



AMERICAN LEGAL

Publishing Corporation

September 16, 2019

Rick Hohnbaum
City Administrator
664 Commercial Street
Monroe, OR 97456

Dear Mr. Hohnbaum:

Please find enclosed one copy of the draft manuscript of the Monroe Code of Ordinances. This is the draft manuscript for review purposes. *Please be aware that under the contract, this is the only draft you will receive.*

You will also receive a Legal and Editorial Report in approximately 60 days or more. This report will explain editorial revisions we made to your code, as well as any editorial and legal comments and questions regarding specific code sections. While we encourage you to page through the code and become familiar with it, we suggest postponing an in-depth review until you receive the report, which may answer any questions arising from your cursory review. *Upon receiving the Legal and Editorial Report, you will have 60 days to review the draft before returning everything to us for completion of the first edition.*

The draft is printed on blue paper and for your convenience contains "Parallel Reference Tables" in the back of the draft. This table is very useful in helping to locate source information while reviewing. *An Index to your code will be generated at the final stage of production.*

If any ordinances are adopted during the review period, please send for inclusion in the first edition of your code. It is our goal to help you complete your code on a timely basis. *If you have any questions about the process, or if we can be of any other assistance, please contact our New Code Administrator, Aimee Choi.*

Sincerely,

Cynthia A. Poweleit
Executive Vice President
AMERICAN LEGAL PUBLISHING CORP.

**Material Disposition List
Monroe, Oregon
Draft Code of Ordinances
August 2019**

Review this disposition list carefully. This list contains information regarding ordinance, resolution and miscellaneous material sent to American Legal Publishing (ALP).

If an ordinance, resolution or the like is not listed here, ALP has not received it. If certain applicable material exists that is not listed here, please send the material along with the responses to the legal and/or editorial report and it will be included during the production of the first edition of your code. *Please note, material previously codified, if applicable, is not included herein.*

This list works as a companion to the parallel reference tables located at the back of your draft. For more specific information on locations of ordinances, resolutions and the like included in the code, refer to the parallel reference table. (For example, if an ordinance is listed in this table as being located in Title III, the parallel reference tables will list the section in which the ordinance exists. For example, § 30.01.) The purpose of this list is to confirm the material ALP has received.

NOTES TO TABLES

- NA Not applicable to the draft and/or codified in the draft. This includes material of a temporary or too-specific nature, such as moratoriums, municipal appointments, budgets, bonds, salaries and the like. This also includes material repealed or superseded.
- I Title I, *General Provisions*, of the draft.
- III Title III, *Administration*, of the draft.
- V Title V, *Public Works*, of the draft.
- VII Title VII, *Traffic Code*, of the draft.
- IX Title IX, *General Regulations*, of the draft.
- XI Title XI, *Business Regulations*, of the draft.
- XIII Title XIII, *General Offenses*, of the draft.
- XV Title XV, *Land Usage*, of the draft.
- TSO *Table of Special Ordinances* of the draft. This includes material, such as franchise agreements, real estate transactions, zoning map changes and the like.

<i>Ord. No.</i>	<i>Date Passed</i>	<i>Description</i>	<i>Disposition</i>
2000-236	1-8-2001	Franchise	TSO
2002-09	4-8-2002	Adopting code	NA
2003-001	11-12-2002	Water	V
2003-002	11-12-2002	Sewer	V
05-241	1-10-2005	Repealer	NA
05-245	12-20-2005	Annexation	TSO

Ord. No.	Date Passed	Description	Disposition
06-250	12-19-2006	Sewers	NA
2007-250	4-10-2007	Zoning map	NA
2007-252	7-17-2007	Zoning	NA
08-255	3-4-2008	Processing claims	III
08-256	8-26-2008	Annexation	TSO
08-258	11-25-2008	Traffic regulations	VII
08-259	11-25-2008	State general offenses	XIII
08-257	1-5-2009	Zoning	NA
09-260	11-23-2009	Zoning	NA
10-260	2-22-2010	Development Code	XV
10-261	2-22-2010	Council meetings	III
10-262	3-22-2010	Planning Commission	III
10-263	4-26-2010	Grass	NA
10-264	9-27-2010	Repealer	NA
10-265	12-20-2010	General offenses	NA
10-266	12-20-2010	Penalties general offenses	XIII
11-267	4-25-2011	Flood hazards	XV
11-268	5-23-2011	Flood hazards	XV
11-269	5-23-2011	Grass	NA
11-270	12-19-2011	Court costs	III
12-271	2-27-2012	Land use	XV
2012-272	3-26-2012	Contracting rules	III
2012-273	4-23-2012	Construction	XV
13-273	2-25-2013	Disposal of property	III
2015-001	2-23-2015	Water sewer	V
2015-002	6-22-2015	Smoking	III
16-01	5-23-2016	Grass	IX
17-300	5-22-2017	Zoning	XV
17-400	8-28-2017	Zoning	XV
17-500	10-23-2017	Nuisances	IX
2017-600	11-27-2017	Nuisances	IX
2017-700	11-27-2017	Nuisances	IX

<i>Ord. No.</i>	<i>Date Passed</i>	<i>Description</i>	<i>Disposition</i>
2018-100	2-26-2018	Nuisances	IX
18-400	7-23-2018	Trees	IX
18-500	8-27-2018	Nuisances	IX
18-200	12-17-2018	Development Code	XV
2019-02	6-24-2019	Development Code	XV

CITY OF MONROE, OREGON

CODE OF ORDINANCES

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FOREWORD: MUNICIPAL HOME RULE AMENDMENTS TO THE CONSTITUTION OF OREGON

The Legislative Assembly shall not enact, amend or repeal any charter or act of incorporation for any municipality, city or town. The legal voters of every city and town are hereby granted power to enact and amend their municipal charter, subject to the Constitution and criminal laws of the State of Oregon.

[Article XI, section 2]

The initiative and referendum powers reserved to the people by subsections (2) and (3) of this section are further reserved to the qualified voters of each municipality and district as to all local, special and municipal legislation of every character in or for their municipality or district. The manner of exercising those powers shall be provided by general laws, but cities may provide the manner of exercising those powers as to their municipal legislation. In a city, not more than 15 percent of the qualified voters may be required to propose legislation by the initiative, and not more than 10 percent of the qualified voters may be required to order a referendum of legislation.

[Article IV, section 1(5)]

PREAMBLE

We, the people of Monroe, Oregon, in order to avail ourselves of self-determination in municipal affairs to the fullest extent now or hereafter possible under the constitutions and laws of the United States and the State of Oregon, through this charter confer upon the city the following powers, subject it to the following restrictions, prescribe for it the following procedures and governmental structure, and repeal all previous charter provisions of the city.

CHAPTER I: NAMES AND BOUNDARIES

SECTION 1. TITLE OF CHARTER.

This charter may be referred to as the 2000 Monroe Charter.

SECTION 2. NAME OF CITY.

The City of Monroe, Oregon, continues under this charter to be a municipal corporation with the name City of Monroe.

SECTION 3. BOUNDARIES.

The city includes all territory within its boundaries as they now exist or hereafter are modified pursuant to state law. The custodian of the city's records shall keep an accurate, current description of the boundaries and make a copy of it available for public inspection in the city during regular city office hours.

CHAPTER II: POWERS**SECTION 4. POWERS OF THE CITY.**

The city has all powers that the constitutions, statutes, and common law of the United States and of this state now or hereafter expressly or impliedly grant or allow the city, as fully as though this charter specifically enumerated each of those powers.

SECTION 5. CONSTRUCTION OF POWERS.

In this charter, no specification of a power is exclusive or restricts authority that the city would have if the power were not specified. The charter shall be liberally construed, so that the city may exercise fully all its powers possible under this charter and under United States and Oregon law. All powers are continuing unless a specific grant of power clearly indicates the contrary.

SECTION 6. DISTRIBUTION OF POWERS.

Except as this charter prescribes otherwise and as the Oregon Constitution reserves municipal legislative power to the voters of the city, all powers of the city are vested in the Council.

CHAPTER III: FORM OF GOVERNMENT**SECTION 7. COUNCIL.**

The Council consists of a Mayor and six Councilors nominated and elected from the city at large or, in case of one or more vacancies in the Council, the Council members whose offices are not vacant.

SECTION 8. COUNCILORS.

The term of office of a Councilor in office is when this charter is adopted is the term of office for which the Councilor has been elected before adoption of the charter (or is elected at the time of the adoption). At each general election after the adoption, three Councilors shall be elected, each for a four-year term.

SECTION 9. MAYOR.

The term of office of the Mayor in office is when this charter is adopted continues until the beginning of the first odd-numbered year after that time. At each subsequent general election, a Mayor shall be elected for a two-year term.

SECTION 10. TERMS OF OFFICE.

The term of office of an elective officer who is elected at a general election begins at the first Council meeting of the year immediately after the election and continues until the successor to the office assumes the office.

SECTION 11. APPOINTIVE OFFICES.

A majority of the Council may:

(1) Create, abolish, and combine appointive city offices; and

(2) Except as the majority prescribes otherwise, fill such offices by appointment and vacate them by removal.

CHAPTER IV: COUNCIL

SECTION 12. RULES.

The Council shall, by ordinance, prescribe rules to govern its meeting and proceedings.

SECTION 13. MEETINGS.

The Council shall meet in the city regularly at least once a month at a time and place designated by Council's rules, and may meet at other times in accordance with the rules.

SECTION 14. QUORUM.

A majority of the Council constitutes a quorum for its business, but a smaller number of the Council may meet and compel attendance of absent Councilors as prescribed by Council rules.

SECTION 15. RECORD OF PROCEEDINGS.

A record of Council proceeding shall be kept and authenticated in a manner prescribed by the Council.

SECTION 16. MAYOR'S FUNCTIONS AT COUNCIL MEETINGS.

(1) When present at Council meetings, the Mayor shall:

- a. Preside over deliberations of the Council;
- b. Preserve order;
- c. Enforce Council rules; and
- d. Determine the order of business under the rules.

(2) Notwithstanding subsection (1) of this section, the Mayor may temporarily cease to chair a Council meeting and delegate the functions described in subsection (1) to another Council member.

(3) The Mayor shall vote only in the event of a tie.

SECTION 17. COUNCIL PRESIDENT.

(1) At its first meeting after this charter takes effect and at its first meeting of each odd-numbered year, the Council shall appoint a president from its Councilors.

(2) Except in voting on questions before the Council, the president shall function as Mayor when the Mayor is:

- a. Absent from a Council meeting; or
- b. Unable to function as Mayor.

SECTION 18. VOTE REQUIRED.

Except as this charter may specifically prescribe otherwise, the express concurrence of a majority of the Council members present and constituting a quorum is necessary to decide affirmatively a question before the Council.

SECTION 19. VACANCIES: OCCURRENCE.

The office of a member of the Council becomes vacant:

(1) Upon the incumbent's:

- a. Death;
- b. Adjudicated incompetence; or
- c. Recall from the office; or

(2) Upon declaration by the Council of the vacancy in case of the incumbent's:

- a. Failure, following election or appointment to the office, to qualify for the office within ten days after the time for his or her term of office to begin;
- b. Absence from the city for 30 days without the Council's consent or from all meetings of the Council within a 60-day period;
- c. Ceasing to reside in the city;
- d. Ceasing to be a qualified elector under state law;
- e. Conviction of a public offense punishable by loss of liberty; or
- f. Resignation from the office.

SECTION 20. VACANCIES: FILLING.

A vacancy in the Council shall be filled by appointment by a majority of the Council. The appointee's term of office runs from the time of his or her qualifying for the office after the appointment and until expiration of the term of the predecessor who has left the office vacant. During a Council member's disability to serve on the Council or during a member's absence from the city, a majority of the other Council members may by appointment fill the vacancy pro tem.

CHAPTER V: POWERS AND DUTIES OF OFFICERS**SECTION 21. MAYOR.**

The Mayor shall appoint:

- (1) Members of committees established by Council rules; and
- (2) Other persons required by the Council to be so appointed.

SECTION 22. MUNICIPAL COURT AND JUDGE.

(1) If the Council creates the office of municipal judge and fills it by appointment, the appointee shall hold, within the city at a place and times that the Council specifies, a court known as the Municipal Court for the City of Monroe, Council Chambers, Benton County, Oregon.

(2) Except as this charter or city ordinance prescribes to the contrary, proceedings of the court shall conform to general laws of this state governing justices of the peace and justice courts.

(3) All area within the city and, to the extent provided by state law, area outside the city is within the territorial jurisdiction of the court.

(4) The municipal court has original jurisdiction over every offense that an ordinance of the city makes punishable. The court may enforce forfeitures and other penalties that such ordinances prescribe.

(5) The municipal judge may:

- a. Render judgments and, for enforcing them, impose sanctions on persons and property within the court's territorial jurisdiction;
- b. Order the arrest of anyone accused of an offense against the city;
- c. Commit to jail or admit to bail anyone accused of such an offense;
- d. Issue and compel obedience to subpoenas;
- e. Compel witnesses to appear and testify and jurors to serve in the trial of matters before the court, if so needed;
- f. Penalize contempt of court;
- g. Issue process necessary to effectuate judgments and orders of the court;

h. Issue search warrants; and

i. Perform other judicial and quasi-judicial functions prescribed by ordinance.

(6) The Council may authorize the municipal judge to appoint municipal judges pro tem for terms of office set by the judge or the Council.

(7) Notwithstanding this section, the Council may transfer some or all of the functions of the municipal court to appropriate state court.

CHAPTER VI: PERSONNEL

SECTION 23. QUALIFICATIONS.

(1) An elective city officer shall be qualified elector under the state constitution and shall have resided in the city during the twelve months immediately before being elected or appointed to the office. In this subsection "city" means area inside the city limits at the time of the election or appointment.

(2) No person may be a candidate at a single election for more than one elective city office.

(3) An elective officer may be employed in a city position that is substantially volunteer in nature. Whether the position is so may be decided by the municipal court at the request of the Council or in some other manner, whichever the Council prescribes.

(4) Except as subsection (3) of this section provides to the contrary, the Council is the final judge of the election and qualifications of its members.

(5) The qualifications of appointive officers of the city are whatever the Council prescribes or authorizes.

SECTION 24. COMPENSATION.

The Council shall prescribe the compensation of city officers. The Council may prescribe a plan for reimbursing city personnel for expenses that they incur in serving the city.

SECTION 25. EMPLOYMENT STATUS.

All employees of the city serve at the discretion and pleasure of the City Council. The City Council shall prescribe rules for all personnel of the city. The City Council may assign, as they see fit,

supervisory functions to various city positions. All city employees are "at will", subject to the rights of any collective bargaining agreement or specific contracts entered into by the Council.

SECTION 26. OATH.

Before assuming city office, an officer shall take an oath or shall affirm that he or she will faithfully perform the duties of the office and support the constitution and laws of the United States and of the State of Oregon.

CHAPTER VII: ELECTIONS

SECTION 27. STATE LAW.

Except as this charter or a city ordinance prescribes to the contrary, a city election shall conform to state law applicable to the election.

SECTION 28. NOMINATIONS.

A person may be nominated in a manner prescribed by general ordinance to run for an elective office of the city.

CHAPTER VIII: ORDINANCES

SECTION 29. ORDAINING CLAUSE.

The ordaining clause of an ordinance shall be "The city of Monroe ordains as follows:"

SECTION 30. ADOPTION BY COUNCIL.

(1) Except as subsection (2) of this section allows adoption at a single meeting and subsection (3) of this section allows reading by title only, an ordinance shall be fully and distinctly read in open Council meeting on two different days before being adopted by the Council.

(2) Except as subsection (3) of this section allows reading by title only, the Council may adopt an ordinance at a single meeting by the express unanimous votes of all Council members present, provided the ordinance is read first in full and then by title.

(3) A reading of an ordinance may be by title only if:

- a. No Council member present at the reading requests that the ordinance be read in full; or
- b. At least one week before the reading:
 - i. A copy of the ordinance is provided for each Council member;
 - ii. Three copies of the ordinance are available for public inspection in the office of the custodian of city records; and
 - iii. Notice of their availability is given by written notice posted at the City Hall and two other public places in the city.

(4) An ordinance read by title only has no legal effect if it differs substantially from its terms as it was filed prior to the reading unless each section so differing is read fully and distinctly in open Council meeting before the Council adopts the ordinance.

(5) Upon the adoption of an ordinance, the ayes and nays of the Council members shall be entered in the record of Council proceedings.

(6) After adoption of an ordinance, the custodian of city records shall endorse it with its date of adoption and the endorser's name and title of office.

SECTION 31. EFFECTIVE DATE.

A non-emergency ordinance takes effect on the 30th day after its adoption or on a later day the ordinance prescribes. An ordinance adopted to meet an emergency may take effect as soon as adopted.

CHAPTER IX: PUBLIC IMPROVEMENTS

SECTION 32. PROCEDURE.

(1) The procedure for making, altering, vacating, or abandoning a public improvement shall be governed by general ordinance or, to the extent not so governed, by applicable state law. Proposed action on a public improvement that is not declared by two-thirds of the Council present to be needed at once because of an emergency shall be suspended for six months upon remonstrances by owners of land to be specially assessed for the improvement. The number of owners necessary to suspend the action shall be prescribed by general ordinance. A second such remonstrance suspends the action only with the consent of the Council.

(2) In this section "owner" means the record holder of legal title or, as to land being purchased under a land-sale contract that is recorded or verified in writing by the record holder of legal title, the purchaser.

SECTION 33. SPECIAL ASSESSMENTS.

The procedure for fixing, levying, and collecting special assessments against real property for public improvements or other public services shall be governed by general ordinance.

CHAPTER X: MISCELLANEOUS PROVISIONS

SECTION 34. DEBT.

The city's indebtedness may not exceed debt limits imposed by state law. A city officer or employee who creates or officially approves indebtedness in excess of this limitation is jointly and severally liable for the excess. A charter amendment is not required to authorize city indebtedness.

SECTION 35. CONTINUATION OF ORDINANCES.

Insofar as consistent with this charter, and until amended or repealed, all ordinances in force when the charter takes effect retain the effect they have at that time.

SECTION 36. REPEAL.

All charter provisions adopted before this charter takes effect are hereby repealed.

SECTION 37. SEVERABILITY.

The terms of this charter are severable. If a part of the charter is held invalid, that invalidity does not affect another part of the charter, except as the logical relation between the two parts requires.

SECTION 38. TIME OF EFFECT.

This charter takes effect January 1, 2001.

TITLE I: GENERAL PROVISIONS

Chapter

10. GENERAL PROVISIONS

CHAPTER 10: GENERAL PROVISIONS

Section

- 10.01 Title of code
- 10.02 Interpretation
- 10.03 Application to future ordinances
- 10.04 Definitions
- 10.05 Rules of interpretation
- 10.06 Severability
- 10.07 Reference to other sections
- 10.08 Reference to offices
- 10.09 Errors and omissions
- 10.10 Official time
- 10.11 Reasonable time
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- 10.14 Effective date of ordinances
- 10.15 Repeal or modification of ordinance
- 10.16 Ordinances which amend or supplement code
- 10.17 Section histories; statutory references
- 10.18 Preservation of penalties, offenses, rights, and liabilities

- 10.99 General penalty

§ 10.01 TITLE OF CODE.

(A) All ordinances of a permanent and general nature of the city, as revised, codified, rearranged, renumbered, and consolidated into component codes, titles, chapters, and sections, shall be known and designated as the “city code”, for which designation “code of ordinances”, “codified ordinances”, or “code” may be substituted. Code title, chapter, and section headings do not constitute any part of the law as contained in the code.

(B) All references to codes, titles, chapters, and sections are to the components of the code unless otherwise specified. Any component code may be referred to and cited by its name, such as the “Traffic Code”. Sections may be referred to and cited by the designation “§” followed by the number, such as “§ 10.01”. Headings and captions used in this code other than the title, chapter, and section numbers are employed for reference purposes only and shall not be deemed a part of the text of any section.

§ 10.02 INTERPRETATION.

Unless otherwise provided herein, or by law or implication required, the same rules of construction, definition, and application shall govern the interpretation of this code as those governing the interpretation of state law.

§ 10.03 APPLICATION TO FUTURE ORDINANCES.

All provisions of Title I compatible with future legislation shall apply to ordinances hereafter adopted amending or supplementing this code unless otherwise specifically provided.

§ 10.04 DEFINITIONS.

(A) *General rule.* Words and phrases shall be taken in their plain, or ordinary and usual sense. However, technical words and phrases having a peculiar and appropriate meaning in law shall be understood according to their technical import.

(B) *Definitions.* For the purpose of this code, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

BUSINESS DAY. Any 24-hour day other than a Saturday, Sunday, or federal or state legal holiday.

CITY, MUNICIPAL CORPORATION, or MUNICIPALITY. The area within the corporate boundaries of the city as presently established or as amended by ordinance, annexation or other legal actions at a future time. The term **CITY** when used in this code may also be used to refer to the City Council and its authorized representatives.

CODE, THIS CODE, or THIS CODE OF ORDINANCES. This municipal code as modified by amendment, revision, and adoption of new titles, chapters, or sections.

COUNTY. Benton County, Oregon.

DAY. Calendar day unless otherwise indicated as business day or working day.

GOVERNING BODY. City Council.

MAY. The act referred to is permissive.

MONTH. A calendar month.

OATH. An affirmation in all cases in which, by law, an affirmation may be substituted for an oath, and in such cases the words *SWEAR* and *SWORN* shall be equivalent to the words *AFFIRM* and *AFFIRMED*.

OFFICER, OFFICE, EMPLOYEE, COMMISSION, or DEPARTMENT. An officer, office, employee, commission, or department of this city unless the context clearly requires otherwise.

PERSON. Extends to and includes person, persons, firm, corporation, copartnership, trustee, lessee, or receiver. Whenever used in any clause prescribing and imposing a penalty, the terms **PERSON** or **WHOEVER** as applied to any unincorporated entity shall mean the partners or members thereof, and as applied to corporations, the officers or agents thereof.

PRECEDING or FOLLOWING. Next before or next after, respectively.

SHALL. The act referred to is mandatory.

SIGNATURE or SUBSCRIPTION. Includes a mark when the person cannot write.

STATE. The State of Oregon.

SUBCHAPTER. A division of a chapter, designated in this code by a heading in the chapter analysis and a capitalized heading in the body of the chapter, setting apart a group of sections related by the subject matter of the heading. Not all chapters have **SUBCHAPTERS**.

WRITTEN. Any representation of words, letters, or figures, whether by printing or otherwise.

YEAR. A calendar year, unless otherwise expressed.

§ 10.05 RULES OF INTERPRETATION.

The construction of all ordinances of this city shall be by the following rules, unless the construction is plainly repugnant to the intent of the City Council or of the context of the same ordinance.

(A) **AND or OR.** Either conjunction shall include the other as if written “and/or”, if the sense requires it.

(B) **Acts by assistants.** When a statute or ordinance requires an act to be done which, by law, an agent or deputy as well may do as the principal, the requisition shall be satisfied by the performance of the act by an authorized agent or deputy.

(C) **Gender; singular and plural; tenses.** Words denoting the masculine gender shall be deemed to include the feminine and neuter genders; words in the singular shall include the plural, and words in the

plural shall include the singular; the use of a verb in the present tense shall include the future, if applicable.

(D) *General term.* A general term following specific enumeration of terms is not to be limited to the class enumerated unless expressly so limited.

§ 10.06 SEVERABILITY.

If any provision of this code as now or later amended or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions that can be given effect without the invalid provision or application.

§ 10.07 REFERENCE TO OTHER SECTIONS.

Whenever in one section reference is made to another section hereof, the reference shall extend and apply to the section referred to as subsequently amended, revised, recodified, or renumbered unless the subject matter is changed or materially altered by the amendment or revision.

§ 10.08 REFERENCE TO OFFICES.

Reference to a public office or officer shall be deemed to apply to any office, officer, or employee of this city exercising the powers, duties, or functions contemplated in the provision, irrespective of any transfer of functions or change in the official title of the functionary.

§ 10.09 ERRORS AND OMISSIONS.

If a manifest error is discovered, consisting of the misspelling of any words; the omission of any word or words necessary to express the intention of the provisions affected; the use of a word or words to which no meaning can be attached; or the use of a word or words when another word or words was clearly intended to express such intent, the spelling shall be corrected and such word or words supplied, omitted, or substituted as will conform with the manifest intention, and the provisions shall have the same effect as though the correct words were contained in the text as originally published. No alteration shall be made or permitted if any question exists regarding the nature or extent of such error.

§ 10.10 OFFICIAL TIME.

The official time, as established by applicable state/federal laws, shall be the official time within this city for the transaction of all city business.

§ 10.11 REASONABLE TIME.

(A) In all cases where an ordinance requires an act to be done in a reasonable time or requires reasonable notice to be given, *REASONABLE TIME OR NOTICE* shall be deemed to mean at least 24-hours' notice.

(B) The time within which an act is to be done, as herein provided, shall be computed by excluding the first day and including the last. If the last day be Sunday, it shall be excluded.

§ 10.12 ORDINANCES REPEALED.

This code, from and after its effective date, shall contain all of the provisions of a general nature pertaining to the subjects herein enumerated and embraced. All prior ordinances pertaining to the subjects treated by this code shall be deemed repealed from and after the effective date of this code.

§ 10.13 ORDINANCES UNAFFECTED.

All ordinances of a temporary or special nature and all other ordinances pertaining to subjects not embraced in this code shall remain in full force and effect unless herein repealed expressly or by necessary implication.

§ 10.14 EFFECTIVE DATE OF ORDINANCES.

All ordinances passed by the City Council shall take effect as provided in the city charter. If there is no city charter, all ordinances passed by the City Council shall take effect as provided by the City Council or applicable state law.

§ 10.15 REPEAL OR MODIFICATION OF ORDINANCE.

(A) Whenever any ordinance or part of an ordinance shall be repealed or modified by a subsequent ordinance, the ordinance or part of an ordinance thus repealed or modified shall continue in force until the due publication of the ordinance repealing or modifying it when publication is required to give effect thereto, unless otherwise expressly provided.

(B) No suit, proceedings, right, fine, forfeiture, or penalty instituted, created, given, secured, or accrued under any ordinance previous to its repeal shall in any way be affected, released, or discharged, but may be prosecuted, enjoined, and recovered as fully as if the ordinance had continued in force unless it is otherwise expressly provided.

(C) When any ordinance repealing a former ordinance, clause, or provision shall be itself repealed, the repeal shall not be construed to revive the former ordinance, clause, or provision, unless it is expressly provided.

§ 10.16 ORDINANCES WHICH AMEND OR SUPPLEMENT CODE.

(A) If the City Council shall desire to amend any existing chapter or section of this code, the chapter or section shall be specifically repealed and a new chapter or section, containing the desired amendment, substituted in its place.

(B) Any ordinance which is proposed to add to the existing code a new chapter or section shall indicate, with reference to the arrangement of this code, the proper number of such chapter or section. In addition to such indication thereof as may appear in the text of the proposed ordinance, a caption or title shall be shown in concise form above the ordinance.

§ 10.17 SECTION HISTORIES; STATUTORY REFERENCES.

(A) As histories for the code sections, the specific number and passage date of the original ordinance and any amending ordinances are listed following the text of the code section.

Example: (Ord. 161, passed 5-13-1960; Ord. 170, passed 1-2-1979; Ord. 185, passed 4-1-1990)

(B) (1) If a statutory cite is included in the history, this indicates that the text of the section reads substantially the same as the statute.

Example: (O.R.S. 192.410)

(2) If a statutory cite is set forth as a "statutory reference" following the text of the section, this indicates that the reader should refer to that statute for further information.

Example:

§ 39.01 PUBLIC RECORDS AVAILABLE.

This city shall make available to any person for inspection or copying all public records, unless otherwise exempted by state law.

Statutory reference:

Inspection of public records, see O.R.S. 192.314

§ 10.18 PRESERVATION OF PENALTIES, OFFENSES, RIGHTS, AND LIABILITIES.

All offenses committed under laws in force prior to the effective date of this code shall be prosecuted and remain punishable as provided by those laws. This code does not affect any rights or liabilities accrued, penalties incurred, or proceedings begun prior to the effective date of this code. The liabilities,

proceedings, and rights are continued; punishments, penalties, or forfeitures shall be enforced and imposed as if this code had not been enacted. In particular, any agreement granting permission to utilize highway rights-of-way, contracts entered into, or franchises granted, the acceptance, establishment, or vacation of any highway, and the election of corporate officers shall remain valid in all respects, as if this code had not been enacted.

§ 10.99 GENERAL PENALTY.

(A) Any person violating any provision of this code for which no other specific penalty is provided shall, upon conviction, be punished by a fine not to exceed \$500, subject to division (B) below.

(B) Any person violating any provision of this code which is identical to a state statute containing a penalty shall, upon conviction, be punished by the penalty prescribed by state statute.

(C) Each calendar date on which a violation occurs constitutes a separate violation.

TITLE III: ADMINISTRATION

Chapter

- 30. MUNICIPAL COURT**
- 31. PUBLIC IMPROVEMENTS**
- 32. CITY POLICIES**
- 33. BOARDS AND COMMISSIONS**
- 34. CITY COUNCIL**
- 35. DISPOSAL OF SURPLUS REAL PROPERTY**

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CHAPTER 30: MUNICIPAL COURT

Section

- 30.01 Creation
- 30.02 Territorial jurisdiction
- 30.03 Authority and functions of court
- 30.04 Municipal judge
- 30.05 Trial by jury; juror selection
- 30.06 Court costs

Cross-reference:

Charter provisions concerning municipal judge and court, see Charter Section 22

§ 30.01 CREATION.

There is hereby created a municipal court for the City of Monroe, Benton County, Oregon, and the office of municipal judge to act as judicial officer therefor.
(Prior Code, § 30.01) (Ord. 88, passed 4-3-1967)

§ 30.02 TERRITORIAL JURISDICTION.

The territorial jurisdiction of the municipal court shall be coextensive with and include all territory embraced within the boundaries of the city. The court shall exercise original and exclusive jurisdiction of all crimes and offenses defined and made punishable by ordinances of the city and of all actions brought to recover or enforce forfeitures or penalties defined or authorized by the ordinances of the city, and any and all other rights and powers provided by the charter of the city and by state law.
(Prior Code, § 30.02) (Ord. 88, passed 4-3-1967)

§ 30.03 AUTHORITY AND FUNCTIONS OF COURT.

The court, and the municipal judge thereof, shall have the authority to issue process for the arrest of any person accused of any offense against the ordinances of the city, to commit such person to jail or admit such person to bail pending trial, to issue subpoenas, to compel witnesses to appear and testify in court on the trial of any cause within the jurisdiction of said court, to issue any process necessary to carry into effect the judgments of the court, and to punish witnesses and others for contempt of court. When not governed by ordinances or the charter, all proceedings in the municipal court for the city shall

be governed by applicable general laws of the state governing justices of the peace and justice courts. Trials in the municipal court may be held with juries under proper application.
(Prior Code, § 30.03) (Ord. 88, passed 4-3-1967)

§ 30.04 MUNICIPAL JUDGE.

The municipal judge shall be a competent person who shall be appointed by the Mayor with the approval of the Council, and shall hold office for the term coextensive with the Mayor; except that such person may be removed by the Mayor with the consent of the Council.
(Prior Code, § 30.04) (Ord. 88, passed 4-3-1967; Ord. 123, passed 2-1-1971)

§ 30.05 TRIAL BY JURY; JUROR SELECTION.

(A) *Right to trial by jury.* Every person charged with any offense defined and made punishable by the city charter or any ordinance of the city shall only have the right to trial by jury:

(1) If the ordinance or charter violated provides for the right of trial by jury; or

(2) If such violation of the charter or ordinance would constitute a violation of a statute of the state, which is not materially different in the proscription or penalty from the applicable charter or ordinance of the city, and the violation of such statute would entitle the defendant to a trial by jury under the statutes and/or constitution of the state; and

(3) If the party requesting the trial by jury has given written notice to the municipal judge at least six days, excluding Sundays and legal holidays, prior to the trial date set by the municipal court.

