	The Electric Service Requirements Manual provides presecrptive details for meter location specific to property types (single family, multi-family, etc.).
15.04.270	Prohibiing permits when code ciolations are outstanding	15.04.270 - Permit Issuance Prohibited When Violations Are Outstanding A. No building permit shall be issued for any property with an active code compliance case or outstanding violation of the Ashland Municipal Code, except for permits that are solely and directly necessary to correct that violation. B. For purposes of this section, an “active code compliance case” includes any notice of violation, citation, or enforcement action issued pursuant to Title 15 (Buildings and Construction) or Title 18 (Land Use). C. The Building Official may authorize issuance of a permit when necessary to abate hazardous or unsafe conditions, or when the permit is required to achieve full compliance with applicable provisions of the Ashland Municipal Code. D. No other construction, building, mechanical, electrical, or plumbing permits shall be issued until the violation has been corrected to the satisfaction of the City and the associated enforcement case has been closed.	This change makes it so that no building permits shall be issued when there are active code compliance issues. The goal is that projects and property
15.36.030	Frontage Allowed	A. Twelve and one-half (12 1/2) feet frontage of all lots shall be allowed for each number only on such streets where so specified. The City Recorder shall assign the numbers on either side of the street as designated on the official map of the City, the consecutive even and uneven numbers being opposite each other as far as practicable, and shall furnish information on application of the number controlled by each lot.	Practically, the department that manages this is either public works or community development. The change allows for more flexibility in administration of frontage

ORDINANCE NO. 3271

AN ORDINANCE ESTABLISHING AN OFFICE OF THE CITY RECORDER IN THE CREATION OF AMC 2.28.530

Annotated to show deletions and additions to the Ashland Municipal Code sections being modified. Deletions are ~~bold lined through~~, and additions are **bold underlined**.

WHEREAS, Article 2. Section 1 of the Ashland City Charter provides:

Powers of the City. The City shall have all powers which the constitutions, statutes, and common law of the United States and of this State expressly or impliedly grant or allow municipalities, as fully as though this Charter specifically enumerated each of those powers, as well as all powers not inconsistent with the foregoing; and, in addition thereto, shall possess all powers hereinafter specifically granted. All the authority thereof shall have perpetual succession.

WHEREAS, the City Recorder was taken out of the City Charter as an elected position. Management of the City Recorder lies with the Office of City Management. Chapter 2.28 outlines the various departments within the City. This addition reflects current governance structure as well as basic duties of the City Recorder.

THE PEOPLE OF THE CITY OF ASHLAND DO ORDAIN AS FOLLOWS:

SECTION 1.

The Office of the City Recorder is hereby created under the Office of the City Manager. This office acts as the clerk of the Council by recording minutes and maintaining the Council's agenda. The Office of the City Recorder shall serve as the public record custodian for the City and shall perform the duties associated with that authority, which includes but is not limited to (1) processing public record requests, (2) ensuring proper City record retention according to state and local laws, and (3) maintaining the City lien docket. The City Recorder shall carry out other duties as required by state and local laws, not specifically listed in this section, including serving as the City's election officer.

SECTION 2. Severability. Each section of this ordinance, and any part thereof, is severable, and if any part of this ordinance is held invalid by a court of competent jurisdiction, the remainder of this ordinance shall remain in full force and effect.

SECTION 3. Codification. Provisions of this Ordinance shall be incorporated in the City Code and the word "ordinance" may be changed to "code", "article", "section", "chapter" or another word, and the sections of this Ordinance may be renumbered, or re-lettered, provided however

that any Whereas clauses and boilerplate provisions (i.e. Sections 3-5) need not be codified and the City Recorder is authorized to correct any cross-references and any typographical errors.

The foregoing ordinance was first read by title only in accordance with Article X, Section 2(C) of the City Charter on the _____ day of _____, 2026, and duly PASSED and ADOPTED this _____ day of _____, 2026.

PASSED by the City Council this _____ day of _____, 2026.

ATTEST:

Alissa Kolodzinski, City Recorder

SIGNED and APPROVED this _____ day of _____, 2026.

Tonya Graham, Mayor

Reviewed as to form:

Johan Pietila, City Attorney

ORDINANCE NO. 3283

AN ORDINANCE AMENDING AND UPDATING CHAPTER 2.29 – PUBLIC ART

Annotated to show deletions and additions to the Ashland Municipal Code sections being modified. Deletions are ~~bold-lined through~~, and additions are **bold underlined**.

WHEREAS, Article 2. Section 1 of the Ashland City Charter provides:

Powers of the City. The City shall have all powers which the constitutions, statutes, and common law of the United States and of this State expressly or impliedly grant or allow municipalities, as fully as though this Charter specifically enumerated each of those powers, as well as all powers not inconsistent with the foregoing; and, in addition thereto, shall possess all powers hereinafter specifically granted. All the authority thereof shall have perpetual succession.

WHEREAS, the City wishes to make minor updates to Chapter 2.29 for administrative clarity and for easy of the administration of public art.

THE PEOPLE OF THE CITY OF ASHLAND DO ORDAIN AS FOLLOWS:

SECTION 1.

2.29.020 Definitions

- A. “Acquisition” means the inclusion of an artwork in the Ashland Public Art Collection by any means including direct purchase, commission or acceptance of a gift.
- B. “Artwork” means visual works of public art as defined herein.
- C. “Ashland public art collection” means all public art acquired by the City by any means.
- D. “Capital improvement program (CIP)” means the City’s program for advance planning of capital improvements.
- E. “City project” or “project” means any capital improvement project in an amount over \$25,000.00 paid for wholly or in part by the City of Ashland to purchase or construct any public building, decorative or commemorative public structure, sidewalk, or multi-use pathway construction, park facility construction, or any portion thereof, within the limits of the City of Ashland. “City project” or “project” does not include public utility improvements (e.g., electric, water, sewer, or storm water), LID improvements, including but not limited to streets, sidewalks and associated improvements, property acquisition, earth work, emergency work, minor alterations, rehabilitation, minor or partial replacement, remodeling or ordinary repair or maintenance necessary to preserve a facility. Notwithstanding the above limitation, the Council or responsible contracting officer may include any new City street or utility project (limited to water, sewer and storm water projects) in an amount over \$25,000.00 as a City project under this chapter, by either vote of the Council or inclusion in the contract solicitation documents prepared by the responsible contracting officer.
- F. “Commercial development fee” means funds deposited by a commercial developer into the public art account when the developer prefers not to incorporate public art into the project and follow the public art process for art acquisition and approval.

- G. “~~Commission Committee~~” as applied in AMC Chapter 2.29 means the Ashland Public Arts Advisory Committee as Commission created by AMC 2.13.010.D 2.17.010, ~~consisting of seven (7) members appointed by the Mayor and confirmed by the Council.~~
- H. “Eligible funds” means a source of funds for projects from which art is not precluded as an object of expenditure.
- I. “Participating department” means the department that is subject to this chapter by its sponsorship of a City project.
- J. “Percent for art” means the program established by this chapter to set aside a percentage of the total cost of city projects for public art.
- K. “Public art” means all forms of original works of art in any media that has been planned and executed with the specified intention of being sited or staged on property owned or property City property or on property owned or controlled by the City of Ashland, including within public rights of way, usually outside and accessible to the public.
- L. “Public art account” means the City of Ashland public art account in the City budget established by this chapter into which all moneys donated, appropriated or derived pursuant to the percent for art program shall be deposited. Funds within the public art account shall be utilized for the purposes outlined in this chapter.
- M. “Removal” means the exclusion of an artwork from the Ashland public art collection by the removal and disposal through any available means, such as relinquishing title through sale, gift or destruction.
- N. “Selection panel” means a group of individuals selected by the ~~Commission-Committee~~ that will evaluate the proposals associated with a particular project in a public meeting.
- O. “TLT funds” means the portion of transient lodging tax funds allocated for public art.
- P. “Commercial development fee” means funds deposited by a commercial developer into the public art account when the developer prefers not to incorporate public art into the project and follow the public art process for art acquisition and approval.
- Q. “Total cost” means the entire amount of the City’s financial contribution toward construction and maintenance of a project. (Ord. 3201 § 2, renumbered, 08/20/2021; Ord. 3003, added, 02/18/2010. Formerly 2.29.005)

2.29.100 Process for acquiring public art

- A. *General.* The ~~Committee Public Art Commission~~ will call for entries by issuing a request for proposal, a request for qualification or by invitation. The call for entries will include specific guidelines and criteria for the specific project. Every call for entry must comply with the City’s public contracting rules.
1. *Acquisition.* Acquisition of public art will generally result from:
 - a. The commissioning or purchasing of a work of public art by the City using city funds or donated funds, in accordance with public contracting laws and AMC Chapter 2.50; or
 - b. An offer made to the City to accept a work of public art as a gift, donation, or loan.
 2. *Removal.* Removal of public art may be by request or owing to some damage or destruction of the artwork.
- B. *Selection Panel.* A selection panel, separate from the Public Art ~~Commission-Advisory Committee~~, may be composed of representatives from, but not necessarily limited to, any the follow groups: art professionals and enthusiasts, residents living near the proposed site, community members, Committee members, and City administrative staff. This panel will

be responsible for evaluating the proposals submitted by artists and providing a recommendation to the full Committee. ~~Public Art Commission, consisting of art professionals and enthusiasts, residents near the proposed site, community members, and city administrators will be chosen to evaluate the proposals received from artists.~~ A different selection panel shall be chosen for each project by the Committee after the City has placed a notice on the City's website and the Committee has endeavored to solicit participation of property owners within 300 feet of the proposed site. ~~Commission~~ after the following notifications have been made:

- ~~1. An ad is placed in a newspaper of general circulation in the City,~~
- ~~2. Postcards are sent out to all property owners located within 300 feet of the proposed site, and~~
- ~~3. A notice is placed on the City's website.~~

The Committee ~~Commission~~ shall pick the Selection Panel by examining applications received from interested parties.

C. *Evaluation of Acquisition Proposals.* Proposals which meet the minimum requirements set forth in the call for entries will be given to the Selection Panel for review. The proposals for acquisition shall be evaluated based upon criteria set forth in the call for entries at a public meeting. The Selection Panel will evaluate the proposals and make a recommendation to the Committee ~~Public Art Commission~~ regarding which proposals to accept. The Committee ~~Commission~~ shall forward a ~~that~~ recommendation to the City Council for final selection. This chapter does not exclude land use approval processes when required for the use or structure.

D. *Removal and Disposal Process.* Except as provided in AMC [2.29.140.B](#), neither the Council nor the Committee ~~Commission~~ is bound to follow any particular process for removal and disposal of art in the Ashland Public Art Collection. (Ord. 3003, added, 02/18/2010)

2.29.110 Review process for gifts or donations

The Committee ~~Commission~~ may solicit gifts and bequests of public art or funds to benefit the Ashland Public Art Collection. The Council shall decide whether to accept all such gifts of art work on behalf of the City and the Ashland Public Art Collection on its own motion or upon a recommendation by the Committee ~~Commission~~ based on its own evaluation, or by recommendation of the Committee ~~Commission~~ after the Selection Panel has evaluated the artwork using the guidelines in AMC [2.29.130](#) and the total cost over the life of the artwork. All art works or funds shall be administered by the City in accordance with its terms. Funds donated to the Committee ~~Commission~~ shall be placed in a special account to be used exclusively for the purposes of the Committee ~~Commission~~ or as designated by the donor. Funds in this account may only be expended after they have been properly budgeted or approved by the City. (Ord. 3003, added, 02/18/2010)

2.29.120 Public Art on Private Property

Before public art can be placed on private property the Committee ~~Commission~~ shall determine whether the site is appropriate for public art under the Site Selection criteria in AMC [2.29.130](#). If the site is found to be appropriate for public art, the City shall secure authorization to use and access the private property where the public art will be located before the acquisition process for public art is initiated. ~~There shall be a written agreement or legal instrument, granting the~~

~~City permission and control of the property so that the property can be used for public art purposes, including access for installation, maintenance and removal of the artwork.~~ Public art can then be acquired for placement on private property by following the process for:

- A. Acquisition in AMC [2.29.100](#), or
- B. Gifts and donations in AMC [2.29.110](#). (Ord. 3003, added, 02/18/2010)

2.29.130 Guidelines for recommendation by the ~~Committee~~ **Commission**

A. *Selection Guidelines for Works of Public Art.*

1. *Quality.* The artwork should be of exceptional quality and enduring value.
2. *Site.* The artwork should enhance the existing character of the site by taking into account scale, color, material, texture, content, and the social dynamics of the location.
3. *History and Context.* The artwork should consider the historical, geographical, and cultural features of the site, as well as the relationship to the existing architecture and landscaping of the site.
4. *Initial Cost.* The total cost of the artwork, including all items related to its installation, should be considered.
5. *Maintenance and Durability.* The durability and cost to maintain the artwork should be considered and quantified, particularly if the work is servicing, repainting, repairing or replacement of moving parts.
6. *Permanence.* Both temporary and permanent art works shall be considered.
7. *Media.* All forms of visual media shall be considered, subject to any requirements set forth by city ordinance.
8. *Public Liability.* The artwork should not result in safety hazards, nor cause extraordinary liability to the City.
9. *Diversity.* The artwork in the Ashland Public Art Collection should encourage cultural diversity.
10. *Commercial Aspect.* The artwork shall not promote goods or services of adjacent or nearby businesses.
11. *Compliance.* Artworks shall not violate any federal, state, or local laws, including specifically AMC Chapter [18.96](#).

