

WILLAMINA, OREGON

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CHARTER OF THE CITY OF WILLAMINA, OREGON:

To provide for the government of the City of Willamina, Yamhill/Polk Counties, Oregon: And to repeal all charter provisions of the city enacted prior to the time this charter takes effect.

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Be it enacted by the people of the City of Willamina, Yamhill/Polk Counties, Oregon:

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CHAPTER I

NAME AND BOUNDARIES

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Section 1: Title of Enactment

This enactment may be referred to as the Willamina City Charter of 1993.

Section 2: Name of City

The City of Willamina, Yamhill/Polk Counties, Oregon, shall continue to be a municipal corporation with the name City of Willamina.

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 city records shall keep at least two accurate up-to-date descriptions of the boundaries, to be kept in separate locations. A copy shall be available for public inspection in the City Hall, during regular city office hours.

CHAPTER II

POWERS

Section 4: Powers of the City

The city has all powers which the constitution, statutes and common law of the United States and of this State expressly and/or impliedly grant or allow municipalities as fully as though this charter specifically enumerated each of those powers.

Section 5: Construction of Charter Powers

In this charter, no mention of a particular power is exclusive or restricts the scope of the powers which the city would have if the particular power were not mentioned. The charter shall be liberally construed to the end that the city has all powers necessary or convenient for the conduct of its municipal affairs, including all powers that a city may assume pursuant to state laws and to the municipal home rule provisions of the state constitution.

CHAPTER III

FORM OF GOVERNMENT

Section 6: Distribution of Powers

Except as this charter provides 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 city council.

Section 7: Council

The council consists of a Mayor and six (6) councilors 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: Council Members

Members of the council shall be elected for a term of four (4) years. Three council members shall be elected at each biennial general November election. The term of office for a council member elected at a biennial general November election, and qualified, shall begin at the first regular council meeting of the calendar year immediately after the election and continue until the first regular meeting of the calendar year following the next biennial election. The term of office of a councilor in office when this charter is adopted is the term of office for which the councilor has been elected or appointed before adoption of the charter.

Section 9: Mayor

A mayor shall be elected for a term of two (2) years. The mayor shall be elected at each biennial general November election. The term of office for the mayor elected at the biennial general November election, and qualified, shall begin at the first regular council meeting of the calendar year immediately after the election and continue until the first regular meeting of the calendar year following the next biennial election. The term of office of the Mayor in office when this charter is adopted is the term of office for which the Mayor has been elected or appointed before adoption of the charter.

Section 10: Other Officers

A majority of the council may create, abolish and combine appointed city offices and, except as the majority prescribes otherwise, may fill such offices by appointment and vacate them by removal.

Section 11: Compensation

The council shall prescribe the compensation to be received by the council, mayor and other officers and employees.

Section 12: Qualifications of Elective Officers

No person is eligible for an elective office of the city unless at the time of the officer's election, the officer is a qualified elector within the meaning of the state constitution, is a resident of the city and has been a resident of the city during the twelve months immediately preceding the election. No person shall hold an elective office of the city if the person is an employee of the city. The council is the final judge of the qualifications and election of its own members. No person may be a candidate at a single election for more than one elective office of the city.

CHAPTER IV

CITY COUNCIL

Section 13: Meetings

The council shall hold a regular meeting at least once each month in the city at the time and place which it designates. It shall adopt rules for the government of its members and proceedings. The mayor or three council members may call special meetings of the council by giving written notice to all members of the council then in the city. Special meetings may be held at any time by the common consent of all members of the council at any regular meeting. Meetings shall be held in accordance with applicable state law.

Section 14: Quorum

A majority of members of the council shall constitute a quorum for its business, but a smaller number may meet and compel the attendance of absent members in a manner prescribed by council.

Section 15: Record of Proceedings

A record of council proceedings shall be kept and authenticated in a manner prescribed by council.

Section 16: Proceedings to be Public

Except as state law provides otherwise, the deliberations and proceedings of the council shall be public.