(B) *Number of jurors.* The jury shall consist of six persons duly sworn to try the cause for which they are called; and the jurors shall be selected as hereinafter provided.

(C) *Term of court.* The term of municipal court shall be for a period of 12 months, beginning on January 1 of each year following passage of this section.

(D) *Jury list.* Upon passage of this section and on January 1 thereafter, beginning on January 1, 1981, the Court Clerk shall prepare a preliminary jury list, by lot, of 48 names of persons taken from the latest tax roll and registration books used at the last city election. The Court Clerk, in preparing the preliminary jury list, shall place thereon only those names of persons who are known or believed to be possessed of the qualifications prescribed in O.R.S. 10.030 and not entitled to exemption as provided in O.R.S. 10.040.

(E) *Jury panels.* The jury panel for each trial shall be selected at least seven days prior to the trial day, and the Court Clerk shall select 12 names of persons, by lot, from the preliminary jury list to serve as a jury panel until the fourth panel is selected. No person shall be required to serve more than one term during any calendar year. The jury panel shall be selected by the Court Clerk. No challenge shall be

made or allowed to the panel, and substantial compliance with this section for selecting the panel shall be sufficient.

(F) *Selection of the trial jury.* The time and place of the selection of the jury shall be designated by the court. The Court Clerk shall then select by lot six names of persons from the jury panel. Each party may take two peremptory challenges of the prospective jurors. The order of challenges shall be that the defendant or his or her attorney may challenge one and then the City Attorney may challenge one, and then the defendant or his or her attorney may again challenge one, and then the City Attorney may challenge one. Additional names shall be selected by lot to replace those jurors challenged.

(G) *Conduct of trials.* Trials shall be conducted as trials in justice courts, and the rules shall be the same as in the state courts and shall include applicable statutes of the state regarding the introduction or admission of evidence.

(H) *Verdicts.* All jurors sworn to try the cause must concur to render a verdict.

(I) *Payment of jurors.* Those jurors notified and who appear at trial shall receive compensation from the city in the amount of \$7.50 for each day of attendance upon the municipal court if they are chosen to hear the case and \$5 for all other jurors.

(J) *Powers of the municipal judge.* The municipal judge shall have all inherent and statutory powers and duties of a justice of the peace within the jurisdictional limits of the city. The Chief of Police shall assist the judge in the serving of subpoenas, notices of jury duty, and such other orders of the court necessary for the proper conduct thereof. The municipal judge may hold any prospective juror who disregards the notice of jury duty in contempt of court and may punish said juror by a fine of not more than \$100, or by imprisonment in the city jail for not more than 50 days, or both.

(K) *Costs and disbursements.* In all cases tried before the municipal court, both with a jury and without a jury, the judge shall add the costs and disbursements to the fine, penalty, or sentence imposed, in a sum not less than \$5.

(Prior Code, § 30.05) (Ord. 164, passed 8-4-1980)

§ 30.06 COURT COSTS.

(A) Court costs of \$35 are due to the city, in addition to regular fines, is hereby established for all cases of law infringement coming before the municipal judge of the city.

(B) In no case may court costs be suspended or refunded.
(Ord. 11-270, passed 12-19-2011)

CHAPTER 31: PUBLIC IMPROVEMENTS

Section

- 31.01 Initiation of proceedings and report from City Engineer
- 31.02 Council's action on City Engineer's report
- 31.03 Resolution and notice of hearing
- 31.04 Hearing
- 31.05 Call for bids
- 31.06 Assessment ordinance
- 31.07 Method of assessment and alternative methods of financing
- 31.08 Remedies
- 31.09 Notice of assessment
- 31.10 Lien records and foreclosure proceedings
- 31.11 Errors in assessment calculations
- 31.12 Deficit assessment
- 31.13 Rebates
- 31.14 Abandonment of proceedings
- 31.15 Curative provisions
- 31.16 Reassessment

§ 31.01 INITIATION OF PROCEEDINGS AND REPORT FROM CITY ENGINEER.

(A) Whenever the Council shall deem it necessary, upon its own motion or upon the written petition of the owners of property upon which more than 33% of the total amount of the assessment is levied, to make any street, sewer, sidewalk, drain, or other public improvement to be paid for in whole or in part by special assessment according to benefits, then the Council shall, by motion, direct the City Engineer to make a survey and written report for such project and file the same with the City Recorder.

(B) Unless the Council shall direct otherwise, such report shall contain the following matters:

(1) A map or plat showing the general nature, location, and extent of the proposed improvement and the land to be assessed for the payment of any part of the cost thereof;

(2) Plans, specifications, and estimates of the work to be done; provided, however, that where the proposed project is to be carried out in cooperation with any other governmental agency, the Engineer may adopt the plans, specifications, and estimates of such agency;

(3) An estimate of the probable cost of the improvement, including any legal, administrative, and engineering costs attributable thereto;

(4) An estimate of the unit cost of the improvement to the specially benefitted properties;

(5) A recommendation as to the method of assessment to be used to arrive at a fair apportionment of the whole or any portion of the cost of the improvement to the properties specially benefitted;

(6) The description and assessed value of each lot, parcel of land, or portion thereof, to be specially benefitted by the improvement, with the names of the record owners thereof and, when readily available, the names of the contract purchasers thereof; and

(7) A statement of outstanding assessments against property to be assessed.
(Prior Code, § 31.01) (Ord. 120, passed 2-1-1971)

§ 31.02 COUNCIL'S ACTION ON CITY ENGINEER'S REPORT.

After the City Engineer's report shall have been filed with the City Recorder, the Council may thereafter by motion approve the report, modify the report, and approve it as modified, require the Engineer to supply additional or different information for such improvement, or it may abandon the improvement.

(Prior Code, § 31.02) (Ord. 120, passed 2-1-1971)

§ 31.03 RESOLUTION AND NOTICE OF HEARING.

(A) After the Council shall have approved the Engineer's report as submitted or modified, the Council shall, by resolution, declare its intention to make such improvement, provide the manner and method of carrying out the improvement, and shall direct the Recorder to give notice of such improvement by two publications one week apart in a newspaper of general circulation within the city, and by mailing copies of such notice by registered or certified mail to the owners to be assessed for the costs of such improvement.

(B) Said notice shall contain the following matters:

(1) That the report of the City Engineer is on file in the office of the Recorder and is subject to public examination;

(2) That the Council will hold a public hearing on the proposed improvement on a specified date, which shall not be earlier than 30 days following the first publication of notice pursuant to O.R.S. 223.117, at which objections and remonstrances to such improvement will be heard by the Council; and that if prior to such hearing there shall be presented to the Recorder valid written remonstrances of the

owners of property upon which more than 33% of the total amount of the assessment is levied, then the improvement will be abandoned;

(3) A description of the property to be specially benefitted by the improvement, the owners of such property, and the Engineer's estimate of the unit cost of the improvement to the property to be specially benefitted, and the total cost of the improvement to be paid for by special assessments to benefitted properties; and

(4) The Council may provide in the improvement resolution that the construction work may be done in whole, or in part by the city, by a contract, or by any other governmental agency, or by any combination thereof.

(Prior Code, § 31.03) (Ord. 120, passed 2-1-1971)

§ 31.04 HEARING.

At the time of the public hearing on the proposed improvement, if the written remonstrances shall represent less than the amount of property required to defeat the proposed improvement, then, on the basis of said hearing of written remonstrances and oral objections, if any, the Council may, by motion, at the time of said hearing or within 60 days thereafter, order said improvement to be carried out in accordance with the resolution; or the Council may, on its own motion, abandon the improvement.

(Prior Code, § 31.04) (Ord. 120, passed 2-1-1971)

§ 31.05 CALL FOR BIDS.

(A) The Council may, in its discretion, direct the City Recorder to advertise for bids for construction of all, or any part of the improvement project on the basis of the Council-approved Engineer's report and before the passage of the resolution, or after the passage of the resolution and before the public hearing on the proposed improvement, or at any time after the public hearing; provided, however, that no contract shall be let until after the public hearing has been held to hear remonstrances and oral objections to the proposed improvement. In the event that any part of the work of the improvement is to be done under contract bids, then the Council shall determine the time and manner of advertisement forbids; and the contracts shall be let to the lowest responsible bidder, provided that the Council shall have the right to reject all bids when they are deemed unreasonable or unsatisfactory. The city shall provide for the bonding of all contractors for the faithful performance of any contract let under its authority; and the provisions thereof, in case of default, shall be enforced by action in the name of the city.

(B) If the Council finds, upon opening bids for the work of such improvement, that the lowest responsible bid is substantially in excess of the Engineer's estimate, it may, in its discretion, provide for holding a special hearing of objections to the proceeding with the improvement on the basis of such bid; and it may direct the City Recorder to publish one notice thereof in a newspaper of general circulation in the city.

(Prior Code, § 31.05) (Ord. 120, passed 2-1-1971)

§ 31.06 ASSESSMENT ORDINANCE.

(A) If the Council determines that the local improvement shall be made, when the estimated cost thereof is ascertained on the basis of the contract award or city departmental cost, or after the work is done and the cost thereof has been actually determined, the Council shall determine whether the property benefitted shall bear all or a portion of the cost.

(B) The City Recorder shall prepare the proposed assessment to the respective lots within the assessment district and file it in the appropriate city office. Notice of such proposed assessment shall be mailed or personally delivered to the owner of each lot proposed to be assessed, which notice shall state the amounts of assessment proposed on that property and shall fix a date by which time objections shall be filed with the Recorder. Any such objection shall state the grounds thereof.

(C) The Council shall consider such objections and may adopt, correct, modify, or revise the proposed assessments and shall determine the amount of assessment to be charged against each lot within the district, according to the special and peculiar benefits accruing thereto from the improvement, and shall by ordinance spread the assessments.

(Prior Code, § 31.06) (Ord. 120, passed 2-1-1971)

§ 31.07 METHOD OF ASSESSMENT AND ALTERNATIVE METHODS OF FINANCING.

The Council, in adopting a method of assessment of the costs of the improvement, may:

(A) Use any just and reasonable method of determining the extent of any improvement district consistent with the benefits derived;

(B) Use any method of apportioning the sum to be assessed as is just and reasonable between the properties determined to be specially benefitted;

(C) Authorize payment by the city of all, or any part of the cost of any such improvement when, in the opinion of the Council, the topographical or physical conditions, or unusual or excessive public travel, or other character of the work involved warrants only a partial payment or no payment by the benefitted property of the costs of the improvement; and/or

(D) Nothing contained in this chapter shall preclude the Council from using any other available means of financing improvements, including federal or state grants-in-aid, sewer charges or fees, revenue bonds, general obligation bonds, or any other legal means of finance. In the event that such other means of financing improvements are used, the Council may, in its discretion, levy special assessments according to the benefits derived to cover any remaining part of the costs of the improvement.

(Prior Code, § 31.07) (Ord. 120, passed 2-1-1971)

§ 31.08 REMEDIES.

(A) Subject to the curative provisions of § 31.15 and the rights of the city to reassess as provided in § 31.16, proceedings for writs of review and suits in equity may be filed not earlier than 30 days nor later than 60 days after the filing of written objections as provided herein. A property owner who has filed written objections with the City Recorder prior to the public hearing may have the right to apply for a writ of review based upon the Council exercising its functions erroneously or arbitrarily or exceeding its jurisdiction to the injury of some substantial right of such owner, if the facts supporting such claim have been specifically set forth in the written objections.

(B) A property owner who has filed written objections with the City Recorder prior to the public hearing may commence a suit for equitable relief based upon a total lack of jurisdiction on the part of the city; and if notice of the improvement shall not have been sent to the owner, and if the owner did not have actual knowledge of the proposed improvement prior to the hearing, then the owner may file written objections alleging lack of jurisdiction with the City Recorder within 30 days after receiving notice or knowledge of the improvement. No provision of this section shall be construed so as to lengthen any period of redemption or so as to affect the running of any statute of limitation. Any proceeding on a writ of review or suit in equity shall be abated, if proceedings are commenced and diligently pursued by the Council to remedy or cure the alleged errors or defects.

(Prior Code, § 31.08) (Ord. 120, passed 2-1-1971)

§ 31.09 NOTICE OF ASSESSMENT.

(A) Within ten days after the ordinance levying assessments has been passed, the City Recorder shall send by registered or certified mail a notice of assessment to the owner of the assessed property, and shall publish notice of such assessment twice in a newspaper of general circulation in the city, the first publication of which shall be made not later than ten days after the date of the assessment ordinance.

(B) The notice of assessment shall recite the date of the assessment ordinance and shall state that upon the failure of the owner of the property assessed to make application to pay the assessment in installments within ten days from the date of the first publication of notice, or upon the failure of the owner to pay the assessment in full within 30 days from the date of the assessment ordinance, then interest will commence to run on the assessment and that the property assessed will be subject to foreclosure; and said notice shall further set forth a description of the property assessed, the name of the owner of the property, and the amount of each assessment.

(Prior Code, § 31.09) (Ord. 120, passed 2-1-1971)

§ 31.10 LIEN RECORDS AND FORECLOSURE PROCEEDINGS.

(A) After passage of the assessment ordinance by the Council, the City Recorder shall enter in the docket of city liens a statement of the amounts assessed upon each particular lot, parcel of land, or portion thereof, together with a description of the improvement, the name of the owners, and the date of the assessment ordinance.

(B) Upon such entry in the lien docket, the amount so entered shall become a lien and charge upon the respective lots, parcels of land, or portions thereof, which have been assessed for such improvement. All assessment liens of the city shall be superior and prior to all other liens or encumbrances on property insofar as the laws of the state permit. Interest shall be charged at the rate of 7% per annum until paid on all amounts not paid within 30 days from the date of the assessment ordinance; and after expiration of 30 days from the date of such assessment ordinance the city may proceed to foreclose or enforce collection of the assessment liens in the manner provided by the general law of the state; provided, however, that the city may, at its option, enter a bid for the property being offered at a foreclosure sale, which bid shall be prior to all bids except those made by persons who would be entitled under the laws of the state to redeem such property.

(Prior Code, § 31.10) (Ord. 120, passed 2-1-1971)

§ 31.11 ERRORS IN ASSESSMENT CALCULATIONS.

Claimed errors in the calculation of assessments shall be called to the attention of the City Recorder, who shall determine whether there has been an error in fact. If the Recorder shall find that there has been an error in fact, he or she shall recommend to the Council an amendment to the assessment ordinance to correct such error; and upon enactment of such amendment, the City Recorder shall make the necessary correction in the docket of city liens and send a correct notice of assessment by registered or certified mail.

(Prior Code, § 31.11) (Ord. 120, passed 2-1-1971)

§ 31.12 DEFICIT ASSESSMENT.

(A) In the event that an assessment shall be made before the total cost of the improvement is ascertained, and if it is found that the amount of the assessment is insufficient to defray the expenses of the improvement, the Council may, by motion, declare such deficit and prepare a proposed deficit assessment.

(B) The Council shall set a time for a hearing of objections to such deficit assessment and shall direct the City Recorder to publish one notice thereof in a newspaper of general circulation in the city. After such hearing, the Council shall make a just and equitable deficit assessment by ordinance, which shall be entered in the docket of city liens as provided by this chapter; and notices of the deficit assessment shall be published and mailed; and the collection of the assessment shall be made in accordance with §§ 31.09 and 31.10 of this chapter.

(Prior Code, § 31.12) (Ord. 120, passed 2-1-1971)

§ 31.13 REBATES.

If, upon the completion of the improvement project, it is found that the assessment previously levied upon any property is more than sufficient to pay the costs of such improvements, then the Council must ascertain and declare the same by ordinance; and when so declared, the excess amounts must be entered

on the lien docket as a credit upon the appropriate assessment. In the event that any assessment has been paid, the person who paid the same, or his or her legal representative, shall be entitled to the repayment of such rebate credit, or the portion thereof which exceeds the amount unpaid on the original assessment. (Prior Code, § 31.13) (Ord. 120, passed 2-1-1971)

§ 31.14 ABANDONMENT OF PROCEEDINGS.

The Council shall have full power and authority to abandon and rescind proceedings for improvements made under this chapter at any time prior to the final completion of such improvements; and if liens have been assessed upon any property under such procedure, they shall be canceled; and any payments made on such assessments shall be refunded to the person paying the same, his or her assigns, or legal representatives.

(Prior Code, § 31.14) (Ord. 120, passed 2-1-1971)

§ 31.15 CURATIVE PROVISIONS.

No improvement assessment shall be rendered invalid by reason of a failure of the Engineer's report to contain all of the information required by § 31.01 of this chapter, or by reason of failure to have all of the information required to be in the improvement resolution, the assessment ordinance, the lien docket, or notices required to be published and mailed, nor by the failure to list the name of, or mail notice to the owner of any property as required by this chapter, or by reason of any other error, mistake, delay, omission, irregularity, or other act, jurisdictional or otherwise, in any of the proceedings or steps herein specified, unless it appears that the assessment is unfair or unjust in its effect upon the person complaining; and the Council shall have the power and authority to remedy and correct all such matters by suitable action and proceedings.

(Prior Code, § 31.15) (Ord. 120, passed 2-1-1971)

§ 31.16 REASSESSMENT.

Whenever any assessment, deficit, or reassessment for any improvement which has been made by the city has been, or shall be, set aside, annulled, declared or rendered void, or its enforcement restrained by any court of this state, or any federal court having jurisdiction thereof, or when the Council shall be in doubt as to the validity of such assessment, deficit assessment, or reassessment, or any part thereof, then the Council may make a reassessment in the manner provided by the laws of the state.

(Prior Code, § 31.16) (Ord. 120, passed 2-1-1971)

CHAPTER 32: CITY POLICIES

Section

Claims Processing

- 32.01 Purpose
- 32.02 Definitions
- 32.03 Claim for compensation
- 32.04 Claim completeness review
- 32.05 City Administrator review and recommendation
- 32.06 Opportunity to comment
- 32.07 Notice
- 32.08 Record
- 32.09 Final decision
- 32.10 Burden of proof and record
- 32.11 Ex parte contracts, conflict of interest, bias
- 32.12 Reconsideration of claim
- 32.13 Procedural error

No Smoking Regulations

- 32.25 Definitions
- 32.26 Where smoking is prohibited
- 32.27 Posting signs

- 32.99 Penalty

CLAIMS PROCESSING

§ 32.01 PURPOSE.

The purpose of this subchapter is to establish procedures governing new Measure 49 claims filed under O.R.S. 195.305 and 195.310 to 195.336. These provisions are in addition to and not in lieu of any such statutory requirements.

(Ord. 08-255, passed 3-4-2008)

§ 32.02 DEFINITIONS.

The definitions for Measure 49, set forth in O.R.S. 195.300, are hereby incorporated by this reference.

(Ord. 08-255, passed 3-4-2008)

§ 32.03 CLAIM FOR COMPENSATION.

(A) *Filing*. All claims shall be filed with the City Administrator in person or by United States mail. The filing date is the date the claim is received by the city.

(B) *Submittal requirements*. All claims:

(1) Shall be submitted for review upon forms established by the city and must include all information as required by O.R.S. 195.312; and

(2) Must be accompanied by a fee in an amount as set by Council resolution.
(Ord. 08-255, passed 3-4-2008)

§ 32.04 CLAIM COMPLETENESS REVIEW.

(A) Upon receipt of a claim, the city shall:

(1) Deny the claim if:

(a) It is not filed within five years from the date the land use regulation was enacted;

(b) An application for a comprehensive plan or zoning amendment is approved for the subject property; or

(c) Any submittal requirements are not met as set forth in § 32.02.

(2) Determine whether a claim is complete within 60 days after receiving the claim; and/or

(3) Notify the claimant of any missing information within 60 days after receiving the claim.

(B) After providing notice of missing information, the city shall:

(1) Deem the application complete if:

(a) The claimant provides the missing information and the required fee; or

(b) The claimant provides the required fee and a written statement that some or all of the missing information will not be provided.

(2) Deem the application complete if the city fails to notify the claimant of missing information within 60 days after receiving the claim; and/or

(3) Deem the application withdrawn if the claimant fails to provide the fee and the missing information, or a written statement that some or all of the information will not be provided within the time specified in the notice of missing information.

(Ord. 08-255, passed 3-4-2008)

§ 32.05 CITY ADMINISTRATOR REVIEW AND RECOMMENDATION.

(A) Once a claim is deemed complete, the City Administrator shall investigate the validity of the claim. After reviewing all required material and information, the City Administrator may:

(1) Further investigate;

(2) Recommend denial of the claim; or

(3) Forward a recommendation of approval of the claim to the City Council.

(B) Notwithstanding the options in division (A) above, the City Administrator may choose to forward any claim to the City Council for a public hearing and decision in accordance with this subchapter. In making this determination, the Administrator may consider factors including, but not limited to:

(1) The amount of compensation at issue;

(2) The nature of the proposed use or development, if any; and

(3) The impact of the proposed use or development.

(C) The decision of the City Administrator to forward a claim to the Council is final and not subject to appeal. The Council, however, may summarily and without notice or hearing elect to return the claim to the Administrator for a final decision on the claim.

(Ord. 08-255, passed 3-4-2008)

§ 32.06 OPPORTUNITY TO COMMENT.

(A) Where the City Administrator determines to recommend City Council approval of a claim, a public hearing shall be held to allow an opportunity for public comments.

(B) Where the City Administrator determines denial is merited based upon the submitted application material and any additional investigation conducted, the City Administrator will provide an opportunity for written public comment.

(Ord. 08-255, passed 3-4-2008)

§ 32.07 NOTICE.

(A) Notice of the claim and the City Administrator's recommendation will be provided at least 30 days before a public hearing on the claim or, if there will not be a public hearing, at least 30 days before the deadline for submission of written comments to:

(1) All owners identified in the claim;

(2) Owners of record of property on the most recent property tax assessment role where such property is located within 100 feet of the perimeter of the subject property;

(3) Neighborhood groups or community organizations officially recognized by the City Council and whose boundaries include the subject property;

(4) The Department of Land Conservation and Development, unless the claim was filed with that Department; and

(5) The county in which the property is located, unless the claim was also filed with the county.

(B) The notice required under division (A) above must describe the claim and state:

(1) Whether a public hearing will be held on the claim; the date, time, and location of the hearing, if any; and the final date for submission of written evidence and arguments relating to the claims;

(2) That judicial review of the city's final determination on the claim is limited to the written evidence and arguments submitted to the city; and

(3) That judicial review is available only for issues that are raised with sufficient specificity to afford the city an opportunity to respond.

(Ord. 08-255, passed 3-4-2008)

§ 32.08 RECORD.

(A) Except as provided in division (B) below, written evidence and arguments in proceedings on the claim must be submitted to the city not later than:

(1) The close of the final public hearing on the claim; or

(2) If a public hearing is not held, the date that is specified by the city in the notice required under division (A) above.

(B) The claimant may request additional time to submit written evidence and arguments in response to testimony or submittals. The request must be made before the close of testimony or the deadline for submission of written evidence and arguments. The city, in its sole discretion, may choose to grant or deny the claimant's request.

(C) The city shall make the record on review of a claim, including any staff reports, available to the public before the close of the record as described in divisions (C) and (D) above.
(Ord. 08-255, passed 3-4-2008)

§ 32.09 FINAL DECISION.

(A) Either the City Administrator or the Council shall issue a final decision on a claim, after providing notice and an opportunity to comment, within 180 days from the claim is deemed completed. The Council may waive some regulations identified in the claim and deny waiver of others. The Council may waive regulations that are not otherwise specified in the claim. The Administrator or Council may impose reasonable conditions on a waiver to protect the public interest. Failure to comply with any condition of approval is grounds for revocation of the Administrator's or Council's decision.

(B) The final decision shall be in writing and signed by the City Administrator, or the Mayor, if the decision was referred to the Council. The city shall mail a copy of the final determination to the claimant and to any person who submitted written evidence or arguments before the close of the record. The city shall forward to the county, and the county shall record, a memorandum of the final determination in the deed records of the county in which the property is located.

(C) The decision of either the City Administrator or Council, if referred to the Council, is final and not subject to local appeal. Judicial review is available only as provided by O.R.S. 195.318.
(Ord. 08-255, passed 3-4-2008)

§ 32.10 BURDEN OF PROOF AND RECORD.

The claimant shall have the burden of proof on all matters under this subchapter. The claimant bears sole responsibility for ensuring that the record before the city contains all information and evidence necessary to support the claim. The claimant shall be precluded from submitting information or raising new issues in any subsequent proceeding unless the claimant demonstrates that the information or issue could not reasonably have been entered into the record or raised before the city.
(Ord. 08-255, passed 3-4-2008)

§ 32.11 EX PARTE CONTRACTS, CONFLICT OF INTEREST, BIAS.

The following rules govern any challenges to the City Administrator's or member of the City Council's participation in the processing of any claim.

(A) Any factual information obtained by the City Administrator or a member of the City Council outside the information provided by city staff, or outside the formal written comments process or hearing will be deemed an ex parte contact. The City Administrator or a member of the City Council that has obtained any material factual information through an ex parte contact must declare the content of that contact, and allow any interested party to rebut the substance of that contact. This rule does not apply to contacts between city staff and the City Administrator or member of the City Council.

(B) Whenever the City Administrator or member of the City Council, or any member of their immediate family or household, has a direct financial interest in the outcome of a particular demand or lives within the area entitled to notice of the claim, the City Administrator or member of the City Council shall not participate in the deliberation or decision on that demand.

(C) All decisions on claims must be fair, impartial, and based on the applicable review standards and the evidence in the record. The City Administrator or a member of the City Council who is unable to render a decision on this basis must refrain from participating in the deliberation or decision on that claim.

(Ord. 08-255, passed 3-4-2008)

§ 32.12 RECONSIDERATION OF CLAIM.

The Council may, in its sole discretion, reconsider a decision on a claim if it appears that the decision is inconsistent with a subsequent court ruling, administrative rule, or other change in the law; relating to Measure 49. The decision to reconsider may be made without notice or hearing, but the decision on reconsideration shall be made only after notice and opportunity to be heard consistent with the requirements for claim review provided under this subchapter for Council review. At the conclusion of the process, the City Administrator or Council may affirm, modify, or revoke the earlier decision. If the Council modifies or revokes a decision to waive one or more land use regulations, it shall issue an order setting forth such remedy as it deems appropriate to protect the public interest.

(Ord. 08-255, passed 3-4-2008)

§ 32.13 PROCEDURAL ERROR.

No procedural defect in processing a claim shall invalidate any proceeding or decision unless the party alleging the error demonstrates prejudice to a substantial right. Inadvertent failure to provide notice or complete notice shall not be grounds for invalidating a decision.

(Ord. 08-255, passed 3-4-2008)

NO SMOKING REGULATIONS**§ 32.25 DEFINITIONS.**

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ELECTRONIC SMOKING DEVICE. Any electronic oral device, such as one composed of a heating element, battery, and/or electronic circuit, which provides a vapor of nicotine or any other substances, and the use of inhalation of which simulates smoking. The term shall include any such device, whether manufactured, distributed, marketed, or sold as an e-cigarette, e-cigar, e-pipe, e-hookah, or under any other product name or descriptor and any cartridge or other component of the device or related product.

SMOKING. Any inhaling, exhaling, burning, or carrying any lighted or heated cigar, cigarette, pipe, weed, plant, or other tobacco like product or substance in any manner or in any form. ***SMOKING*** also includes the use of an electronic smoking device which creates a vapor, in any manner or in any form.

TOBACCO PRODUCT. Any product that contains tobacco or is derived from tobacco and is intended to be introduced into the human body. ***TOBACCO PRODUCT*** includes any electronic smoking device. ***TOBACCO PRODUCT*** does not mean any product that the United States Food and Drug Administration has approved as a tobacco use cessation product.

(Ord. 2015-002, passed 6-22-2015)

§ 32.26 WHERE SMOKING IS PROHIBITED.

Smoking shall be prohibited on all city-owned property, including, but not limited to, the following places in public places.

(A) Smoking shall be prohibited in all city-owned or managed parks and recreational facilities, including all parks, trails, open space, and special use areas. This does not include designated parking areas.

(B) Smoking shall be prohibited on all of the city-owned grounds, patios, plazas, steps, ramps, and facilities for the city's public library, City Hall, and Legion Hall. This prohibition includes the parking lots. This prohibition includes any sidewalk, pedestrian way, driveway, planting area, public right-of-way, street curb, or gutter within 20 feet of the exterior of the buildings.

(Ord. 2015-002, passed 6-22-2015) Penalty, see § 32.99

§ 32.27 POSTING SIGNS.

“No smoking” signs or the international “no smoking” symbol (consisting of a pictorial representation of a burning cigarette enclosed in a red circle with a red bar across the cigarette) shall be clearly, sufficiently, and conspicuously posted at every building or other area where smoking is prohibited by this subchapter.

(Ord. 2015-002, passed 6-22-2015)

§ 32.99 PENALTY.

(A) Any person violating any provision of this chapter for which no specific penalty is prescribed shall be subject to § 10.99 of this code of ordinances.

(B) Any person who violates the provisions of §§ 32.25 to 32.27 shall be subject to the penalties of up to \$500.

(Ord. 2015-002, passed 6-22-2015)

CHAPTER 33: BOARDS AND COMMISSIONS

Section

Planning Commission

- 33.01 Purpose and authority
- 33.02 Membership
- 33.03 Organization
- 33.04 Meetings
- 33.05 Voting
- 33.06 Conflict of interest
- 33.07 Amendments to the by-laws
- 33.08 Parliamentary authority

PLANNING COMMISSION

§ 33.01 PURPOSE AND AUTHORITY.

The purpose of the Planning Commission is to prepare recommendations for the City Council regarding proposed amendments to the county's land use and development regulations and to make decisions on quasi-judicial land use matters, in accordance with O.R.S. 227.020.
(Prior Code, § 33.01)

§ 33.02 MEMBERSHIP.

(A) The Planning Commission shall consist of five members appointed by the City Council for staggered, four-year terms or until their successors have been named. Terms shall commence on January 1.

(B) Vacancies shall be filled by the City Council. Appointees shall serve only for the remainder of the term for the position to which appointed.

(C) No more than two members of the Commission may be city officers, and who shall serve as ex officio non-voting members.
(O.R.S. 227.030(1)) (Prior Code, § 33.02) (Ord. 10-262, passed 3-22-2010)

§ 33.03 ORGANIZATION.

(A) The Chairperson and Vice-Chairperson shall be elected by majority vote of the Planning Commission members at the regularly scheduled January meeting. Terms of office shall begin on February 1 of each year.

(B) The Planning Commission shall designate a Recording Secretary who shall keep permanent record of proceedings of the Commission.

(C) The Planning Commission shall establish subcommittees as it deems necessary and assign each committee specific duties and functions. All subcommittee actions shall be subject to ratification by the full Planning Commission.

(Prior Code, § 33.03)

§ 33.04 MEETINGS.

(A) All Planning Commission meetings shall be open to the public and shall be scheduled on the fourth Monday of each month and at other times as the Commission deems necessary. All foreseeable absences should be reported promptly in advance to the Recording Secretary.

(B) Special meetings may be called by the Chairperson, the Vice-Chairperson in his or her absence, or by a majority of the membership, provided each member is notified at least three days in advance. Action to convene a meeting need not be taken at a public meeting.

(C) A quorum shall consist of four members of the Commission.

(D) If both the Chairperson and Vice-Chairperson are absent at any meeting, the Commission shall elect a temporary Chairperson for that particular meeting.

(E) The order of business at all meetings shall be set forth in a rule of procedure to be adopted by the Planning Commission.