B. *Guidelines for Site Selection.*

1. *Ownership or Control.* **Public art can be situated in three property scenarios: (1) on publicly owned property, (2) on privately owned property where the City maintains the artwork, and (3) on privately owned property where the property owner maintains the public artwork. For public art placed on private property managed by the City, there must be a written agreement or legal instrument granting the City permission to use the property for public art purposes. This agreement should specify access for installation, maintenance, and removal. In the case of privately owned property where the owner maintains the public artwork, a written agreement should outline the property owner's maintenance responsibilities, public viewing access, and conditions for removal.**

~~Public art should be placed on a site owned or controlled by the City, or there should be a written agreement or legal instrument, granting the City permission to use the property for public art purposes, including access for installation, maintenance and removal.~~

2. *Visual Accessibility.* Public art should be easily visible and accessible to the public.
3. *Visual Enhancement.* Public art should visually enhance the overall public environment and pedestrian streetscape.
4. *Pedestrian Accessibility.* Public art should experience high levels of pedestrian traffic and be part of the City's circulation paths.
5. *Circulation.* Public art should not block windows, entranceways, roadways or obstruct normal pedestrian circulation or vehicle traffic.
6. *Scale.* Public art should not be placed in a site where it is overwhelmed or competing with the scale of the site, adjacent architecture, large signage, billboards, etc. (Ord. 3003, added, 02/18/2010)

2.29.140 Standards for the Ashland Public Art Collection

A. *Acquisitions.* The following minimum standards and criteria shall apply to the acquisition of artworks.

1. Artworks may be acquired by direct purchase, commission, gift or any other means.
2. Acquisition, whether by direct purchase, commission, gift, or otherwise, shall occur by a legal instrument of conveyance or other writing transferring title of the artwork to the City and clearly defining the rights and responsibilities of all parties.
3. The City shall obtain the rights of ownership and possession without legal or ethical restrictions on the future use of the artwork upon final acceptance of the artwork, except where expressly provided in the contract with the artist. The artists shall retain all rights and interests in the artwork except for the rights of ownership and possession.
4. The City shall only acquire artworks if: 1) the artist warrants that ~~they~~ **he** will not make a duplicate of the artwork, or permit others to do so, without written permission by the City, and 2) the artist gives permission to the City to make two-dimensional reproductions as long as all such reproductions provide the copyright symbol, name of the artist, title of the artwork, and the date of completion.
5. Complete records, including contracts with artists, shall be created and maintained for all artworks in the Ashland Public Art Collection.

B. *Removal.*

1. The ~~Committee Commission~~ may recommend removal and/or disposal based on one or more of the following conditions. No public hearing is required for a removal recommendation.
 - a. The site for an artwork has become inappropriate because the site is no longer accessible to the public or the physical site is to be destroyed or significantly altered.
 - b. The artwork is found to be forged or counterfeit.
 - c. The artwork possesses substantial demonstrated faults of design or workmanship.
 - d. The artwork causes excessive or unreasonable maintenance.
 - e. The artwork is damaged irreparably, or so severely that repair is impractical.
 - f. The artwork presents a physical threat to public safety.
 - g. The artwork is rarely displayed.
 - h. A written request for removal has been received from the artist.
2. Council Removal Process.
 - a. On its own motion, or following receipt of a recommendation from the ~~Committee Commission~~ the Council may remove and dispose of any artwork previously accepted into the Ashland Public Art Collection in their sole discretion.

- b. Acceptance or placement of donated art by the City does not guarantee continuous public display of the artwork regardless of physical integrity, identity, authenticity, or physical condition of the site.
 - c. Removal officially deletes the work from the City of Ashland Public Art Collection by a relinquishment of title to the artwork; thus, eliminating the City's obligation to maintain and preserve the artwork.
 - d. Notwithstanding the above, Artwork shall be disposed of in accordance with any specific terms for removal and disposal set forth in the contract with the Artist.
- 3. Removal and Disposal.
 - a. The City may donate the artwork to another governmental entity or a nonprofit organization.
 - b. A work that is deemed to have retained sufficient monetary value to warrant resale shall be disposed of through a public sale, auction, or any other means as established by city ordinance.
 - c. Artworks removed from the Ashland Public Art Collection may be disposed of through any appropriate means, including the City's procedures for the disposition of surplus property.
- C. *Borrowing of Artworks.*
 - 1. The ~~Committee Commission~~ may also recommend artworks be borrowed.
 - 2. With the exception of ownership, the eligibility, review criteria, and procedure for borrowed works shall be the same as those established in this article for acquisition.
 - 3. The borrowing of artworks shall be pursuant to written agreement between the City and the artist.
 - 4. Nothing herein prohibits the City from securing other works of art or art exhibitions for display inside its facilities. (Ord. 3003, added, 02/18/2010)

2.29.150 Maintenance of the Ashland Public Art Collection

- A. Except where expressly provided in a contract or warranty for public art the City shall be responsible for all maintenance of all artworks in the Ashland Public Art Collection.
- B. Within the limitation of the City budget the City shall provide necessary and appropriate maintenance of the Ashland Public Art Collection, including, but not limited to, regular custodial care and landscape maintenance. Maintenance shall be performed in accordance with any special instructions or procedures necessary for the preservation of the work.
- C. Any evidence of damage, deterioration, vandalism or theft of artworks in the Ashland Public Art Collection shall be immediately reported to the appropriate City Department. City staff shall keep the ~~Committee Commission~~ and Council informed of damage to City property. (Ord. 3003, added, 02/18/2010)

2.29.160 Parks commission

The standards and procedures in this article are in addition to, not in derogation of, the Ashland parks commission review responsibilities for projects proposed in city parks. Nothing herein exempts public art projects from compliance with all applicable federal, state, and local laws including, but not limited to, land development regulations and building code compliance. (Ord. 3003, added, 02/18/2010)

2.29.170 Development of guidelines

The ~~Committee~~ **Commission** shall have the ability to establish further guidelines concerning its operations; however, only the criteria and processes of this chapter will be legally binding. (Ord. 3003, added, 02/18/2010)

2.29.180 Creation, funding and use of Ashland public art account

A. *Establishment.* The Council hereby establishes a separate account entitled the Ashland public art account to be reflected in the City budget. All funds donated, appropriated or generated for the purpose of public art acquisition and education shall be deposited in this account and used solely for such purposes, in accordance with this article and other applicable law. Funds generated pursuant to the Commercial Development Fee in lieu established in Chapter 18, as well as the Transient Occupancy Tax Resolution authorized in Chapter [4.24](#), and the Percent for Art dedication in this section shall all be deposited into the Ashland Public Art Account.

B. *Permitted Purposes of Public Art Account.* The public art account shall be used solely for the acquisition, placement, maintenance, and removal of artworks for inclusion in the Ashland Public Art Collection and for art education purposes, such as community outreach presentations and workshops, in accordance with the provisions of this article and other applicable law.

C. *Requirement for Dedication of a Percent for Art.* Any city official or employee who authorizes or appropriates expenditures on behalf of a participating department for a city project shall, to the degree that there are eligible funds, include within the budget for the project a monetary contribution for the public art account equal to one-half percent (0.5%) of the total cost of the project.

1. One-half percent (0.5%) of the total cost of a qualifying city project shall be dedicated to the public art account. Such funds shall be deposited into the public art account by the City official or employee acting on behalf of the participating department no earlier than the time that budgeted funds are encumbered for construction of the City project and no later than final inspection of the completed city project.

2. The participating department shall consider the siting of public art as part of the design and engineering phase of any city project. If costs are incurred by the participating department to comply with this article requirement prior to transfer of the one-half percent (.5%) dedication for the City project to the public art account, the participating department may deduct such costs (not to exceed one-half percent) from the one-half percent (.5%) dedication at the time such funds are transferred.

D. *Restricted Funds.* If funding for a particular city project is subject to legal restrictions that preclude public art as an object for expenditure, the portion of the City project that is funded with the restricted funds shall be exempt from the dedication requirements of this article.

E. *Phased Projects.* As a general rule, where a city project will be constructed in phases, the one-half percent (0.5%) dedication shall be applied to the estimated total cost of each phase of the City project at the time that funds for the phase are appropriated and encumbered. However, nothing in this section prevents the Council from deciding to hold or set aside all or part of the entire dedication from the funds of a particular phase, as the Council deems appropriate. In determining when to hold or set aside the funds for a phased project, the City will consider an overall public art plan for the project to ensure that art is not located on a piecemeal basis with phase construction.

F. Monetary contributions for public art shall be deposited in separate accounts within the public art account if separate accounting is deemed appropriate by the Administrative Services Director (Finance) or is required by law.

G. Monetary contributions or appropriations made other than through the percent for art program shall be deposited in the public art account and may be dedicated to or earmarked for a specific education program or work of art, subject to acceptance by the Council.

H. Disbursements from the public art account shall be made only after authorization of the City Manager (**or their designee**) or the Administrative Services Director (Finance), and shall be made according to this article and other applicable city ordinances, including but not limited to the public contracting code (AMC Chapter [2.50](#)).

I. The Council may adopt by resolution case specific waivers or guidelines for administration of the percent for art program, including case-by-case waivers of the required dedication set forth herein based on the availability of public funds, as well as any other matters not specifically addressed herein and appropriate or necessary to the administration of the program.

SECTION 2. Severability. Each section of this ordinance, and any part thereof, is severable, and if any part of this ordinance is held invalid by a court of competent jurisdiction, the remainder of this ordinance shall remain in full force and effect.

SECTION 3. Codification. Provisions of this Ordinance shall be incorporated in the City Code and the word “ordinance” may be changed to “code”, “article”, “section”, “chapter” or another word, and the sections of this Ordinance may be renumbered, or re-lettered, provided however that any Whereas clauses and boilerplate provisions (i.e. Sections 3-5) need not be codified and the City Recorder is authorized to correct any cross-references and any typographical errors.

The foregoing ordinance was first read by title only in accordance with Article X, Section 2(C) of the City Charter on the _____ day of _____, 2026, and duly PASSED and ADOPTED this _____ day of _____, 2026.

PASSED by the City Council this _____ day of _____, 2026.

ATTEST:

Alissa Kolodzinski, City Recorder

SIGNED and APPROVED this _____ day of _____, 2026.

Tonya Graham, Mayor

Reviewed as to form:

Johan Pietila, City Attorney

ORDINANCE NO. 3284

AN ORDINANCE AMENDING AMC 2.54.010 TO ALIGN WITH PROCUREMENT LIMITS

Annotated to show deletions and additions to the Ashland Municipal Code sections being modified. Deletions are ~~bold lined through~~, and additions are **bold underlined**.

WHEREAS, Article 2. Section 1 of the Ashland City Charter provides:

Powers of the City. The City shall have all powers which the constitutions, statutes, and common law of the United States and of this State expressly or impliedly grant or allow municipalities, as fully as though this Charter specifically enumerated each of those powers, as well as all powers not inconsistent with the foregoing; and, in addition thereto, shall possess all powers hereinafter specifically granted. All the authority thereof shall have perpetual succession.

WHEREAS, the City wishes to more properly align with the authorized limits as set forth in AMC Chapter 2.50.

THE PEOPLE OF THE CITY OF ASHLAND DO ORDAIN AS FOLLOWS:

SECTION 1.

2.54.010 – Disposal of Surplus and Abandoned Property

The City of Ashland ~~Finance Department~~ may transfer, trade, auction or sell surplus or abandoned property to other City departments, political subdivisions, state agencies, ~~or~~ nonprofit organizations, **or to the general public. The disposal of surplus property shall be subject to City signatory authority limits as authorized by the Local Contract Review Board in AMC Chapter 2.50. Disposal should be based on the estimated residual value of the surplus personal property.** However, the disposal of surplus property having residual value of more than \$10,000 shall be subject to ~~signatory authorization by the Local Contract Review Board~~

SECTION 2. Severability. Each section of this ordinance, and any part thereof, is severable, and if any part of this ordinance is held invalid by a court of competent jurisdiction, the remainder of this ordinance shall remain in full force and effect.

SECTION 3. Codification. Provisions of this Ordinance shall be incorporated in the City Code and the word “ordinance” may be changed to “code”, “article”, “section”, “chapter” or another word, and the sections of this Ordinance may be renumbered, or re-lettered, provided however that any Whereas clauses and boilerplate provisions (i.e. Sections 3-5) need not be codified and the City Recorder is authorized to correct any cross-references and any typographical errors.

The foregoing ordinance was first read by title only in accordance with Article X, Section 2(C) of the City Charter on the _____ day of _____, 2026, and duly PASSED and ADOPTED this _____ day of _____, 2026.