Section 17: Mayor's Function at Council Meetings

When present at council meetings the mayor shall:

1. Preside over deliberations of the council,
2. Preserve order,
3. Enforce council rules, and
4. Determine the order of business under the rules

The mayor shall vote only to break a tie.

Section 18: Council President

At its first meeting of each odd-numbered year, the council shall elect a council president from its membership. The president shall function as mayor when the mayor is absent from a council meeting, or unable to function as mayor. The president, when acting as Mayor, shall vote only to break a tie.

Section 19: Vote Required

Except as this charter prescribes otherwise, the express concurrence of a majority of the council

members present and constituting a quorum is necessary to decide a question before the council.

CHAPTER V

POWERS AND DUTIES OF OFFICERS

Section 20: Mayor

The mayor shall appoint the committees and chairman of each committee provided by the rules of the council. The mayor may sign all approved records of proceedings of the council and counter sign all orders on the treasury. The mayor shall have no veto power and shall sign all ordinances passed by the council within five days after their passage. Upon the approval of the council, all bonds of city officers and all bonds for licenses, contracts and proposals shall be endorsed by the mayor.

Section 21: Municipal Court and Judge

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 time that the council specifies, a court known as the Municipal Court of the City of Willamina, Yamhill/Polk Counties, Oregon.

Except as this charter or city ordinances prescribe to the contrary, proceedings of the court shall conform to the general laws of this state governing justices of the peace and justice courts.

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.

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.

The Municipal Judge may:

1. Render judgements and, for enforcing them, impose sanctions on persons and property within the court's territorial jurisdictions;
2. Order the arrest of anyone accused of an offense against the city;
3. Commit to jail or admit to bail anyone accused of such an offense;
4. Issue and compel obedience to subpoenas;

5. Compel witnesses to appear and testify and jurors to serve in the trial of matters before the court;
6. Penalize contempt of court;
7. Issue process necessary to effectuate judgements and orders of the court;
8. Issue search warrants; and
9. Perform other judicial and quasi-judicial functions prescribed by ordinance.

The council may authorize the Municipal Judge to appoint municipal judges pro-tem for terms of office set by the judge or the council. Notwithstanding this section, the council may transfer some or all of the functions of the municipal court to an appropriate state court.

Section 22: Recorder

If the council creates the office of City Recorder and fills it by appointment, the appointee shall serve ex-officio as secretary to the council, attend all council meetings unless excused by the council or mayor; keep an accurate record of its proceedings, and sign all orders on the treasury. In the recorder's absence from a council meeting, the mayor shall appoint a clerk of the council pro-tem, who shall have all the duties of the recorder.

The recorder shall:

1. Keep the council advised of the affairs and needs of the city;
2. See that the provisions of all ordinances are administered to the satisfaction of the council;
3. See that all terms of franchises, leases, contracts, permits and privileges granted by the city are fulfilled;
4. Prepare and transmit to the council an annual city budget;
5. Supervise city contracts;
6. Perform other duties as the council prescribes consistent with this charter.

CHAPTER VI

ELECTIONS

Section 23: Elections

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 24: Votes

The person receiving the greatest number of votes cast for any of the candidates for the office of mayor at the election at which the office is filled is elected to the office of mayor. The three persons receiving the greatest number of votes cast for any of the candidates for the office of councilor at the election at which the office is filled are elected to the office of councilor. In the event of a tie vote, the successful candidate shall be determined by a public drawing of lots in a manner prescribed by the council.

Section 25: Oath of Office

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.

Section 26: Nominations

A qualified elector who has resided in the city during the twelve months immediately preceding an election may apply for a place on the ballot in the manner prescribed by ordinance.

Editor's note:

Nomination procedures, see § 34.01 of this code
CHAPTER VII

VACANCIES IN OFFICE

Section 27: Vacancies: Occurrence

The office of a member of the council becomes vacant:

1. Upon the incumbent's
 - A. Death;
 - B. Adjudicated incompetence;
 - C. Recall from the office; or
2. Upon declaration of the council of the vacancy in case of the incumbent's:
 - A. Failure, following election or appointment to qualify for the office within ten (10) days after the time for the 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 criminal offense; or
 - F. Resignation from the office.