(Prior Code, § 33.04)

§ 33.05 VOTING.

(A) Motions may be made and seconded by any member of the Planning Commission except the Chairperson.

(B) Each member shall vote unless there is a recognized conflict of interest. A silent vote shall count as an affirmative vote.

(C) A majority vote of those present shall be required to pass any motion before the Commission.

(D) All voting shall be by calling of the roll by the Recording Secretary. The Chairperson shall vote last and shall never vote to create a tie.
(Prior Code, § 33.05)

§ 33.06 CONFLICT OF INTEREST.

(A) A member of a Planning Commission shall not participate in any Commission proceeding or action in which any of the following has a direct or substantial financial interest: the member or member's spouse, brother, sister, child, parent, in-law, partner, any business in which the member is then serving or has served within the previous two years, or any business with which the member is negotiating for or has an arrangement or understanding concerning prospective partnership or employment. Any actual or potential interest shall be disclosed at the meeting of the Commission where the action is being taken.
(O.R.S. 227.035).

(B) All potential conflicts of interests shall be disclosed upon the opening of a public hearing and prior to the presentation of the staff report on a particular issue.
(Prior Code, § 33.06)

§ 33.07 AMENDMENTS TO THE BY-LAWS.

Amendments to these by-laws may be proposed by the Planning Commission at any regular meeting of the Committee by a two-thirds vote of the membership, provided that the recommended amendment has been submitted in writing at the previous regular meeting. The proposed amendments shall be forwarded to the City Council for their review and approval. Final authority to amend these by-laws rests with the City Council.
(Prior Code, § 33.07)

§ 33.08 PARLIAMENTARY AUTHORITY.

All aspects of Planning Commission procedural activity not covered by these rules shall be governed by *Robert's Rules of Order*.
(Prior Code, § 33.08)

CHAPTER 34: CITY COUNCIL

Section

General Provisions

- 34.01 Authority
- 34.02 Council meetings
- 34.03 Agenda and order of business
- 34.04 Procedure for Council meetings
- 34.05 Council relations with city staff
- 34.06 Committees and commissions
- 34.07 Miscellaneous provisions

Contracting Rules

- 34.20 Contract Review Board
- 34.21 Definitions
- 34.22 Public contracts for goods and services
- 34.23 Public improvement contracts
- 34.24 Offeror disqualification
- 34.25 Personal services contracts
- 34.26 Adoption of code and rules

GENERAL PROVISIONS

§ 34.01 AUTHORITY.

(A) The rules adopted in this subchapter shall be in effect upon their adoption by the Council and until such time as they are amended, added to, deleted, or replaced in the manner provided by the city charter.

(B) These rules apply equally to the Mayor and Council members.

(C) These rules are to be observed in addition to and may not be contradictory to the current city charter.

(Ord. 10-261, passed 2-22-2010)

§ 34.02 COUNCIL MEETINGS.

(A) All meetings of the City Council shall comply with the most current State Public Meetings Law, which is hereby incorporated by reference into these rules.

(B) The Council shall hold regular meetings at least once each month at a time and date convenient to the Council in the Council Chambers at the City Hall unless otherwise specified by the Council.

(C) The place, time, and date of the regular Council meeting may be changed for holidays, for special circumstances, to facilitate work sessions or in order to have a quorum of Council members at the meeting. Regular meeting notice requirements shall be followed.

(D) Special meetings of the Council may be called upon the request of three Council members, by the Mayor, or the Council President in the Mayor's absence, by giving notice of the meeting to the Council members and public at least 24 hours' in advance of the set meeting time. An attempt to contact the media or other interested persons to inform them of special meetings is also required.

(E) Emergency meetings may be called on less than 24 hours' notice. An actual "emergency" must exist, as described by the minutes for that meeting, justifying less than 24 hours' notice (O.R.S. 192.640(3)). The Mayor, or Council President in the Mayor's absence, may call an emergency meeting by telephone or personal notice to each Council member. An attempt to contact the media and other interested persons to inform them of emergency meetings is also required.

(F) Council members should inform the Mayor or City Hall if they are unable to attend any Council session. The Mayor will inform the Council President if he or she will be unable to attend.

(G) Regular, special, and emergency meetings of the City Council will be recorded in accordance with the Public Meetings Law.
(Ord. 10-261, passed 2-22-2010)

§ 34.03 AGENDA AND ORDER OF BUSINESS.

(A) An agenda for each meeting will be developed by the presiding officer and city staff. The Mayor and Council committees may direct specific items to be placed on the agenda. The public may request items be placed on the agenda. Preference will be given to public agenda requests received in writing prior to the meeting. Verbal requests received at a meeting may be set to the next meeting's agenda at the Council's discretion.

(B) The agenda, financial and supplemental information should be delivered to the individual Council members at least four days before the regular meeting.

(C) The normal order of business for a regular Council meeting shall be as follows:

- (1) Call to order;
- (2) Determine quorum;
- (3) Flag salute;
- (4) Public input for items not on the agenda;
- (5) Staff reports;
- (6) Consent agenda: minutes of prior session, financial report and state of the budget, bills;
- (7) Prearranged presentations;
- (8) Action items;
- (9) Ordinance action (if needed);
- (10) Council member and Council committee reports;
- (11) Mayor's report;
- (12) Executive session (if needed); and
- (13) Action as result of executive session (if required).

(D) The Mayor may move agenda items out of order for the efficient management of the meeting. (Ord. 10-261, passed 2-22-2010)

§ 34.04 PROCEDURE FOR COUNCIL MEETINGS.

(A) The Presiding Officer of the meeting may utilize Robert's Rules to govern Council meeting procedures, as deemed necessary in the presiding officer's discretion.

(B) Every Council member desiring to speak should first address the chair and await recognition to obtain the floor. No persons other than members of the Council and the person having the floor shall enter into any discussion either directly or through a member of Council without the permission of the Presiding Officer.

(C) No motion before the Council shall be debated until it has a second.

(D) Debate of a motion shall be limited to one statement per Council member plus Council member questions for city staff or the public or other Council members intended to clarify understanding of the issue at hand.

(E) Any Council member or the Mayor may call for a vote, thereby ending debate and discussion on the motion or amendment to a motion before the Council.

(F) The Presiding Officer shall cause the motion to be restated for clarity of the issue.

(G) Each Council member's vote or abstention shall be recorded individually.

(H) Council members should abstain from voting only when they have an actual conflict of interest or do not consider themselves well enough informed on the issue to vote.

(I) A Council member who votes on the prevailing side of a motion may move for reconsideration of the issue. This motion must occur during the meeting or at the next scheduled Council meeting. (Ord. 10-261, passed 2-22-2010)

§ 34.05 COUNCIL RELATIONS WITH CITY STAFF.

(A) Both staff and Council members shall be mutually respectful of the respective roles and responsibilities at all times. This requirement applies particularly when staff or Council is expressing criticism of the other during any public meeting or otherwise.

(B) The Council sets city goals and policies. The Mayor directs staff in implementing and administering those goals and policies.

(C) Council members may seek information from staff members regarding the operation of their department, but will not attempt to directly change or interfere with the operation or practice of any city department or personnel. All concerns or attempts to change city operations shall be directed to the Council as a whole, at a regularly scheduled meeting. (Ord. 10-261, passed 2-22-2010)

§ 34.06 COMMITTEES AND COMMISSIONS.

(A) The Mayor appoints all members of committees and commissions.

(B) The standing committees and commissions of the city are:

- (1) Budget Committee;
- (2) Planning Commission;
- (3) Human Resources Committee;
- (4) Financial Committee;

(5) Public Works Committee; and

(6) City Facilities and Parks Committee.

(Ord. 10-261, passed 2-22-2010)

§ 34.07 MISCELLANEOUS PROVISIONS.

If the Mayor or a Council member represents the city before another public body, governmental agency, community organization, or with the media, the Mayor or Council member should always present the majority position of the Council. Personal opinions and comments may be expressed only if it includes clarification that these statements do not represent the official position of the City Council. (Ord. 10-261, passed 2-22-2010)

CONTRACTING RULES

§ 34.20 CONTRACT REVIEW BOARD.

The City Council is designated as the local contract review board of the city and shall have all of the rights, powers, and authority to carry out the provisions of O.R.S. Chapters 279A, 279B, and 279C (the "Public Contracting Code"). Except as otherwise provided in this chapter, the City Council, or the designated purchasing agent, is designated as the city's contracting agency for purposes of contracting powers and duties assigned to the city as a contracting agency under the Public Contracting Code. (Ord. 2012-272, passed 3-26-2012)

§ 34.21 DEFINITIONS.

As used in this chapter, the following words and phrases shall have the following meanings. All words or phrases not defined in this section shall have the meanings ascribed to them in the Public Contracting Code or the Model Rules adopted by the State Attorney General thereunder ("Model Rules").

FORMAL QUOTE. Procedure pursuant to which written offers are solicited by advertising or other writing stating the quantity and quality of goods or services to be acquired, and which offers are received by the contracting agency on or before a stated date. In soliciting **FORMAL QUOTES**, the contracting agency shall seek quotes from a sufficiently large number of potential offerors to ensure sufficient competition to meet the best interests of the city. An award based on less than three **FORMAL QUOTES** may be made provided the contracting agency makes a written record of the effort to obtain quotes.

INFORMAL QUOTE. Procedure pursuant to which written or verbal offers are gathered by correspondence, telephone, or personal contact stating the quantity and quality of goods or services to

be acquired. In soliciting *INFORMAL QUOTES*, the contracting agency shall seek quotes from a sufficiently large number of potential offerors to ensure sufficient competition to meet the best interests of the city. An award based on less than three *INFORMAL QUOTES* may be made provided the contracting agency makes a written record of the effort to obtain quotes.

PERSONAL SERVICES CONTRACT. A contract to retain the services of an independent contractor whose services require specialized technical, creative, professional or communication skills or talents, unique and specialized knowledge, or the exercise of discretionary judgment, and for which the quality of the service depends on attributes that are unique to the service provider. Such services shall include, but are not limited to: architects; engineers; surveyors; attorneys; accountants; auditors; computer programmers; artists; designers; performers; and consultants. The contracting agency shall have the authority to determine whether a particular service is a "personal service" under this definition. (Ord. 2012-272, passed 3-26-2012)

§ 34.22 PUBLIC CONTRACTS FOR GOODS AND SERVICES.

This section applies to public contracts that are not contracts for public improvements or contracts for personal services. A public contract shall not be artificially divided or fragmented to qualify for a different award procedure than that provided by this section.

(A) *Classes of contracts.* The following classes of public contracts and respective award procedures are created.

(1) A public contract for an amount which is valued at \$5,000 or more, but less than \$10,000, shall be awarded by the contracting agency based on informal quotes. Amendments to public contracts under this section may not cause the contract price to exceed an amount that is 25% over the original contract price.

(2) A public contract for an amount which is valued at \$10,000 or more, but less than \$75,000, shall be awarded by the contracting agency based on formal quotes. Amendments to public contracts under this section may not cause the contract price to exceed an amount that is 25% over the original contract price.

(3) A public contract for an amount which is valued at \$75,000 or more shall be awarded by the City Council based on competitive sealed bidding or competitive sealed proposals pursuant to the Public Contracting Code.

(B) *Amendments.* Subject to the limits in division (A) above, amendments to public contracts shall comply with the Public Contracting Code.

(C) *Exemptions.*

(1) The requirements of division (A) above do not apply to the following classes of public contracts:

- (a) Equipment repair and overhaul;
- (b) Purchases through federal programs;
- (c) Additions to developer constructed public improvements; and
- (d) Contracts for products or supplies under \$5,000.

(2) For public contracts predominantly for services, one extension not exceeding the original term of the contract or annual renewals, if provided in the contract, is permitted without going through competitive procurement requirements.

(3) Amendments to contracts exceeding the limits in division (A) above shall be exempt if the City Council determines that it is not reasonably feasible to require additional competitive procurement to complete the purpose of the contract; otherwise the amendment shall comply with division (B) above or the City Council shall direct additional competitive procurement and the competitive procurement procedure required for the amendment.

(4) By resolution, the City Council may exempt other public contracts or classes of public contracts from the requirements of division (A) above pursuant to O.R.S. 279B.085.

(D) *Publication of notice.* Notice of solicitation documents may be published electronically, in lieu of publication in a newspaper of general circulation, if it results in a sufficiently large number of potential offerors to ensure sufficient competition to meet the best interests of the city.
(Ord. 2012-272, passed 3-26-2012)

§ 34.23 PUBLIC IMPROVEMENT CONTRACTS.

(A) A public improvement contract is defined pursuant to the Public Contracting Code and does not include contracts for minor alterations, ordinary repair and maintenance of public improvements, contracts for projects for which no funds of the city are directly or indirectly used except for participation that is incidental or related primarily to project design or inspection, and does not include any other construction contract that is not defined as a public improvement under the Public Contracting Code. A public improvement contract shall not be artificially divided to qualify for a different award procedure than that provided by this section.

(B) All public improvement contracts shall be awarded by the City Council based on competitive sealed bids pursuant to the Public Contracting Code, except as stated hereinafter.

(C) The requirements of division (B) above, and the procedures applicable to the award of those contracts, do not apply to the following classes of public improvement contracts:

- (1) Public improvement contracts valued at less than \$5,000;

(2) Public improvement contracts valued at \$5,000 or more, but less than \$25,000, shall be awarded by the contracting agency based on formal quotes;

(3) Public improvement contracts valued at \$25,000 or more shall be awarded by the City Council based on competitive sealed bidding or competitive sealed proposals pursuant to the Public Contracting Code;

(4) Emergency public improvement contracts may be exempted from competitive bidding if the contracting agency determines that an emergency exists and that conditions require the prompt execution of a contract. Emergency public improvement contracts shall be awarded in accordance with the Public Contracting Code. The contracting agency shall provide the City Council with a written statement indicating the nature of the emergency and stating with particularity the emergency conditions and why they pose an imminent threat to the public health, safety, or welfare. The contracting agency shall not declare the same emergency more than two times in any 90-day period;

(5) By resolution, the City Council may exempt from competitive bidding a public improvement contract or class of public improvement contracts not otherwise exempt under this section pursuant to O.R.S. 279C.335; and

(6) When an exemption allows for award of the contract through competitive proposals, the provisions of O.R.S. 279C.400 through 279C.410 shall apply.

(D) Amendments to public improvement contracts shall comply with the Public Contracting Code.

(E) The performance and payment bonds requirements and exceptions of the Public Contracting Code shall apply to all public improvement contracts.

(F) Notice of solicitation documents may be published electronically, in lieu of publication in a newspaper of general circulation, if it results in a sufficiently large number of potential offerors to ensure sufficient competition to meet the best interests of the city.

(G) The city may undertake to construct a public improvement using its own equipment and personnel if doing so will result in the least cost to the city or public, in accordance with O.R.S. 279C.305.

(H) If all responsive offers on a public improvement contract exceed the budget for the project, the contracting agency may, prior to contract award, negotiate for a price within the budget under the following procedures.

(1) Negotiations shall start with the lowest responsive, responsible offeror. If negotiations are not successful, then the contracting agency may negotiate with the second lowest responsive, responsible offeror, and so on.

(2) Negotiations may include value engineering and other options to attempt to bring the project cost within the budgeted amount.

(3) A contract may not be awarded under this section if the scope of the project is significantly changed from the description in the original solicitation documents.

(4) The records of an offeror used in contract negotiations under this section are not subject to public inspection until after the negotiated contract has been awarded or the negotiation process has been terminated.

(I) The use of brand name, mark, or manufacturer specifications in public improvement contracts shall be made in accordance with O.R.S. 279B.125.

(Ord. 2012-272, passed 3-26-2012)

§ 34.24 OFFEROR DISQUALIFICATION.

(A) The City Council or contracting agency, whoever is awarding a public contract, may disqualify any person as an offeror on a contract if:

(1) The person does not have sufficient financial ability to perform the contract. Evidence that the person can acquire a surety bond in the amount and type required shall be sufficient to establish financial ability;

(2) The person does not have available equipment to perform the contract;

(3) The person does not have key personnel of sufficient experience to perform the contract;

or

(4) The person has breached previous contractual obligations.

(B) The provisions of the Public Contracting Code regarding disqualification of persons shall apply in addition to this section with respect to public improvement contracts.

(C) A person who has been disqualified as an offeror may appeal the disqualification to the City Council in accordance with the procedures in Chapter 279C of the Public Contracting Code.

(Ord. 2012-272, passed 3-26-2012)

§ 34.25 PERSONAL SERVICES CONTRACTS.

(A) The following procedures shall apply to the award of personal services contracts.

(1) Personal services contracts involving an anticipated annual fee of \$5,000 or more, but less than \$25,000, shall be awarded by the contracting agency following solicitation of offers for personal services by written invitation or advertisement in sufficient number to provide a choice for the city from among qualified service providers. The contracting agency shall determine the selection criteria to be

included in the written invitation or advertisement and shall have authority to negotiate and enter into the contract.

(2) Personal services contracts having an anticipated annual fee of \$25,000 or more shall be awarded by the City Council following solicitation of offers based on the procedure and selection criteria adopted by the City Council before offers are solicited.

(3) Except as otherwise provided in the Public Contracting Code, for all other personal services contracts, including amendments to and annual renewals or extensions of existing contracts and emergencies, the contracting agency may enter into the contract without a solicitation of offers. A personal services contract shall not be artificially divided or fragmented to qualify for the award procedures provided by this division (A).

(B) The following criteria shall be considered in the evaluation and selection of a personal services contractor. The criteria are not listed in order of preference or importance. This section does not preclude the use of other additional criteria:

- (1) Timeliness of delivery of services;
- (2) Expertise of the contractor in the area of specialty called for;
- (3) References from successfully completed projects managed by the contractor;
- (4) Utilization of locally procured goods, services, or personnel;
- (5) Other services provided by the contractor not specifically listed in the request for proposal;
- (6) Total cost to the agency for delivery of services; and
- (7) Other criteria specially listed in the solicitation document on a case by case basis.

(Ord. 2012-272, passed 3-26-2012)

§ 34.26 ADOPTION OF CODE AND RULES.

(A) Except as specifically provided in this chapter, public contracts shall be awarded, administered, and governed according to the Public Contracting Code and the Model Rules, as they now exist and may be amended in the future.

(B) In the event of a conflict between any provisions of this chapter and the Public Contracting Code or Model Rules, the provisions of this chapter shall prevail.

(Ord. 2012-272, passed 3-26-2012)

CHAPTER 35: DISPOSAL OF SURPLUS REAL PROPERTY

Section

- 35.01 Definitions
- 35.02 Qualification, classification
- 35.03 Real property disposal scope
- 35.04 Disposal of substandard undeveloped property
- 35.05 Disposal of standard undeveloped property and developed property
- 35.06 Disposal to other public entities
- 35.07 Lease of surplus real property

§ 35.01 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

DISPOSAL or **DISPOSE**. The sale, lease, exchange, or donation of real property.

LEASE. A tenancy in real property granting the right of possession for a specified term for consideration. **LEASE** does not include a permit, license, or franchise to use any city-owned or controlled real property or public way.

REAL PROPERTY. Any interest in real property owned by the city within or without the geographic limits of the city.
(Ord. 13-273, passed 2-25-2013)

§ 35.02 QUALIFICATION, CLASSIFICATION.

Real property qualifying for the procedure established in this chapter is classified as follows.

(A) *Substandard undeveloped property*. Parcels with no structures thereon that are not of minimum buildable size for the zone in which located, and parcels that do not meet the city's existing development code.

(B) *Standard undeveloped property*. Parcels with no structures thereon that are of minimum or greater buildable size for the zone in which located.

(C) *Developed property*. Parcels of any size with structures thereon.

(D) *Special-case property*. Parcels that, notwithstanding divisions (A), (B), and (C) above, were acquired by the city for capital improvement and were purchased subject to an agreement for the manner in which any surplus would be disposed.

(Ord. 13-273, passed 2-25-2013)

§ 35.03 REAL PROPERTY DISPOSAL SCOPE.

(A) Real property owned by the city shall be disposed of as provided in this chapter unless another procedure is specified by the City Council. Before disposing of any real property under this chapter, the city shall find either that the property is not needed for public use or that the public interest may be furthered by disposal of such real property.

(B) In determining whether to dispose of real property, the city in its discretion may consider whether to establish certain requirements as conditions of the transaction, such as requiring that the property be developed to a certain standard by a specified date, that the property not be placed in tax-exempt status for a specified length of time, and other conditions the city may deem appropriate.

(C) Nothing in this chapter shall require additional procedures or limit the authority of the city to issue any permits or licenses. If the real property is within 100 feet of a railroad right-of-way or is within 500 feet of an at-grade rail, the city will notify the state's Department of Transportation as required by O.R.S. 271.310.

(Ord. 13-273, passed 2-25-2013)

§ 35.04 DISPOSAL OF SUBSTANDARD UNDEVELOPED PROPERTY.

(A) Whenever a particular parcel or parcels is proposed for sale by the city, or purchase inquiry is made, and the property is classified as substandard undeveloped property, the matter shall be set on the regular Council agenda, but no public hearing is required. Except as otherwise provided in this section, notice of the agenda item shall be given to all property owners within 250 feet of the parcel's boundary line and to any parties who have inquired about the purchaser. If the city has issued a request for bids seeking purchasers of the property and provided the request for bids to property owners within 250 feet of the parcel's boundary line and to those who have inquired about purchasing the property, notice need only be provided to those who have submitted a bid proposal. After discussion of the agenda item, the Council shall determine whether it will offer the property for sale.

(B) If the City Council decides to sell the property, it will direct the City Recorder or designee to take further action to sell the property. The City Council may authorize the City Recorder or designee to publicize as appropriate, determine the existence of interested prospective purchasers, and negotiate for the sale of the property. Nothing in this section shall preclude the City Recorder or designee from taking preliminary actions, including publicizing a possible sale, determining the existence of interested

prospective purchasers, and issuing a request for bids prior to the City Council's decision, so long as the city does not enter into a binding agreement, without City Council authorization.

(C) The City Council shall have the final authority to approve or disapprove the final terms of the sale. The City Council may pre-approve terms and the agreement form at the meeting at which it determines to sell the property. If the City Council does not pre-approve terms and the agreement form at its initial meeting or if alternate terms or agreement form are proposed, the City Council shall at a later regularly scheduled Council meeting consider approval of the terms and agreement form. (Ord. 13-273, passed 2-25-2013)

§ 35.05 DISPOSAL OF STANDARD UNDEVELOPED PROPERTY AND DEVELOPED PROPERTY.

(A) Whenever a particular parcel or parcels is proposed for sale by the city or a purchase inquiry is made and the property is classified as standard undeveloped property or developed property, the matter shall be set for a hearing before the Council.

(B) Notice of said hearing shall be published not less than once in a newspaper of general circulation in the city seven days prior to the hearing, and shall describe the property proposed for sale.

(C) Prior to the sale of a parcel under this section, evidence of market value of the property, or an appraisal if required by the Council, shall be conducted. At the discretion of the Council, such an appraisal may be ordered prior to or after the hearing. The appraisal may be made available to the public at the hearing at the discretion of the Council.

(D) Public testimony shall be solicited at the hearing to determine if a sale of any parcel is in the public interest, and the property is not needed for public use.

(E) After the hearing, the Council shall determine whether it will offer the property for sale and what the minimum acceptable terms shall be.

(F) If an offer to sell is authorized by the Council, the Council shall decide whether to sell the property to the highest bidder at a public sale, by sealed bid, or directly to the purchase inquirer on terms established by the Council. A notice advertising the public sale or soliciting sealed bids shall be published at least once in a newspaper of general circulation in the city be made a least two weeks prior to the sale or bid deadline date. The notice shall describe the property to be sold, the minimum acceptable terms of sale, and if applicable, the person designated to receive bids, the last date bids will be received, and the date, time, and place that bids will be opened.

(G) If one or more bids are received at or above the minimum acceptable terms, the highest bid shall be accepted and the city shall complete the sale.

(H) If no acceptable bids are received on a particular parcel, the Council may alter or keep the same minimum terms established under division (E) above and direct staff to hold another sale, or the Council

may alter or keep the same minimum terms established under division (E) above and list the property for six months with a local real estate broker on a multiple listing basis. A listing may be renewed for an additional one six-month period.

(I) After expiration of the period set out in division (H) above, the property shall be removed from the market. Any decision to sell a piece of property once it has been removed from the market shall require that the entire procedure set forth in this chapter be repeated. The Council may, however, decide whether or not an additional appraisal is necessary.

(Ord. 13-273, passed 2-25-2013)

§ 35.06 DISPOSAL TO OTHER PUBLIC ENTITIES.

When disposing of real property to the federal or state government or any of their agencies or political subdivisions, the Council may act without complying with the provisions of §§ 35.04 and 35.05 when the disposal is for a specific public use.

(Ord. 13-273, passed 2-25-2013)

§ 35.07 LEASE OF SURPLUS REAL PROPERTY.

When real property is determined by the City Council to be suitable for tenant occupancy, and that occupancy is consistent with the public purpose for which it was acquired or not be needed for the public purpose for which it was acquired for up to five years, the City Council may lease all or any part of it to another for a term not to exceed five years at fair market rent. If a potential tenant who desires to lease real property from the city is tax-exempt nonprofit, the City Council shall have the discretion to lease the real property for rent that is less than fair market value. The City Council may require additional lease terms and conditions consistent with the public health, safety, and welfare.

(Ord. 13-273, passed 2-25-2013)

TITLE V: PUBLIC WORKS

Chapter

- 50. SEWERS**
APPENDIX A: UTILITY SERVICE AGREEMENT
- 51. WATER**

CHAPTER 50: SEWERS

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Appendix A: Utility Service Agreement

GENERAL PROVISIONS

§ 50.001 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

BOD (BIOCHEMICAL OXYGEN DEMAND). The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five days at 20°C, expressed in milligrams per liter.

BUILDING DRAIN. The part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste, and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning five feet outside the inner face of the building wall.

BUILDING SEWER. The extension from the building drain to the public sewer or other place of disposal.

COMBINED SEWER. A sewer receiving both surface runoff and sewage.

GARBAGE. Solid wastes from the domestic and commercial preparation, cooking, and dispensing of food, and from the handling, storage, and sale of produce.

INDUSTRIAL WASTES. The liquid wastes from industrial manufacturing processes, trade, or business as distinct from sanitary sewage.

MAY. Is permissive.

NATURAL OUTLET. Any outlet into a watercourse, pond, ditch, lake, or other body of surface or ground water.

pH. The logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.

PRIVATE SEWAGE DISPOSAL SYSTEM. A septic tank, lagoon, or any other means of sewage disposal that is acceptable for use in the state and which is owned and maintained by a private party.

PROPERLY SHREDDED GARBAGE. The wastes from the preparation, cooking, and dispensing of food that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-half inch in any dimension.

PUBLIC SEWER. A sewer in which all owners of abutting properties have equal rights, and is controlled by public authority.

SANITARY SEWER. A sewer which carries sewage and to which storm, surface, and ground water are not intentionally admitted.

SEWAGE. A combination of the water-carried wastes from residences, business buildings, institutions, and industrial establishments, together with such ground, surface, and storm waters as may be present.

SEWAGE TREATMENT PLANT. Any arrangement of devices and structures used for treating sewage.

SEWAGE WORKS. All facilities for collecting, pumping, treating, and disposing of sewage.

SEWER. A pipe or conduit for carrying sewage.

SHALL. Is mandatory.

SLUG. Any discharge of water, sewage, or industrial waste which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than 15 minutes more than five times the average 24-hour concentration of flows during normal operation.

STORM DRAIN or STORM SEWER. A sewer which carries storm and surface waters and drainage, but excludes sewer and industrial wastes, other than unpolluted cooling water.

SUPERINTENDENT. The Public Works Superintendent of the city, or his or her authorized deputy, agent, or representative.

SUSPENDED SOLIDS. Solids that either float on the surface of, or are in suspension in water, sewage, or other liquids, and which are removable by laboratory filtering.

WATERCOURSE. A channel in which a flow of water occurs, either continuously or intermittently.
(Prior Code, § 50.01) (Ord. 171, passed 1-4-1982)

§ 50.002 PUBLIC SEWER USE REQUIRED.

(A) It shall be unlawful for any person to place, deposit, or permit to be deposited in any unsanitary manner on public or private property within the city, or in any area under the jurisdiction of the city, any human or animal excrement, garbage, or other objectionable waste.

(B) It shall be unlawful to discharge to any natural outlet within the city, or in any area under the jurisdiction of the city, any sewage or other polluted liquids and waters, except where suitable treatment has been provided in accordance with subsequent provisions of this chapter.

(C) Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of sewage.

(D) The owner of any house, building, or property used for human occupancy, employment, recreation, or other purposes, situated within the city and abutting on any street, alley, or right-of-way in which there is now located or may in the future be located a public sanitary or combined sewer of the city, is hereby required at his or her own expense to install toilet and sewage disposal facilities therein, and to connect such facilities directly with the proper public sewer in accordance with the provisions of this chapter, within 90 days after the date of official notice to do so, provided that a public sewer is within 100 feet of his or her property line.

(Prior Code, § 50.02) (Ord. 171, passed 1-4-1982) Penalty, see § 50.999

§ 50.003 PRIVATE SEWAGE DISPOSAL.

(A) Where a public sanitary sewer is not available under the provisions of § 50.002, the building sewer shall be connected to a private sewage disposal system complying with the provisions of this section.

(B) Before commencement of construction of a private sewage disposal system, the owner shall first obtain a written variance from the city if the proposed system is approved by the state's Department of Environmental Quality. Any other type of system may be used with the written approval of both the state's Department of Environmental Quality and the city.

(C) When a public sewer becomes available to a property being served by a private sewage disposal system, that property shall be connected to the public sewer within 30 days at the property owner's expense. The private sewage disposal system shall then be abandoned and removed, filled, and otherwise be rendered useless and safe to the general public in accordance with existing state law and this chapter at no expense to the city.

(D) The owner shall maintain and operate the private sewage disposal system in a sanitary manner at all times at no expense to the city.

(E) Any private sewage disposal system shall be open to inspection by the city at any reasonable time.

(F) No statement contained in this section shall be construed to interfere with any requirements that may be imposed by the state, the state's Department of Environmental quality or its successor, or the city in the usual pursuit of the public welfare and safety.

(Prior Code, § 50.03) (Ord. 171, passed 1-4-1982) Penalty, see § 50.999

§ 50.004 DAMAGING, DESTROYING SEWAGE WORKS EQUIPMENT.

No unauthorized person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance, or equipment which is a part of the sewage works. Any person violating this provision shall be subject to immediate arrest under charge of disorderly conduct.

(Prior Code, § 50.04) Ord. 171, passed 1-4-1982) Penalty, see § 50.999

§ 50.005 IN LIEU OF FRANCHISE FEE.

Effective November 12, 2002, as compensation for the use of city owned right-of-way, the Sewer Fund shall pay the Street Fund an in lieu of franchise fee in the amount of 5% of the city sewer user receipts.

(Ord. 2003-002, passed 11-12-2002)

BUILDING SEWERS AND CONNECTIONS

§ 50.020 PERMIT REQUIRED FOR CONNECTIONS.

No unauthorized person shall uncover, make any connections with or opening into, use, alter, or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the Superintendent.

(Prior Code, § 50.15) (Ord. 171, passed 1-4-1982) Penalty, see § 50.999

§ 50.021 CLASSES OF PERMITS.

There shall be two classes of building sewer permits: for residential service; and for commercial service and service to establishments producing industrial waste. In either case, the owner or his or her agent shall make application through the standard building permit procedure as established by the city. The permit application may be supplemented by any specifications, plans, or other information the city deems necessary. A permit, connection, and inspection fee for residential, commercial, and industrial sewer hook ups shall be paid to the city at the time an application is made for sewer service. The fees shall be set by resolution of the City Council and may be revised from time to time.