PASSED by the City Council this _____ day of _____, 2026.

ATTEST:

Alissa Kolodzinski, City Recorder

SIGNED and APPROVED this _____ day of _____, 2026.

Tonya Graham, Mayor

Reviewed as to form:

Johan Pietila, City Attorney

ORDINANCE NO. 3285

AN ORDINANCE AMENDING AMC 2.62.030 TO PROVIDE FOR A CHAIN OF COMMAND IN THE EVENT OF AN EMERGENCY

Annotated to show deletions and additions to the Ashland Municipal Code sections being modified. Deletions are ~~bold lined through~~, and additions are **bold underlined**.

WHEREAS, Article 2. Section 1 of the Ashland City Charter provides:

Powers of the City. The City shall have all powers which the constitutions, statutes, and common law of the United States and of this State expressly or impliedly grant or allow municipalities, as fully as though this Charter specifically enumerated each of those powers, as well as all powers not inconsistent with the foregoing; and, in addition thereto, shall possess all powers hereinafter specifically granted. All the authority thereof shall have perpetual succession.

WHEREAS, the City wishes to outline a chain of command in the event the City manager was unable to act due to absence or incapacity.

THE PEOPLE OF THE CITY OF ASHLAND DO ORDAIN AS FOLLOWS:

SECTION 1.

2.62.030 – Declaration and Ratification of Emergency.

A. The declaration by the City Manager of a state of emergency shall:

1. State the nature of the emergency.
2. Designate the geographical boundaries of the area subject to the emergency controls.
3. State the duration of time during which the area so designated shall remain an emergency area.
4. State any special regulations imposed as a result of the state of emergency.

B. The ratification by the Council may also authorize additional specific emergency powers for the duration of the emergency period set forth in the declaration.

C. If the City Manager is unable to act due to absence or incapacity, then the duties listed in this chapter shall be performed in the following order of succession:

1. **Deputy City Manager**
2. **Fire Chief**
3. **Police Chief**
4. **Emergency Management Coordinator**
5. **Incident Commander (s)**

SECTION 2. Severability. Each section of this ordinance, and any part thereof, is severable, and if any part of this ordinance is held invalid by a court of competent jurisdiction, the remainder of this ordinance shall remain in full force and effect.

SECTION 3. Codification. Provisions of this Ordinance shall be incorporated in the City Code and the word “ordinance” may be changed to “code”, “article”, “section”, “chapter” or another word, and the sections of this Ordinance may be renumbered, or re-lettered, provided however that any Whereas clauses and boilerplate provisions (i.e. Sections 3-5) need not be codified and the City Recorder is authorized to correct any cross-references and any typographical errors.

The foregoing ordinance was first read by title only in accordance with Article X, Section 2(C) of the City Charter on the _____ day of _____, 2026, and duly PASSED and ADOPTED this _____ day of _____, 2026.

PASSED by the City Council this _____ day of _____, 2026.

ATTEST:

Alissa Kolodzinski, City Recorder

SIGNED and APPROVED this _ day of _____, 2026.

Tonya Graham, Mayor

Reviewed as to form:

Johan Pietila, City Attorney

ORDINANCE NO. 3286

AN ORDINANCE AMENDING 9.08.120 TO PREVENT PROPERTY OWNERS FROM KEEPING HAZARDOUS OR INFESTED TREES

Annotated to show deletions and additions to the Ashland Municipal Code sections being modified. Deletions are ~~bold-lined through~~, and additions are **bold underlined**.

WHEREAS, Article 2. Section 1 of the Ashland City Charter provides:

Powers of the City. The City shall have all powers which the constitutions, statutes, and common law of the United States and of this State expressly or impliedly grant or allow municipalities, as fully as though this Charter specifically enumerated each of those powers, as well as all powers not inconsistent with the foregoing; and, in addition thereto, shall possess all powers hereinafter specifically granted. All the authority thereof shall have perpetual succession.

WHEREAS, the City wishes empower Code Compliance to compel removal of dead trees where they are determined to pose a fire hazard, or compel removal of insect infested trees that will otherwise compromise the health of the urban forest.

THE PEOPLE OF THE CITY OF ASHLAND DO ORDAIN AS FOLLOWS:

SECTION 1.

9.08.120 Trees – Hedges

A. No owner or person in charge of property that abuts upon a street or public sidewalk shall permit trees, bushes, shrubs, or hedges on such property to interfere with street or sidewalk traffic or restricting the usefulness of any public street, sidewalk, sewer, or utility. In addition, it shall be the duty of such owner or person to remove, from any tree on such property, all branches that overhang the sidewalk to a height of not less than eight feet above the sidewalk.

B. No owner or person in charge of property shall allow to stand a dead or decaying tree that is a hazard to the public or to persons or property on or near the property, **or that harbors insects or diseases that constitute a potential threat to other trees within the city.**

C. No owner or person in charge of property shall place or maintain thereon, along a street or public sidewalk, a thorn-bearing hedge or a hedge in excess of four (4) feet in height.

D. Failure of the property owner to remove or trim a tree, bush, shrub or hedge which does not meet the requirements of this section within thirty (30) days of receiving notice thereof from the City is a violation of this section, and the City may then remove or trim the tree, bush, shrub or hedge and assess the costs thereof against the property. In addition, any violation of this section is punishable as provided under AMC [9.08.990](#).

SECTION 2. Severability. Each section of this ordinance, and any part thereof, is severable, and if any part of this ordinance is held invalid by a court of competent jurisdiction, the remainder of this ordinance shall remain in full force and effect.

SECTION 3. Codification. Provisions of this Ordinance shall be incorporated in the City Code and the word “ordinance” may be changed to “code”, “article”, “section”, “chapter” or another word, and the sections of this Ordinance may be renumbered, or re-lettered, provided however that any Whereas clauses and boilerplate provisions (i.e. Sections 3-5) need not be codified and the City Recorder is authorized to correct any cross-references and any typographical errors.

The foregoing ordinance was first read by title only in accordance with Article X, Section 2(C) of the City Charter on the _____ day of _____, 2026, and duly PASSED and ADOPTED this _____ day of _____, 2026.

PASSED by the City Council this _____ day of _____, 2026.

ATTEST:

Alissa Kolodzinski, City Recorder

SIGNED and APPROVED this _____ day of _____, 2026.

Tonya Graham, Mayor

Reviewed as to form:

Johan Pietila, City Attorney

ORDINANCE NO. 3287

AN ORDINANCE AMENDING AND UPDATING CHAPTER 14.12 – ELECTRIC SYSTEM REGULATIONS

Annotated to show deletions and additions to the Ashland Municipal Code sections being modified. Deletions are ~~bold lined through~~, and additions are **bold underlined**.

WHEREAS, Article 2. Section 1 of the Ashland City Charter provides:

Powers of the City. The City shall have all powers which the constitutions, statutes, and common law of the United States and of this State expressly or impliedly grant or allow municipalities, as fully as though this Charter specifically enumerated each of those powers, as well as all powers not inconsistent with the foregoing; and, in addition thereto, shall possess all powers hereinafter specifically granted. All the authority thereof shall have perpetual succession.

WHEREAS, the City wishes to update Chapter 14.12 to align with the requirements set forth in the modern Electric Service Requirements Manual and to provide for tree trimming in hazardous situations.

THE PEOPLE OF THE CITY OF ASHLAND DO ORDAIN AS FOLLOWS:

SECTION 1.

14.12.020 Construction and Temporary Service

There is a charge for temporary service for new construction requiring only a service drop and meter setting, which is as follows:

\$ 75.00 for single-phase service

150.00 for three-phase service

The amount of the charge shall be paid at the time of request for service. Such temporary service, when overhead, must be attached to a secured structure and have the state electrical inspection tag before connection. Where possible, the location of the temporary service should be such that it can be also used with a minimum of alteration for the permanent service. Other temporary service requires a deposit equal to the City's costs.

14.12.030 Permanent Service - Underground

A. It is the policy of the City to encourage the installation of underground distribution and service facilities where practical and economically feasible. The applicant shall make application for underground service with the following exceptions:

1. Any replacement or relocation of a service on a lot when it does not necessitate any increase in the number of existing overhead lines and/or utility poles;
2. Any increase in service size if no additional overhead lines and/or utility poles are required; and
3. Single-family dwellings, when utility poles exist along property lines, except where required in the subdivision title; provided, that a service panel shall be installed to convert to underground utilities at a future date with two inch (2") conduit stubbed out to an accessible area.

4.

B. The City will bear all cost except trenching and backfilling and any required conduit in place which shall be the responsibility of the applicant. The applicant shall sign an appropriate easement to allow the City lines to be underground and for adequate maintenance access. Locations must be approved by the City. **Commercial** All services require conduits.

C. The City will not install more than one service either overhead or underground for the same voltage and phase classification for any one building or group of buildings except as separate services, unless for the convenience of the City or where required by law or local ordinance. Multiple-family dwellings requiring separate metering may have more than one service.

D. All transformers, meters, service wires, fixtures installed by the City at its expense on the customer's premises for the purpose of delivering electric energy to the customer, shall be the property of the City and may be repaired or replaced at any time and removed at the termination of service, and may be used to supply other customers whether or not on the same premises. No rent or other charge shall be made by the customer against the City for placing or maintaining its facilities upon the customer's premises.

E. ~~Residential services above one hundred (100) amperes shall have a two hundred (200) amp meter base. Above two hundred twenty five (225) amperes, services shall have a four hundred (400) amp self-contained meter base with bypasses. Above four hundred (400) amperes, current transformers shall be used. Container or method of supporting current transformers shall be approved by the City and shall include not less than one (1) inch conduit to the meter base. Single phase two hundred (200) amp meters will serve up to fifty (50) KVA and three (3) phases two hundred (200) amp meters will serve up to one hundred (100) KVA except four hundred eighty (480) volts. Contact the City for application and metering requirements for additional information and for three (3) phase or current transformer applications. Meter locations must be outside the building, easily accessible, and convenient for meter reading, and not more than six and one-half (6 1/2) feet or less than five and one-half (5 1/2) feet high. Install no meters behind locked doors or on City poles. Under no circumstances shall the customer, or a representative, construct or install any covering, enclosure, obstruction, or wall siding, which will in any way prevent, or make difficult the removal of the City's electric meter and/or meter locking ring devices. For metering standards, applicants shall refer to the most up-to-date Electric Service Requirements Manual.~~

F. No connection will be made to facilities that do not have the approval of the State Electrical Wiring Inspector or, in the opinion of the City will constitute a hazard. The City adopts the National Electrical Code, National Safety Code and the State of Oregon Bureau of Labor Rules as its rules and regulations, latest editions of each.

The City shall require that any electric meter base installed after April 15, 1975, shall be of the type that can be sealed by the City with a locking meter ring. If any question should arise regarding acceptable types of meter bases, the Director of Electric Utilities shall be consulted.

~~The City shall require all new underground services to have a pull box (enclosure) or transformer cabinet (for current transformer installations). Contact the Director of Electric Utilities for dimensions, applications, and metering requirements. A four hundred (400) amp meter base will not require a ring type meter base, but will require a means for locking with a padlock, and shall be equipped with bypasses.~~

~~The City shall require all new underground services to have a pull box (enclosure) or transformer cabinet (for current transformer installations). Contact the Director of Electric Utilities for dimensions, applications, and metering requirements. A four hundred (400) amp meter base will not require a ring type meter base, but will require a means for locking with a padlock, and shall be equipped with bypasses.~~

14.12.036 Relocation of Services and Facilities

If relocation of service or distribution facilities on or adjacent to customer's premises, including City-owned transformers, is for the convenience of the applicant or the customer, such relocation will be performed by the City at the expense of the applicant or the customer, provided applicant or customer pays in advance a nonrefundable sum equal to the estimated installation cost of the relocated facilities, including operating expense, plus estimated removal cost, less estimated salvage and less depreciation of the facilities to be removed.

14.12.038 Point of Delivery

The "point of delivery," unless otherwise specified by the City, is that location on the customer's building or structure where City's circuit and customer's system are interconnected. Any additional service supplied to the customer at other points of delivery or at a different voltage or phase classification shall be separately metered and billed. City will supply the exterior connection commonly known as "service connection" between City's transformers or lines and the point of delivery. If more than one service is required for delivery of electric power and energy to a customer, then (a) each service connection shall be separately metered and billed, or (b) City may establish the "point of delivery" on its transformer platform or other structure and install one set of metering equipment, in which event all service wires and other facilities beyond the point of delivery shall be installed and owned by customer; provided, however, that when the metering equipment is separated from customer's premises by a street or railroad, City will furnish, own and maintain the necessary overhead service wire over such street or railroad. Should customer require delivery through more than one transformer installation, or shall require service at more than one voltage or phase, each service connection of each voltage and phase will be separately metered and billed unless customer owns all transformation and distribution facilities located beyond City's meter which, in such case, will be located on the primary side of customer's facilities and will constitute the point of delivery.