(Prior Code, § 50.16) (Ord. 171, passed 1-4-1982; Ord. 222, passed 3-25-1996)

§ 50.022 COSTS TO BE BORNE BY OWNER.

All costs and expense incident to the installation and connection of the building sewer shall be borne by the owner. The owner shall indemnify the city from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.

(Prior Code, § 50.17) (Ord. 171, passed 1-4-1982)

§ 50.023 SEPARATE BUILDING SEWERS.

A separate and independent building sewer shall be provided for every building; except where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court, yard, or driveway, the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer.

(Prior Code, § 50.18) (Ord. 171, passed 1-4-1982)

§ 50.024 OLD BUILDING SEWERS USED WITH NEW BUILDINGS.

Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the Superintendent, to meet all requirements of this chapter.

(Prior Code, § 50.19) (Ord. 171, passed 1-4-1982)

§ 50.025 SPECIFICATIONS FOR MATERIALS AND CONSTRUCTION.

(A) The size, slope, alignment, materials of construction of a building sewer, and the methods to be used in excavating, placing of the pipe, jointing, testing, and backfilling the trench, shall conform to the requirements of the Building and Plumbing Code or other applicable rules and regulations of the city. In the absence of code provisions or in amplification thereof, the materials and procedures set forth in appropriate specifications of the most current A.S.T.M. and W.P.C.F. Manual of Practice No. 9 shall apply.

(B) Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which an building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drain shall be lifted by an approved means and discharged to the building sewer.

(C) No person shall make connection of roof downspouts, exterior foundation drains, areaway drains, or other sources of surface runoff or ground water to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer.

(D) The connection of the building sewer into the public sewer shall conform to the requirements of the Building and Plumbing Code or other applicable rules and regulations of the city, or the procedures set forth in appropriate specifications of the most current A.S.T.M. and the W.P.C.F. Manual of Practice No. 9. All such connections shall be made gas- and water-tight. Any deviation from the prescribed procedures and materials must be approved by the Superintendent before installation. (Prior Code, § 50.20) (Ord. 171, passed 1-4-1982) Penalty, see § 50.999

§ 50.026 SUPERINTENDENT TO BE NOTIFIED WHEN CONSTRUCTION READY FOR INSPECTION.

The applicant for the building sewer permit shall notify the Superintendent when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the Superintendent or his or her representative. (Prior Code, § 50.21) (Ord. 171, passed 1-4-1982) Penalty, see § 50.999

§ 50.027 EXCAVATIONS TO BE GUARDED; RESTORATION OF PUBLIC PROPERTY.

All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the city. (Prior Code, § 50.22) (Ord. 171, passed 1-4-1982) Penalty, see § 50.999

USE OF PUBLIC SEWERS

§ 50.040 DISCHARGES OF UNPOLLUTED DRAINAGE; DISCHARGES TO NATURAL OUTLETS AND STORM SEWERS.

(A) No person shall discharge or cause to be discharged any storm water, surface water, ground water, roof runoff, subsurface drainage, uncontaminated cooling water, or unpolluted industrial process waters to any sanitary sewer.

(B) Storm water and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as combined sewers or storm sewers, or to a natural outlet approved by the Superintendent. Industrial cooling water or unpolluted process waters may be discharged, on approval of the Superintendent, to a storm sewer, combined sewer, or natural outlet. (Prior Code, § 50.35) (Ord. 171, passed 1-4-1982) Penalty, see § 50.999

§ 50.041 PROHIBITED DISCHARGES.

No person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewers:

(A) Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid, or gas;

(B) Any waters or wastes containing toxic or poisonous solids, liquids, or gases in sufficient quantity, either singly or by interaction with other wastes to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, create a public nuisance, or create any hazard in the receiving waters of the sewage treatment plant, including, but not limited to, cyanides in excess of two mg/l as CN in the wastes as discharged to the public sewer;

(C) Any waters or wastes having a pH lower than 5.5 or having any other corrosive property capable of causing damage or hazard to structures, equipment, and personnel of the sewage works; and/or

(D) Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers, or other interference with the proper operation of the sewage works such as, but not limited to, ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, unground garbage, whole blood, paunch manure, hair and fleshings, entrails and paper dishes, cups, milk containers, and the like either whole or ground by garbage grinders.

(Prior Code, § 50.36) (Ord. 171, passed 1-4-1982) Penalty, see § 50.999

§ 50.042 DISCHARGE OF HARMFUL SUBSTANCES PROHIBITED.

(A) No person shall discharge or cause to be discharged the following described substances, materials, waters, or wastes if it appears likely in the opinion of the Superintendent that such wastes can harm either the sewers, sewage treatment process, or equipment, have an adverse effect on the receiving stream, or can otherwise endanger life, limb, public property, or constitute a nuisance. In forming his or her opinion as to the acceptability of these wastes, the Superintendent will give consideration to such factors as to quantities of subject wastes in relation to flows and velocities in the sewers, materials of construction of the sewers, nature of the sewage treatment process, capacity of the sewage treatment plant, degree of tractability of wastes in the sewage treatment plant, and other pertinent factors.

(B) The substances prohibited are:

(1) Any liquid or vapor having a temperature higher than 150°F (65°C);

(2) Any water or waste containing fats, grease, or oils, whether emulsified or not, in excess of 100 mg/l or containing substances which may solidify or become viscous at temperatures between 32° and 150°F;

(3) Any garbage that has not been properly shredded. The installation and operation of any garbage grinder equipped with a motor of three-fourths horsepower or greater shall be subject to the review and approval of the Superintendent;

(4) Any waters or wastes containing strong acid iron pickling wastes, or concentrated plating solutions whether neutralized or not;

(5) Any waters or wastes containing iron, chromium, copper, zinc, and similar objectionable or toxic substances; or wastes exerting an excessive chlorine requirement, to such a degree that any such material received in the composite sewage at the sewage treatment works exceeds the limits established by the Superintendent for such materials;

(6) Any waters or wastes containing phenols or other taste or odor producing substances, in such concentrations exceeding limits which may be established by the Superintendent as necessary, after treatment of the composite sewage, to meet the requirements of the state, federal, and other public agencies of jurisdiction for such discharge to the receiving waters;

(7) Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the Superintendent in compliance with applicable state and federal regulations;

(8) Any waters or wastes having a pH in excess of 9.5;

(9) Materials which exert or cause:

(a) Unusual concentrations of inert suspended solids (such as, but not limited to, Fuller's earth, lime slurries, and lime residues) or of dissolved solids (such as, but not limited to, sodium chloride and sodium sulfate);

(b) Excessive discoloration (such as, but not limited to, dye wastes and vegetable tanning solutions);

(c) Unusual BOD, chemical oxygen demand, or chlorine requirements in such quantities as to constitute a significant load on the sewage treatment works; and/or

(d) Unusual volume of flow or concentration of wastes constituting "slugs" as defined herein.

(10) Waters or wastes containing substances which are not amenable to treatment processes employed, or are amenable to treatment only to such degree that the sewage treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.

(Prior Code, § 50.37) (Ord. 171, passed 1-4-1982) Penalty, see § 50.999

§ 50.043 ACTIONS OF THE SUPERINTENDENT.

(A) If any waters or wastes are discharged, or are proposed to be discharged to the public sewers, which waters contain the substances or possess the characteristics enumerated in § 50.037 above, and which in the judgment of the Superintendent may have a deleterious effect upon the sewage works, processes, equipment, or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the Superintendent may:

- (1) Reject the wastes;
- (2) Require pretreatment to an acceptable condition for discharge to the public sewers;
- (3) Require control over the quantities and rates of discharge; and/or

(4) Require payment to cover the added cost of handling and treating the wastes not covered by existing taxes or sewer charges under the provisions of § 50.042.

(B) If the Superintendent permits the pretreatment or equalization of waste flows, the design and installation of the plants and equipment shall be subject to the review and approval of the Superintendent, and subject to the requirements of all applicable codes, ordinances, and laws.

(Prior Code, § 50.38) (Ord. 171, passed 1-4-1982)

§ 50.044 GREASE, OIL, AND SAND INTERCEPTORS.

Grease, oil, and sand interceptors shall be provided when, in the opinion of the Superintendent, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts, or any flammable wastes, sand, or other harmful ingredients; except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the Superintendent, and shall be located as to be readily and easily accessible for cleaning and inspection.

(Prior Code, § 50.39) (Ord. 171, passed 1-4-1982) Penalty, see § 50.999

§ 50.045 PRELIMINARY TREATMENT FACILITIES.

(A) Where preliminary treatment or flow-equalizing facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner at his or her expense.

(B) When required by the Superintendent, the owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable control manhole together with such necessary meters and other appurtenances in the building sewer to facilitate observation, sampling, and measurement of the wastes. Such manhole, when required, shall be accessibly and safely located, and shall be constructed

in accordance with plans approved by the Superintendent. The manhole shall be installed by the owner at his or her expense, and shall be maintained by him or her so as to be safe and accessible at all times. (Prior Code, § 50.40) (Ord. 171, passed 1-4-1982) Penalty, see § 50.999

§ 50.046 MEASUREMENTS, TESTS, AND ANALYSES.

All measurements, tests, and analyses of the characteristics of waters and wastes to which reference is made in this chapter shall be determined in accordance with the latest edition of *Standard Methods for the Examination of Water and Wastewater*, published by the American Public Health Association, and shall be determined at the control manhole provided, or upon suitable samples taken at said control manhole. In the event that no special manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the public sewer to the point at which the building sewer is connected. Sampling shall be carried out by customarily accepted methods to reflect the effect of constituents upon the sewage works and to determine the existence of hazards to life, limb, and property. The particular analyses involved will determine whether a 24-hour composite of all outfalls of a premises is appropriate or whether a grab sample of samples should be taken. Normally, but not always, BOD and suspended solids analyses are obtained for 24-hour composites of all outfalls whereas pHs are determined from periodic grab samples.

(Prior Code, § 50.41) (Ord. 171, passed 1-4-1982)

§ 50.047 SPECIAL AGREEMENTS.

No statement contained in this subchapter shall be construed as preventing any special agreement or arrangement between the city and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the city for treatment, subject to payment therefor, by the industrial concern.

(Prior Code, § 50.42) (Ord. 171, passed 1-4-1982)

RATES AND CHARGES

§ 50.060 DEFINITIONS.

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

CITY ENGINEER. The consulting engineer retained by the city.

COLLECTION SYSTEM. The system of public sewers to be operated by the city designed for the collection of sanitary sewage.

COMMERCIAL USER. Any premises used for commercial or business purposes which is not an industry as defined in this subchapter.

DOMESTIC WASTE. Any wastewater emanating from dwellings or from domestic activities which are performed outside the home in lieu of a home activity directly by or for private citizens.

EQUIVALENT RESIDENTIAL UNIT (ERU). A unit of wastewater which incurs the same costs for operation and maintenance as the basic minimum volume of domestic waste established as being discharged from a single-family residence in the treatment works service area. In the city, an **ERU** shall be equivalent to the established minimum gallons per month of domestic wastewater as established by Council resolution.

MAY. Is permissible.

OPERATION AND MAINTENANCE. All activities, goods, and services which are necessary to maintain the proper capacity and performance of the treatment works for which such works were designed and constructed. The term shall include **REPLACEMENT** as defined hereinafter.

PUBLIC TREATMENT WORKS. A treatment works owned and operated by public authority.

REPLACEMENT. Acquisition and installation of equipment, accessories, or appurtenances which are necessary during the service life of the treatment works to maintain the capacity and performance for which such works were designed and constructed.

SERVICE AREA. All the area served by the treatment works and for which there is one uniform user charge system.

SEWAGE. A combination of water-carried wastes from residences, business buildings, institutions, and industrial establishments, together with such ground, surface, and storm waters as may be present.

SEWER DEPARTMENT. That department of the city or division thereof which is designated to operate and maintain the sewage treatment works.

SHALL. Is mandatory.

TREATMENT WORKS. All facilities for collecting, pumping, treating, and disposing of sewage. **TREATMENT SYSTEM** and **SEWERAGE SYSTEM** shall be equivalent terms for **TREATMENT WORKS**.

USER. Every person using any part of the public treatment works of the city.

USER CHARGE. The periodic charges levied on all users of the public treatment works, and shall at a minimum, cover each user's proportionate share of the cost of operation and maintenance (including replacement).
(Prior Code, § 50.55) (Ord. 184, passed 4-2-1984; Ord. 2015-001, passed 2-23-2015)

§ 50.061 SEWER USER CHARGE.

(A) User charges shall be levied on all users of the public treatment works. These charges shall cover the costs of operation and maintenance, replacement, taxes, and other administrative costs of such treatment works. The user charge system shall distribute these costs in proportion to each user's contribution to the wastewater loading of the treatment works.

(B) There shall be established classes of users such that all members of a class shall pay a flat charge for a minimum volume of wastewater discharged from each residence, facility, or other appropriate unit.

(C) There shall be assigned to each user class a number of Equivalent Residential Units (ERUs) (See § 50.055 of this subchapter) for each appropriate unit and this number of ERUs shall represent the ratio of the costs incurred by the wastes from the unit to the costs incurred by the wastes from the base ERU which is charged the minimum rate.

(D) Should any user believe that he or she has been incorrectly assigned a number of ERUs, that user may apply for review of his or her user charge as provided in § 50.061 of this subchapter.

(E) Should the City Engineer determine that a user is incorrectly assigned a number of ERUs, he or she shall reassign a more appropriate number of ERUs to that user and shall notify that user of such reassignment.

(F) Records of all assigned rates and any assigned wastewater volumes forming the basis of the ERU shall be kept on file with the City Recorder and shall be open for public inspection.

(G) The monthly sewer user charge shall be set by resolution of the City Council. The resolution may be revised from time to time by the City Council as provided in § 50.062.

(H) Any user which cannot be classified in any of the above user classes shall be considered a special user. Such user shall be placed in an open class and a special charge based on both volume and strength of waste shall be assigned to that user by the City Engineer.

(I) The sewer user charge for all occupied property shall begin 60 days after the sewer service becomes available, or the day that connection is made to the public sewer; whichever occurs first. The sewer user charge for all unoccupied property shall begin within 30 days after the property is ready for occupancy or on the first day of occupancy; whichever occurs first. All unoccupied property which is ready for occupancy at the time that the sewer service becomes available shall be treated as occupied property. Once the sewer user charge has commenced, no credit shall be given for vacancy unless it can be demonstrated that water service to that property from any and all sources has been discontinued. The monthly sewer user charge shall be reinstated as soon as water service to that property from any source

has begun. If the date upon which the user charge is commenced or altered does not fall on the first day of a billing period, the rate shall be appropriately pro-rated.

(Prior Code, § 50.56) (Ord. 184, passed 4-2-1984; Ord. 220, passed 10-5-1992; Ord. 222, passed 3-25-1996)

§ 50.062 REVIEW AND REVISION OF RATES; NOTIFICATION.

(A) The sewer user charges established in § 50.061 shall, as a minimum, be reviewed annually and revised periodically to reflect actual costs of operation, maintenance, and replacement of the treatment works and to maintain the equitability of the user charge with respect to proportional distribution of the costs of operation and maintenance in proportion to each user's contribution to the total wastewater loading of the treatment works.

(B) Each user will be notified, at least annually, in conjunction with a regular bill, of the rate and that portion of the user charges which are attributable to wastewater treatment services.

(Prior Code, § 50.57) (Ord. 184, passed 4-2-1984)

§ 50.063 RESPONSIBILITY FOR PAYMENT; BILLING PROCEDURE; DELINQUENCIES.

(A) The person who owns the premises served by the sewerage system shall be responsible for payment of the sewer user charge for that property, notwithstanding the fact that the property may be occupied by a tenant or other occupant who may be required by the owner to pay the charges.

(B) The users of the sewerage system shall be billed on a monthly basis for services after rendered, in accordance with the rate schedule set forth in § 50.061 of this subchapter.

(C) The date of billing shall be the first day of the month for which the sewer user charge is calculated as provided in § 50.061.

(D) Sewer user charges shall be due and payable to the City Recorder no later than ten days after the date of billing.

(E) Sewer user charges levied in accordance with this subchapter shall be a debt due to the city and a lien upon the property. If this debt is not paid within 30 days after it shall be due and payable, it shall be deemed delinquent and may be recovered by civil action in the name of the city against the property owner, the person, or both.

(F) Interest at the rate as determined by Council resolution shall accrue on all accounts from the date of delinquency.

(Prior Code, § 50.58) (Ord. 184, passed 4-2-1984; Ord. 2015-001, passed 2-23-2015)

§ 50.064 DISCONNECTION FOR LATE PAYMENT.

(A) It is the policy of the city to discontinue utility service to customers by reason of nonpayment of bills only after notice and a meaningful opportunity to be heard on disputed bills. The city's form for application for utility service shall contain the pertinent contact information of the official in charge of billing, clearly visible and easily readable provisions to the effect.

(B) When it becomes necessary for the city to discontinue utility service to a customer for nonpayment of bills, service will be reinstated only after all bills for service then due have been paid or a payment plan acceptable to the city has been agreed to and adhered with, along with a turn-on charge as determined by Council resolution.

(Ord. 2015-001, passed 2-23-2015)

§ 50.065 HANDLING OF FUNDS.

(A) Bills for sewer user charges shall be mailed to the address specified in the application for permit to make the connection unless or until a different owner or user of the property is reported to the Sewer Department.

(B) All collections of sewer user charges shall be made by the City Recorder by and through the Sewer Department. Sewer user charges shall be computed as provided in § 50.061 and shall be payable as provided in § 50.063.

(C) The City Recorder is hereby directed to deposit in the Sewer Fund all of the gross revenues received from charges, rates, and penalties collected for the use of the sewerage system as herein provided.

(D) The revenues thus deposited in the Sewer Fund shall be used exclusively for the operation, maintenance, and repair of the sewerage system; reasonable administration costs; expenses of collection of charges imposed by this chapter and connection fees provided for in this chapter; and may be used for payments of the principal and interest on any debts of the sewerage system of the city.

(Prior Code, § 50.60) (Ord. 184, passed 4-2-1984)

§ 50.066 APPEALS.

(A) Any sewer user who feels his or her sewer user charge is unjust and inequitable as applied to his or her premises within the intent of the foregoing provisions may make written application to the City Council requesting a review of his or her user charge. The written request shall, where necessary, show the actual or estimated average flow of his or her wastewater in comparison with the values upon which the charge is based, including how the measurements or estimates were made.

(B) Review of the request shall be made by the City Council and the City Engineer and shall determine if it is substantiated or not, including recommending further study of the matter by the City Engineer or other registered professional engineer.

(C) If the request is determined to be substantiated, the user charges for the user shall be recomputed based on the approved revised flow and/or strength data and the new charges thus recomputed shall be applicable retroactively up to six months, as applicable.
(Prior Code, § 50.61) (Ord. 184, passed 4-2-1984)

ADMINISTRATION AND ENFORCEMENT

§ 50.080 RIGHT OF ENTRY; SAFETY RULES TO BE OBSERVED; INDEMNIFICATION.

(A) The Superintendent and other duly authorized employees of the city bearing proper credentials and identification shall be permitted to enter all properties for the purposes of inspections, observation, measurement, sampling, and testing in accordance with the provisions of this chapter. The Superintendent or his or her representatives shall have no authority to inquire into any processes including metallurgical, chemical, oil, refining, ceramic, paper, or other industries beyond that point having a direct bearing on the kind and source of discharge to the sewers or waterways or facilities for waste treatment.

(B) While performing the necessary work on private properties referred to in division (A) above, the Superintendent or other duly authorized employees of the city shall observe all safety rules applicable to the premises established by the company and the company shall be held harmless for injury or death to the city employees and the city shall indemnify the company against loss or damage to its property by city employees and against liability claims and demands for personal injury or property damage asserted against the company and growing out of the gauging and sampling operation, except as such may be caused by negligence or failure of the company to maintain safe conditions as required in § 50.045.

(C) The Superintendent and other duly authorized employees of the city bearing proper credentials and identification shall be permitted to enter all private properties through which the city holds a duly negotiated easement for the purposes of, but not limited to, inspection, observation, measurement, sampling, repair, and maintenance of any portion of the sewage works lying within said easement. All entry and subsequent work, if any, shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved.
(Prior Code, § 50.75) (Ord. 171, passed 1-4-1982)

§ 50.081 VIOLATIONS.

(A) Any person found to be violating any provision of this chapter except § 50.004, shall be served by the city with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations.

(B) Any person violating any of the provisions of this chapter shall become liable to the city for any expense, loss, or damage occasioned by the city by reason of such violation.
(Prior Code, § 50.76) (Ord. 171, passed 1-4-1982)

§ 50.999 PENALTY.

Any person who shall continue any violation beyond the time limit provided for in § 50.081(A) shall be guilty of a misdemeanor and, on conviction thereof, shall be fined in the amount not exceeding \$100 for each violation. Each day in which any such violation shall continue shall be deemed a separate offense.

(Prior Code, § 50.99) (Ord. 171, passed 1-4-1982)

APPENDIX A: UTILITY SERVICE AGREEMENT**CITY OF MONROE**

664 Commercial Street

P.O. Box 486

Monroe, OR 97456

PH. 847-5176/FAX 847-5177

APPLICANT NAME: _____

PHONE NUMBER: HOME (541) _____ BUSINESS _____

MAILING ADDRESS: _____

SERVICE ADDRESS: _____

DATE SERVICE TO BEGIN: _____

OWNER NAME: _____

OWNER ADDRESS: _____

LEGAL DESCRIPTION: Section _____ Township _____ Range _____ Lot _____

RESIDENTIAL _____ COMMERCIAL _____ INDUSTRIAL _____

DRIVER'S LICENSE # _____ SOC. SEC. # _____

PREVIOUS ADDRESS: _____

RESIDENTIAL RATES: Water Minimum - \$10.00 for the first 2,000 gallons
Water Excess - \$5.00 per 1,000 gallons or part thereof
Sewer Flat Rate - \$28.66

COMMERCIAL: Water Minimum - \$25.00 for the first 2,000 gallons
Water Excess - \$5.00 per 1,000 gallons or part thereof
Sewer Flat Rate - \$28.66

Refundable Deposit Required of \$75.00

The city bills in arrears. Payments are due by the 15th of the month. Any bill outstanding on the 16th of the month may be subject to a 1.5% penalty and/or turn off. In the event of a turn off, all fees must be paid plus a \$35.00 service charge to restore service.

I have read the above conditions and agree to be the responsible party for payment of charges.

Signature_____
Date

CHAPTER 51: WATER

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GENERAL PROVISIONS

§ 51.001 SHORT TITLE.

This chapter shall be known as "Rates, Rules, and Regulations for the Operation of the Water Department of the City of Monroe, Benton County, Oregon", and may be so cited and pleaded.
(Prior Code, § 51.01) (Ord. 216, passed 6-3-1991)

§ 51.002 SCOPE.

The Water Department and all customers receiving services from the Water Department, whether inside or outside the city limits, are bound by these rules and regulations of the Water Department.
(Prior Code, § 51.02) (Ord. 216, passed 6-3-1991)

§ 51.003 DEFINITIONS.

For the purpose of this chapter the following definitions shall apply unless the context clearly indicates or requires a different meaning.

APPLICANT. The person or persons, firm, or corporation making application for water service from the Water Department under the terms of these regulations.

CITY COUNCIL. The legally elected group of members composing the City Council, including the Mayor of the city.

CUSTOMER or USER. An applicant who has been accepted under the terms of these regulations and who receives water service from the Water Department.

SUPERINTENDENT. The person appointed by the City Council to superintend the affairs of the Water Department.

WATER DEPARTMENT. The Water Department of the city.
(Prior Code, § 51.03) (Ord. 216, passed 6-3-1991)

§ 51.004 FIRE HYDRANTS.

(A) *Operation.* No person or persons other than those designated and authorized by the Water Department shall open any fire hydrant belonging to the Water Department, attempt to draw water from it, or in any manner damage or tamper with it. Any violation of this regulation will be prosecuted according to law. No tool other than special hydrant wrenches shall be used to operate a hydrant valve. In cases where a temporary service has been granted and receives water through a fire hydrant, an auxiliary external valve will be provided to control the flow of water.

(B) *Moving a fire hydrant.* When a fire hydrant has been installed in the locations specified by the proper authorities, the Water Department has fulfilled its obligation. If a property owner or other party desires to change the size, type, or location of the hydrant, he or she shall bear all costs of such changes. Any change in the location of a fire hydrant must be approved by the Water and Fire Departments.
(Prior Code, § 51.04) (Ord. 216, passed 6-3-1991) Penalty, see § 51.999

§ 51.005 IN LIEU OF FRANCHISE FEE.

Effective November 1, 2002, as compensation for the use of city-owned right-of-way, the Water Fund shall pay the Street Fund an in lieu of franchise fee in the amount of 5% of the city water user receipts.
(Ord. 2003-001, passed 11-12-2002)

WATER SERVICE**§ 51.020 SERVICE AREA.**

(A) The area served by the Water Department shall be all that area included within the corporate limits of the city and such other contiguous and neighboring territory as the City Council shall, from time to time, deem necessary to serve.

(B) The owner of any house, building, or property used for human occupancy, employment, recreation, or other purposes, situated within the city and abutting on any street, alley, or right-of-way in which there is now located or may in the future be located a municipal water line is hereby required to connect to the water system of the city in accordance with the provisions of this chapter, within 30 days after the date of official notice to do so. After 30 days notice, a charge not lower than the minimum water rate will be charged and will continue each month thereafter.
(Prior Code, § 51.15) (Ord. 216, passed 6-3-1991)

§ 51.021 DESCRIPTION OF SERVICE.

(A) *Supply.* The Water Department will exercise reasonable diligence and care to deliver a continuous and sufficient supply of water to the customer at a reasonable pressure and to avoid so far as reasonably possible any shortage or interruption in delivery. The Water Department shall not be liable for damage resulting from the interruption in service or from the lack of service. Temporary suspension of service by the Water Department for improvements and repairs will be necessary occasionally. Whenever possible, and when time permits, all customers affected will be notified prior to shutdowns.

(B) *Quality.* The Water Department will exercise reasonable diligence to supply safe and potable water at all times.

(C) *Ownership of system.* All water mains, valves, fittings, hydrants, and other appurtenances, except "customer service lines", as defined in § 51.024 herein, shall be the property of the Water Department.

(D) *Classes of service.* The classes of service shall be residential, commercial, and contract as further qualified by the number after the class as follows: inside city limits; outside city limits.

(1) *Residential service.* Residential services shall consist of all services for domestic purposes, single-family dwellings, homes, and municipal services.

(2) *Commercial service.* Commercial services shall consist of those services where water is used for commercial services, such as businesses, multi-family dwellings, churches, and institutions.

(3) *Contract service.* Contract services shall consist of those services for industrial or independent water district purposes under contracts authorized by the City Council.

(E) *Special contracts.* When the applicants's requirements for water are unusual or large, such as an independent water district, or necessitate considerable special or reserve equipment or capacity, the Water Department, by authorization of the City Council, reserves the right to make special contracts, the provisions which are different from and have exceptions to the regularly published water rates, rules, and regulations. Any special contract shall be in writing, signed by the applicant, approved by the City Council and City Attorney, and signed by the Mayor and City Recorder.

(F) *Resale of water.* Resale of water shall be permitted only under special contract, in writing, between the city and the persons, parties, or corporation selling the water.

(G) *Service preference.* In case of shortage of supply, the Water Department reserves the right to give preference in the matter of furnishing service to customers and interest of the Water Department from the standing of public convenience or necessity. Water service to users outside of the city limits shall at all times be subject to the prior and superior rights of the customers within the city limits. (Prior Code, § 51.16) (Ord. 216, passed 6-3-1991)

§ 51.022 APPLICATION FOR SERVICE.

(A) *Application form.* Each applicant for water service shall sign an application form provided by the Water Department giving the date of application, location of premises to be served, the date applicant desires service to begin, purpose for which the service is to be used, the address for mailing of the billings, the class and size of the service, and any other such information as the Water Department requires. The application is merely a written request for service and does not bind the Water Department to provide service.

(B) *Deposits and establishment of credit.* At the time application for service is made, the applicant shall establish credit with the Water Department.

(1) *Establishment of credit.* The credit of the applicant will be deemed established when the applicant makes a cash deposit with the Water Department to secure the payment of bills for service. The deposit shall be a sum equal to the estimated bill for two months service but not less than the amount established by the City Council from time to time by resolution.

(2) *Deposits.* At the time the deposit is given to the Water Department, the applicant will be given a receipt for the same. The deposit is not to be considered as a payment on account. In the event the service is discontinued, the deposit will be applied to the closing bill and any amount in excess of the closing bill will be refunded. The Water Department will not pay interest on any deposit.

(3) *Forfeiture of deposit.* If an account becomes delinquent and it is necessary to turn off service, the deposit shall be applied to the unpaid balance due. Water service will not be restored to that premises or that customer at different premises until all outstanding bills due the Water Department have been paid and the cash deposit replaced, together with the reconnect charge as provided in § 51.052.

(C) *Service connection charges.* Each application will be accompanied with payment of the appropriate service connection charge as provided in § 51.045.

(D) *Application amendments.* Customers desiring a material change in the size, character, or extent of equipment or operation which would result in a material change in the amount of water used shall give the Water Department written notice of such change prior to the change and the application for service shall be amended.

(E) *Change of location or services.* Customers desiring a change in the size, location, or number of services shall fill out an amended application.

(Prior Code, § 51.17) (Ord. 216, passed 6-3-1991; Ord. 223, passed 3-25-1996)

Cross-reference:

For application form, see Chapter 50, Appendix A

§ 51.023 MAIN EXTENSIONS.

(A) *Within the city limits.* Water main extensions to areas within the city limits not presently served with water shall be installed under procedures to be established by the City Council. Subdividers for newly partitioned properties will assume all costs of main extensions with the approval of the City Council. All extensions become property of the city upon acceptance by the city.

(B) *Outside the city limits.* Water mains outside the city limits shall be extended only at the expense of the customers served. The main extensions shall become the property of the Water Department at the time of acceptance of installation. The City Council shall determine the size of the main extensions and all extensions shall be of a suitable material approved by the City Council. Extensions outside the city limits shall be installed by the Water Department or by contractors approved by the Water Department. The installation procedures and materials shall be in accordance with city and state standards.

(C) *Location of extensions.* The Water Department will make main extensions only on rights-of-way, easements, or publicly-owned property. Easements or permits secured for main extensions shall be obtained in the name of the city, along with all rights and title to the main at the time service is provided to the customers paying for the extension.

(Prior Code, § 51.18) (Ord. 216, passed 6-3-1991; Ord. 223, passed 3-25-1996)

§ 51.024 SERVICE CONNECTION DEFINED.

The **SERVICE CONNECTION** shall be that part of the water distribution system which connects the meter to the main and shall normally consist of the corporation stop, service pipe, curb stop and box, meter, meter yoke, and meter box. The **CUSTOMER SERVICE LINE** shall be that part of the piping on the customer's property that connects the service to the customer's distribution system.

(Prior Code, § 51.19) (Ord. 216, passed 6-3-1991)

§ 51.025 OWNERSHIP, INSTALLATION, AND MAINTENANCE.

The Water Department shall own, install, and maintain all services. Any work shall be done only by authorized employees of the Water Department. Any work performed or authorized by the Water Department shall meet standards acceptable to the City Engineer. The customer shall own, install, and maintain the customer service line.

(Prior Code, § 51.20) (Ord. 216, passed 6-3-1991; Ord. 223, passed 3-25-1996)

§ 51.026 SIZE OF SERVICE; CHANGES IN SERVICE SIZE.