14.12.040 Service use requirements

- A. No motor shall be allowed to start which causes interference with other customers. Maximum single phase allowable is five (5) HP by special permission, otherwise three (3) HP. Three (3) phase motors twenty (20) HP and larger shall have reduced voltage starting where customers other than the applicant are served from the same transformer bank. Each customer shall review the motor starting requirements of customer's equipment when it may interfere with the customer's own electric service. See Table #1 for other allowable motor starting conditions.
- B. Other devices which cause unusual fluctuation such as X-ray apparatus, hoists, furnaces, electric heat, must be limited to reasonable levels on request of the City.
- C. The customer shall provide circuit protective devices or fuses at customer's service entrance or cable attachment to protect the power company equipment from any faults.
- D. The location of the overhead service, where applicable, shall be on that portion of the building that can be served from the City's facilities at a minimum of cost. Clearances shall be in accordance with the National Electrical Safety Code, latest edition, and in general the point of attachment and line routing shall be not less than twelve (12) feet above the finished grade. Across roadways greater heights are required. Confer with the City staff where there may be unusual circumstances. Additional poles will not be installed to render service at the rear or in an inaccessible point of the building, except at customer's cost. Minimum metal raceway for overhead or underground service entrance shall be two-inch (2") rigid galvanized steel conduit securely fastened and to give a minimum of three feet above inaccessible roofs or other roofs may require additional clearance.
- E. The customer shall provide protective devices for the customer's equipment to protect against single phasing and high and low voltage conditions. Three (3) phase motors shall have protection in all three (3) legs. Wiring facilities on the customer's premises shall be kept at customer's expense.
- F. The City Electric Department may require the customer to provide, at the customer's expense, equipment to reduce the lagging or leading reactive requirements (KVAR) of the customer's equipment so that the ratio of total KW to total KVA (volts times amperes times square root of three (3) for three (3) phase is not less than eighty-five percent (85%), commonly known as power factor. This is not more than sixty percent (60%) reactive power to one hundred percent (100%) true power. The City reserves the right to bill twenty-five cents (25¢) per KVA of excess reactive demand per month if the customer fails to reduce the reactive demand to the limits above.
- G. The customer shall notify the City when adding additional load which may affect the ability of the City to provide adequate service with existing lines and equipment.
- H. The City reserves the right to refuse service to loads of a character that may seriously impair service to any other customers unless the customer agrees to provide, at customer's expense, suitable equipment to reasonably limit such fluctuations, as in the case of hoist or elevator motors, welders, furnaces, compressors and other installations of like character, where the use of electricity is intermittent or subject to violent fluctuations.

14.12.050 Metering and Interruption of Deliveries

- A. If the seal of the City's meter is broken or if the meter, for any cause, does not properly register, the customer shall be liable for an average monthly bill for that period of the year.

- B. The rate schedules of the City are applicable only for service supplied entirely by the City without interconnection with an outside source except that interconnection may be made through a double pole switch where necessary to meet minimum requirements for emergencies.
- C. The City will exercise reasonable diligence and care to furnish continuous and sufficient supply of electricity to its customers and to avoid any shortage or interruption of delivery thereof. It cannot, however, guarantee complete freedom from interruption. The City will not be liable for interruption or shortage or insufficiency of supply, or any loss or damage occasioned thereby if same is the result beyond its reasonable control. The City may suspend service temporarily for repairs but will attempt to give a reasonable notice to the customers as circumstances permit. Such repairs and improvements will be performed as rapidly as may be practical and where reasonable shall be performed at such times as will cause the least inconvenience to the customers.
- D. During times of shortage of supply the City will apportion its available supply of electricity among its customers as directed by the Public Utilities Commission or Federal Power Commission. In the absence of such direction it will apportion the supply in the manner that appears most equitable under conditions then prevailing.
- E. All City meters will be sealed by the City, and it is unlawful for any person, other than an authorized representative of the City to break or tamper with the seal for the purpose of supplying electricity to the premises. When an unauthorized breaking or tampering of the meter seal is discovered, the City shall remove the meter entirely, and shall install a blank in the meter socket. Electric service will not be reinstated until a fee, double the usual reconnect fee, has been paid by the customer. Any customer who damages or causes a City electric meter to malfunction shall be held liable for any expenses incurred by the City to repair or replace said meter, and the bill must be paid in full before service can be restored.
- F. Sub-metering shall be the customer's own responsibility where master meters are installed.
- G. For metering installations on customer premises the City furnishes necessary instrument transformers, test facilities and meters, for the City's billing purposes and tests only.

14.12.060 Meter Testing

- A. *Prior to Installation.* Every meter will be tested before installation and no meter will be placed in service if found to register more than two percent (2%) fast or two percent (2%) slow. New factory meters will not necessarily be tested other than at the factory.
- B. *Customer Request.* A customer may, on notice of not less than one (1) week, require the City to test the meter used to measure customer's requirements. No charge will be made for such a test except:
 - 1. If a customer requests a meter test within six (6) months after installation or more than once per year, a deposit to cover the reasonable cost of the test will be required of the customer in accordance with the following schedule:

a. For each single phase meter	\$10.00
b. Single phase meters with instrument transformers	\$15.00
c. Three Phase meters	\$25.00

d. Three Phase meters with instrument transformers \$30.00

e. The deposit will be returned if the meter is found to register more than four percent (4%) fast. The excess overcharge will be refunded to the customer for the period of twelve (12) months. The customer, or authorized representative, may witness the tests.

C. Nonregistering of meters found more than four percent (4%) slow shall require the City to render an additional billing on an estimated basis for the previous three (3) month period based on the City's experience with the customers of the same class and general characteristics of the customer's operations.

D. When it is found that the error in a meter is due to causes, the date of which can reliably be established, the billing will be computed back to that date; provided, however, that in no case will a bill for undercharge on residential service be rendered for a period exceeding three (3) months.

14.12.080 Electricity - Resale

- A. A customer shall not resell electricity received from the City to any person, except:
1. By special written permission; or
 2. Where the charge is absorbed in the rental for the premises or space occupied, excepting multiple-family units which shall be individually metered pursuant to ORS [456.763](#), and billed by the City.
 3. Should a customer resell electricity otherwise than as provided in the foregoing paragraphs, the City may either discontinue service to such customer or supply electricity directly to the sub-customer as the City may elect.

14.12.090 General Provisions

A. No one, but duly authorized employees of the City, is allowed to run any service wires on City poles or make any connection with City wires on City poles or underground or make any connection with City wires on service side of meter and all unauthorized persons are warned that they are liable for such connections under Section 164.365 [Felony - Criminal Mischief] Oregon Revised Statutes.

B. No connections, disconnect or repairs to electric service will be made other than during regular working hours, unless life or property is endangered, as specified by the state laws of Oregon governing municipalities in the hours allowed for working employees. Orders for connecting and disconnecting services received in the forenoon will be connected in the afternoon of the same day and orders received in the afternoon will be performed in the forenoon of the next regular working day, where possible.

C. The City shall have the right to refuse or discontinue electric service to a customer if any part of customer's wiring or equipment or the use thereof is found unsafe by the City or in violation of applicable laws, ordinances, rules or regulations of public authorities until it has been put in a safe condition or the violation remedied. The City does not assume the duty of

inspecting or repairing the customer's lines or appliances or apparatus or any part thereof and assumes no liability therefore.

D. The City will not be responsible for transmission and delivery of electric energy through the customer's wiring and equipment regardless of the place where such energy may be transformed or metered and will not be responsible for the same or for any loss or damage occasioned thereby whether to the customer or their person or otherwise or at all.

E. The City shall at all times have the right to ingress to and egress from a customer's premises, at all reasonable hours, for purposes connected with the furnishing of electric energy and the exercise of any and all rights secured to it by law or these rules.

F. It is the general policy of the City and the Electric Department to operate the electric system and conform to the general policies of other utilities in the immediate general areas. Unanswered questions or situations may be resolved by using other utility rules as guidelines.

G. The City ~~may request permission to~~ **will** trim trees on private property if such trees, in the judgment of the City, create a hazard to electric service lines on the same or adjacent properties. ~~In the event such permission is refused, the property owner refusing permission shall be liable for all damages and costs that may result there from.~~

H. The City Council may, from time to time, make additional rules and regulations for electric service and set fees for energy sold and for services rendered. The staff is authorized to recover amounts equal to costs plus overhead for damages and unusual situations not covered specifically by these regulations.

14.12.092 Location of Electric Meters

In conjunction with the construction of new residential structures, electric meter bases shall be installed on the side of the structure, nearest the City's service point and nearest the front of the structure as practicable, unless an alternate location is approved by the Director of Electric Utilities. On corner lots, the meter base may be located on the rear of the structure, nearest the City's service point and nearest the side street as practicable. **Questions regarding meter locations can be addressed by either consulting the Electric Service Requirements Manual or by contacting the Ashland Electric Department.**

14.12.095 Penalties

Any person who violates any provision of this Chapter is subject to Section [1.08.020](#) of the Ashland Municipal Code. In addition to other legal and equitable remedies available to the City of Ashland, including restriction or termination of service:

Violation of any section of this chapter AMC [14.12](#) is a Class I violation.

SECTION 2. Severability. Each section of this ordinance, and any part thereof, is severable, and if any part of this ordinance is held invalid by a court of competent jurisdiction, the remainder of this ordinance shall remain in full force and effect.

SECTION 3. Codification. Provisions of this Ordinance shall be incorporated in the City Code and the word "ordinance" may be changed to "code", "article", "section", "chapter" or another

word, and the sections of this Ordinance may be renumbered, or re-lettered, provided however that any Whereas clauses and boilerplate provisions (i.e. Sections 3-5) need not be codified and the City Recorder is authorized to correct any cross-references and any typographical errors.

The foregoing ordinance was first read by title only in accordance with Article X, Section 2(C) of the City Charter on the _____ day of _____, 2026, and duly PASSED and ADOPTED this _____ day of _____, 2026.

PASSED by the City Council this _____ day of _____, 2026.

ATTEST:

Alissa Kolodzinski, City Recorder

SIGNED and APPROVED this _____ day of _____, 2026.

Tonya Graham, Mayor

Reviewed as to form:

Johan Pietila, City Attorney

ORDINANCE NO. 3288

AN ORDINANCE CREATING 15.04.270 TO PROHIBIT PERMITS WHEN CODE VIOLATIONS ARE OUTSTANDING

Annotated to show deletions and additions to the Ashland Municipal Code sections being modified. Deletions are ~~bold-lined through~~, and additions are **bold underlined**.

WHEREAS, Article 2. Section 1 of the Ashland City Charter provides:

Powers of the City. The City shall have all powers which the constitutions, statutes, and common law of the United States and of this State expressly or impliedly grant or allow municipalities, as fully as though this Charter specifically enumerated each of those powers, as well as all powers not inconsistent with the foregoing; and, in addition thereto, shall possess all powers hereinafter specifically granted. All the authority thereof shall have perpetual succession.

WHEREAS, in order to incentivize compliance for outstanding code violations when a project is ongoing and to reduce hazards associated with that project, the City wishes to provide a mechanism to delay permits until previous violations are resolved.

THE PEOPLE OF THE CITY OF ASHLAND DO ORDAIN AS FOLLOWS:

SECTION 1.

15.04.270 - Permit Issuance Prohibited When Violations Are Outstanding

A. No building permit shall be issued for any property with an active code compliance case or outstanding violation of the Ashland Municipal Code, except for permits that are solely and directly necessary to correct that violation.

B. For purposes of this section, an “active code compliance case” includes any notice of violation, citation, or enforcement action issued pursuant to Title 15 (Buildings and Construction) or Title 18 (Land Use).

C. The Building Official may authorize issuance of a permit when necessary to abate hazardous or unsafe conditions, or when the permit is required to achieve full compliance with applicable provisions of the Ashland Municipal Code.

D. No other construction, building, mechanical, electrical, or plumbing permits shall be issued until the violation has been corrected to the satisfaction of the City and the associated enforcement case has been closed.

SECTION 2. Severability. Each section of this ordinance, and any part thereof, is severable, and if any part of this ordinance is held invalid by a court of competent jurisdiction, the remainder of this ordinance shall remain in full force and effect.

SECTION 3. Codification. Provisions of this Ordinance shall be incorporated in the City Code and the word “ordinance” may be changed to “code”, “article”, “section”, “chapter” or another word, and the sections of this Ordinance may be renumbered, or re-lettered, provided however that any Whereas clauses and boilerplate provisions (i.e. Sections 3-5) need not be codified and the City Recorder is authorized to correct any cross-references and any typographical errors.

The foregoing ordinance was first read by title only in accordance with Article X, Section 2(C) of the City Charter on the _____ day of _____, 2026, and duly PASSED and ADOPTED this _____ day of _____, 2026.

PASSED by the City Council this _____ day of _____, 2026.

ATTEST:

Alissa Kolodzinski, City Recorder

SIGNED and APPROVED this _____ day of _____, 2026.

Tonya Graham, Mayor

Reviewed as to form:

Johan Pietila, City Attorney

ORDINANCE NO. 3289

AN ORDINANCE UPDATING 15.36.030 TO CORRECT FOR THE PROPER DEPARTMENT THAT ASSIGNS FRONTAGE

Annotated to show deletions and additions to the Ashland Municipal Code sections being modified. Deletions are ~~bold lined through~~, and additions are **bold underlined**.

WHEREAS, Article 2. Section 1 of the Ashland City Charter provides:

Powers of the City. The City shall have all powers which the constitutions, statutes, and common law of the United States and of this State expressly or impliedly grant or allow municipalities, as fully as though this Charter specifically enumerated each of those powers, as well as all powers not inconsistent with the foregoing; and, in addition thereto, shall possess all powers hereinafter specifically granted. All the authority thereof shall have perpetual succession.

WHEREAS, the City Recorder no longer assigns the numbers as is outlined in this section. The City wishes to change the dedication to be a task that can be more generally applied.

THE PEOPLE OF THE CITY OF ASHLAND DO ORDAIN AS FOLLOWS:

SECTION 1.

15.36.030 – Frontage Allowed

A. Twelve and one-half (12 1/2) feet frontage of all lots shall be allowed for each number only on such streets where so specified. The City ~~Recorder~~ shall assign the numbers on either side of the street as designated on the official map of the City, the consecutive even and uneven numbers being opposite each other as far as practicable, and shall furnish information on application of the number controlled by each lot.

B. Said numbers shall be at least four (4) inches high with a minimum stroke width of one-half (1/2) inch.

SECTION 2. Severability. Each section of this ordinance, and any part thereof, is severable, and if any part of this ordinance is held invalid by a court of competent jurisdiction, the remainder of this ordinance shall remain in full force and effect.

SECTION 3. Codification. Provisions of this Ordinance shall be incorporated in the City Code and the word “ordinance” may be changed to “code”, “article”, “section”, “chapter” or another word, and the sections of this Ordinance may be renumbered, or re-lettered, provided however that any Whereas clauses and boilerplate provisions (i.e. Sections 3-5) need not be codified and the City Recorder is authorized to correct any cross-references and any typographical errors.

The foregoing ordinance was first read by title only in accordance with Article X, Section 2(C) of the City Charter on the _____ day of _____, 2026, and duly PASSED and ADOPTED this _____ day of _____, 2026.

PASSED by the City Council this _____ day of _____, 2026.

ATTEST:

Alissa Kolodzinski, City Recorder

SIGNED and APPROVED this _____ day of _____, 2026.

Tonya Graham, Mayor

Reviewed as to form:

Johan Pietila, City Attorney

ORDINANCE NO. 3290

AN ORDINANCE AMENDING 9.08.170(3) –TO CREATE CERTAIN EXEMPTIONS FOR HEAT PUMPS OR MECHANICAL DEVICES FROM NOISE REGULATION

Annotated to show deletions and additions to the Ashland Municipal Code sections being modified. Deletions are ~~bold-lined-through~~, and additions are **bold underlined**.

WHEREAS, Article 2. Section 1 of the Ashland City Charter provides:

Powers of the City. The City shall have all powers which the constitutions, statutes, and common law of the United States and of this State expressly or impliedly grant or allow municipalities, as fully as though this Charter specifically enumerated each of those powers, as well as all powers not inconsistent with the foregoing; and, in addition thereto, shall possess all powers hereinafter specifically granted. All the authority thereof shall have perpetual succession.

WHEREAS, the City recognizes that in urban neighborhoods with small lots, homes are often in very close proximity to one another. Residential heat pumps and air conditioning units are not generally manufactured to meet the decibel limits in the noise ordinance, and compliance is often impractical or impossible. Since residential climate control is essential during both summer heat and winter cold, this amendment is intended to exempt residential heat pumps and air conditioners from noise regulations for the duration of their typical 25-year operating life, provided they were installed under a building permit, inspected, and continue to operate as designed.

THE PEOPLE OF THE CITY OF ASHLAND DO ORDAIN AS FOLLOWS:

SECTION 1.

9.08.170 - Unnecessary Noise

3. Heat Pumps or Mechanical Devices.

a. No person shall operate a commercial or residential heat pump, air-conditioning unit, or similar mechanical device if noise levels from its operation exceed forty-five (45) dBA from the closest property line of a residential property on an adjacent parcel of land characterized as a noise sensitive area.

b. No person shall operate a commercial or residential heat pump, air-conditioning unit, or similar mechanical device that was installed prior to 1981 if noise levels from its operation exceed fifty (50) dBA from the closest property line of a residential property on an adjacent parcel of land characterized as a noise sensitive area.

c. Residential heat pumps or air conditioners that were installed under a building permit and within their 25-year operating life are exempt from this section.

~~e.~~ **d.** Heat pumps or mechanical devices are a Class II violation.

SECTION 2. Severability. Each section of this ordinance, and any part thereof, is severable, and if any part of this ordinance is held invalid by a court of competent jurisdiction, the remainder of this ordinance shall remain in full force and effect.

SECTION 3. Codification. Provisions of this Ordinance shall be incorporated in the City Code and the word “ordinance” may be changed to “code”, “article”, “section”, “chapter” or another word, and the sections of this Ordinance may be renumbered, or re-lettered, provided however that any Whereas clauses and boilerplate provisions (i.e. Sections 3-5) need not be codified and the City Recorder is authorized to correct any cross-references and any typographical errors.

The foregoing ordinance was first read by title only in accordance with Article X, Section 2(C) of the City Charter on the _____ day of _____, 2026, and duly PASSED and ADOPTED this _____ day of _____, 2026.

PASSED by the City Council this _____ day of _____, 2026.

ATTEST:

Alissa Kolodzinski, City Recorder

SIGNED and APPROVED this _____ day of _____, 2026.

Tonya Graham, Mayor

Reviewed as to form:

Johan Pietila, City Attorney

ORDINANCE NO. 3291

AN ORDINANCE AMENDING 13.16.035 TO REQUIRE PROPERTY OWNERS TO REMOVE OR PRUNE DANGEROUS TREES WITHOUT A PERMIT

Annotated to show deletions and additions to the Ashland Municipal Code sections being modified. Deletions are ~~bold-lined through~~, and additions are **bold underlined**.

WHEREAS, Article 2. Section 1 of the Ashland City Charter provides:

Powers of the City. The City shall have all powers which the constitutions, statutes, and common law of the United States and of this State expressly or impliedly grant or allow municipalities, as fully as though this Charter specifically enumerated each of those powers, as well as all powers not inconsistent with the foregoing; and, in addition thereto, shall possess all powers hereinafter specifically granted. All the authority thereof shall have perpetual succession.

WHEREAS, the City wishes to empower Code Compliance and the Streets Division to compel removal of dead trees where the trees pose a fire hazard and to clarify that maintaining required street, sidewalk, and utility clearances for branches is an exempt activity.

THE PEOPLE OF THE CITY OF ASHLAND DO ORDAIN AS FOLLOWS:

SECTION 1.

13.16.035 - ~~Permission~~ **Property owners obligation** to Prune

Property owners are obligated to proactively maintain any vegetation on their property to prevent it from extending into a right of way, causing obstructions. When the City identifies a dead or hazardous tree condition, it will notify the property owner of the necessary action. In these instances, the property owner shall promptly comply without the need for a permit.

~~Except for purposes of removal of dying branches or those which are a hazard to the public, pruning by City crews, or pruning for purposes of maintaining tree health, no tree shall be pruned within any public planting strip or public right-of-way until a permit has been issued by the City Manager or the City Manager's designee.~~

SECTION 2. Severability. Each section of this ordinance, and any part thereof, is severable, and if any part of this ordinance is held invalid by a court of competent jurisdiction, the remainder of this ordinance shall remain in full force and effect.

SECTION 3. Codification. Provisions of this Ordinance shall be incorporated in the City Code and the word "ordinance" may be changed to "code", "article", "section", "chapter" or another word, and the sections of this Ordinance may be renumbered, or re-lettered, provided however

that any Whereas clauses and boilerplate provisions (i.e. Sections 3-5) need not be codified and the City Recorder is authorized to correct any cross-references and any typographical errors.

The foregoing ordinance was first read by title only in accordance with Article X, Section 2(C) of the City Charter on the _____ day of _____, 2026, and duly PASSED and ADOPTED this _____ day of _____, 2026.

PASSED by the City Council this _____ day of _____, 2026.

ATTEST:

Alissa Kolodzinski, City Recorder

SIGNED and APPROVED this _____ day of _____, 2026.

Tonya Graham, Mayor

Reviewed as to form:

Johan Pietila, City Attorney

ORDINANCE NO. 3292

AN ORDINANCE AMENDING AMC CHAPTER 6.50 TO REFLECT MARIJUANA RETAIL REGULATIONS

Annotated to show deletions and additions to the Ashland Municipal Code sections being modified. Deletions are ~~bold-lined-through~~, and additions are **bold underlined**.

WHEREAS, Article 2. Section 1 of the Ashland City Charter provides:

Powers of the City. The City shall have all powers which the constitutions, statutes, and common law of the United States and of this State expressly or impliedly grant or allow municipalities, as fully as though this Charter specifically enumerated each of those powers, as well as all powers not inconsistent with the foregoing; and, in addition thereto, shall possess all powers hereinafter specifically granted. All the authority thereof shall have perpetual succession.

THE PEOPLE OF THE CITY OF ASHLAND DO ORDAIN AS FOLLOWS:

SECTION 1. Chapter 6.50 ~~MEDICAL~~ MARIJUANA DISPENSARIES **RETAILER**

6.50.010 Purpose

The purpose of this chapter is to minimize any adverse public safety and public health impacts that may result from allowing ~~medical~~-marijuana dispensaries **and retailers** in the City by adopting particular time, place and manner requirements and a separate permitting process for such dispensaries. (Ord. 3099, amended, 2014)

6.50.020 Definitions

- A. “Administrator” means the City Manager of the City of Ashland or his/her designee.
- B. “CFR Schedule I or Schedule II” means the controlled substances designated in the Code of Federal Regulations Title 21, Chapter II, Part 1308.
- C. “Company Principal” means a person who is an officer or director of a legal entity or has a controlling interest in the entity, through ownership or control of 10% or more of the stock in the entity or 10% or more of the total membership interest in the entity or 10% or more of the total investment interest in the entity.
- D. “Convicted” means found guilty by verdict or finding entered in a criminal proceeding in a court of competent jurisdiction.
- E. “Dispensary” means a ~~medical~~ marijuana dispensary, **and or marijuana retailer, licensed by the Oregon Liquor and Cannabis Commission to sell marijuana items to consumers.**
- F. “Financial Interest” exists when a person, the person’s immediate family, or a legal entity of which the person is a company principal (1) receives or is entitled to receive directly or indirectly any of the benefits of the dispensary; (2) rents or leases real property to the operator for use by the business; (3) rents or leases personal property to the operator for a commercially unreasonable rate; (4) lends or gives money, real property or personal property to the operator for use in the business. For purposes of this section, monies owed to suppliers and contractors for the

reasonable cost of goods and services received do not constitute a financial interest in a dispensary.

G. “Marijuana” means all parts of the plant of the Cannabis Moraceae, whether growing or not, the resin extracted from any part of the plant, and every compound, manufacture, salt, derivative, mixture, or preparation of the plant or its resin, as may be defined by Oregon Revised Statutes as they currently exist or may from time to time be amended. It does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or predation of the mature stalks (except the resin extracted therefrom), fiber, oil, or cake, or the sterilized seed of the plant which is incapable of germination.