(A) The Water Department will furnish and install a service of such size and at such locations as the applicant requests, provided such requests are reasonable and that the size requested is one listed by the Water Department. The minimum size of service shall be three-fourths inch. The Water Department may refuse to install a service line that is either under or over sized as determined by study and report.

(B) Permanent changes in the size of the service line requested by the customer shall be paid by the customer on the basis of actual cost to the Water Department for making the change.

(Prior Code, § 51.21) (Ord. 216, passed 6-3-1991)

§ 51.027 LENGTH OF SERVICE.

(A) Where the main is in a public right-of-way, the meter will be placed at the right-of-way line nearest the property to be served for the standard connection fee, provided the length of the service line does not exceed the width of the right-of-way.

(B) Where the main is on an easement or publicly-owned property other than designated rights-of-way, the service shall be installed to the boundary of the easement or public property by the Water Department, provided the length of service does not exceed 60 feet.

(C) If, in either case cited above, the length of service line to the meter location exceeds the maximum stated, the applicant shall pay the extra cost of the line on the basis of actual cost to the Water Department for labor, materials, and equipment plus 20%.

(Prior Code, § 51.22) (Ord. 216, passed 6-3-1991)

§ 51.028 JOINT SERVICE CONNECTIONS; NUMBER OF SERVICE CONNECTIONS ON PREMISES.

(A) The Water Department may, at its option, serve two or more premises with one connection. On new service connections, the inside diameter of such joint lines shall be sufficient to provide a carrying capacity of not less than the combined capacity of individual service lines of the same size as the meters installed.

(B) Service extensions from an existing service to other occupancies or ownerships than that for which the existing service was intended shall not be permitted nor shall separate residences be permitted to receive service through one meter except under special considerations approved by the City Council.

(C) The owner of a single parcel of property may apply for and receive as many services as he or she and his or her tenants may require, provided his or her application or applications meet the requirements of the policies, rules, and regulations.
(Prior Code, § 51.23) (Ord. 216, passed 6-3-1991)

§ 51.029 FIRE SERVICE CONNECTIONS.

A service having fire protection facilities on the premises and water for other purposes flowing through the same service connection shall be considered as an ordinary service and metered as such. All water used through that service, regardless of its use, will be charged at the regular rates.
(Prior Code, § 51.24) (Ord. 216, passed 6-3-1991)

§ 51.030 TEMPORARY SERVICE CONNECTIONS.

(A) *Advanced payment required.* For water service of a temporary nature, applicants shall be required to pay in advance the estimated cost of installation and removal of metering equipment and materials, plus a reasonable depreciation charge for the use of equipment and material furnished by the Water Department. The applicant shall also pay his or her water bill in advance based on an estimate of the quantity to be used, or he or she shall otherwise establish satisfactory credit.

(B) *Time limit.* Temporary service connections shall be disconnected and terminated within six months after installation unless an extension of time is granted in writing by the Water Department.

(C) *Charge for water used.* Charges for water furnished through a temporary service connection shall be at the established rates set forth in the current water rate schedule.

(D) *Installation charge and deposit.* The applicant for temporary service will be required:

(1) To pay the Water Department, in advance, the estimated cost of installing and removing all facilities necessary to furnish the service;

(2) To deposit an amount sufficient to cover bills for water used during the entire period such temporary service may be used, or to otherwise establish credit approved by the Water Department; and/or

(3) To deposit an amount equal to the value of any equipment loaned by the Water Department to the applicant under the terms of division (E) below.

(E) *Responsibility for meters and installation.* The customer shall use all possible care to prevent damage to the meter or to any other loaned facilities of the Water Department. If the meter or other facilities are damaged, the cost of making repairs shall be deducted from the deposit refund. If the loaned materials are returned in satisfactory condition and all bills paid, the full amount of the equipment deposit will be returned to the temporary customer at the termination of service.

(Prior Code, § 51.25) (Ord. 216, passed 6-3-1991)

§ 51.031 CUSTOMER'S PLUMBING.

(A) *Plumbing Code.* The customer's plumbing, which shall include the customer's service line and all plumbing, piping, fixtures, and other appurtenances carrying or intended to carry water, sewer, or drainage, shall comply with the Plumbing Code of the state.

(B) *Control valve.* Customers shall install a suitable control valve in the customer service line as close to the meter as possible, the operation of which will control the entire water supply to the premises served. In the event a customer's service is discontinued for any reason, a control valve must be installed, if none exists, as provided by this section.

(C) *Violations.* It shall be a violation of these rules and regulations for the customer to operate, cause or permit unauthorized operation of the meter stop or any appurtenance on the service connection. (Prior Code, § 51.26) (Ord. 216, passed 6-3-1991) Penalty, see § 51.999

§ 51.032 METERS.

(A) *Ownership.* The Water Department will own and maintain all water meters. The Water Department will not pay rent or any other charge for a meter or other water facilities, including housing and connections on a customer's premises.

(B) *Installation.* Installation of water meters shall be performed only by authorized employees of the Water Department. All meters shall be sealed by the Water Department at the time of installation, and no seal shall be altered or broken except by one of its authorized employees.

(C) *Size and type of meter.* Applicants may request and receive any size meter regularly stocked or furnished by the Water Department, provided the request is reasonable, and further provided that the meter is not greatly oversized or undersized, as determined by the Water Superintendent. The Water Department reserves the right to determine the type of meter to be installed.

(D) *Location of meters.* Meters shall normally be placed at the curb or property lines. The meter will be installed wherever the applicant desires, within reason, but the location must be approved by the Water Department. The meters will not be located in driveways or other locations where damage to the meter or its related parts may occur.

(E) *Joint use of meters.* The joining of several customers to take advantage of the single minimum charges and large quantity rates shall be prohibited, except under special contract, in writing, with the City Council.

(F) *Changes in size or location.* If, for any reason, a change in the size of a meter and service is required, the installation will be accomplished on the basis of a new connection, and the customer's application shall be so amended. Meters or services moved for the convenience of the customer will be relocated only at the customer's expense.

(Prior Code, § 51.27) (Ord. 216, passed 6-3-1991)

RATES, CHARGES, AND BILLING

§ 51.045 WATER RATES AND SERVICE CONNECTION CHARGES.

(A) *Water rates.*

(1) The water rates to be charged shall be based on three classes of service:

- (a) Residential service;
- (b) Commercial service; and
- (c) Contract services.

(2) The water rates to be charged for each class of service, including minimum charges and charges for water used over the minimum, shall be set from time to time by resolution of the City Council.

(B) *Service connection charges.* The cost for installing the new service which includes excavation and backfill, tapping the main, laying the pipe, installing the meter, yoke, and meter box, and replacement of surfacing materials shall be charged to the water user at the time service is established. A minimum charge for installing a new service may be set by the City Council and revised from time to time by resolution.

(C) *Effective date.* Any rates or connection charges established by the City Council to be paid and collected shall be effective for all collection periods beginning on and after the effective date of the resolution.

(Prior Code, § 51.40) (Ord. 216, passed 6-3-1991; Ord. 223, passed 3-25-1996)

§ 51.046 NOTICES.

(A) *Notices to customer.* Notices from the Water Department to the customer will normally be given in writing and either mailed to or delivered at the customer's last known address. Where conditions warrant and in emergencies, the Water Department may notify either by telephone or messenger.

(B) *Notices from customers.* Notices from a customer to the Water Department may be given by the customer or an authorized representative orally or in writing at the office of the Water Department in the City Hall or to an agent of the Water Department duly authorized to receive notices or complaints. (Prior Code, § 51.41) (Ord. 216, passed 6-3-1991)

§ 51.047 METER READINGS.

(A) Meters will be read and customers billed on the basis of the meter reading to the nearest gallon. The Water Department will keep an accurate account on its books of all meter readings. Such account so kept shall be offered at all times, places, and courts as prima facie evidence of the use of water service by the customer.

(B) In the event that it shall be impossible or impractical to read a meter on the regular reading date, the water consumption shall be pro-rated on the basis of 30 days per month and the total water consumption for billing purposes for that period shall be estimated. (Prior Code, § 51.42) (Ord. 216, passed 6-3-1991)

Cross-reference:

Meter error, see § 51.048

§ 51.048 RENDERING OF BILLS.

(A) *Billing period.* All meters shall be read and bills rendered therefor monthly.

(B) *Bills for other than normal billing period.* Opening or closing bills, or bills that for any other reason cover a period containing 10% more or fewer days than in a normal billing period shall be pro-rated.

(C) *Bills for more than one meter.* All meters supplying a customer's premises shall be billed separately, except that where the Water Department has for operating purposes installed two or more meters in place of one, the reading may be combined for billing. (Prior Code, § 51.43) (Ord. 216, passed 6-3-1991)

§ 51.049 DISPUTED BILLS.

When a customer disputes the correctness of a bill, he or she shall deposit the amount of the disputed bill at the time the complaint is lodged, to preclude discontinuance of service pending final settlement

of the bill or bills. Subsequent bills shall be paid or placed on deposit in a similar manner. Failure of the customer to make such a deposit shall warrant discontinuance of service as provided under § 51.052. (Prior Code, § 51.44) (Ord. 216, passed 6-3-1991)

§ 51.050 PAYMENT OF BILLS.

Each bill rendered shall contain the final date of which payment is due. If the bill is not paid by that date, the account shall be considered delinquent, unless other arrangements have been made with the Water Department in writing that specify another due date. (Prior Code, § 51.45) (Ord. 216, passed 6-3-1991)

§ 51.051 DELINQUENCY.

(A) *Delinquent notice.* A reminder of account delinquency will be sent to the customer after the account becomes delinquent and a fee assessed as determined by Council resolution for all notices so provided.

(B) *Service charge.* In all instances where water has been turned off because of delinquent accounts, a service charge as determined by Council resolution shall be made for the restoration of service. (Prior Code, § 51.46) (Ord. 216, passed 6-3-1991; Ord. 98-227, passed 7-13-1998; Ord. 2015-001, passed 2-23-2015)

§ 51.052 DISCONNECTION FOR NONPAYMENT.

(A) It is the policy of the city to discontinue utility service to customers by reason of nonpayment of bills only after notice and a meaningful opportunity to be heard on disputed bills. The city's form for application for utility service shall contain the pertinent contact information of the official in charge of billing, clearly visible and easily readable provisions to the effect.

(B) When it becomes necessary for the city to discontinue utility service to a customer for nonpayment of bills, service will be reinstated only after all bills for service then due have been paid, along with a turn-on charge in the sum as determined by Council resolution. (Prior Code, § 51.47) (Ord. 2015-001, passed 2-23-2015)

§ 51.053 METER ERROR.

(A) *Meter accuracy.* All meters will be tested prior to installation. No meter will be placed in service which is known to have an error in registration in excess of 2% under conditions of normal operation.

(B) *Meter test.*

(1) *Standard test.* Meter tests will be conducted in accordance with standards of practice established by the American Water Works Association.

(2) *On customer request.* A customer may, giving not less than seven days' notice, request the Water Department to test the meter servicing his or her premises. The Water Department will require the customer to deposit a testing fee. This fee shall be \$25 for meters three-fourths inch and smaller, and for meters larger than three-fourths inch shall be an estimate of the cost of testing the meter as determined by the Water Superintendent. The deposit will be returned to the customer if the test reveals the meter to over register more than 2% under the standard test conditions. The deposit shall be retained by the Water Department if the meter is not in error. Customers may, at their option, witness any meter test which they request.

(3) *On Water Department request.* If, upon comparison of past water usage, it appears that a meter is not registering properly, the Water Department may, at its option, test the meter and adjust the charges accordingly if the meter either over or under registers. No charge for meter testing will be made to the customer under these conditions.

(C) *Adjustment of bills for meter error.*

(1) No credits or debits will be borne by the city or the customer should the tested meter show variance, high or low, from the accuracy defined in division (A) above.

(2) The Water Department will bill the customer for water consumed while the meter was not registering. The bill will be computed upon an estimate of use based either upon the customer's prior use during the same season of the year, or upon a reasonable comparison with the use of other customers receiving the same class of service during the same season and under similar circumstances and conditions.

(Prior Code, § 51.48) (Ord. 216, passed 6-3-1991)

§ 51.054 WATER CHARGED TO PREMISES.

It shall be the duty of the property owner of each premises served to pay all rates and charges for water service imposed by this chapter which are not otherwise paid by the occupant of the premises. No duty shall be imposed on the city in serving any premises to the occupant thereof to ascertain or determine the true owner of such premises, and anyone having possession of premises shall be deemed to be in lawful possession with the right to contract with the city for water service, and such person in possession is deemed to be the agent of the owner for such purpose.

(Prior Code, § 51.49) (Ord. 98-227, passed 7-13-1998)

§ 51.055 WATER SERVICE CHARGE LIEN.

Water service charges shall be a lien against the premises served from and after the date of billing and entry on the ledger of the records of the city pertaining to its water system.
(Prior Code, § 51.50) (Ord. 98-227, passed 7-13-1998)

§ 51.056 DISCONTINUANCE OF SERVICE.**(A) *On customer request.***

(1) Each customer about to vacate any premises supplied with water service by the Water Department shall give the Water Department written or oral notice of his or her intentions at least two days prior thereto, specifying the date service is to be discontinued; otherwise, he or she will be responsible for all water supplied to such premises until the Water Department shall receive notice of such vacation.

(2) At the time specified by the customer that he or she expects to vacate the premises where service is supplied or that he or she desires to be discontinued, the meter will be read and a bill rendered which is payable immediately. In no case will the bill be less than the monthly minimum specified in the schedule applying to the class or classes of service furnished.

(B) *Nonpayment of bills.* A customer's water service may be discontinued if the bill is not paid in accordance with the procedures listed in § 51.052 of these rules and regulations.

(C) *Nonpayment of sewer service charges.* If the sewer service charges are not paid when due by any such person, firm, or corporation whose premises are served or who are subject to the charges herein provided, water service provided to that customer by the Water Department may be discontinued because of the default in the payment of the sewer service charges. As an additional alternative method, if such rates and charges are not paid when due by any person, firm, or corporation, the amounts so unpaid may be certified by the City Recorder to the County Assessor, and shall be by him or her assessed against the premises served as provided by law and shall be collected and paid over to the city in the same manner as other taxes are assessed, collected, and paid over, with interest. Interest on unpaid bills shall run from the due date thereof at the rate of 6% per annum. Such unpaid charges may also be recovered in an action at law in the name of the city, with interest as aforesaid.

(D) *Improper customer facilities.*

(1) *Unsafe facilities.* The Water Department may refuse to furnish water and may discontinue services to any premises without prior notice where plumbing facilities, appliances, or equipment using water are dangerous, unsafe, or not in conformity with the Plumbing Code of the state.

(2) *Cross-connections.* A **CROSS-CONNECTION** is defined as any physical connection between the Water Department's system and another water source. The State Board of Health and the U.S. Public Health Service prohibit cross-connections. The Water Department will not permit any cross-

connection and will discontinue service to any premises where a cross-connection exists. Service will not be restored until the cross-connection is eliminated. Customers using water from one or more sources in addition to receiving water from the Water Department on the same premises shall maintain separate systems for each; and the Water Department's water supply shall be separated from any and all other systems in accordance with the state code.

(E) *Water waste*. Where water is wastefully or negligently used on a customer's premises, seriously affecting the general service, the Water Department may discontinue service if such conditions are not corrected after due notice by the Water Department.

(F) *Service detrimental to others*. The Water Department may refuse to furnish water and may discontinue service to any premises where excessive demands by one customer will result in inadequate service to others.

(G) *Fraud or abuse*. The Water Department will refuse or discontinue service to any premises where it is deemed necessary to protect the Water Department from fraud or abuse. Discontinuance of service from one or both of these causes will be made immediately upon receipt of knowledge by the Water Department that the condition or conditions exist.

(H) *Unauthorized turn-on*. Where water service has been discontinued for any reason and the water is turned on by the customer or other unauthorized person, the water may then be shut off at the main or the meter removed. The charges for shutting off the water at the main or removing the meter shall be computed at actual cost to the Water Department plus 15% overhead, but not less than \$50. These charges shall be billed to the offending customer and water shall not be furnished to the premises or customer until such charges are paid and the Water Department has reasonable assurance that the violation will not reoccur.

(I) *Noncompliance with regulations*. The Water Department may, upon five days' notice, discontinue service to a customer's premises for failure to comply with any of the provisions of these regulations.

(Prior Code, § 51.51) (Ord. 216, passed 6-3-1991)

§ 51.057 RESTORATION OF SERVICE.

(A) *After disconnect for nonpayment*. Restoration of service after discontinuance for nonpayment of bills shall be made after payment of current and past due charges, plus \$35 for restoration charge and posting a deposit as hereinbefore provided.

(B) *After disconnect under § 51.056*. Restoration of service after discontinuance for unsafe facilities, water waste, fraud, abuse, or for noncompliance with any of the policies, rules, or regulations will only be made after the irregularity has been corrected and the Water Department has been assured that the irregularity will not reoccur. The restoration charge shall be \$35 plus any charges due or past due that the Water Department may have incurred to correct the irregularity.

(Prior Code, § 51.52) (Ord. 216, passed 6-3-1991)

§ 51.058 UNUSUAL DEMANDS.

When an abnormally large quantity of water is desired for filling a swimming pool, log pond, or for other purposes, arrangements must be made with the utility prior to taking such water. Permission to take water in unusual quantities will be given only if the Water Department facilities and other consumers are not inconvenienced.

(Prior Code, § 51.53) (Ord. 216, passed 6-3-1991)

ADMINISTRATION AND ENFORCEMENT**§ 51.070 ACCESS TO PROPERTY.**

All duly appointed employees of the Water Department, under the direction of the Water Superintendent, shall have free access at all reasonable hours of the day to any and all parts of structures and premises in which water is or may be delivered for the purposes of inspecting connections, the conditions of conduits and fixtures, and the manner and extent in which the water is being used. The Water Department does not, however, assume the duty of inspecting the customer's line, plumbing, and equipment, and shall not be responsible therefor.

(Prior Code, § 51.65) (Ord. 216, passed 6-3-1991)

§ 51.071 RESPONSIBILITY FOR EQUIPMENT.

(A) *Responsibility for customer equipment.* The Water Department shall not be liable for any loss or damage of any nature whatsoever caused by any defect in the customer's line, plumbing, or equipment, nor shall the Water Department be liable for loss or damage due to interruption of service or temporary changes in pressure. The customer shall be responsible for valves on his or her premises being turned off when the water service is turned on.

(B) *Responsibility for Water Department equipment.* Water Department equipment on the customer's premises remains the property of the Department and may be repaired, replaced, or removed by the Department employees at any time without the consent of the customer. No payment will be made to the property owner for the right to install, maintain, replace, or remove Water Department equipment on his or her premises. The property owner must keep vicious dogs or other animals secured or confined to avoid interference with the utility operation and maintenance.

(C) *Damage to Water Department equipment.* The customer shall be liable for any damage to equipment owned by the Water Department which is caused by an act of the customer, his or her tenants, agents, employees, contractors, licensees, or permittees. Damage to equipment shall include, but not be

limited to, breaking of seals and locks, tampering with meters, injury to meters, including damages by hot water or steam, and damaged meter boxes, curb stops, meter stops, and other appurtenances. (Prior Code, § 51.66) (Ord. 216, passed 6-3-1991)

§ 51.072 SUSPENSION OF RULES.

No employee of the Water Department is authorized to suspend or alter any of the policies, rules, and regulations cited herein without specific approval or direction of the City Council, except in cases of emergency involving loss of life or property or which would place the water system operation in jeopardy. (Prior Code, § 51.67) (Ord. 216, passed 6-3-1991)

§ 51.073 EASEMENTS.

Each applicant and user gives and grants to the city an easement and right-of-way on and across his or her property for the installation of water mains and the necessary valves and equipment in connection therewith. (Prior Code, § 51.68) (Ord. 216, passed 6-3-1991)

CROSS-CONNECTION CONTROL

§ 51.085 RESPONSIBILITY.

The city shall be responsible for the protection of the public from pollution due to the backflow or back siphonage of contaminants or pollutants through the water service connection. If, in the judgment of the city, an approved backflow device is required at the city's water connection to any customer's premises, written notice shall be given to said customer to install an approved backflow prevention device at each service connection to the customer's premises. The customer shall, within 90 days, install such approved device, or devices, at his or her own expense, and failure or refusal, or inability on the part of the customer to install said device or devices within 90 days, shall constitute grounds for discontinuing water service to the premises until such device or devices have been properly installed and/or be subject to the penalty stated in § 51.999. (Prior Code, § 51.75) (Ord. 98-229, passed 12-10-1998) Penalty, see § 51.999

§ 51.086 DEFINITIONS.

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

AIR GAP. A physical separation sufficient to prevent backflow between the free flowing discharge end of the potable water system and any other system. Physically defined as a distance equal to twice the diameter of the supply side pipe diameter but never less than one inch.

APPROVED. Accepted by the city as meeting an applicable specification stated or cited in this regulation, or as suitable for the proposed use.

ATMOSPHERIC VACUUM BREAKER. A device that prevents back siphonage by creating an atmospheric vent when there is either a negative pressure or sub-atmospheric pressure on a water system.

AUXILIARY WATER SUPPLIES. Any water supply, on or available, to the premises other than the supplier's approved public potable water supply.

BACK PRESSURE. A condition in which the owner's system pressure is greater than the supplier's system pressure.

BACKFLOW. The flow of water or other liquids, mixtures, or substances, under positive or reduced pressure in the distribution pipes of a potable water supply from any source other than its intended source.

BACKFLOW PREVENTER. A device or means designed to prevent backflow or back siphonage. Most commonly categorized as air gap, reduced pressure principle device, double check valve assembly, pressure vacuum breaker, atmospheric vacuum breaker, hose bib vacuum breaker, or double check with intermediate atmospheric vent. Any device must be classified as an approved backflow device by the state's Health Division.

BACK SIPHONAGE. The flow of water or other liquids, potable water supply system from any source other than its intended source, caused by the sudden reduction of the pressure in the potable water supply system.

CONTAINMENT. A method of backflow prevention that requires a backflow prevention device at the water service entrance.

CONTAMINANT. Any substance that will impair the quality of the water to a degree that it creates a serious health hazard to the public leading to poisoning or the spread of disease.

CROSS-CONNECTION. Any actual or potential connection between the public water supply and a source of contamination or pollution.

DEGREE OF HAZARD. The danger posed by a particular substance or set of circumstances is:

(1) **LOW HAZARD.** Generally, a low degree of hazard is one that does not affect health, but may be esthetically objectionable; or

(2) **HIGH HAZARD.** One that could cause serious illness or death.

DIVISION. The State of Oregon Public Health Division.

DOUBLE CHECK VALVE WITH INTERMEDIATE ATMOSPHERIC VENT. A device having two spring loaded check valves separated by an atmospheric vent chamber.

FIXTURE ISOLATION. A method of backflow prevention in which a backflow prevention device is located to correct a cross-connection at an in-plant location rather than at a water service entrance.

HOSE BIBB VACUUM BREAKER. A device which is permanently attached to a hose bib and which acts as an atmospheric vacuum breaker.

OWNER. Any person who has legal title to, or license to operate or habitat in, a property upon which a cross-connection inspection is to be made or upon which a cross-connection is present.

PERMIT. A document issued by the utility which keeps track of the devices and allows the person to use a backflow prevention device.

PERSON. Any individual, partnership, company, public or private corporation, political subdivision or agency of the state division, agency or instrumentality or the United States, or any other legal entity.

POLLUTANT. A foreign substance that, if permitted to get into the public water system, will degrade its quality so as to impair the usefulness or quality of the water to a degree which does not create an actual hazard to the public health but which does adversely and unreasonably affect such water for domestic use.

PRESSURE VACUUM BREAKER. A device containing one or two independently operated spring-loaded air inlet valve located on the discharge side of the check or checks. The device includes tightly closing shut-off valves on each side of the check valves and properly located test cocks for the testing of the check valve(s).

PUBLIC WORKS SUPERINTENDENT. The superintendent, or his or her delegated representative, in charge of the city's Water Department. This person is invested with the authority and responsibility for the implementation of a cross-connection control program and for the enforcement of the provisions of the subchapter.

REDUCED PRESSURE PRINCIPLE BACKFLOW PREVENTER. An assembly consisting of two independently operating approved check valves with an automatically operating differential relief valve located between the two check valves, tightly closing shut-off valves on each side of the check valves, plus properly located test cocks for the testing of the check valves and the relief valves.

UTILITY. The City Water Department.

WATER SERVICE ENTRANCE. That point in the owner's water system beyond the sanitary control of the Water Department; generally considered to be the outlet end of the water meter and always before any unprotected branch.

(Prior Code, § 51.76) (Ord. 98-229, passed 12-10-1998)

§ 51.087 ADMINISTRATION.

(A) The utility will operate a cross-connection control program, to include the keeping of necessary records, which fulfills the requirements of the division's cross-connection regulations.

(B) The owner shall allow his or her property to be inspected for possible cross-connections and shall follow the provisions of the utility's program and the division's regulations if a cross-connection concern is identified.

(Prior Code, § 51.77) (Ord. 98-229, passed 12-10-1998)

§ 51.088 REQUIREMENTS.

(A) *Utility.*

(1) On new installations, the utility will provide on-site evaluation and/or inspection of plans in order to determine the type of backflow prevention device, if any, that will be required, will issue permits, and perform inspection and testing.

(2) For premises existing prior to the start of this program, the utility will perform evaluations and inspections of plans and/or premises and inform the owner by letter of any corrective action deemed necessary, the method of achieving the correction, and the time allowed for the correction to be made, ordinarily, 90 days. This time limit will be shortened depending upon the degree of hazard involved and the history of the device(s) in question.

(3) The utility will not allow any cross-connection to remain unless an approved backflow prevention device for which a permit has been issued and which will be regularly tested to ensure satisfactory operation protects it.

(4) The utility shall inform the owner by letter of any failure to comply, within ten working days of the first inspection. The utility will allow an additional 15 days for the correction. In the event the owner fails to comply with necessary correction by the time of the second re-inspection, the utility will inform the owner by letter that the water service to the owner's premises will be terminated within a period not to exceed five days. In the event that the owner informs the utility of extenuating circumstances as to why the correction has not been made, a time extension may be granted by the utility but in no case will exceed an additional 30 days.

(5) If the utility determines at any time that a serious threat to the public health exists, the water service will be terminated immediately.

(6) The utility shall have on file a list of private contractors who are certified backflow device testers. The owner of the building or property will pay all charges for these tests.

(7) Upon adoption of this subchapter, the utility will begin initial premises inspections to determine the nature of existing or potential hazards. Initial focus will be on high hazard industries and commercial premises.

(B) *Owner.*

(1) The owner shall be responsible for the elimination or isolation of all cross-connections on his or her premises.

(2) The owner, after having been informed by a letter from the utility, shall at his or her expense, install, maintain, and test, or have tested, any and all backflow prevention device on his or her premises.

(3) The owner shall correct any malfunctions of the backflow prevention device which is revealed by periodic testing.

(4) The owner shall inform the utility of any proposed or modified cross-connections and any existing cross-connections of which the owner is aware but has not been found by the utility.

(5) The owner shall not install a bypass around any backflow prevention device unless there is a backflow prevention device of the same type on the bypass. Owners shall not tamper with backflow devices.

(6) The owner shall install backflow prevention device in a manner approved by the utility.

(7) The owner shall only install backflow prevention devices approved by the Division.

(8) Any owner having an auxiliary water supply must have a backflow prevention device. This would be considered a high hazard.

(9) In the event the owner installs plumbing to provide potable water for domestic purposes which is on the utility's side of the backflow prevention device, such plumbing must have its own backflow prevention device installed.

(10) If the use has been determined to be low hazard, inspections will be at least annually; if the use has been determined to be high hazard, the owner will be subject to biannual inspections.
(Prior Code, § 51.78) (Ord. 98-229, passed 12-10-1998)

§ 51.089 DEGREE OF HAZARD.

The utility recognizes the threat to the public water system arising from cross-connections. All threats will be classified by degree of hazard and will require the installation of approved backflow prevention devices.

(Prior Code, § 51.79) (Ord. 98-229, passed 12-10-1998)

§ 51.090 EXISTING IN-USE BACKFLOW PREVENTION DEVICES.

Any existing backflow prevention device shall be allowed by the utility to continue in service unless the degree of hazard is such as to supersede the effectiveness of the prevention device, or result in an unreasonable risk to the public health. Where the degree of hazard has increased, as in the case of a residential installation converting to a business establishment, any existing backflow device must be replaced with an approved device suitable for that degree of hazard.

(Prior Code, § 51.80) (Ord. 98-229, passed 12-10-1998)

§ 51.091 PERIODIC TESTING.

(A) All testable backflow devices shall be tested and inspected at least annually.

(B) Periodic testing shall be performed from a list of certified testers provided by the utility. This testing will be done at the owner's expense.

(C) Any backflow prevention device which fails during a periodic test, will be repaired or replaced. When repairs are necessary, upon completion of the repair the device will be retested at owner's expense to ensure correct operation. High hazard situations will not be allowed to continue if the backflow prevention device fails the test and cannot be repaired immediately. In other situations, a compliance date of not more than 30 days after the test date will be established. The owner is responsible for spare parts, repair tools, or a replacement device. Parallel installation of two devices is an effective means of the owner ensuring uninterrupted water service during testing or repair of devices and is strongly recommended when the owner desires such continuity.

(D) Backflow prevention devices will be tested more frequently than specified in division (A) above, if the utility feels that there is a history of test failures. Cost of additional testing will be borne by the owner.

(Prior Code, § 51.81) (Ord. 98-229, passed 12-10-1998)

§ 51.092 RECORDS AND REPORTS.

(A) *Records.* The utility will initiate and maintain the following:

(1) Master files on customers cross-connection tests and/or inspections;

- (2) Master files on cross-connection permits;
- (3) Copies of permits and permit applications;
- (4) Copies of lists and summaries supplied to the division; and
- (5) Initial listing of low hazard cross-connections.

(B) *Reports.* Summary of the annual report of inspections of cross-connections submitted to the state's Health Department.

(Prior Code, § 51.82) (Ord. 98-229, passed 12-10-1998)

§ 51.093 FEES AND CHARGES.

Fees shall be established for permits in order to cover costs relating to all cross-connections. A list of fees and charges relating to all cross-connection expenses will be set in the applicable portion of the resolution establishing fees and rates.

(Prior Code, § 51.83) (Ord. 98-229, passed 12-10-1998)

§ 51.094 APPEALS.

Appeal of the fees and rates established by the city shall be made in writing to the City Recorder within 90 days of the billing of said fee. The City Recorder shall respond in writing within 90 days of receipt of the appeal. If the applicant wishes to appeal further, the applicant shall request in writing that the City Recorder place their special appeal on the next scheduled regular City Council session. The decision of the City Council shall be final.

(Prior Code, § 51.84) (Ord. 98-229, passed 12-10-1998)

§ 51.999 PENALTY.

Fines not exceeding \$500 for each violation shall, upon conviction thereof, punish any person violating any of the provisions of this subchapter.

(Prior Code, § 51.99) (Ord. 98-229, passed 12-10-1998)

the same day, the following day, and the day after.

On the 1st day of the month, the following day, and the day after.

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TITLE VII: TRAFFIC CODE

Chapter

- 70. GENERAL PROVISIONS**
- 71. TRAFFIC RULES**
- 72. PARKING REGULATIONS**

CHAPTER 70: GENERAL PROVISIONS

Section

General Provisions

- 70.01 Short title
- 70.02 Applicability of state traffic laws
- 70.03 Definitions

Administration and Enforcement

- 70.15 Powers of the governing body
- 70.16 Duties of governing body's designee
- 70.17 Authority of police and fire officers
- 70.18 Impoundment of vehicles

- 70.99 Penalty

GENERAL PROVISIONS

§ 70.01 SHORT TITLE.