~~H. “Medical Marijuana” means all parts of marijuana plants that may be used to treat or alleviate a qualifying patient’s debilitating medical condition or symptoms associated with the patient’s debilitating medical condition.~~

~~I. H. “Medical Marijuana Dispensary” means a medical marijuana facility that is registered by the Oregon Health Authority under ORS 475.300 through 475.346 Chapter 475C and that sells, distributes, transmits, gives, dispenses or otherwise provides medical-marijuana, recreationally or otherwise, to medical-marijuana-qualifying patients consumers.~~

~~J. I. “Medical Marijuana Qualifying Patient” means a registry identification cardholder (person who has been diagnosed by a physician as having a debilitating medical condition) as further defined by ORS 475.302(3) or the designated primary caregiver of the cardholder as defined by ORS 475.302(5).~~

~~K. J. “Minor” means any person under 18 years of age.~~

~~L. K. “Operator” means the person who is the proprietor of a dispensary, whether in the capacity of owner, lessee, sub-lessee, mortgagee in possession, licensee or any other capacity. If the operator is a corporation, the term “operator” also includes each and every member of the corporation’s Board of Directors whose directorship occurs in a period during which the dispensary is in operation. If the operator is a partnership or limited liability company, the term “operator” also includes each and every member thereof whose membership occurs in a period during which the dispensary is in operation.~~

~~M. L. “Person” means natural person, joint venture, joint stock company, partnership, association, club, company, corporation, business, trust, organization, or any group or combination acting as a unit, including the United States of America, the State of Oregon and any political subdivision thereof, or the manager, lessee, agent, servant, officer or employee of any of them.~~

~~N. M. “Premises” means a location registered by the State of Oregon as a Marijuana Dispensary marijuana dispensary and includes all areas at the location that are used in the business operated at the location, including offices, kitchens, restrooms, storerooms, and including all public and private areas where individuals are permitted to be present. (Ord. 3192 § 81, amended, 11/17/2020; Ord. 3099, amended, 2014)~~

6.50.030 Annual Permit Required

The operator of any Marijuana Dispensary ~~medical-marijuana-dispensary~~ in the City must possess a valid annual Marijuana Dispensary ~~medical-marijuana-dispensary~~ permit issued under this chapter and must comply with the requirements of any other state or local law or regulation. The permit terms shall be for a fiscal year, beginning July 1 and ending June 30 of the next year. (Ord. 3099, amended, 2014)

6.50.040 Initial Permit Application and Fee

A. Application forms for Marijuana Dispensary ~~medical-marijuana-dispensary~~ permits will be available at City offices. Applications for initial and Marijuana Dispensary ~~medical-marijuana-dispensary~~ permits must be submitted to the City and must be signed under penalty of perjury. The application documents must include at least the following:

1. The location of the proposed facility.
2. The true names and addresses and any aliases of the persons that have, or have had within the preceding year, a financial interest in the dispensary.
3. A detailed description of the type, nature and extent of the enterprise to be conducted at the proposed facility.
4. A detailed description of the proposed accounting and inventory systems for the dispensary.
5. Certification that the proposed dispensary is registered as an Oregon ~~medical~~ marijuana facility pursuant to ORS ~~475.300 to 475.346~~ 475C and is licensed to conduct business in compliance with Chapter 6.04 of the Ashland Municipal Code.
6. Certification that the proposed dispensary has met all applicable requirements in Title 18 Land Use of the Ashland Municipal Code.
7. Certification that all current fees and taxes owed have been paid.

B. At the time of submission of an initial dispensary permit application, the applicant must pay a dispensary permit application and investigation fee. The fee amount shall be set by Council resolution. No portion of the dispensary permit fee is refundable in the event operation of the dispensary is discontinued for any reason.

C. A separate permit application must be submitted for each proposed dispensary location. (Ord. 3099, amended, 2014)

6.50.050 Permit Termination – Renewal – Fee

A. A dispensary permit terminates automatically on June 30 of each year, unless a permit renewal application is approved.

B. A dispensary permit terminates automatically if federal or state statutes, regulations or guidelines are modified, changed, or interpreted in such a way by state or federal law enforcement officials as to prohibit operation of the dispensary under this ordinance.

C. A permit renewal application shall include information similar in nature to that provided on the permittee's initial permit application and must be submitted to the City prior to expiration of the permit.

D. At the time of submission of a dispensary permit renewal application, the permittee must pay a dispensary permit renewal application and investigation fee. The fee amount shall be set by Council resolution. (Ord. 3099, amended, 2014)

6.50.060 Permit Conditions

Any Marijuana Dispensary ~~medical-marijuana-dispensary~~ must comply with the following requirements, in addition to any other state or local requirements:

- A. The dispensary must have a current City business license.
- B. The dispensary must meet applicable land-use, building and fire codes.
- C. The dispensary must not manufacture or produce any extracts, oils, resins or similar derivatives of marijuana on-site and must not use open flames in the preparation of any products.

D. Marijuana and tobacco products must not be smoked, ingested or otherwise consumed on the premises of the dispensary.

E. Operating hours for retail sales ~~to Medical Marijuana Qualifying Patients~~ must be no earlier than ~~9:00 a.m.~~ **8:00 a.m.** or later than ~~7:00 p.m.~~ **10:00 p.m.** on the same day.

F. The dispensary must utilize an air filtration and ventilation system which, to the greatest extent feasible, confines all objectionable odors associated with the dispensary to the premises. For the purposes of this provision, the standard for judging “objectionable odors” shall be that of an average, reasonable person with ordinary sensibilities after taking into consideration the character of the neighborhood in which the odor is made and the odor is detected.

G. The dispensary must not be co-located on the same property or within the same building with any marijuana social club or smoking club.

H. No minor is allowed on the premises unless the minor is a ~~medical-marijuana~~ **Medical Marijuana Qualifying Patient** cardholder ~~authorized by the State of Oregon~~ and is accompanied by a parent or guardian ~~whose for the purpose is to procure of obtaining the~~ minor’s medicine. ~~No minor is allowed to enter the~~ **Minors are prohibited from entering any area** of the facility where ~~medical-marijuana~~ **products are** ~~is~~ present.

I. A person who has been convicted in any state for the manufacture or delivery of a controlled substance listed in CFR Schedule I or Schedule II once or more in the previous five years or twice or more in the person’s lifetime may not be an operator or employee of a dispensary proposed or operating in the City or have a financial interest in a dispensary in the City.

J. The ~~D~~dispensary must have an accounting system specifically designed for enterprises reliant on transactions conducted primarily in cash and sufficient to maintain detailed, auditable financial records. If the Administrator finds the books and records of the operator are deficient in any way or if the operator’s accounting system is not auditable, the operator must modify the dispensary’s accounting system to meet the requirements of the Administrator.

K. Every dispensary must keep and preserve, in an accounting format established by the Administrator, records of all sales made by the dispensary and such other books or accounts as may be required by the Administrator. Each dispensary operator must keep and preserve for a period of at least three (3) years records containing at least the following information:

1. True names and any aliases of any operator of the dispensary, as that term is defined in Section 6.50.020.N of this chapter;
2. True names and addresses and any aliases of persons that have, or have had within the preceding year, a financial interest in the dispensary; and
3. The Administrator may require additional information as he or she deems necessary.

L. Each dispensary must display its current permit inside the dispensary in a prominent place easily visible to persons conducting business in the dispensary.

M. Sales or any other transfers of marijuana products on the dispensary premises must occur inside the dispensary building and must be conducted only between the dispensary ~~and Medical Marijuana Qualifying Patients.~~ **and individuals authorized to purchase marijuana products under state law.** (Ord. 3099, amended, 2014)

6.50.070 Examination of Books, Records and Premises

A. To determine compliance with the requirements of this chapter; Title 18 Land Use of the Ashland Municipal Code; and any local tax measures, the Administrator may examine or cause to be examined by an agent or representative designated by the Administrator, at any reasonable time, the premises of the dispensary, including wastewater from the dispensary, and any and all

dispensary financial, operational and facility information, including books, papers, payroll reports and state and federal income tax returns. Every permittee is directed and required to furnish to the Administrator the means, facilities and opportunity for making such examinations and investigations.

B. As part of investigation of a crime which law enforcement officials reasonably suspect has taken place on the premises, Ashland Police shall be allowed to view surveillance videotapes at any reasonable time. (Ord. 3099, amended, 2014)

6.50.080 Administrative and Other Remedies for Noncompliance, Administrative Appeals, and Penalties

A. The Administrator may deny, suspend, or revoke a dispensary permit for failure to comply with this chapter or rules adopted under this chapter, for submitting falsified information to the City for the Oregon Health Authority, or for noncompliance with any other City ordinances.

1. Any suspension or revocation pursuant to this section shall be in writing, setting forth the reasons therefore, and giving the permittee written notice by first-class United States Mail at least five days prior to effective date of the revocation or suspension.

2. A decision to deny, suspend, or revoke a dispensary permit may be appealed as provided in AMC 2.30. The findings of the hearings officer shall be final and conclusive, and shall be served upon the appellant in the manner prescribed for service of notice of hearing.

B. In addition to the remedies of suspension and revocation, failure to comply with the requirements of this chapter may be prosecuted as a Class I violation, punishable as provided in AMC 1.08.020 through 1.08.030.

C. In addition to the remedies of suspension and revocation, submitting false or fraudulent information to the City may be prosecuted as a Class C misdemeanor, subject to AMC 1.08.

D. The remedies provided in this section are not exclusive and shall not prevent the City from exercising any other remedy available under the law, nor shall the provisions of this chapter prohibit or restrict the City or other appropriate prosecutor from pursuing criminal charges under state law or City ordinance. (Ord. 3099, amended, 2014)

6.50.090 Confidentiality

Except as otherwise required by law, it shall be unlawful for the City, any officer, employee or agent to divulge, release or make known in any manner any financial or employee information submitted or disclosed to the City under the terms of this chapter. Nothing in this section shall prohibit:

A. The disclosure of the names and addresses of any operator or provider of equity or debt financing for a dispensary; or

B. The disclosure of general statistics in a form which would prevent identification of financial information regarding a dispensary operator; or

C. The presentation of evidence to a court, or other tribunal having jurisdiction in the prosecution of any criminal or civil claim by the City under this chapter; or

D. The disclosure of information when such disclosure of conditionally exempt information is ordered under public records law procedures. (Ord. 3099, amended, 2014)

SECTION 5. Severability. Each section of this ordinance, and any part thereof, is severable, and if any part of this ordinance is held invalid by a court of competent jurisdiction, the remainder of this ordinance shall remain in full force and effect.

SECTION 6. Codification. Provisions of this Ordinance shall be incorporated in the City Code and the word “ordinance” may be changed to “code”, “article”, “section”, “chapter” or another word, and the sections of this Ordinance may be renumbered, or re-lettered, provided however that any Whereas clauses and boilerplate provisions (i.e. Sections 3-5) need not be codified and the City Recorder is authorized to correct any cross-references and any typographical errors.

The foregoing ordinance was first read by title only in accordance with Article X, Section 2(C) of the City Charter on the _____ day of _____, 2025, and duly PASSED and ADOPTED this _____ day of _____, 2025.

PASSED by the City Council this _____ day of _____, 2025.

ATTEST:

Alissa Kolodzinski, City Recorder

SIGNED and APPROVED this _____ day of _____, 2025.

Tonya Graham, Mayor

Reviewed as to form:

Johan Pietila, City Attorney

ORDINANCE NO. 3293

AN ORDINANCE AMENDING 9.08.170.D.2 TO REFER TO 9.16.070 FOR DOG NUISANCE MATTERS

Annotated to show deletions and additions to the Ashland Municipal Code sections being modified. Deletions are ~~bold-lined through~~, and additions are **bold underlined**.

WHEREAS, Article 2. Section 1 of the Ashland City Charter provides:

Powers of the City. The City shall have all powers which the constitutions, statutes, and common law of the United States and of this State expressly or impliedly grant or allow municipalities, as fully as though this Charter specifically enumerated each of those powers, as well as all powers not inconsistent with the foregoing; and, in addition thereto, shall possess all powers hereinafter specifically granted. All the authority thereof shall have perpetual succession.

WHEREAS, the City wishes to address dog nuisance matters in one section of the Ashland Municipal Code.

THE PEOPLE OF THE CITY OF ASHLAND DO ORDAIN AS FOLLOWS:

SECTION 1. 9.08.170(D)(2) Unnecessary Noise

D. *Noises Prohibited.* The following acts are declared to be per se violations of this chapter. This enumeration does not constitute an exclusive list:

2. *Animals and Birds.* Unreasonably loud and raucous noise emitted by an animal or bird for which a person is responsible. A person is responsible for an animal if the person owns, controls or otherwise cares for the animal or bird. **Public nuisance matters related to dogs and dog noise shall be first addressed under AMC Chapter 9.16.070.**

SECTION 2. Severability. Each section of this ordinance, and any part thereof, is severable, and if any part of this ordinance is held invalid by a court of competent jurisdiction, the remainder of this ordinance shall remain in full force and effect.

SECTION 3. Codification. Provisions of this Ordinance shall be incorporated in the City Code and the word “ordinance” may be changed to “code”, “article”, “section”, “chapter” or another word, and the sections of this Ordinance may be renumbered, or re-lettered, provided however that any Whereas clauses and boilerplate provisions (i.e. Sections 3-5) need not be codified and the City Recorder is authorized to correct any cross-references and any typographical errors.

The foregoing ordinance was first read by title only in accordance with Article X, Section 2(C) of the City Charter on the _____ day of _____, 2026, and duly PASSED and ADOPTED this _____ day of _____, 2026.

PASSED by the City Council this _____ day of _____, 2026.

ATTEST:

Alissa Kolodzinski, City Recorder

SIGNED and APPROVED this _____ day of _____, 2026.

Tonya Graham, Mayor

Reviewed as to form:

Carmel Zahran, Assistant City Attorney

ORDINANCE NO. 3294

AN ORDINANCE AMENDING 9.16.070 TO DISTINGUISH BETWEEN DAYTIME VERSUS NIGHTTIME DOG NOISE

Annotated to show deletions and additions to the Ashland Municipal Code sections being modified. Deletions are ~~bold lined through~~, and additions are **bold underlined**.

WHEREAS, Article 2. Section 1 of the Ashland City Charter provides:

Powers of the City. The City shall have all powers which the constitutions, statutes, and common law of the United States and of this State expressly or impliedly grant or allow municipalities, as fully as though this Charter specifically enumerated each of those powers, as well as all powers not inconsistent with the foregoing; and, in addition thereto, shall possess all powers hereinafter specifically granted. All the authority thereof shall have perpetual succession.