This title may be cited as "the Monroe, Oregon Traffic Code".
(Prior Code, § 70.01) (Ord. 206, passed 3-19-1990)

§ 70.02 APPLICABILITY OF STATE TRAFFIC LAWS.

Except for any provisions to the extent they describe, prohibit, or impose penalties for felonies, violation of any provision in the O.R.S. Chapters 153 and 801 through 823, inclusive, in effect on the effective date of this section shall be an offense against the city.
(Ord. 08-258, passed 11-25-2008) Penalty, see § 70.99

§ 70.03 DEFINITIONS.

In addition to definitions in the state's Vehicle Code, for the purpose of this chapter the following definitions shall apply unless the context clearly indicates or requires a different meaning.

LOADING ZONE. A roadway space designated by sign for loading or unloading passengers or materials during specified hours of specified days.

MOTOR TRUCK. A motor vehicle with a maximum combined vehicle and load weight over 24,000 pounds and over 30 feet in length that is designed or used to carry freight, property, articles, or things.

STREET. A highway, road, or street as defined in O.R.S. 801.110, 801.305, 801.450, and 801.535, including the entire width of the right-of-way.

TRAFFIC LANE. The area of the roadway used for a single line of traffic movement.
(Prior Code, § 70.03) (Ord. 206, passed 3-19-1990)

ADMINISTRATION AND ENFORCEMENT**§ 70.15 POWERS OF THE GOVERNING BODY.**

(A) Subject to state laws, the City Council as the governing body shall exercise all local traffic authority for the city except those powers expressly delegated by this chapter or another ordinance.

(B) The powers of the governing body include, but are not limited to:

(1) Designation of through streets;

(2) Designation of one-way streets;

(3) Designation of truck routes;

(4) Restriction of the use of certain streets by any class or kind of vehicle to protect the streets from damage or excess traffic;

(5) Authorization, by resolution, of greater maximum weights or lengths than specified by state law for vehicles using city streets or county roads;

(6) Initiation of proceedings to change speed zones;

(7) Revision of speed limits in parks; and

(8) Temporary closure or blocking of streets.
(Prior Code, § 70.15) (Ord. 206, passed 3-19-1990)

§ 70.16 DUTIES OF GOVERNING BODY'S DESIGNEE.

The governing body's designee shall exercise the following duties:

(A) Implement ordinances, resolutions, motions, and orders of the governing body by installing, maintaining, removing, and altering traffic-control devices. Installation shall be based on standards contained in the *Manual on Uniform Traffic Control Devices for Streets and Highways and the Oregon Supplements*;

(B) Establish, remove, or alter at the direction of the governing body, the following classes of traffic controls:

(1) Crosswalks, safety zones, and traffic lanes;

(2) Intersection channelization and areas where vehicle drivers shall not make right, left, or U-turns and the time when the prohibition applies; and

(3) Parking areas and time limitations, including the form of permissible parking.

(C) Issue oversize or overweight vehicle permits;

(D) Temporarily close or block streets; and

(E) Under conditions constituting a danger to the public, the governing body's designee may install temporary traffic-control devices.

(Prior Code, § 70.16) (Ord. 206, passed 3-19-1990)

§ 70.17 AUTHORITY OF POLICE AND FIRE OFFICERS.

If a fire or other public emergency occurs, officers of the law enforcement and fire departments may direct traffic as the conditions require, notwithstanding the provisions of this title.

(Prior Code, § 70.17) (Ord. 206, passed 3-19-1990)

§ 70.18 IMPOUNDMENT OF VEHICLES.

(A) Disposition of a vehicle towed and stored under provisions of state law for the removal of hazardous vehicles shall be in accordance with provisions of state law or city ordinance on impoundment and disposition of abandoned vehicles.

(B) Impoundment of a vehicle does not preclude issuance of a citation for violation of a provision of this title.

(C) Stolen vehicles may be towed from public or private property and stored at the expense of the vehicle owner.

(Prior Code, § 70.18) (Ord. 206, passed 3-19-1990)

§ 70.99 PENALTY.

(A) Violation of this title is punishable by a fine not to exceed \$500.

(B) Violation of any provision of this title which incorporates a state statute which is a misdemeanor shall be punishable by a fine not to exceed \$1,000.

(C) Except where other penalties are specifically provided, the penalty for a violation of any provision of this title which incorporates a state statute which is a violation shall be identical to the penalties for those state statutes.

(D) Where any section of this title is substantially similar to a state statute, but does not adopt the state statute by reference, the maximum and minimum penalties shall be limited to the maximum and minimum fines provided for in the substantially similar state statute. The provisions of this section shall not be construed to affect penalties provided by any section of this title which are less severe than the penalties provided for in a substantially similar state statute.

(E) Whether or not a state statute incorporated by this title or substantially similar to any section of this title provides for imprisonment, no imprisonment shall be allowed under any section of this title. (Ord. 08-258, passed 11-25-2008)

CHAPTER 71: TRAFFIC RULES

Section

- 71.01 Crossing private or public property
- 71.02 Damaging sidewalks or curbs
- 71.03 Storing motor vehicles on streets
- 71.04 Use of bicycles, roller skates, and skateboards

§ 71.01 CROSSING PRIVATE OR PUBLIC PROPERTY.

The operator of a vehicle shall not proceed from one street to an intersecting street by leaving the roadway and crossing private or public property. This provision does not apply to the operator of a vehicle who stops on the property to procure or provide goods or services.

(Prior Code, § 71.01) (Ord. 206, passed 3-19-1990) Penalty, see § 70.99

§ 71.02 DAMAGING SIDEWALKS OR CURBS.

(A) The operator of a motor vehicle shall not drive on a sidewalk or roadside planting strip except to cross at an authorized permanent or temporary driveway.

(B) No person shall remove a portion of a curb or move a motor vehicle or a device moved by a motor vehicle onto a curb or sidewalk without first obtaining authorization and posting bond, if required by ordinance. A person who causes damage shall be responsible for the cost of repair.

(Prior Code, § 71.02) (Ord. 206, passed 3-19-1990) Penalty, see § 70.99

§ 71.03 STORING MOTOR VEHICLE ON STREETS.

No person shall store, or permit to be stored, a motor vehicle or personal property on a street or other public property where temporary vehicle parking is authorized in excess of 72 hours without permission of the governing body. Failure to move a motor vehicle or other personal property for 72 hours constitutes prima facie evidence of storage.

(Prior Code, § 71.03) (Ord. 206, passed 3-19-1990) Penalty, see § 70.99

§ 71.04 USE OF BICYCLES, ROLLER SKATES, AND SKATEBOARDS.

No person shall:

(A) Use roller skates or skateboards on sidewalks in a designated business district or on the streets in a careless manner; or

(B) Use bicycles on the sidewalks in a designated business district.

(Prior Code, § 71.04) (Ord. 206, passed 3-19-1990) Penalty, see § 70.99

CHAPTER 72: PARKING REGULATIONS

Section

- 72.01 Method of parking
- 72.02 Prohibited parking or standing
- 72.03 Parking prohibited for sale or repair
- 72.04 Use of loading zone
- 72.05 Exemptions
- 72.06 Parking citations and owner responsibility

Cross-reference:

Traffic rules, see Ch. 71

§ 72.01 METHOD OF PARKING.

(A) When parking spaces are designated on a street or public lot, no person shall park or stand a vehicle other than in the direction of traffic flow and in such a manner that the front vehicle tire closest to the curb is located within 18 inches of the curb and within a single marked space, unless the size or shape of the vehicle makes compliance impossible.

(B) When the operator of a vehicle discovers the vehicle is parked close to a building to which the Fire Department has been summoned, the operator shall immediately remove the vehicle from the area unless directed otherwise by police officers or firefighters.

(Prior Code, § 72.01) (Ord. 206, passed 3-19-1990) Penalty, see § 70.99

§ 72.02 PROHIBITED PARKING OR STANDING.

No person shall park or stand:

(A) A vehicle in violation of the state's Vehicle Code or in violation of a parking limit sign;

(B) A vehicle in an alley, except for a stop of not more than 15 consecutive minutes for loading or unloading persons or materials; or

(C) A motor truck on a street in a residential zone between the hours of 10:00 p.m. and 5:00 a.m.
(Prior Code, § 72.02) (Ord. 206, passed 3-19-1990) Penalty, see § 70.99

§ 72.03 PARKING PROHIBITED FOR SALE OR REPAIR.

No operator shall park a vehicle, and no owner shall allow a vehicle to be parked, on a street or other public property for the principal purpose of:

(A) Displaying the vehicle for sale; or

(B) Repairing or servicing the vehicle, except while making repairs necessitated by an emergency. (Prior Code, § 72.03) (Ord. 206, passed 3-19-1990) Penalty, see § 70.99

§ 72.04 USE OF LOADING ZONE.

No person shall park or stand a vehicle in a place designated as a loading zone when the hours applicable to that loading zone are in effect for any purpose other than loading or unloading persons or material. Such a stop shall not exceed the time limits posted. If no time limits are posted, use of the zone shall not exceed 30 minutes.

(Prior Code, § 72.04) (Ord. 206, passed 3-19-1990) Penalty, see § 70.99

§ 72.05 EXEMPTIONS.

(A) The driver of an authorized emergency vehicle, when responding to an emergency call or when in pursuit of an actual or suspected violator of the law or when responding to, but not returning from, a fire alarm, may park or stand irrespective of the provisions of this chapter.

(B) This section shall not relieve drivers of authorized emergency vehicles from the duty to park or stand with regard for the safety of all persons.

(C) The provisions of this title that regulate the parking or standing of vehicles do not apply to any vehicle being used for public works or utility maintenance, construction, or repair work.

(Prior Code, § 72.05) (Ord. 206, passed 3-19-1990) Penalty, see § 70.99

§ 72.06 PARKING CITATIONS AND OWNER RESPONSIBILITY.

(A) *Citation on illegally parked vehicle.* When a vehicle without an operator is found parked in violation of a restriction imposed by this title or state law, the officer finding the vehicle shall note the license number and any other information displayed on the vehicle that may identify the owner and shall attach a parking citation to the vehicle. The citation shall instruct the operator to answer to the charge at the next regularly scheduled municipal court session or pay the penalty imposed prior to that time at the City Hall during posted business hours.

(B) *Failure to comply with parking citation.* If the operator does not respond to a parking citation attached to the vehicle by the end of the court session listed on the citation, the Chief of Police shall send

a letter to the owner of the vehicle informing the owner of the violation and giving notice that if the citation is disregarded for a period of 30 days:

(1) The fine will be doubled; and

(2) If the vehicle has three or more outstanding citations or \$100 or more in unpaid fines, it may be impounded, and an impounded vehicle shall not be released until all outstanding fines and charges are paid.

(C) *Owner responsibility.* The owner of a vehicle that is in violation of a parking restriction shall be responsible for the offense unless the operator used the vehicle without the owner's consent.

(D) *Registered owner presumption.* In a proceeding charging violation of a parking restriction against a vehicle owner, proof that the vehicle was registered to the defendant at the time of the violation constitutes a presumption that the defendant was the owner.

(Prior Code, § 72.06) (Ord. 206, passed 3-19-1990) Penalty, see § 70.99

TITLE IX: GENERAL REGULATIONS

Chapter

- 90. ABANDONED VEHICLES**
- 91. ANIMALS**
- 92. NUISANCES**
- 93. PARKS, CEMETERIES, AND OTHER PUBLIC
PROPERTY**
- 94. WEEDS**

CHAPTER 90: ABANDONED VEHICLES

Section

- 90.01 Definitions
- 90.02 Declaration of public nuisance
- 90.03 Prohibited action
- 90.04 Investigation and notice
- 90.05 Entry onto private property
- 90.06 Hearing by City Council
- 90.07 Abatement by city and appraisal
- 90.08 Low value vehicle
- 90.09 Notice of public sale
- 90.10 Public sale
- 90.11 Redemption prior to sale
- 90.12 Assessment of costs
- 90.13 Summary abatement

- 90.99 Penalty

§ 90.01 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

CHIEF OF POLICE. Includes any authorized law enforcement officer of the city.

COSTS. The expense of removing, storing, or selling a junked vehicle.

DISCARDED.

(1) Any vehicle which does not have lawfully affixed thereto an unexpired license plate or is in one or more of the following conditions:

(a) Inoperative;

(b) Wrecked;

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- (c) Dismantled;
- (d) Partially dismantled;
- (e) Abandoned; and/or
- (f) Junked.

(2) Discarded vehicles may be deemed to include major parts thereof, including, but not limited to, bodies, engines, transmissions, and rear ends.

PERSON IN CHARGE OF PROPERTY. Any agent, occupant, lessee, contract purchaser, owner, or person having possession, control, or title of property where a vehicle is located.

VEHICLE. Every device in, upon, or by which any person or property is or may be transported or drawn upon a public highway, except devices moved by human power or used exclusively upon stationary rails or tracks.

VEHICLE OWNER. Any individual, firm, corporation, or unincorporated association with a claim, either individually or jointly, of ownership or any interest, legal or equitable, in a vehicle.
(Prior Code, § 90.01)

§ 90.02 DECLARATION OF PUBLIC NUISANCE.

(A) The open accumulation and storage of a discarded vehicle is hereby found to create a condition tending to:

- (1) Reduce the value of private property;
- (2) Promote blight, deterioration, and unsightliness;
- (3) Invite plundering;
- (4) Create fire hazards;
- (5) Constitute an attractive nuisance creating a hazard to the health and safety of minors;
- (6) Create a harborage for rodents and insects; and
- (7) Be injurious to the health, safety, and general welfare.

(B) Therefore, the presence of a discarded vehicle on private or public property is hereby declared to constitute a public nuisance which may be abated in accordance with the provisions of this chapter.
(Prior Code, § 90.02)

§ 90.03 PROHIBITED ACTION.

It shall be unlawful to store or permit the storing of a discarded vehicle upon any private property within the city unless the vehicle is completely enclosed within a building or unless it is in connection with a business enterprise dealing in junked vehicles lawfully conducted within the city.
(Prior Code, § 90.03) Penalty, see § 90.99

§ 90.04 INVESTIGATION AND NOTICE.

(A) It shall be the duty of the Chief of Police, whenever a discarded vehicle is found upon private property to:

(1) Make an investigation to discover the owner of the vehicle and the person in charge of the property upon which such vehicle is located, and give written notice to them by personal service or by registered or certified mail that the vehicle is in violation of this chapter; and

(2) If the owner of the vehicle is not found, to place a notice upon the windshield, or some other part of the vehicle where it can be easily seen.

(B) The notice shall state that a certain discarded vehicle is in violation of this chapter and that within seven days of the day of the mailing or posting of the notice:

(1) The vehicle must be removed from the city or to the storage yard of a business enterprise dealing in junked vehicles lawfully conducted within the city; or

(2) Completely enclosed within a building.

(C) The notice shall also state that the alternative to compliance with division (B) above is to petition the City Council and request, in writing, an appearance before the City Council within seven days of mailing or posting of the notice and show cause why such vehicle should not be immediately abated as provided in this chapter.

(D) The notice shall also state that failure to comply with this chapter authorizes the city to remove the vehicle and charge the cost.

(Prior Code, § 90.04)

§ 90.05 ENTRY ONTO PRIVATE PROPERTY.

(A) The Chief of Police is authorized at all reasonable times to enter upon private property and examine any vehicle for the purpose of determining whether or not it is in a discarded condition. However, before entering upon private property, the Chief shall obtain the consent of an occupant

thereof or a warrant of the municipal court authorizing entry for the purpose of inspection, except when an emergency exists.

(B) No search warrant shall be issued under the terms of this chapter until an affidavit has been filed with the municipal court, showing probable cause for such inspection by stating the purpose and extent of the proposed inspection, citing this chapter as the basis for such inspection, whether it is an inspection instituted by complaint or other specific or general information concerning the vehicle in question or the property on which it is situated.

(C) It is unlawful for any person to interfere with or attempt to prevent the Chief of Police from entering upon private premises and inspecting any vehicle when an emergency exists or the Chief of Police exhibits a warrant authorizing entry.

(Prior Code, § 90.05) Penalty, see § 90.99

§ 90.06 HEARING BY CITY COUNCIL.

(A) Pursuant to a request, the City Council shall fix a time for a hearing to show cause why a vehicle nuisance should not be immediately abated. It shall receive the evidence and testimony of the Chief of Police and other interested persons concerning the existence, location, and condition of the vehicle.

(B) After the hearing, the City Council may authorize and order the vehicle removed by the city in accordance with the provisions of this chapter. The City Council shall make its order in the form of a resolution which declares the vehicle to be a public nuisance. The resolution may order the removal of more than one vehicle and may consolidate the hearings and orders relating to more than one vehicle. The persons receiving the notice specified in § 90.04 shall be sent copies of the resolution of the Council.

(C) In addition, the City Council may impose conditions and take such other action as it deems appropriate under the circumstances in order to carry out the purposes of this chapter. It may delay the time for removal of the vehicle where, in its opinion, the circumstances justify it. It shall refuse to order the removal of the vehicle where the vehicle, in the opinion of the City Council, is not subject to the provisions of this chapter. The City Council shall not be bound by the technical rules of evidence in the conduct of the hearing.

(Prior Code, § 90.06)

§ 90.07 ABATEMENT BY CITY AND APPRAISAL.

(A) Seven days after the mailing of notice required in § 90.04, or three days after adoption of a resolution declaring a vehicle to be a public nuisance as set forth in § 90.06, the city shall be deemed to have acquired jurisdiction to abate the nuisance and may remove the vehicle by use of city employees or duly authorized independent contractors. It shall be unlawful for any person to interfere with, hinder, or refuse to allow such persons to enter upon private property for the purpose of removing a vehicle under the provisions of this chapter.

(B) After removing the vehicle, the city shall cause it to be appraised.
(Prior Code, § 90.07)

§ 90.08 LOW VALUE VEHICLE.

(A) If the vehicle is appraised at \$300 or less, the Chief of Police shall file with the Motor Vehicles Division an affidavit describing the vehicle, including the license plates, if any, stating the location and appraised value of the vehicle, and stating that the vehicle will be junked or dismantled. The Chief of Police may, without notice and public auction, dispose of the vehicle and execute a certificate of sale.

(B) The certificate of sale shall be substantially as follows:

CERTIFICATE OF SALE

This is to certify that under the provisions of Chapter 90 of the Code of Ordinances entitled "Abandoned Vehicles", I did on the ____ day of _____, 20____, sell to _____ for the sum of \$_____ cash, the following-described personal property, to wit: _____

and in consideration of the payment of the said sum of \$_____, receipt whereof is hereby acknowledged, I have this day delivered to said purchaser the foregoing property.

Dated this ____ day of _____, 20____

Note: The city assumes no responsibility as to the condition of title of the above-described property. In case this sale shall for any reason be invalid, the liability of the city is limited to the return of the purchase price.

(Prior Code, § 90.08)

§ 90.09 NOTICE OF PUBLIC SALE.

(A) If the vehicle is appraised over \$300, the Chief of Police shall cause to be published in a newspaper of general circulation within the city a notice of sale. The notice of sale shall state:

- (1) The sale is of discarded property in possession of the city;
- (2) A description of the vehicle, including the type, make, license number, I.D. number, and any other information which will aid in accurately identifying the vehicle;
- (3) The terms of the sale; and
- (4) The date, time, and place of the sale.

(B) The notice of sale shall be published two times. The first publication shall be made not less than ten days prior to the date of the proposed sale, and the second shall be made not less than three days prior to the date of the proposed sale.

(Prior Code, § 90.09)

§ 90.10 PUBLIC SALE.

(A) If a vehicle is appraised over \$300, the Chief of Police shall hold a sale at the time and the place appointed within the view of the vehicle to be sold.

(B) The vehicle shall be sold to the highest and best bidder, provided that if no bids are entered, or those bids which are entered are less than the costs incurred by the city, the Chief of Police may enter a bid on behalf of the city in an amount equal to such costs.

(C) At the time of payment of the purchase price, the Chief of Police shall execute a certificate of sale, in duplicate, the original of which shall be delivered to the purchaser and the copy thereof filed with the auditor of the city.

(D) The certificate of sale shall be substantially as follows:

CERTIFICATE OF SALE

This is to certify that under the provisions of Chapter 90 of the Code of Ordinances entitled "Abandoned Vehicles" and pursuant to due notice of the time and place of sale, I did on the ____ day of _____, 20 ____ sell at public auction to _____ for the sum of \$____ cash, he being the highest and best bidder, and that being the highest and best sum bid therefor, the following-described personal property, to wit: _____

and in consideration of the payment of the said sum of \$____, receipt whereof is hereby acknowledged, I have this day delivered to said purchaser the foregoing property.

Dated this ____ day of _____, 20____.

Note: The city assumes no responsibility as to the condition of title of the above-described property. In case this sale shall for any reason be invalid, the liability of the city is limited to the return of the purchase price.

(Prior Code, § 90.10)

§ 90.11 REDEMPTION PRIOR TO SALE.

(A) A vehicle impounded under the provisions of this chapter may be redeemed by its owner or by the person in charge of the property from which the vehicle was removed, before a sale or disposition has taken place, by applying to the Police Department, whereupon he or she shall:

(1) Submit evidence of his or her ownership or interest in the vehicle, satisfactory to the Chief of Police, that such claim is rightful;

(2) Pay the costs due and owing at the time the application to redeem is made; and

(3) Give evidence that the nuisance character of the vehicle will not be allowed to be resumed.

(B) Upon compliance with division (A) above, the Chief of Police shall execute a receipt and cause the vehicle to be returned.

(Prior Code, § 90.11)

§ 90.12 ASSESSMENT OF COSTS.

(A) After disposing of the discarded vehicle and deducting the money, if any, received from any sale of the vehicle from the costs, the City Council shall give notice as specified in § 90.04 to the person in charge of the property from which the vehicle was removed:

(1) Of the unpaid costs of abatement;

(2) That the cost as indicated will be assessed to and become a lien against the real property unless paid within 30 days from the date of the notice; and

(3) That if the person in charge of the property objects to the cost of the abatement indicated, he or she may file a written notice of objection with the City Council within 20 days from the date of the notice.

(B) Within 40 days after the date of the notice, objections to the proposed assessment shall be heard and determined by the City Council.

(C) If the costs of the abatement are not paid within 30 days from the date of the notice, an assessment of the costs shall be made by resolution of the City Council and shall be entered in the docket of city liens, and upon such entry being made shall constitute a lien upon the real property from which the nuisance was removed or abated.

(D) The lien shall be enforced in the same manner as liens for street improvements are enforced and shall bear interest at the current legal rate of interest. Such interest shall accrue from date of the entry of the lien in the lien docket.

(E) An error in the name of the person in charge of the property shall not void the assessment, nor will a failure to receive the notice of the proposed assessment render the assessment void. The assessment shall remain a valid lien against the property.

(Prior Code, § 90.12)

§ 90.13 SUMMARY ABATEMENT.

The procedure provided by this chapter is not exclusive, but is in addition to procedure provided by other ordinances, and the City Council may proceed summarily to abate a health or other nuisance which unmistakably exists and which imminently endangers human life or property.
(Prior Code, § 90.13)

§ 90.99 PENALTY.

(A) A person violating this chapter shall, upon conviction thereof, be punished by a fine not to exceed \$500.

(B) Each day's violation of a provision of this chapter constitutes a separate offense.

(C) The abatement of a nuisance is not a penalty for violating this chapter, but is an additional remedy. The imposition of a penalty does not relieve a person of the duty to abate the nuisance; however, abatement of a nuisance within the specified time within the notice to abate, or if a written protest has been filed, then abatement within the time period specified by the City Council, if determined that a nuisance exists, will relieve the responsible person from the imposition of any fine or imprisonment under this section.
(Prior Code, § 90.99)

CHAPTER 91: ANIMALS

Section

- 91.01 Definitions
- 91.02 Dogs running at large prohibited
- 91.03 Barking dogs prohibited
- 91.04 Vicious dogs
- 91.05 Report of dog bites
- 91.06 Killing livestock
- 91.07 Police officer's authority to enter private land

- 91.99 Penalty

Cross-reference:

Animals constituting nuisance, see § 92.15

§ 91.01 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

DEPARTMENT. The City Police Department.

DOG RUNNING AT LARGE. A dog off or outside the premises of the owner, not restrained by a rope, line, leash, chain, or other similar means or not under the immediate control, restraint, or command of an owner thereof. If a dog is not restrained by a tether of some kind, is not at heel, or not a working dog in the field, that dog shall be deemed "at large".

OWNER. Any person who owns, keeps, or harbors a dog.
(Prior Code, § 91.01) (Ord. 130, passed 1-7-1974)

§ 91.02 DOGS RUNNING AT LARGE PROHIBITED.

No owner or person shall permit any dog to run at large. All dogs shall be kept in control on a leash or other physical restraint at all times, except within the confines of the dog park. Cats or other animals must be kept in a vehicle, trailer, or on a leash or tether at all times.
(Ord. 2017-700, passed 11-27-2017) Penalty, see § 91.99

§ 91.03 BARKING DOGS PROHIBITED.

No person shall keep a dog on any premises in the city which, without provocation by a person, shall, by frequent and sustained barking, howling, or yelping, disturb two or more persons separately domiciled in the immediate vicinity or, if there is only one dwelling in the immediate vicinity of the premises, shall disturb the person or persons residing in such dwellings, after having been notified personally or by mail by the Department that the dog had been reported to disturb such person or persons by such barking, howling, or yelping.

(Prior Code, § 91.03) (Ord. 130, passed 1-7-1974) Penalty, see § 91.99

§ 91.04 VICIOUS DOGS.

No person shall own, keep, or harbor a vicious dog. Any dog which has the propensity to attack or bite any person without provocation and the capacity to inflict serious harm on them shall be regarded as vicious.

(Prior Code, § 91.04) (Ord. 130, passed 1-7-1974) Penalty, see § 91.99

§ 91.05 REPORT OF DOG BITES.

(A) The owner of a dog which bites a human being shall immediately notify the Department and then the County Health Department of such bite, giving the name and address of the person bitten, if known to him or her.

(B) Any person who is bitten by a dog shall forthwith notify the Department and the County Health Department of such bite, giving a description of the dog and the name and address of the owner, if known to him or her.

(C) No person shall keep a dog which has bitten a human being on two occasions. Such a dog shall be turned over to the County Dog Control Officer for quarantine and disposition according to the county ordinance.

(Prior Code, § 91.05) (Ord. 130, passed 1-7-1974)

§ 91.06 KILLING LIVESTOCK.

Any dog not acting under the direction of its master which chases, injures, or kills livestock as defined in O.R.S. 609.010 while off the owner's premises may be killed immediately by any person. The owner of the livestock damaged by a dog may bring suit against the dog's owner for the full amount of the damage. If the dog is known to have killed or wounded livestock, the owner may not continue to own, harbor, or keep it.

(Prior Code, § 91.06) (Ord. 130, passed 1-7-1974)

§ 91.07 POLICE OFFICER'S AUTHORITY TO ENTER PRIVATE LAND.

Any police officer, in the course of his or her duty in enforcing this chapter, shall have the privilege of entering onto private land, but shall not enter into any building or dwelling without permission or authority.

(Prior Code, § 91.07) (Ord. 130, passed 1-7-1974) Penalty, see § 91.99

§ 91.99 PENALTY.

Penalty will be determined by municipal judge based upon the sliding scale for all nuisance fines and the number and severity of the incident as determined by the court. Every day is an additional occurrence of a violation.

First offense Class A	Not to exceed \$50
Second offense Class B	Not to exceed \$100
Third offense Class C	Not to exceed \$250
Forth offense Class D	Not to exceed \$500

(Ord. 2017-700, passed 11-27-2017)

CHAPTER 92: NUISANCES

Section

General Provisions

- 92.01 Definitions
- 92.02 General nuisance declaration

Nuisances Specified

- 92.15 Animals
- 92.16 Nuisances affecting public health
- 92.17 Nuisances affecting public safety
- 92.18 Nuisances affecting public peace

Abatement Procedure

- 92.30 Notice
- 92.31 Abatement by owner
- 92.32 Abatement by city
- 92.33 Assessment of costs
- 92.34 Application of chapter; summary abatement
- 92.35 Abatement does not constitute penalty

- 92.99 Penalty

Cross-reference:

Noise, see § 130.02

Weeds, see Ch. 94

GENERAL PROVISIONS

§ 92.01 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

COUNCIL. The governing body of the city.

NUISANCE.

(1) Any act, course of action, or conduct herein called a nuisance of any kind or type by this chapter or by any other ordinance of the city.

(2) Any prohibited act, course of action, or conduct herein prohibited, or declared unlawful, or against the provisions of this chapter, whether or not called a nuisance.

(3) The committing, permitting, or suffering anything, substance, or condition prohibited or made unlawful by this chapter to continue by any person upon which a duty is imposed or exists by provisions of this chapter to abate or remove the thing, substances, or condition.

(4) Any nuisance, so called, by any other ordinance of the city.

PERSON. Every natural person, firm, partnership, association, or corporation.

PERSON IN CHARGE OF PROPERTY. An owner, agent, occupant, lessee, contract purchaser, or other person having possession or control of property or the supervision of any construction project.

PUBLIC PLACE. Any building, place, or accommodations, whether publicly or privately owned, open and available to the public.

(Prior Code, § 92.01) (Ord. 95, passed 11-6-1967; Ord. 18-500, passed 8-27-2018)

§ 92.02 GENERAL NUISANCE DECLARATION.

In addition to those nuisances specifically enumerated within this chapter, every other thing, substance, or act which is determined by the Council to be injurious or detrimental to the public health, safety, or welfare of the city is hereby declared to be a nuisance and may be abated as provided in §§ 92.30 through 92.35 of this chapter.

(Prior Code, § 92.02) (Ord. 95, passed 11-6-1967)

NUISANCES SPECIFIED

§ 92.15 ANIMALS.

(A) *Animals running at large, damaging property.*

(1) No person shall permit any dog owned or controlled by him or her to cause damage or injury to gardens, flower beds, and other property belonging to another person.

(2) No person shall permit any horse, donkey, mule, or other equine animal, or any cow, sheep, goat, or other ruminant animal, or any swine, or goose, duck, turkey, or other fowl owned or controlled, or which should be controlled by him or her, to run at large within the city.

(B) *Prohibited animals.* No person shall have or keep goats, sheep, cows, horses, or swine within the city; provided, however, this section shall not apply to goats, sheep, cows, horses, or swine being transported for commercial purposes. Sheep and goats may be kept within fenced boundaries of sewer lagoons.

(C) *Bees.* No person shall keep a hive or stand of bees in the city at a location within 150 feet of any street, alley, storehouse, establishment, public building, private dwelling, or barn or each other. This provision shall not apply to the dwelling, barn, or other buildings of the owner of such bees if the property meets the criteria listed owner is limited to one hive for personal use.

(D) *Removal of animal carcasses.* No person shall permit any animal carcass owned by him or her, or under his or her control, to remain upon the public streets or places, or exposed on private property, for a period of time longer than is reasonably necessary to remove and dispose of such carcass. Anyone wishing to bury a carcass at the city dump ground shall first obtain from the City Recorder a permit to do so.

(E) *Farm animals and wild animals.*

(1) No more than one single hoofed animal is permitted per half acre of property within the city.

(2) One rooster per one acre is permitted. However, roosters are still subject to nuisance and noise violations per municipal code. No roosters are allowed unless there is at least one acre of minimum lot size for said rooster.

(3) No peacocks are allowed within the city.

(4) There shall be no more than six poultry, fowl, and/or rabbits (including, but not limited to, geese and turkeys) per half acre of owned property.