THE PEOPLE OF THE CITY OF ASHLAND DO ORDAIN AS FOLLOWS:

SECTION 1. 9.16.070 Public Nuisance

A. The following behavior by an dog or wolf-dog hybrid within the City limits of Ashland constitutes an unlawful public nuisance:

1. A dog repeatedly runs at large;
2. A dog bites a person or another domestic animal;
3. A dog menaces a pedestrian or passerby;
4. A dog repeatedly chases vehicles or persons;
5. A dog damages or destroys property of persons other than the owners or keepers of the dog;
6. A dog repeatedly scatters garbage;
7. A dog repeatedly trespasses on private property of persons other than the keeper of the dog;
8. **As applied to the daytime hours of 7:00a.m. to 10:00p.m., a** ~~A~~ dog excessively makes disturbing noises, including, but not limited to continued and repeated howling, barking, whining for more than ten (10) minutes or intermittent barking for more than thirty (30) minutes in a sixty (60) minutes period, causing unreasonable annoyance, disturbance, or discomfort to neighbors or others in close proximity to the property of the keeper. If the barking is caused by the continued presence of a cat or the presence of predators such as coyotes, or deer, or other wildlife or by a person intentionally taunting the dog, then the dog is not a public nuisance;

9. A dog obstructs City sidewalk;

B.— 10. It is unlawful for any keeper of a dog to permit such dog to be a public nuisance as described in 9.16.070A 1-9 and is a Class IV violation

B. It is unlawful for a dog to excessively whine, bark, howl, or emit any similar noise in a residential area between the hours of 10 p.m. and 7 a.m. in a manner that unreasonably disturbs the quiet, comfort, or repose of reasonable persons of ordinary sensitivities. Such behavior constitutes a public nuisance and shall be classified as a Class 1 violation under AMC 9.08.990.

SECTION 2. Severability. Each section of this ordinance, and any part thereof, is severable, and if any part of this ordinance is held invalid by a court of competent jurisdiction, the remainder of this ordinance shall remain in full force and effect.

SECTION 3. Codification. Provisions of this Ordinance shall be incorporated in the City Code and the word “ordinance” may be changed to “code”, “article”, “section”, “chapter” or another word, and the sections of this Ordinance may be renumbered, or re-lettered, provided however that any Whereas clauses and boilerplate provisions (i.e. Sections 3-5) need not be codified and the City Recorder is authorized to correct any cross-references and any typographical errors.

The foregoing ordinance was first read by title only in accordance with Article X, Section 2(C) of the City Charter on the _____ day of _____, 2026, and duly PASSED and ADOPTED this _____ day of _____, 2026.

PASSED by the City Council this _____ day of _____, 2026.

ATTEST:

Alissa Kolodzinski, City Recorder

SIGNED and APPROVED this _____ day of _____, 2026.

Tonya Graham, Mayor

Reviewed as to form:

Carmel Zahran, Assistant City Attorney

ORDINANCE NO. 3294

Page 2 of 2



Council Business Meeting

Date: February 3, 2026

Agenda Item	First Reading of Ordinance 3282 Creating Section 2.55 of the Ashland Municipal Code: Disposal of Real Property
Department	Legal
From	Johan Pietila, City Attorney, Carmel Zahran, Assistant City Attorney

TIME ESTIMATE

15 minutes

CATEGORY

Action Needed - Motion to approve an action

SUMMARY

During the January 20, 2026 council meeting, council chose the “**legal**” version of ordinance 3282 and approved first reading. This is the second reading of the ordinance.

There are two Oregon Revised Statutes that address the sale of real property by governmental entities: Chapter 221 applies specifically to Oregon cities, while Chapter 271 applies to all governmental entities. Navigating these two chapters together is not intuitive. To ensure the City complies with legal requirements for real property disposal, the legal department consolidated the relevant provisions of these statutes into this proposed ordinance. In the code, it would follow the chapter designated to the disposal of personal property.

A second purpose of the ordinance is to promote administrative efficiency; instead of having to consult lengthy statutes every time the City wishes to dispose of properties, staff, the community, and the City Council may refer to this ordinance instead. A third over-arching goal of the ordinance is to promote transparency in the sale of public land—a topic that often gathers significant public interest and that the Council has an interest in avoiding, even if just the appearance of unclear hands. Before any decision is made, a process that lays out steps for real property disposal may help with transparency.

POLICIES, PLANS & GOALS SUPPORTED

To ensure legal compliance in the divestment of real property.

BACKGROUND AND ADDITIONAL INFORMATION

The “**legal**” version incorporates statutory requirements the City must follow, with a few process steps added in that implicitly follow the regular operation of City business. Even then, the department included the “Valuation Factors” in 2.55.030 as non-binding guidance for the Council to consider when property sales are not solely driven by achieving the maximum price. Keep in mind, the Council should only sell property when it is “necessary or convenient”, the “public interest is furthered”, or the “public interest is furthered.” When a sale is not primarily aimed at achieving the maximum price, these 'Valuation Factors' provide concrete examples, drawn from other tenets the 'public interest,' that may justify a sale where the Council chose not to sell to the highest bidder.

FISCAL IMPACTS

Potential benefit if the City is no longer required to pay for insurance and maintenance costs on properties that no longer serve the public interest.

SUGGESTED ACTIONS, MOTIONS, AND/OR OPTIONS

I move to approve First Reading of 3282, an ordinance creating Section 2.55 of the Ashland Municipal Code: Disposal of Real Property and move it to Second Reading at the next Council meeting.

REFERENCES & ATTACHMENTS

1. 3282 Creating AMC 2.55 Property Disposal



ORDINANCE NO. 3282

AN ORDINANCE CREATING SECTION 2.55 OF THE ASHLAND MUNICIPAL CODE: DISPOSAL OF REAL PROPERTY

Annotated to show deletions and additions to the Ashland Municipal Code sections being modified. Deletions are ~~bold-lined through~~, and additions are **bold underlined**.

WHEREAS, Article 2. Section 1 of the Ashland City Charter provides:

Powers of the City. The City shall have all powers which the constitutions, statutes, and common law of the United States and of this State expressly or impliedly grant or allow municipalities, as fully as though this Charter specifically enumerated each of those powers, as well as all powers not inconsistent with the foregoing; and, in addition thereto, shall possess all powers hereinafter specifically granted. All the authority thereof shall have perpetual succession;

WHEREAS, the City desires to create section 2.55 of the Ashland Municipal Code: Disposal of Real Property;

WHEREAS, the City from time to time owns real property that is no longer needed for public use, or the sale, exchange, conveyance or lease of the real property is necessary or convenient or will otherwise further public interest;

WHEREAS, the City desires to establish clear, transparent, and fair procedures for the evaluation and disposition of such surplus real property, consistent with ORS Chapter 221, ORS Chapter 271, and the Oregon Revised Statutes;

THE PEOPLE OF THE CITY OF ASHLAND DO ORDAIN AS FOLLOWS:

2.55.010 Purpose and Scope.

The purpose of this chapter is to provide procedures and standards for the disposal of real property owned by the City and to ensure that such disposals are conducted in a manner that complies with Oregon State Law, including ORS Chapter 221 and 271.

SALE OF REAL PROPERTY

2.55.020 Sale of Real Property.

1. Except as provided by AMC 2.55.030 (Alternative Sales) and 2.55.040 (Affordable Housing Dispositions) the City Manager, or their designee, shall present any proposal for the sale of any City-owned real property to the City Council at a properly noticed meeting. If the City Council considers it necessary or convenient to sell real property, before any sale occurs, the City must abide by the notice and hearing requirements outlined below. For the purposes of AMC 2.55.030 and 2.55.040, "Sale" includes a lease-

option agreement under which the lessee has the right to buy the leased real property in accordance with the terms specified in the agreement.

The City Council may give further guidance or instructions to staff before initiating a sale, including but not limited to, establishing bidding criteria, retaining a real estate firm, posting notice on the City website.

- a. Notice. The City shall publish a notice of the proposed sale in a newspaper of general circulation in the city. The notice shall be published at least once during the week prior to the public hearing. If such a newspaper does not exist, the City shall publish a notice of the proposed sale in a manner consistent with Public Meetings, and on the City website at least once during the week prior to the public hearing.
 - b. Substance of the Notice. The notice shall provide information regarding the following minimum information, though the City may include additional details at its discretion:
 - i. A description of the property or interest to be sold,
 - ii. The proposed uses for the property,
 - iii. The reasons why the City Council considers it necessary or convenient to sell the property and,
 - iv. The time and place of the public hearing at which the sale of the property will be discussed.
 - c. Public hearing. Not earlier than five days after publication of the notice, the public hearing concerning the sale shall be held at the time and place stated in the notice. The nature of the proposed sale and the general terms thereof, including an appraisal or other evidence of the market value of the property, shall be fully disclosed by the City Council at the public hearing. Any resident of the city shall be given an opportunity to present written or oral testimony at the hearing. Nothing in this section prevents the City Council from holding the hearing at any regular or special meetings of the City Council as part of its regular agenda.
2. City Council Determination: Following the public hearing and consideration of public testimony, the City Council shall determine whether to authorize the proposed sale.

If the City Council provided guidance in initiating a sale, like selling to the highest bidder, the City shall follow through with that process. For sales of real property that do not involve the highest bidder, the City Council may consider the valuation factors listed in Section 3 below.

3. Valuation Factors. In determining property value, the City may consider public interest and community benefits not reflected in market price. The following considerations are a non-exhaustive list that may guide public-use valuation:
- a. The suitability of the property for City or public purposes.
 - b. Allowing for more cohesive development of an area.
 - c. Providing needed commercial development, housing, employment, or recreational opportunities.
 - d. Advancing the City's comprehensive plan.

- e. Increasing the City's tax base.
 - f. Supporting other adopted City priorities.
4. Sale Closing. If the City Council authorizes the sale of City property, the City Manager shall act as the city representative for any closing documentation or negotiations.

2.55.030 Alternative procedure for sale of city-owned real property

1. In addition to or in lieu of AMC 2.55.020, the City Council may, from time to time, adopt a resolution establishing a procedure for the sale of individual parcels of a class of City-owned real properties, or any interest in the properties, under a single program established within the City for the sale of that class of properties. The City manager may thereafter sell any parcel under that adopted procedure in lieu of the other procedures established in this Ordinance and ORS 221.725.

2.55.040 Affordable Housing Dispositions.

1. Applicability. The City may, in accordance with ORS 221.729, sell real property to develop affordable housing. Such dispositions may be made under procedures established by separate City Council resolution, consistent with applicable authorities and required deed restrictions.

TRANSFER, LEASE, DONATION OF REAL PROPERTY

2.55.050 Transfers or lease of real property.

1. Transfer or lease of real property: Subject to the limitations regarding burial grounds and land adjacent to railroads (see ORS 271.310(2) and (3)), if real property is not needed for public use, or whenever the public interest may be furthered, the City Council may sell, exchange, convey, or lease for any period not exceeding 99 years all or any part of the City's interest in the property to a governmental body or private individual or corporation. Consideration for the transfer or lease may include cash, real property, or both. In the event of a sale of real property, the City must follow the provisions set forth in 2.55.020, Sale of Real Property.

Unless the City Council determines that the public interest may be furthered, then real property needed for public use may not be sold, exchanged, conveyed or leased under the authority of ORS 271.300 to 271.360, except that it may be exchanged for property that is of equal or superior useful value for public use. Any such property not immediately needed for public use may be leased if, in the discretion of the governing body having control of the property, the property will not be needed for public use within the period of the lease.

2. Property not needed for public use. Consistent with ORS 271.330, the City Council may relinquish or transfer title to City real property not needed for public use as follows:

- a. If the property is not needed for public use, the City may relinquish title to any government body, providing the property is used for not less than 20 years for a public purpose by the governing body in the State of Oregon.
- b. To a qualifying nonprofit corporation, as defined in ORS 271.330(2)(b)(A), real property for:
 - i. Low-income housing, as defined in ORS 271.330(2)(a)(A).
 - ii. Social services, including education, training, counseling, health and mental health services, and the provision of facilities and administrative services to support such services, as set forth in 271.330(2)(b)(B).
 - iii. Childcare services, including education, training, and the provision of facilities and administrative services to support childcare services, as set forth in ORS 271.330(2)(a)(C).
- c. To a nonprofit, real property for the creation of open space, parks, or natural areas for perpetual public use, subject to a reversionary interest in the favor of the City as described in ORS 271.330(3).
- d. To a nonprofit, municipal or private corporation, real property for the purpose of providing broadband service, subject to a reversionary interest in the favor of the City as described in ORS 271.330(4).

2.55.060 Exchange of Real Property.

1. Authorization. The City Council may authorize the trade or exchange of real property with other governmental entities or with private parties.
2. Equivalent Value. The City may exchange real property only if the value of the real property accepted by the City in exchange for any of its property plus cash, if any, shall not be less than the value of the property relinquished.
3. Property Valuation. The value of the respective properties proposed to be exchanged shall be determined by the City Council. The City Council shall cause it to be appraised by one or more competent and experienced appraisers. The compensation, if any, of the appraisers shall be borne equally by the respective owners of the property. In case the valuation shall not be mutually satisfactory to the respective owners it shall not be binding upon them.