(Prior Code, § 92.15) (Ord. 95, passed 11-6-1967; Ord. 136, passed 11-3-1975; Ord. 203, passed 7-3-1989; Ord. 2017-700, passed 11-27-2017; Ord. 2018-100, passed 2-26-2018) Penalty, see § 92.99

§ 92.16 NUISANCES AFFECTING PUBLIC HEALTH.

The following are hereby declared to be nuisances affecting the public health and may be abated in the manner prescribed by §§ 92.30 through 92.35.

(A) *Privies.* Any open vault or privy maintained within the city, except those privies used in connection with construction projects and constructed in accordance with the State Board of Health regulations.

(B) *Debris on private property.* All accumulations of debris, rubbish, manure, and other refuse located on privately-owned real property or sidewalks abutting thereon, and which has not been removed within a reasonable time, and which affect the health, safety, or welfare of the city.

(C) *Stagnant water.* Any pool of water which is without a proper inlet or outlet and which, if not controlled, will be a breeding place for mosquitoes and other similar insect pests.

(D) *Water pollution.* The pollution of any body of water or stream or river by sewage, industrial wastes, or other substances placed in or near such water in a manner that will cause harmful material to pollute the water.

(E) *Food.* All decayed or unwholesome food which is offered for human consumption.

(F) *Odor.* Any premises which are in such state or condition as to cause a noisome or offensive odor, or which are in an unsanitary condition.

(G) *Hazardous trees.*

(1) No owner or person in charge of property that abuts upon a street, alley, public right-of-way, or public sidewalk shall permit trees or bushes on his or her property to interfere with street or sidewalk traffic.

(2) It shall be the duty of an owner or person in charge of property that abuts upon a street or public sidewalk to keep all trees and bushes on his or her premises, including the adjoining parking strip, trimmed to a height of not less than eight feet above the sidewalk and not less than 15 feet above the roadway.

(3) 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.

(4) Process for tree removal.

(a) If the city and property owner cannot concur as to the hazard of a tree, a professional arborist will be employed to provide a recommendation paid by whichever party was incorrect as to the status of the alleged hazard.

(b) Within 30 days after the date of notice to the owner of the property, the owner of the property shall cause the tree determined to be dead or dangerous to be removed.

(c) At the request of the owner, the City Administrator or his or her designate will cause said dead or dangerous tree to be removed for a fee sufficient to cover the direct cost plus 10% for administrative overhead with a minimum fee.

(d) The City Administrator or his or her designate may cause to be removed any tree determined to be dead or dangerous at any time following the deadline for removal set forth at division

(G)(4)(b) above. The cost of the removal of said dead or dangerous tree shall be as calculated in division (G)(4)(c) above and will be a charge to the owner of the property and will become a lien against the property.

(H) *Cannabis related nuisances.*

(1) *Odor.* Licensed cannabis businesses located within the city must use an air filtration and ventilation system which is certified by an Oregon licensed mechanical engineer to ensure, to the greatest extent feasible, that all objectionable odors associated with the cannabis business, whether related to consumption, retail sale, production, or processing, are contained within the property lines or enclosed structures located on the licensed 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 location and community in which the odor originates or where it is detected.

(2) *Access and visibility.* No owner or person in charge of property that abuts upon a street, alley, public right-of-way, or public sidewalk shall permit cannabis outside of an enclosed structure, unless so licensed by the state.

(3) *Hazardous air contaminants.* No person in charge of property shall permit hazardous air contaminants to be released from the licensed property or enclosed structures. Initiating or maintaining in a solid-fuel space-heating device or elsewhere on property the burning of any plastics, wire insulation, petroleum by-products, petroleum-treated materials, rubber products, animal remains, or animal or vegetable matter resulting from the handling, preparation, cooking, or service of food, or of any other material which normally emits dense smoke, noxious odors, or hazardous air contaminants.

(4) *Vaping.* There will be no smoking or vaping allowed on city-owned rights-of way and city-owned properties including, but not limited to, city sidewalks and streets.
(Prior Code, § 92.16) (Ord. 95, passed 11-6-1967; Ord. 18-400, passed 7-23-2018; Ord. 18-500, passed 8-27-2018) Penalty, see § 92.99

§ 92.17 NUISANCES AFFECTING PUBLIC SAFETY.

(A) *Abandoned refrigerators.* No person shall leave in any place accessible to children any abandoned, unattended, or discarded icebox, refrigerator, or similar container which has an air-tight door with a snap lock, or lock or other mechanism which may not be released for opening from the inside without first removing such snap lock or door from such icebox, refrigerator, or similar container.

(B) *Storage of rubbish, junk.* It is hereby declared to be unlawful and to constitute a public nuisance for any person:

(1) Who shall be the owner of, or in possession of, or in charge of any lot or grounds within the corporate limits of the city, to keep thereon, or permit to remain thereon, or to keep or permit to be kept any trash, filth, garbage, brush, cans, containers, empty boxes, or parts of motor vehicles unless

the same is kept in an enclosed garage or other suitable building, or decayed or partially burned lumber or waste matter and other debris generally, which shall embrace and include articles and things ordinarily, customarily, or generally hauled off and dumped or junked for the purpose of promoting cleanliness and health, or to prevent and minimize discordant and unsightly surroundings within the city; and

(2) Who is the registered or legal owner, including the owner or president of a firm or corporation, to store any inoperable or damaged vehicles, whether licensed or unlicensed, including any vehicles partially or wholly dismantled, or any part or parts thereof, exposed to public view from either public property or adjacent private property for a period of more than 20 days, provided that the same may be kept upon premises for periods of not to exceed 50 days upon a special vehicle storage permit being obtained from the Chief of Police. Such permit will be issued only for the purpose of mechanical repairs to the vehicle, or pending arrangements to have the vehicle removed or towed away. No more than one permit shall be issued for a premises per year. Not more than one vehicle shall be allowed by such a permit.

(C) *Excavations.*

(1) Any excavation shall be prohibited to remain open for an unreasonable length of time without erecting proper safeguards or barriers to prevent such excavation from being used by children.

(2) The provisions of this section shall not apply to authorized construction projects; provided that during the course of construction reasonable safeguards are maintained to prevent injury or death to playing children.

(3) Any nuisance as described in this section may be abated as provided in §§ 92.30 through 92.34.

(D) *Snow and ice removal.* No owner or person in charge of any premises, improved or unimproved, abutting upon any public sidewalk shall permit:

(1) Any snow to remain on such sidewalk for a period longer than the first five hours of daylight after the snow has fallen; or

(2) Any such sidewalk to be covered with ice. It shall be the duty of any such person to remove any ice accumulating on such sidewalk, or to properly cover it with sand, ashes, or other suitable material to assure safe travel within the first five hours of daylight after the ice has formed.

(E) *Scattering rubbish.* No person shall throw, dump, or deposit upon any street, alley, or other public place any injurious or offensive substance, or any sort of rubbish, trash, debris, or refuse, or any substance which would mar the appearance, create a stench, or detract from the cleanliness or safety of such public place, or would be likely to injure any animal, vehicle, or person traveling upon such public way.

(F) *Sifting or leaking loads.*

(1) No person shall drive or move a vehicle on any street unless it is so constructed or loaded as to prevent its content from dropping, sifting, leaking, or otherwise escaping therefrom.

(2) It shall be the duty of any person driving a vehicle from which the contents have escaped to remove any escaped substance or material from the street.

(3) Any escaped substance or material, as set forth in this section, is hereby declared to be a nuisance and may be abated as provided in §§ 92.30 through 92.34.

(G) *Fences.* No person shall construct or maintain any barbed-wire fence, or allow barbed wire to remain as part of any fence, unless such wire is placed not less than six inches above the top of a board or picket fence which is not less than four feet high.

(H) *Surface waters, drainage.*

(1) No person in charge of any building or structure shall suffer or permit rain water, ice, or snow to fall from any such building or structure onto any street or sidewalk, or to flow across such sidewalk; and every such person in charge of property shall, at all times, keep and maintain in a proper state of repair adequate drainpipes or a drainage system so that any overflow water accumulating on the roof or about such building will not be carried across or upon any sidewalk.

(2) The improper drainage of any type of surface water from any source across or upon any sidewalk is hereby declared to be a nuisance and may be abated as provided in §§ 92.30 through 92.34.

(I) *Lack of solid waste sendees.*

(1) It is hereby declared unlawful for any property owner with multi-family housing with three or more dwelling units per tax lot not to provide an enclosed, secure, fenced location for the disposal of solid waste for the residents of said property.

(2) It is hereby declared unlawful for any property owner with multi-family housing with three or more dwelling units per tax lot not to provide enough solid waste disposal space equal to or greater than one 90-gallon container per housing unit.

(3) It is hereby declared unlawful for any multi-family unit or commercial business to allow to remain on the street right-of-way any solid waste containers or recycling containers more than 24 hours prior to and after the scheduled date of service.

(4) It is hereby declared unlawful for any property owner with a commercial zoned property not to provide an enclosed, secure, fenced location for the disposal of solid waste for said property.

(5) It is hereby declared unlawful for any property owner with a commercial zoned or any property owner with multi-family housing with three or more dwelling units per tax lot to have solid waste pickup/disposal service any less often than once a week.

(6) Any request for exemptions from this code may be made to the City Administrator and appealed to the City Council by written request.

(J) *Litter.*

(1) No person shall throw or place any refuse, paper, trash, glass, nails, tacks, wire, bottles, cans, yard trash, concrete, earthen fill, garbage, containers, or litter or other debris in any ditch, stream, storm drain, river, or retention basin that regularly or periodically carries surface water runoff.

(2) No person shall throw or place any refuse, paper, trash, glass, nails, tacks, wire, bottles, cans, yard trash, concrete, earthen fill, garbage, containers, or litter or other debris on publicly-owned property.

(Prior Code, § 92.17) (Ord. 95, passed 11-6-1967; Ord. 196, passed 4-6-1987; Ord. 17-500, passed 10-23-2017; Ord. 2017-600, passed 11-27-2017) Penalty, see § 92.99

§ 92.18 NUISANCES AFFECTING PUBLIC PEACE.

(A) *Fireworks.* The following enumerated sections of the state's Fireworks Law, together with all acts and amendments applicable to cities, are hereby adopted by reference and made a part of this chapter:

O.R.S. 480.110, O.R.S. 480.140(1), O.R.S. 480.120, O.R.S. 480.150, and O.R.S. 480.130.

(B) *Notices and advertisements.*

(1) No person shall, either as principal or agent, affix or cause to be distributed any placard, bill, advertisement, or poster upon any real or personal property, public or private, without first securing permission from the owner or proper public authority. This section shall not be construed as an amendment to, or a repeal of any regulations now or hereafter adopted by the city regulating the use of and the location of signs and advertising.

(2) No person shall, either as principal, agent, or employee, scatter, distribute, or cause to be distributed on the streets, sidewalks, or other public places, or upon any private property, any placards or advertisements whatsoever.

(Prior Code, § 92.18) (Ord. 95, passed 11-6-1967) Penalty, see § 92.99

ABATEMENT PROCEDURE**§ 92.30 NOTICE.**

(A) Upon determination by the Council that a nuisance as defined in this chapter or any other ordinance of the city exists, the Council shall forthwith cause a notice to be posted on the premises liable for the abatement, directing the removal of such nuisance.

(B) At the time of posting, the City Recorder shall cause a copy of such notice to be forwarded by registered or certified mail, postage prepaid, to the person in charge of the property at the last known address of such owner or agent.

(C) The notice to abate shall contain:

(1) A description of the real property, by street address or otherwise, on which such nuisance exists;

(2) A direction to remove the nuisance within 30 days from the date of the notice;

(3) A description of the nuisance;

(4) A statement that unless such nuisance is removed, the city will remove the nuisance and the cost of removal shall be a lien against the property; and

(5) A statement that the person in charge of the property may, within ten days from the date of the notice, protest the action by giving notice to the City Recorder.

(D) The person posting and mailing the notice, as provided herein, shall, upon completion of the posting and mailing, execute and file a certificate stating the date and place of such mailing and posting.

(E) An error in the name or address of the person in charge of the property, or the use of a name other than that of such person shall not make the notice void; and in such a case, the posted notice shall be deemed sufficient.

(Prior Code, § 92.30) (Ord. 95, passed 11-6-1967)

§ 92.31 ABATEMENT BY OWNER.

(A) Within 30 days after the posting and mailing of the notice, as provided in § 92.30, the person in charge of the property shall remove and abate the nuisance or show that no nuisance exists.

(B) The person in charge protesting that no nuisance in fact exists shall file with the City Recorder a written statement which shall specify the basis for contending that no nuisance exists.

(C) The statement shall be referred to the Council as a part of the Council's regular agenda at its next succeeding meeting. At the time set for the consideration of the abatement, such person may appear and be heard by the Council; and the Council shall thereupon determine whether a nuisance in fact exists; and such determination shall be entered in the official minutes of the Council. Council determination shall be required only in those cases where a written statement has been filed as provided herein.

(D) Upon Council determination that a nuisance does in fact exist, the person in charge of the property shall, within 30 days after such Council determination, remove or abate such nuisance. (Prior Code, § 92.31) (Ord. 95, passed 11-6-1967)

§ 92.32 ABATEMENT BY CITY.

(A) If within the time fixed, as provided in this chapter, the nuisance has not been abated by the person in charge of the property, the Council shall cause the nuisance to be abated.

(B) The City Recorder shall maintain an accurate record of the expenses incurred by the city in abating the nuisance, and shall include therein an overhead charge of 5% of the total cost for administration.

(C) The total cost, including the administrative overhead, shall thereupon be assessed to the property as hereinafter provided. (Prior Code, § 92.32) (Ord. 95, passed 11-6-1967)

§ 92.33 ASSESSMENT OF COSTS.

(A) A notice of the assessment shall be forwarded by registered mail, postage prepaid, to the person in charge of the property by the City Recorder. The notice shall contain:

(1) The total cost, including the administrative overhead, of the abatement;

(2) A statement that the cost, as indicated, will become a lien against the property unless paid within 60 days; and

(3) A statement that, if the person in charge of the property objects to the cost of the abatement as indicated, he or she may file a notice of objection with the City Recorder within 30 days from the date of the notice.

(B) Upon the expiration of 30 days after the date of the notice, objections to the proposed assessment shall be heard and determined by the Council in its regular course of business.

(C) An assessment for the cost of abatement, as determined by the Council, shall be made by resolution of the Council, and shall thereupon be entered in the docket of city liens; and upon such entry being made, it shall constitute a lien upon the property from which the nuisance was removed or abated.

(D) The lien shall be collected in the same manner as liens for street improvements are collected, and shall bear interest at the rate of 6% per annum. Such interest shall commence to run 30 days after the entry of the lien in the lien docket.

(E) An error in the name of the person in charge of the property shall not void the assessment, nor will a failure to receive the notice of the assessment render the assessment void; but it shall remain a valid lien against the property.

(Prior Code, § 92.33) (Ord. 95, passed 11-6-1967)

§ 92.34 APPLICATION OF CHAPTER; SUMMARY ABATEMENT.

The procedure provided by this chapter is not exclusive, but is in addition to procedure provided by other ordinances; and furthermore, the Health Officer, the Chief of the Fire Department, and the police officers of this city may proceed summarily to abate a sanitary or other nuisance which unmistakably exists and from which there is imminent danger to human life or property.

(Prior Code, § 92.34) (Ord. 95, passed 11-6-1967)

§ 92.35 ABATEMENT DOES NOT CONSTITUTE PENALTY.

The abatement of a nuisance, as herein provided, shall not constitute a penalty for a violation of this chapter, but shall be in addition to any penalty imposed for a violation of this chapter.

(Prior Code, § 92.35) (Ord. 95, passed 11-6-1967)

§ 92.99 PENALTY.

Penalty for violation of this chapter will be determined by municipal judge based upon the sliding scale for all nuisance fines and the number and severity of the incident as determined by the court. Every day is an additional occurrence of a violation.

First offense Class A	Not to exceed \$50
Second offense Class B	Not to exceed \$100
Third offense Class C	Not to exceed \$250
Forth offense Class D	Not to exceed \$500

(Ord. 95, passed 11-6-1967; Ord. 18-400, passed 7-23-2018)

CHAPTER 93: PARKS, CEMETERIES, AND OTHER PUBLIC PROPERTY

Section

General Provisions

- 93.01 Definitions
- 93.02 Application of chapter

Regulations

- 93.15 Park operating hours
- 93.16 Damaging flowers, trees, trails, buildings, and the like
- 93.17 Littering
- 93.18 Camping; building fires
- 93.19 Animals
- 93.20 Weapons
- 93.21 Selling merchandise, operating concessions, erecting signs, and the like without permission
- 93.22 Vehicles and traffic
- 93.23 Noise
- 93.24 Use of sports equipment
- 93.25 Use of waterways
- 93.26 Wine and malt beverages

- 93.99 Penalty

GENERAL PROVISIONS

§ 93.01 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

CITY PROPERTY. Any real property owned or controlled by the city, within or without the city limits, except maintained city streets.

COUNCIL. The City Council of Monroe.

PERSON. Any person, firm, corporation, or association.

PUBLIC PARKS. Any piece of property, within or without the city limits, which has been set aside by the Council for public recreation.

(Prior Code, § 93.01) (Ord. 175, passed 7-6-1982)

§ 93.02 APPLICATION OF CHAPTER.

The rules and regulations contained in this chapter shall apply to the use of the city property.

(Prior Code, § 93.02) (Ord. 175, passed 7-6-1982)

REGULATIONS

§ 93.15 PARK OPERATING HOURS.

No person shall use the public parks between 10:00 p.m. and 6:00 a.m. except for a purpose permitted by the Council.

(Prior Code, § 93.15) (Ord. 175, passed 7-6-1982) Penalty, see § 93.99

§ 93.16 DAMAGING FLOWERS, TREES, TRAILS, BUILDINGS, AND THE LIKE.

(A) No person shall cut, remove, or damage any flowers, trees, or trails.

(B) No person shall damage or injure in any way any building, installation, equipment, or other property of the city.

(Prior Code, § 93.16) (Ord. 175, passed 7-6-1982) Penalty, see § 93.99

§ 93.17 LITTERING.

(A) No person shall litter. All garbage and refuse of any kind must be deposited in the proper receptacles provided for that purpose.

(B) Garbage and refuse shall not be brought on to any city property.

(Prior Code, § 93.17) (Ord. 175, passed 7-6-1982) Penalty, see § 93.99

§ 93.18 CAMPING; BUILDING FIRES.

(A) No person shall build any fire except in a stove or fireplace provided for that purpose. Fires shall not be left unattended and every fire shall be extinguished before its user leaves the park. Portable gas, gasoline, charcoal, and oil camp stoves may be used only if in good operating condition and shall be operated in a safe manner.

(B) No person shall camp overnight in the parks except in an area designated by the Council for camping or in connection with an activity authorized by the Council.

(Prior Code, § 93.18) (Ord. 175, passed 7-6-1982) Penalty, see § 93.99

§ 93.19 ANIMALS.

(A) No person shall permit any dog to run at large. All dogs shall be kept in control on a leash or other physical restraint at all times. Cats or other animals must be kept in a vehicle, trailer, or on a leash or tether at all times.

(B) No person shall ride or lead any horse in the public parks except on a designated bridle path. Horses and other animals shall not be tied to any tree or shrub in such a manner as to damage the plant.

(C) No person shall hunt, pursue, trap, kill, injure, or disturb the habitat of any animal or bird in the parks.

(Prior Code, § 93.19) (Ord. 175, passed 7-6-1982) Penalty, see § 93.99

§ 93.20 WEAPONS.

No person shall fire or discharge any firearm, pistol, rifle, or any device which propels a projectile by the use of air pressure, CO2 cartridges, springs, bows, slings, jet, or rocket propulsion.

(Prior Code, § 93.20) (Ord. 175, passed 7-6-1982) Penalty, see § 93.99

§93.21 SELLING MERCHANDISE, OPERATING CONCESSIONS, ERECTING SIGNS, AND THE LIKE WITHOUT PERMISSION.

(A) No person shall sell any merchandise or operate any concession on city property or in the public parks without permission of the Council.

(B) No person shall erect any signs, markers, or instructions on city property without Council approval.

(Prior Code, § 93.21) (Ord. 175, passed 7-6-1982) Penalty, see § 93.99

§ 93.22 VEHICLES AND TRAFFIC.

(A) No person shall operate or park any motor vehicle except on roads or in designated parking areas.

(B) No person shall drive any motor vehicle in excess of ten mph in a public park unless otherwise designated.

(C) No person shall operate or bring any vehicle with a gross weight exceeding five tons into a public park except a bus carrying passengers to the park.

(Prior Code, § 93.22) (Ord. 175, passed 7-6-1982) Penalty, see § 93.99

§ 93.23 NOISE.

No person should use any loud speaker or amplification system unless they have first secured a special use permit. No person shall use a radio, CD player, Mp3 player, or other sound device in such a manner as to disturb the peace of the immediate vicinity.

(Ord. 2017-700, passed 11-27-2017) Penalty, see § 93.99

Cross-reference:

Unnecessary noise, see § 130.02

§ 93.24 USE OF SPORTS EQUIPMENT.

No person shall use golf clubs, archery equipment, discus, javelin, shot put, model airplane, or drone in the parks except as permitted by special use permit.

(Ord. 2017-700, passed 11-27-2017) Penalty, see § 93.99

§ 93.25 USE OF WATERWAYS.

No person shall wash any clothing or materials or clean any fish in streams, springs, pools, or other waterways on city property.

(Prior Code, § 93.25) (Ord. 175, passed 7-6-1982) Penalty, see § 93.99

§ 93.26 WINE AND MALT BEVERAGES.

(A) Wine and malt beverages may be used and consumed in the city park system to the extent and in the manner allowed under state statutes and administrative regulations.

(B) Wine and malt beverages may be sold by concessionaires in the city parks under permit from the City Council. The permit will be issued on a per day basis at the cost of \$10 or 5% of gross sales, whichever is greater.

(C) Wine, malt beverages, and alcoholic liquor may be used and consumed in the City Hall and the Legion Hall to the extent and in the manner allowed under state statutes and administrative regulations. (Prior Code, § 93.26) (Ord. 175, passed 7-6-1982) Penalty, see § 93.99

§ 93.99 PENALTY.

(A) Violation of this chapter is punishable by imprisonment for not more than 90 days, or of a fine of not more than \$500, or both.

(B) Violation of §§ 93.23 or 93.24 is punishable by a fine of not more than \$500. (Ord. 175, passed 7-6-1982; Ord. 2017-700, passed 11-27-2017)

CHAPTER 94: WEEDS

Section

- 94.01 Definitions
- 94.02 Noxious vegetation constitutes a nuisance; authority to abate
- 94.03 Waiver
- 94.04 Notice
- 94.05 Private abatement
- 94.06 Abatement by city
- 94.07 Collection of costs
- 94.08 Enforcement and discharge of duties

- 94.99 Penalty

§ 94.01 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

NOXIOUS VEGETATION. Includes:

- (1) Weeds more than ten inches high;
- (2) Grass more than ten inches high, except agricultural crops that are not a fire hazard or a vision obstruction;
- (3) Poison oak or poison ivy; and
- (4) Blackberry vines or vegetation that:
 - (a) Is a fire hazard because it is near other combustibles;
 - (b) Extends into a public way;
 - (c) Extends into a pathway frequented by children;
 - (d) Extends across a property line;

(e) Is used for habitation by trespassers;

(f) Is a health hazard; or

(g) Is a traffic hazard because it impairs the view of a public thoroughfare or creates a vision obstruction.

PERSON IN CHARGE. A person, representative or employee who has lawful control of the premises or property on which the noxious vegetation grows by ownership, tenancy, official position, or other legal relationship, including, but not limited to, full or partial authorization to manage the premises or property and authorization to enter into a rental agreement on behalf of another person in charge of the premises or property.

(Ord. 16-01, passed 5-23-2016)

§ 94.02 NOXIOUS VEGETATION CONSTITUTES A NUISANCE; AUTHORITY TO ABATE.

(A) No owner, occupant, or person in charge shall permit noxious vegetation to grow upon his or her property within the city limits. All noxious vegetation shall be cut and maintained at a height not to exceed ten inches.

(B) It is hereby declared a nuisance for the owner, occupant, or person in charge to permit noxious vegetation to grow upon his or her property, or the right-of-way adjacent to such property without removing the same as prescribed above; and in case the noxious vegetation is not removed, then the City Council may cause it to be removed as provided within this chapter. The cost of such removal may be assessed against the owner, occupant, or person in charge or against the property and made a lien thereon, which shall be entered in the docket of city liens to be collected.

(C) The City Council may elect to charge a penalty against the owner, occupant, or person in charge, or against the property itself for failure to comply with this chapter. The costs that the city incurs in the abatement, plus a penalty, may be charged against the owner, occupant, or person in charge or against the property itself.

(Ord. 16-01, passed 5-23-2016) Penalty, see § 94.99

§ 94.03 WAIVER.

(A) Where strict compliance with the requirements of § 94.02 would be impracticable as they apply to a type of noxious vegetation, to the height of weeds or grass, to height of tree branches, or to a part of a parcel of property, or to tracts of land exceeding three acres historically used for farm or forest practices, the city may waive those requirements as they so apply.

(B) No Council waiver is required for private tracts of land under a single ownership that exceeds one-half acre in size, provided the owner has complied with these standards for that area within the right-of-way adjacent to the subject property and an area of not less than ten feet along the perimeter of

the subject property where the adjacent property contains a residence or other structure within 20 feet of a common property line.

(Ord. 16-01, passed 5-23-2016)

§ 94.04 NOTICE.

(A) If the City Recorder is satisfied that a noxious vegetation nuisance exists, the City Recorder shall send by First Class mail written notice to any owner, occupant, or person in charge of property containing noxious vegetation. The City Recorder shall also post such written notice in plain sight on the property. The city shall use the county tax rolls or the records of the city or county to determine the identity of the owner, occupant, or person in charge. Failure to receive the mailed notice, even if due to an error in the name or address, shall not relieve any person in charge from the obligation to abate any noxious vegetation or to pay the cost of abatement performed by the city.

(B) The notice to abate shall contain:

(1) A description of the real property by street address or otherwise on which the noxious vegetation exists;

(2) A direction to the owner, occupant, or person in charge to abate the noxious vegetation nuisance within ten days from the date of the notice;

(3) A description of the noxious vegetation nuisance;

(4) A statement that unless the noxious vegetation is removed, the city may abate the nuisance and that the costs of such abatement will be charged to the owner, occupant, or person in charge or to the property as a lien;

(5) A statement of failure to abate the nuisance as directed may result in the imposition of a financial penalty; and

(6) A statement that the owner, occupant, or person in charge may protest the order to abate by giving written notice to the City Recorder (as provided in § 94.05(B)) within ten days from the date of the notice.

(C) The city shall keep a record of notices sent to any person in charge. Only one written notice shall be required to be provided to any person in charge. Where a second or repeated notice is deemed appropriate by the City Recorder, the city may move directly to the penalty phase as provided under § 94.99 and direct a citation be issued to the person in charge to pay the fine or appear in municipal court to plead his or her case before the municipal judge.

(Ord. 16-01, passed 5-23-2016)

§ 94.05 PRIVATE ABATEMENT.

(A) Within ten days after the notice, as provided in § 94.04, the owner, occupant, or person in charge of the property where the noxious vegetation nuisance exists shall abate the nuisance, except as provided in division (B) below.

(B) (1) The owner, occupant, or person in charge of the property who denies that a nuisance exists may file with the city a written protest. The protest shall be referred to the City Council for hearing as part of the Council's regular agenda at its next meeting or at such other time as may be convenient for the city. The Council shall consider the abatement and protest and may consider any material it deems relevant and probative. The Council may, at its discretion, allow verbal testimony on the abatement issue. The Council will make its decision based upon the best interests of the city, including whether the noxious vegetation is offensive, injurious, or detrimental to the public health, safety, or welfare.

(2) After hearing the matter, the Council may determine whether a nuisance exists, may decide upon the nature of the abatement, may order the abatement, and may impose other conditions as the Council deems necessary. The Council shall make written findings in support of its decision. The Council decision shall be final. Failure to file a written protest within the time lines provided in this chapter waives any objection the owner, occupant, or person in charge may have to finding that a nuisance exists or to the abatement of the nuisance by the city.

(Ord. 16-01, passed 5-23-2016)

§ 94.06 ABATEMENT BY CITY.

(A) If, within the ten days allowed by § 94.05 for abating a nuisance as defined in § 94.01, the nuisance has not been privately abated, the City Council or its designee may cause it to be abated.

(B) The city may authorize or retain a person or entity to abate the nuisance. Such person or entity may enter upon the property at reasonable times for the purpose of investigating and abating the nuisance, specifically to destroy the noxious vegetation and seeds. The person authorized to abate the nuisance shall enter upon the property only upon obtaining written consent of the owner, occupant, or person in charge, or upon issuance of citation by a certified police officer and guilty conviction in the municipal court. However, noxious vegetation in the public right-of-way, on a public walk or pathway, or extending across a property line may be destroyed without consent or without a warrant and the costs assessed against the person in charge.

(C) The City Recorder shall keep an accurate record of the expense incurred by the city in abating the noxious vegetation and shall include therein a reasonable charge for administrative overhead.

(D) Whenever the city abates noxious vegetation, in addition to any penalties imposed and in addition to the costs specified in division (C) above, there is hereby imposed on each owner, occupant, or person in charge or on the property a penalty of \$50 or 10% of the abatement costs, whichever is

greater. The City Recorder shall add the penalty to the amount to be collected as provided in § 94.07. The City Recorder shall waive the penalty if the abatement costs are paid within the time specified in § 94.07.

(Ord. 16-01, passed 5-23-2016)

§ 94.07 COLLECTION OF COSTS.

(A) The City Recorder, by registered or certified mail, postage prepaid, shall forward to the owner, occupant, or person in charge a cost notice stating:

(1) The total cost of abatement, including any administrative overhead charges or penalties;

(2) That the cost will be assessed and become a lien against the property unless paid within ten days from the date of notice; and

(3) That if the owner, occupant, or person in charge objects to the cost of abatement as indicated, he or she may file a written objection with the City Recorder not more than ten days from the date of the notice and that the written objection must state the facts and reasons for the objection to the cost of abatement.

(B) The owner, occupant, or person in charge's written objection to the cost of abatement shall be reviewed by the City Council or its designee, who shall determine the proper amount of the bill and give written notice to the person responsible of the amount so determined. That determination shall be final.

(C) Within ten days after receiving the bill, if no objection is filed, or within ten days after the determination following an objection, the person responsible shall pay the bill. If the costs of abatement are not paid within the ten days, the City Recorder shall thereupon enter the costs of abatement plus any applicable administrative overhead charges or penalties in the docket of city liens. Upon such entry the amount shall constitute a lien upon the property.

(D) (1) The lien shall bear interest at the rate of 5% per year.

(2) The interest shall commence from date of the entry of the lien in the lien docket.

(3) For property owners the payment of the lien may be deferred, extended, or modified until sale of the subject property.

(E) An error in the name of a person responsible shall not void the assessment and lien nor will a failure to receive the notices render the assessment void, but it shall remain a valid lien against the property.

(Ord. 16-01, passed 5-23-2016)

§ 94.08 ENFORCEMENT AND DISCHARGE OF DUTIES.

In case a duty under this chapter bears on two or more persons, discharge of the duty by one of the persons shall discharge the duty for the other person and preclude any lien to enforce discharge of the duty from being imposed on the other person's property
(Ord. 16-01, passed 5-23-2016)

§ 94.99 PENALTY.

(A) Any person violating the provisions of this chapter shall be fined not less than \$50, nor more than \$500, and possibly subject to the cost of fire suppression.

(B) Each day's violation of this chapter constitutes a separate offense.

(C) The abatement of a nuisance is not a penalty for violating this chapter, but is an additional remedy.

(Ord. 16-01, passed 5-23-2016)

TITLE XI: BUSINESS REGULATIONS

Chapter

110. AMUSEMENTS

111. PEDDLERS

CHAPTER 110: AMUSEMENTS

Section

- 110.01 Definitions
- 110.02 Gambling devices not permitted
- 110.03 License required
- 110.04 Application; fee
- 110.05 Display of license
- 110.06 Operating regulations
- 110.07 Revocation of license

- 110.99 Penalty

§ 110.01 DEFINITIONS.

For the purpose of this chapter the following definitions shall apply unless the context clearly indicates or requires a different meaning.

AMUSEMENT DEVICE. Any machine which upon the insertion of a coin, slug, token, plate, or disc, may be operated by the public generally for the use of the game, entertainment, or amusement, whether or not registering a score. It shall include, but not be limited to, such **DEVICES** as marble games, pinball machines, electronic and/or video games, and all other games, operations, or transactions on a play-for-pay basis.

CARDROOM. Any establishment, business, or place where card tables, cards, or any other facilities for the playing of card games are maintained for the uses of the public in playing card games upon the payment of a consideration.

CIGARETTE VENDING MACHINE. Any automatic vending machine used for the sale of cigarettes, and controlled by the insertion of a coin or coins. It shall not include machines or devices used solely for the vending of service, food, or confections.

JUKEBOX. Any music vending machine, contrivance, or device which, upon the insertion of a coin, slug, token, plate, disc, or key into any slot, crevice, or other opening or by the payment of any price, operates or may be operated for the emission of songs, music, or similar amusement.

PERSON, FIRM, CORPORATION, OR ASSOCIATION. Any person, firm, corporation, or association which owns any such machine; the person, firm, corporation, or association in whose place of business any such machine is placed for the use of the public; and the person, firm, corporation, or association having control over such machines; provided, however, that the payment of such fee by any person, firm, corporation, or association enumerated herein shall be deemed a compliance with this section.

POOLROOM. Any establishment, business, or place where pool, snooker, or billiard tables of any and all types are kept and maintained for the use by the public in playing any of said games for consideration.

VENDING MACHINE. A machine which dispenses only merchandise other than gums, soft drinks, or food to individuals who deposit therein a coin or coins.
(Prior Code, § 110.01) (Ord. 181, passed 12-19-1983)

§ 110.02 GAMBLING DEVICES NOT PERMITTED.

Nothing in this chapter shall, in any way, be construed to authorize, license, or permit any gambling devices whatsoever, or any mechanism that has been judicially determined to be a gambling device or in any way contrary to law, or that may be contrary to future laws of the state.
(Prior Code, § 110.02) (Ord. 181, passed 12-19-1983)

§ 110.03 LICENSE REQUIRED.

Any person, firm, corporation, or association displaying for public patronage, or keeping for operation, any of the devices defined in § 110.01 of this chapter shall be required to obtain a license from the city, upon payment of a license fee. Application for such license shall be made to the City Recorder upon a form to be supplied by the City Recorder for that purpose. It shall be unlawful for any person, firm, corporation, or association supplying machines to place any devices requiring a city license on any premises without first obtaining a license from the city for the device.
(Prior Code, § 110.03) (Ord. 181, passed 12-19-1983) Penalty, see § 110.99

§ 110.04 APPLICATION; FEE.

(A) The application for such license shall contain the following information:

- (1) Name and address of the applicant, age, date, and place of birth;
- (2) Prior convictions of any penal statute or ordinance, if any;

(3) Place where machine or device is to be displayed or operated, and the business conducted at that place;

(4) Description of the machine to be covered by the license;

(5) No license shall be issued to any applicant unless he or she shall be over 21 years of age;

(6) All wiring and connections to the machine or machines must comply with the electrical code of the state;

(7) Application for the license shall be made out in duplicate and referred to the City Recorder; and

(8) All applications shall be submitted to the City Council by the City Recorder for final disposition, the City Recorder to issue license if there is no disapproval in accordance with this section.

(B) (1) Every applicant, before being granted a license, shall pay the following annual or quarterly license fee for the privilege of operating or maintaining for operation any of the devices defined in § 110.01 herein.

<i>Device</i>	<i>Quarterly Fee</i>	<i>Annual Fee</i>
All devices	\$7.50	\$27.50

(2) License as provided herein shall be granted for a calendar quarter or calendar year without proration beginning January 1, 1984.

(Prior Code, § 110.04) (Ord. 181, passed 12-19-1983)

§ 110.05 DISPLAY OF LICENSE.

(A) The license or licenses herein provided for shall be posted permanently and conspicuously at the location of the machine in the premises wherein the device is to be operated or maintained to be operated.

(B) Not more than one machine shall be operated under one license, and the applicant or licensee shall be required to secure a license for each and every machine, device, or table location displayed and operated by him or her.

(C) (1) If the licensee shall move his or her place of business to another location within the city, the license may be transferred to such new location upon application to the City Recorder.

(2) The new location shall be approved by the City Council in the same manner as provided for in § 110.04 of this chapter.

(Prior Code, § 110.05) (Ord. 181, passed 12-19-1983)

§ 110.06 OPERATING REGULATIONS.

(A) It shall be unlawful for any person operating any cardroom licensed under the provisions of this chapter to permit or allow any minor under the age of 21 years to engage in any card game, or to be upon that portion of the premises wherein such card tables are operated.

(B) No person, firm, corporation, or association holding the license of this chapter shall permit the playing of jukeboxes, defined in § 110.01, between the hours of 2:30 a.m. and 6:00 a.m. of any day; furthermore, jukeboxes, as herein defined, shall be played in such manner as to not be offensive to others. As such offensiveness is deemed by the Council to be a nuisance, the Council may revoke the license or direct the City Recorder to refuse to issue a renewal of the license for the next year.
(Prior Code, § 110.06) (Ord. 181, passed 12-19-1983) Penalty, see § 110.99

§ 110.07 REVOCATION OF LICENSE.

Each license issued under this chapter is subject to the right which is hereby expressly reserved to revoke the same, should the licensee directly or indirectly permit the operation of any device herein defined contrary to the provisions of this chapter. Under the ordinances of the city or the law of the state, the license may be revoked by the City Council after written notice to the licensee, which notice shall specify the ordinance or law violations with which the licensee is charged. If after a hearing, the licensee is found to be guilty of such violation, ten days' notice of the hearing findings shall be given to the licensee.

(Prior Code, § 110.07) (Ord. 181, passed 12-19-1983)

§ 110.99 PENALTY.

Any person, firm, corporation, or association violating any of the provisions of this chapter, in addition to the revocation of his or her license, shall be liable to a fine or penalty of not more than \$500, or 100 days in the county jail, or by both such fine and imprisonment.

(Prior Code, § 110.99) (Ord. 181, passed 12-19-1983)

CHAPTER 111: PEDDLERS

Section

- 111.01 Definitions
- 111.02 License required
- 111.03 Application
- 111.04 Investigation and issuance of license
- 111.05 License fee; term of license
- 111.06 Transfer of license
- 111.07 Hours of solicitation; exhibition of license; no solicitation signs
- 111.08 Revocation of license
- 111.09 Appeal
- 111.10 Exemptions

- 111.99 Penalty

§ 111.01 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

***PEDDLER* or *SOLICITOR*.** Any door-to-door salesperson who sells or offers for sale any merchandise or services by traveling about the city in residential districts.

***PERSON*.** An individual, organization, partnership, corporation, or other legal entity.
(Prior Code, § 111.01) (Ord. 215, passed 4-1-1991)

§ 111.02 LICENSE REQUIRED.

It is unlawful for any person to engage in business as a peddler or solicitor as defined in this chapter within the corporate limits of the city without first obtaining a license as herein provided.
(Prior Code, § 111.02) (Ord. 215, passed 4-1-1991) Penalty, see § 111.99

§ 111.03 APPLICATION.

A licensee, under this chapter, must file with the City Recorder a sworn application, in writing, on a form to be furnished by the City Recorder, which shall give the following information:

(A) The name and description of the applicant, or if made on behalf of a non-profit organization, the name and address of an officer whose residence is in the city;

(B) The applicant's permanent address, and the applicant's local address, if any;

(C) A brief description of the nature of business and the goods or services to be sold. In the case of products of farms or orchards, a statement whether the produce to be sold is grown by the applicant;

(D) If the applicant is employed, the name and address of the employer, together with appropriate credentials establishing an exact relationship; and

(E) Except in the case of a non-profit organization, a photograph showing the head and shoulders of the applicant in a clear and distinguishable manner, which shall be two inches by two inches in size. (Prior Code, § 111.03) (Ord. 215, passed 4-1-1991)

§ 111.04 INVESTIGATION AND ISSUANCE OF LICENSE.

(A) Upon receipt of an application, the same shall be referred to the chief law enforcement officer of the city who shall cause an investigation of the applicant's business and moral character to be made as shall be deemed necessary for the protection of the public's interests.

(B) The chief law enforcement officer, within 15 days of the application, shall endorse the application as "satisfactory" or "unsatisfactory" and if the same shall be endorsed "unsatisfactory", the reason for such endorsement shall be set forth thereon.

(C) Where the application is endorsed "satisfactory", the City Recorder shall then issue a license card addressed to the applicant for the carrying on for the business applied for. The license shall contain the signature and seal of the issuing officer and shall show the name, address, and photograph of the licensee, if the licensee is not a non-profit organization, and the kind of goods to be sold thereunder, the date of issuance and the expiration date of the license. The City Recorder shall keep a permanent record of all licensees for a period of two years from the date of issuance.

(D) If the application is returned from the chief law enforcement officer and endorsed as "unsatisfactory", the City Recorder shall notify the applicant that his or her application has been disapproved, the reasons therefor, and the right of the applicant to appeal that decision. (Prior Code, § 111.04) (Ord. 215, passed 4-1-1991) Penalty, see § 111.99

§ 111.05 LICENSE FEE; TERM OF LICENSE.

(A) Except as herein specifically exempted from payment of fees, all persons applying for a license shall pay a fee in the sum of \$30 as an application and license fee. Licenses may be renewed on an annual basis upon the payment of a license fee in the amount of \$30.

(B) All licenses issued hereunder shall be for a term of one year.
(Prior Code, § 111.05) (Ord. 215, passed 4-1-1991)

§ 111.06 TRANSFER OF LICENSE.

No license shall be used at any time by any person other than the one to whom it is issued. No license may be assigned or otherwise transferred.

(Prior Code, § 111.06) (Ord. 215, passed 4-1-1991) Penalty, see § 111.99

§ 111.07 HOURS OF SOLICITATION; EXHIBITION OF LICENSE; NO SOLICITATION SIGNS.

(A) *Hours.* No licensee or person shall engage in soliciting at any place in the city during the period from 9:00 p.m. until 9:00 a.m., unless otherwise specified on the solicitor's license.

(B) *Display of license.* Peddlers and solicitors are required to display their license card at all times they are engaged in their selling activity.

(C) *Signs.* No licensee shall solicit or attempt to solicit any sale from any residence or other location where a "no solicitation" sign or other appropriate sign is displayed indicating the occupant's desire that they not be solicited by door-to-door sales people or peddlers.

(Prior Code, § 111.07) (Ord. 215, passed 4-1-1991) Penalty, see § 111.99

§ 111.08 REVOCATION OF LICENSE.

(A) Licenses may be revoked by the City Recorder for any of the following causes:

- (1) Fraud and/or misrepresentation or false statements contained in an application for a license;
- (2) Fraud and/or misrepresentation or false statements made in the course of carrying on the business as a peddler or solicitor;
- (3) Any violation of this chapter;
- (4) Conviction of any crime, misdemeanor, or ordinance involving moral turpitude; or

(5) Conducting the business of peddling or soliciting in an unlawful manner or in such a manner which constitutes a menace to the health, safety, or general welfare of the public.

(B) Notice of a hearing for revocation of a license shall be given, in writing, setting forth the grounds of the complaint and the time and place for the hearing. The notice shall be mailed, postage prepaid, to the licensee at his or her last known address as shown on city records, at least five days prior to the date set for the hearing.

(Prior Code, § 111.08) (Ord. 215, passed 4-1-1991)

§ 111.09 APPEAL.

Any person aggrieved by the action of the chief law enforcement officer or the City Recorder in denial or revocation of his or her license or application, shall have the right to appeal to the City Council.

(Prior Code, § 111.09) (Ord. 215, passed 4-1-1991)

§ 111.10 EXEMPTIONS.

(A) The provisions of this chapter requiring a license application and application fee shall not apply to:

(1) A person selling products of a farm or orchard actually produced by the seller;

(2) A newspaper carrier soliciting subscriptions;

(3) A person calling upon business firms soliciting orders for goods and services which are regularly used by the business firm in their regular course of business; or

(4) Milk, groceries, or other merchandise, deliveries, or services ordered by a resident or sold by an area merchant and delivered to the purchaser as a service.

(B) The provisions of this chapter requiring a license application fee shall not apply to a non-profit organization making an application on behalf of its members.

(Prior Code, § 111.10) (Ord. 215, passed 4-1-1991)

§ 111.99 PENALTY.

Violation of any provision of this chapter is punishable, upon conviction, by a fine of not more than \$500 or by imprisonment for not more than six months, or both.

(Prior Code, § 111.99) (Ord. 215, passed 4-1-1991)

TITLE XIII: GENERAL OFFENSES

Chapter

130. GENERAL OFFENSES

CHAPTER 130: GENERAL OFFENSES

Section

130.01 State law adopted by reference

130.02 Unnecessary noise

130.99 Penalty

§ 130.01 STATE LAW ADOPTED BY REFERENCE.

(A) Violation of any provision of O.R.S. Chapters 161 through 167 shall constitute an offense against the city.

(B) Except for provisions which describe, prohibit, or impose penalties for felonies, violation of any provision of the state's Criminal Code of 1981 as amended, in effect on the effective date of this section shall constitute an offense against the city.

(Ord. 207, passed 3-5-1990; Ord. 08-259, passed 11-25-2008) Penalty, see § 130.99

§ 130.02 UNNECESSARY NOISE.

(A) No person shall make, assist in making, or permit any loud, disturbing, or unnecessary noise which either annoys, disturbs, injures, or endangers the comfort, repose, health, safety, or peace of others.

(B) The following acts are declared to be loud, disturbing, and unnecessary noises in violation of this section, but the enumeration shall not be construed to be exclusive:

(1) The keeping of any bird or animal which, by causing frequent or long-continued noise, shall disturb the comfort and repose of any person in the vicinity;

(2) The attaching of any bell to any animal or allowing a bell to remain on any animal which is disturbing to any person in the immediate vicinity;

(3) The use of any vehicle or engine, either stationary or moving, so operated as to create any loud or unnecessary grating, grinding, rattling, or other noise;

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(4) The blowing of any steam whistle attached to any stationary boiler, except to give notice of the time to begin or stop work, or as a warning of danger, or upon request of proper city authorities;

(5) The use of any mechanical device operated by compressed air, steam, or otherwise, unless the noise thereby created is effectively muffled;

(6) The erection, including excavation, demolition, alteration, or repair of any building in residential districts, other than between the hours of 7:00 a.m. and 6:00 p.m. except upon special permit granted by the Council;

(7) The use of any gong or siren upon any vehicle, other than police, fire, or other emergency vehicle;

(8) The creation of any excessive noise on any street adjacent to any school, institution of learning, church, or court of justice while the same are in use, or adjacent to any hospital or institution for the care of the sick or infirm which unreasonably interferes with the operation of such institution or which disturbs or unduly annoys patients;

(9) The discharge in the open air of the exhaust of any steam engine, internal combustion engine, motor boat, or motor vehicle except through a muffler or other device which will effectively prevent loud or explosive noises and the emission of annoying smoke;

(10) The use or operation of any automatic or electric piano, phonograph, radio, television, loudspeaker, or any instrument for sound producing, or any sound-amplifying device, so loudly as to disturb persons in the vicinity thereof, or in such a manner as renders the use thereof a nuisance; provided, however, that upon application to the City Council, permits may be granted to responsible persons or organizations to broadcast programs of music, news, speeches, or general entertainment;

(11) The making of any noise by crying, calling, or shouting, or by means of any whistle, rattle, bell, gong, clapper, horn, hammer, drum, musical instrument, or other device for the purpose of advertising goods, wares, or merchandise, or of attracting attention, or of inviting patronage of any person to any business whatsoever; provided that newsboys may sell newspapers and magazines by public outcry, and persons having a valid permit to do so under the ordinances of the city may vend merchandise in the streets by public outcry; and

(12) The conducting, operating, or maintaining of any garage within 100 feet of any private residence, apartment, rooming house, or hotel in such manner as to cause loud or offensive noises to be emitted therefrom between the hours of 11:00 p.m. and 7:00 a.m.

(Prior Code, § 130.02) (Ord. 95, passed 11-6-1967) Penalty, see § 130.99

§ 130.99 PENALTY.

(A) (1) Violation of any section of this chapter is punishable by a fine not to exceed \$500.

(2) Violation of any provision of this chapter which incorporates a state statute which is a misdemeanor shall be punishable by a fine not to exceed \$1,000.

(3) Except where other penalties are specifically provided, the penalty for a violation of any provision of this chapter which incorporates a state statute which is a violation shall be identical to the penalties for those state statutes.

(4) Where any section of this chapter is substantially similar to a state statute, but does not adopt the state statute by reference, the maximum and minimum penalties shall be limited to the maximum and minimum fines provided for in the substantially similar state statute. The provisions of this section shall not be construed to affect penalties provided by any section of this chapter which are less severe than the penalties provided for in a substantially similar state statute.

(5) Whether or not a state statute incorporated by this chapter or substantially similar to any section of this chapter provides for imprisonment, no imprisonment shall be allowed under any section of this chapter.

(B) (1) Violation of any provision of § 130.01 which incorporates a state statute which is a misdemeanor shall be punishable by a fine not to exceed \$1,000.

(2) The penalty for a violation of any provision of § 130.01 which incorporates a state statute which is a violation shall be identical to the penalties for those state statutes.

(3) Whether or not a state statute incorporated by § 130.01 or substantially similar to any section of § 130.01 provides for imprisonment, no imprisonment shall be allowed under any section of § 130.01.

(Ord. 08-259, passed 11-25-2008; Ord. 10-266, passed 12-20-2010)

TITLE XV: LAND USAGE

Chapter

150. BUILDING REGULATIONS

151. LAND DIVISION

152. LAND USE DEVELOPMENT

CHAPTER 150: BUILDING REGULATIONS

Section

150.01 Building code adopted by reference

§ 150.01 BUILDING CODE ADOPTED BY REFERENCE.

That certain document, three copies of which are on file in the office of the City Recorder, being marked and designated as "A Proposed Building Code for Small Cities", most recent edition, published by the Bureau of Municipal Research and Service, University of Oregon, in cooperation with the League of Oregon Cities, is hereby adopted as the building code of the city for regulating the erection, construction, enlargement, alteration, repair, moving, removal, demolition, conversion, occupancy, equipment, use, height, area, and maintenance of all buildings and/or structures in the city; providing for the issuance and collection of fees therefor; and providing penalties for the violation of such code; and each and all of the regulations, provisions, penalties, conditions, and terms of such code on file in the office of the City Recorder are hereby referred to, adopted, and made a part hereof as if fully set out in this chapter.

(Prior Code, § 150.01) (Ord. 85, passed 11-6-1967)

CHAPTER 151: LAND DIVISION

Section

151.01 Land division ordinance adopted by reference

§ 151.01 LAND DIVISION ORDINANCE ADOPTED BY REFERENCE.

Ordinance 157, the city's land division ordinance, passed 11-19-1979, is hereby adopted by reference and made a part of this code the same as if set forth in full herein. Complete copies of the ordinance are on file with the City Recorder and can be examined during regular business hours. (Prior Code, § 151.01) (Ord. 157, passed 11-19-1979)

CHAPTER 152: LAND USE DEVELOPMENT

Section

152.01 Land use development ordinance adopted by reference

§ 152.01 LAND USE DEVELOPMENT ORDINANCE ADOPTED BY REFERENCE.

Ordinance 10-260, the city's land use development ordinance, passed 2-22-2010, is hereby adopted by reference and made a part of this code the same as if set forth in full herein. Complete copies of the ordinance are on file with the City Recorder and can be examined during regular business hours. (Ord. 10-260, passed 2-22-2010; Ord. 11-267, passed 4-25-2011; Ord. 11-268, passed 5-23-2011; Ord. 12-271, passed 2-27-2012; Ord. 2012-273, passed 4-23-2012; Ord. 17-300, passed 5-22-2017; Ord. 17-400, passed 8-28-2017; Ord. 18-200, passed 12-17-2018; Ord. 2019-02, passed 6-24-2019)

TABLE OF SPECIAL ORDINANCES

Table

- I. ANNEXATIONS**
- II. BONDS**
- III. FRANCHISES**
- IV. VACATIONS**

TABLE I: ANNEXATIONS

<i>Ord. No.</i>	<i>Date Passed</i>	<i>Description</i>
162	5-5-1980	Annexing to the city certain territory north and west of the city, beginning at the southeast corner of Block 27, Pacific Addition to the city.
05-245	12-20-2005	Annexation of a five-acre area north of the city.
08-256	8-26-2008	Annexation of an 11-acre area (Hetrick Annexation).

TABLE II: BONDS

<i>Ord. No.</i>	<i>Date Passed</i>	<i>Description</i>
169	8-3-1981	Providing for the issuance and sale of installment water bonds in the principal sum of \$125,000 to Farmers Home Administration for the repair and improvement of the water system of the city.

TABLE III: FRANCHISES

<i>Ord. No.</i>	<i>Date Passed</i>	<i>Description</i>
97-245	7-7-1997	Granting to Corvallis Disposal Company a solid waste management franchise for a period of six years.
98- 226	6-8-1998	Granting to Pacificorp a nonexclusive right and franchise for a period of 20 years to construct, maintain, and operate, in, on, and under the present and future streets, alleys, bridges, and public places in the city electric light and power lines and communications facilities for supplying electric service.
2000-236	1-8-2001	Granting to Monroe Telephone Company for a period of 20 years a communication franchise.

TABLE IV: VACATIONS

<i>Ord. No.</i>	<i>Date Passed</i>	<i>Description</i>
143	- -	<p>Vacating partial streets and alleys in Pacific Addition:</p> <p>(1) All that portion of Second Street (60 feet in width) lying south of the south line of Fir Street;</p> <p>(2) All that portion of Third Street (60 feet in width) lying south of the south line of Ash Street;</p> <p>(3) All that portion of Fourth Street (60 feet in width) lying south of the south line of Fir Street;</p> <p>(4) All that portion of Ash Street (60 feet in width) lying east of the east line of Front Street, Fifth Avenue (Highway 99-W);</p> <p>(5) All that portion of that alley (16 feet in width) lying south of the south line of Ash Street lying between Block 6 on the west and Block E on the east; and</p> <p>(6) All that portion of that alley (16 feet in width) lying south of the south line of Ash Street lying in Block 15.</p>
155	7-5-1979	<p>Vacating all that portion of Fourth Street lying between Fir Street on the south and the southeast corner of Lot 8 Block 18 on the northwest corner and the southwest corner of Lot 17 Block 13 on the northeast corner.</p>

Monroe - Table of Special Ordinances

212	7-16-1990	Vacating a portion of Fir Street described as: a strip ten feet wide on the north side of Fir Street beginning at Third Street and extending east 110.0 feet along the south boundary of the abutting tax lot 2702 in S 28, T 14 S, R5 W, W.M.
221	2-5-1996	Vacating the alley in Block 38, Pacific Addition to the city.

PARALLEL REFERENCES

References to Oregon Revised Statutes
References to Prior Code
References to Ordinances

REFERENCES TO OREGON REVISED STATUTES

<i>O.R.S. Cites</i>	<i>Code Section</i>
10.040	30.05
Chapter 153	70.02
Chapters 161 through 167	130.01
192.640(3)	34.02
195.300	32.02
195.305	32.01
195.310 to 195.336	32.01
195.312	32.03
195.318	32.09
223.117	31.03
227.020	33.01
227.030(1)	33.02
227.035	33.06
271.310	35.03
Chapter 279A	34.20
Chapter 279B	34.20
279B.085	34.22
279B.125	34.23
Chapter 279C	34.20
279C.305	34.23
279C.335	34.23
279C.400 through 279C.410	34.23
480.110	92.18
480.120	92.18
480.130	92.18
480.140(1)	92.18
480.150	92.18
609.010	91.06
Chapters 801 through 823	70.02
801.110	70.03
801.305	70.03
801.450	70.03
801.535	70.03

REFERENCES TO PRIOR CODE

<i>Prior Code Section</i>	<i>2019 Code Section</i>
30.01	30.01
30.02	30.02
30.03	30.03
30.04	30.04
30.05	30.05
31.01	31.01
31.02	31.02
31.03	31.03
31.04	31.04
31.05	31.05
31.06	31.06
31.07	31.07
31.08	31.08
31.09	31.09
31.10	31.10
31.11	31.11
31.12	31.12
31.13	31.13
31.14	31.14
31.15	31.15
31.16	31.16
33.01	33.01
33.02	33.02
33.03	33.03
33.04	33.04
33.05	33.05
33.06	33.06
33.07	33.07
33.08	33.08
50.01	50.001
50.02	50.002
50.03	50.003
50.04	50.004
50.15	50.020
50.16	50.021
50.17	50.022

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50.18	50.023
50.19	50.024
50.20	50.025
50.21	50.026
50.22	50.027
50.35	50.040
50.36	50.041
50.37	50.042
50.38	50.043
50.39	50.044
50.40	50.045
50.41	50.046
50.42	50.047
50.55	50.060
50.56	50.061
50.57	50.062
50.58	50.063
50.60	50.065
50.61	50.066
50.75	50.080
50.76	50.081
50.99	50.999
51.01	51.001
51.02	51.002
51.03	51.003
51.04	51.004
51.15	51.020
51.16	51.021
51.17	51.022
51.18	51.023
51.19	51.024
51.20	51.025
51.21	51.026
51.22	51.027
51.23	51.028
51.24	51.029
51.25	51.030
51.26	51.031
51.27	51.032
51.40	51.045
51.41	51.046
51.42	51.047
51.43	51.048
51.44	51.049
51.45	51.050

References to Prior Code

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51.46	51.051
51.47	51.052
51.48	51.053
51.49	51.054
51.50	51.055
51.51	51.056
51.52	51.057
51.53	51.058
51.65	51.070
51.66	51.071
51.67	51.072
51.68	51.073
51.75	51.085
51.76	51.086
51.77	51.087
51.78	51.088
51.79	51.089
51.80	51.090
51.81	51.091
51.82	51.092
51.83	51.093
51.84	51.094
51.99	51.999
70.01	70.01
70.03	70.03
70.15	70.15
70.16	70.16
70.17	70.17
70.18	70.18
71.01	71.01
71.02	71.02
71.03	71.03
71.04	71.04
72.01	72.01
72.02	72.02
72.03	72.03
72.04	72.04
72.05	72.05
72.06	72.06
90.01	90.01
90.02	90.02
90.03	90.03
90.04	90.04
90.05	90.05
90.06	90.06

Monroe - Parallel References

90.07	90.07
90.08	90.08
90.09	90.09
90.10	90.10
90.11	90.11
90.12	90.12
90.13	90.13
90.99	90.99
91.01	91.01
91.03	91.03
91.04	91.04
91.05	91.05
91.06	91.06
91.07	91.07
92.01	92.01
92.02	92.02
92.15	92.15
92.16	92.16
92.17	92.17
92.18	92.18
92.30	92.30
92.31	92.31
92.32	92.32
92.33	92.33
92.34	92.34
92.35	92.35
93.01	93.01
93.02	93.02
93.15	93.15
93.16	93.16
93.17	93.17
93.18	93.18
93.19	93.19
93.20	93.20
93.21	93.21
93.22	93.22
93.25	93.25
93.26	93.26
110.01	110.01
110.02	110.02
110.03	110.03
110.04	110.04
110.05	110.05
110.06	110.06
110.07	110.07

References to Prior Code

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110.99	110.99
111.01	111.01
111.02	111.02
111.03	111.03
111.04	111.04
111.05	111.05
111.06	111.06
111.07	111.07
111.08	111.08
111.09	111.09
111.10	111.10
111.99	111.99
130.02	130.02
150.01	150.01
151.01	151.01

REFERENCES TO ORDINANCES

<i>Ord. No.</i>	<i>Date Passed</i>	<i>Code Section</i>
143	--	TSO Table IV
88	4-3-1967	30.01 – 30.04
85	11-6-1967	150.01
95	11-6-1967	92.01, 92.02, 92.15 – 92.18, 92.30 – 92.35, 92.99, 130.02
120	2-1-1971	31.01 – 31.16
123	2-1-1971	30.04
130	1-7-1974	91.01, 91.03 – 91.07
136	11-3-1975	92.15
155	7-5-1979	TSO Table IV
157	11-19-1979	151.01
162	5-5-1980	TSO Table I
164	8-4-1980	30.05
169	8-3-1981	TSO Table II
171	1-4-1982	50.001 – 50.004, 50.020 – 50.027, 50.040 – 50.047, 50.080, 50.081, 50.999
175	7-6-1982	93.01, 93.02, 93.15 – 93.22, 93.25, 93.26, 93.99
181	12-19-1983	110.01 – 110.07, 110.99
184	4-2-1984	50.060 – 50.063, 50.065, 50.066
196	4-6-1987	92.17
203	7-3-1989	92.15
207	3-5-1990	130.01
206	3-19-1990	70.01, 70.03, 70.15 – 70.18, 71.01 – 71.04, 72.01 – 72.06
212	7-16-1990	TSO Table IV
215	4-1-1991	111.01 – 111.10, 111.99
216	6-3-1991	51.001 – 51.004, 51.020 – 51.032, 51.045 – 51.051, 51.053, 51.056 – 51.058, 51.070 – 51.073
220	10-5-1992	50.061
221	2-5-1996	TSO Table IV
222	3-25-1996	50.021, 50.061
223	3-25-1996	51.022, 51.023, 51.025, 51.045
97-245	7-7-1997	TSO Table III

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98-226	6-8-1998	TSO Table III
98-227	7-13-1998	51.051, 51.054, 51.055
98-229	12-10-1998	51.085 – 51.094, 51.999
2000-236	1-8-2001	TSO Table III
2003-001	11-12-2002	51.005
2003-002	11-12-2002	50.005
05-245	12-20-2005	TSO Table I
08-255	3-4-2008	32.01 – 32.13
08-256	8-26-2008	TSO Table I
08-258	11-25-2008	70.02, 70.99
08-259	11-25-2008	130.01, 130.99
10-260	2-22-2010	152.01
10-261	2-22-2010	34.01 – 34.07
10-262	3-22-2010	33.02
10-266	12-20-2010	130.99
11-267	4-25-2011	152.01
11-268	5-23-2011	152.01
11-270	12-19-2011	30.06
12-271	2-27-2012	152.01
2012-272	3-26-2012	34.20 – 34.26
2012-273	4-23-2012	152.01
13-273	2-25-2013	35.01 – 35.07
2015-001	2-23-2015	50.060, 50.063, 50.064, 51.051, 51.052
2015-002	6-22-2015	32.25 – 32.27, 32.99
16-01	5-23-2016	94.01 – 94.08, 94.99
17-300	5-22-2017	152.01
17-400	8-28-2017	152.01
17-500	10-23-2017	92.17
2017-600	11-27-2017	92.17
2017-700	11-27-2017	91.02, 91.99, 92.15, 93.23, 93.24, 93.99
2018-100	2-26-2018	92.15
18-400	7-23-2018	92.16, 92.99
18-500	8-27-2018	92.01, 92.16
18-200	12-17-2018	152.01
2019-02	6-24-2019	152.01