SECTION 2. Severability. Each section of this ordinance, and any part thereof, is severable, and if any part of this ordinance is held invalid by a court of competent jurisdiction, the remainder of this ordinance shall remain in full force and effect.

SECTION 3. Codification. Provisions of this Ordinance shall be incorporated in the City Code and the word “ordinance” may be changed to “code”, “article”, “section”, “chapter” or another word, and the sections of this Ordinance may be renumbered, or re-lettered, provided however that any Whereas clauses and boilerplate provisions (i.e. Sections 3-5) need not be codified and the City Recorder is authorized to correct any cross-references and any typographical errors.

The foregoing ordinance was first read by title only in accordance with Article X, Section 2(C) of the City Charter on the _____ day of _____, 2026, and duly PASSED and ADOPTED this _____ day of _____, 2026.

PASSED by the City Council this _____ day of _____, 2026.

ATTEST:

Alissa Kolodzinski, City Recorder

SIGNED and APPROVED this _____ day of _____, 2026.

Tonya Graham, Mayor

Reviewed as to form:

Carmel Zahran, Assistant City Attorney



City Manager's Report

February Report—2.3.2026

The bimonthly Ashland **City e-Newsletter** brings it all straight to your inbox. Sign-up today at tinyurl.com/CityeNews.

CITY MANAGER'S OFFICE:

- Thank you to all who came out to **Town Hall 2026**. If you missed it, the event was broadcast by RVTV – Watch it on demand [TODAY!](#)
- View the **City's Accomplishments for 2025**, ashlandoregon.gov/accomplishments. And don't miss the [short film](#) that highlights the work of City Staff over the past two years.

BETTER TOGETHER MOMENTS

How **YOUR** City of Ashland has served residents in 2025



 Rebuilt the School Resource Office-Student Relationship	 Installed 50* fire-resistant fiberglass utility poles, replacing wood poles	 New summer concerts with Epic Ashland & Ashland Folk Collective brought thousands to Lithia Park	 Ashland's first Wildfire Evacuation Drill drew over 300 participants
 Award-winning OLLI Finance & General Government Course	 AFN expanded fiber coverage in south Ashland	 Launched a fully digital e-newsletter delivering interactive, timely & frequent updates	 New low-income Utility Discount with no age restriction
 Implemented new software that simplifies the process for Public Record Requests	 Reserved 6 city lots for affordable housing to develop 4 cottages & 2 single-family homes	 Awarded \$150K in grants for local events	 Offered free home energy audits to our residents
 Launched off site improvements for the new Water Treatment Plant project	 Adopted the Community Wildfire Protection Plan & utilized \$250K in grant funding	 Published an Accessory Dwelling Unit (ADU) Guide & offered pre-approved ADU building plans	 Identified a structural issue during a school fire inspection & worked with the district to ensure student and staff safety

- Congratulations to our **2026 Annual Award Winners**:
 - **Debbie Neisewander**, James M. Ragland, "Volunteer Spirit" Community Service Award
 - **Dennis Slattery**, Alan C. Bates, public sector Community Service Award
- Want to make a difference in Ashland? **The City has openings on several Committees**. Apply today and help shape the future of your community! More, including online application, at ashlandoregon.gov/CouncilCommissionsCommittees.
- **Check out the new Major Projects page** on the City website, which highlights current projects the City of Ashland is undertaking. It includes information on the early stages of the **Vision/Strategic Plan** and the **Facilities Master Plan**. More at ashlandoregon.gov/MajorProjects.





City Manager's Report

- The annual, **"If I were Mayor..." contest for Ashland students in grades 4 through 12** is underway. Learn more at ashlandoregon.gov/OMAContest. *The deadline for entries is March 13, 2026.*
 - In early January, about 25 Ashland **Community Emergency Response Team (CERT) volunteers trained on fire extinguisher use at their monthly training session**. See the [Ashland.news article](#).
 - **Get expert visitor marketing help from Travel Ashland!** We're pleased to share a new opportunity designed to support Ashland businesses that help make our community a vibrant destination. **Travel Ashland** is offering **Amplify Ashland**, a strategic marketing program designed to help Ashland-based businesses strengthen their connection to the visitor economy. Four local businesses will be selected for the inaugural cohort. Deadline to apply is February 13, 2026. Learn more at travelashland.com/amplify-ashland.
-

AFN (Ashland Fiber Network):

- **Gigabit internet speeds have arrived** at Grocery Outlet and Market of Choice.
-

COMMUNITY DEVELOPMENT:

- The **Social Service Grant Program and Affordable Housing Trust Fund RFPs** are live. Deadlines to apply are in February 2026.
 - **Proposals** are being accepted through February 20, for the 2026 **Community Development Block Grant Program** to fund projects benefiting low- and moderate-income residents citywide initiatives.
-

ELECTRIC:

- The **Pollution Impact Fee** is live per the ordinance.
 - Free **Home Energy Scores** are now available through May 2026 to Ashland Electric customers. This program can help residents understand energy use, lower utility bills, improve comfort and cut emissions.
-

FINANCE:

- **Apply for a 30% discount** on electric, water and sewer bills for income-qualified households: ashlandoregon.gov/Utilities30.
-

ASHLAND FIRE & RESCUE (AFR):

- **Effective February 1, 2026**, the combined **Ashland Fire & Rescue ground membership** and Mercy Flights air membership option will no longer be available. This change reflects our shared commitment to strengthening each program while continuing to work collaboratively to serve the community. Both memberships remain essential and complementary, ensuring reliable emergency ground and air transport when it matters most. More at ashlandoregon.gov/Fire.
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City Manager's Report

- **Single Roles are back full strength.** Single Roles are exclusively EMS (Emergency Medical Service) providers. They respond to medical calls, which help fill the gaps in AFR's call volume.
-

PARKS & RECREATION:

- In early January, Parks and Recreation once again partnered with Ashland's Boy Scout Troop 112 for the annual **Christmas tree recycling program**. The Boy Scouts operated out of the Ashland Senior Center and Hunter Park, with Parks staff assisting with tree chipping. The resulting wood chips are used on local trails for maintenance and to help reduce mud and ruts.
 - The Ashland Senior Center hosted the **ACCESS Energy Assistance Program** on January 9 and 23, to offer in-person assistance to eligible community members.
 - As of January 2, 2026, **Pioneer Hall is open for reservations**. Rental information can be found on the City Website, ashlandoregon.gov/PioneerHall.
 - The **Ashland Rotary Centennial Ice Rink canopy structure** does not meet current snow load requirements. Our Parks Department is working with engineers to design and implement a solution to reinforce the structure and bring it up to code requirements before the tourist season.
 - The **Winter/Spring PlayGuide** is out in a new all-digital format. You can view the [guide](#) and register for programs on the City of Ashland Website.
 - The Parks Division Manager will be working closely with the Ashland Parks Foundation and Outlier Construction on the **Butler-Perozzi Fountain Project**. Work is scheduled to begin as early as March 2026.
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PUBLIC WORKS:

- After six months of construction, the **Water Treatment Plant Offsite Culvert Replacement Project** is complete, restoring access to popular trailheads and Road 2060. [Learn more](#). **Phase II of the Water Treatment Plant project is currently underway**, with the design team working through final design. Construction is anticipated to begin this winter. Stay abreast of the project at ashlandoregon.gov/WaterPlant.



Ashland City Council Look Ahead 2026

*All items are placeholders subject to Council action and organizational needs. Not all items will appear on the Look Ahead due to timing or scheduling considerations.

DATE	STUDY SESSION – TOPIC/AGENDA ITEMS	BACKGROUND	Requested Council action	DEPARTMENT
February 2	Proposed Charter change for May Election	The proposed language would clarify the qualifications for an elected position	Approval of resolution to submit proposed charter change to the County	CMO
	Proposed Charter change for May Election	The proposed language would update the notice requirements for ordinances to match state law	Approval of resolution to submit proposed charter change to the County	CMO
February 16	President’s Day – Offices Closed	AMC 3.08.080		
March 2	Oregon Department of Fish & Wildlife –Deer population in Ashland	Mathew Vargas- Rogue District Wildlife Biologist coming to discuss the deer in Ashland	listening session, informational only	CMO
	Amigo Club Update	Jay Tapp	listening session, informational only	CMO
March 16	Charter Changes Administrative Clean-ups	Discuss potential changes for the Nov. election	information presented with possible staff direction	Legal /Admin
	Budget Committee/Council reconvening	Council request for budget check-in	listening session, informational only	Finance/CMO
	Wastewater & Stormwater rate increase and stormwater franchise fee development	Presentation on wastewater and storm drain cost of service/rate study	Information presentation by consultant and staff. Future rate adoption (TBD).	PW
April 6				
April 20	Reserve Fund Discussion (tentative)	direction given at Retreat to discuss options for building up the reserve fund and at what cost.		
May 4	Discussion on the Council Budget	Per retreat, discussion of items in the council budget to potentially discontinue		
May 18	Gas Powered Lawn and Garden Equipment	CEPAC recommendation to Council regarding gas powered lawn and garden equipment	Staff Direction	Conservation
June 1				
June 15				

July 6		No Meeting – Summer Break		Per AMC 2.04.020	
July 20		Review of Strategic Plan Draft (tentative)			
August 3					
August 17					
August 31		No Meeting – Summer Break		Per AMC 2.04.020	
September 14					
October 5		CBC/Council meeting mid BN Budget review/ forecasting		Council requested in July of 2025	
October 19					
November 2					
November 16					
November 30					
December 14		Standing Advisory Committee Annual Updates			
		TOPICS TO BE SCHEDULED			
DATE	BUSINESS MEETING – TOPIC/AGENDA ITEMS		BACKGROUND	Requested Council Action	DEPARTMENT
February 11		Joint APRC/Council Meeting (APRC host) Quarterly Financial Report (Oct – Dec 2025)		Council requested joint financial reporting meetings	
February 17		OHRA update		Contract was issued to OHRA for a winter shelter and a follow up was request by Council on 11.18.25	
	Second Reading of Ordinance 3282 Creating Section 2.55 of the Ashland Municipal Code: Disposal of Real Property (tentative)		Depended on outcome of 2.3.26 meeting	Approval of Ordinance	Legal
	Charter Change Ballot Resolutions (tentative)		Depended on outcome of study session on Feb. 2	Approval of Resolution	CMO/Legal
	Resolution for Electric Rates (tentative)		Per staff direction given at the Dec. 17 special meeting	Approval of Resolution	Electric
March 3		Women's History Month Proclamation			

March 17	Budget Transfer from General Fund Contingency for cost overruns	Community Center and Pioneer Hall (Council directive to improve buildings) and Transfer from the Street Fund to SDC Street Fund to recognize revenue for Ashland Street Project	Finance
April 7	Arbor Day/Week Proclamation		
	Public Hearing Imperatrice Property (tentative)		Public Works
	Natural Gas Objectives and Mechanism to achieve policy objectives	Staff direction given at 11.18.25 meeting to prepare an ORD/ ROW agreement for Council direction	Legal/Admin
April 21	Public Hearing Community Development Block Grant (CDBG) Award(s)	2026 Annual CDBG award hearing - https://or-ashland.civicplus.com/DocumentCenter/View/4280/CDBG_2026_RFP	Make final award selections for 2026 CDBG funds
	Affordable Housing Trust Fund grant awards	Biennium budget allocates up to \$200,000 in AHTF grants to eligible projects	Make final award selection(s) for Affordable Housing Trust Funds
	Appoint budget committee members (tentative)		
	Social Service Grant awards	Biennium budget allocates up to \$134,000 in Social Service grants to eligible non-profit organizations	Make final award selection(s) for up to Biennium Social Service Grants
May 5	Joint APRC/Council Meeting (Council host)	Council requested joint financial reporting meetings	
	Quarterly Financial Report (Jan - Mar 2026)		
May 5	Asian American and Pacific Islander Heritage Month Proclamation		
	National Historic Preservation Month Proclamation		
May 19	Building Safety Month Proclamation		
	Miscellaneous Fees		Finance
June 2	Flag Week Proclamation		
	Public Hearing-Levy Property Taxes for FY 27, State Subventions		Finance
June 16	Bee City USA Pollinator Week Proclamation		
July 7	No Meeting - Summer Break	Per AMC 2.04.020	
July 21			
August 4	Hiroshima and Nagasaki Day Proclamation		
	Adoption of Strategic Plan (tentative)		CMO
August 12	Joint APRC/Council Meeting (APRC host)	Council requested joint financial reporting meetings	
	Quarterly Financial Report (April - June 2026)		

August 18				
September 1	No Meeting – Summer Break		Per AMC 2.04.020	
September 15				
October 6	Indigenous Peoples' Day Proclamation			
October 20				
November 3	Joint APRC/Council Meeting (Council host)		Council requested joint financial reporting meetings	
	Quarterly Financial Report (July – Sept 2026)			
November 17				
December 1				
December 15	Advisory Committee Reappointments			
	TOPICS TO BE SCHEDULED			