Section 28: 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 absence from the city, a majority of the other council members may, by appointment, fill the vacancy pro-tem.

CHAPTER VIII

ORDINANCES

Section 29: Ordaining Clause

The ordaining clause of an ordinance shall be:

"The City of Willamina, Oregon 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 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 vote 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:

(1) A copy of the ordinance is provided for each council member,

(2) Three copies of the ordinance are available for public inspection in the office of the custodian of city records, and;

(3) 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 and the mayor shall endorse it with its date of adoption and the endorsers' names and titles of office.

Section 31: When Ordinances Take Effect

An ordinance enacted by the council shall take effect on the thirtieth day after its enactment. When the council deems it advisable, however, an ordinance may provide a later time for it to take effect, and in case of an emergency, it may take effect immediately.

CHAPTER IX

PUBLIC IMPROVEMENTS

Section 32: Improvements

The procedure for making, altering, vacating or abandoning a public improvement shall be governed by ordinance, or the applicable general laws of the state. Action on any proposed public improvement, except an improvement unanimously declared by the council to be needed at once because of an emergency, shall be suspended for six months upon a remonstrance thereto by the owners of two-thirds of the land to be specially assessed therefor. In this section, "owner" shall mean the record holder of legal title or where land is being purchased under a land sale contract recorded in writing by the record holder of legal title to the land, the purchaser shall be deemed the "owner."

Section 33: Special Assessments

The procedure for levying, collecting and enforcing the payment of special assessments for public improvements or other services to be charged against real property shall be governed by general ordinance.

CHAPTER X

MISCELLANEOUS PROVISIONS

Section 34: Debt

The city's indebtedness shall not exceed debt limits imposed by state law.

Section 35: Existing Ordinances Continued

All ordinances of the city consistent with this charter and in force when it takes effect shall remain in effect until amended or repealed.

Section 36: Repeal of Previously Enacted Provisions

All charter provisions of the city enacted prior to the time that this charter takes effect are hereby repealed.

Section 37: Procedure for Amendment

Amendments to this charter may be made by procedures as specified under applicable state election laws.

Section 38: Time of Effect

This charter takes effect immediately upon its approval by a majority of the voters of the city.

Section 39: 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.

APPENDIX

LEGAL REFERENCES

This reference list is to be used as a brief guide to laws referred to in the charter. It is not to be construed as complete listing of all pertinent Constitutional, State, Federal and/or case law pertaining to the subjects named.

<i>Section</i>	<i>Subject</i>	<i>Legal Reference</i>
Section 3	Boundaries	O.R.S. 222.460 to 222.750
Sections 4, 5, 6	Powers	Or. Const., art. IV, sec 1(5); art. XI, sec.2 O.R.S. 221.410(1)
Section 12	Qualifications	Or. Const., art II, sec.2
Section 13	Meetings	O.R.S. 192.610 to 192.710
Section 16	Proceedings to be public	O.R.S. 192.660
Section 21	Municipal Court and Judge	O.R.S. 224.140, O.R.S. 226.010, O.R.S. 448.295, O.R.S. 836.205, O.R.S. 3.132, O.R.S. 51.035
Section 23	Elections	Or. Const., art II O.R.S. Chapters 246 to 260
Section 32	Improvements	O.R.S. Chapters 223 and 271
Section 34	Debt limit	O.R.S. Chapters 287 to 288 O.R.S. 223.295
Section 37	Amendment	Or. Const., art II O.R.S. Chapters 246 to 260

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	Captions
10.05	Definitions
10.06	Rules of interpretation
10.07	Severability
10.08	Reference to other sections
10.09	Reference to offices
10.10	Errors and omissions
10.11	Official time
10.12	Reasonable time
10.13	Ordinances repealed
10.14	Ordinances unaffected
10.15	Effective date of ordinances
10.16	Repeal or modification of ordinance
10.17	Ordinances which amend or supplement code
10.18	Section histories; statutory references
10.99	General penalty

§ 10.01 TITLE OF CODE.

This codification of ordinances by and for the City of Willamina shall be designated as the “Code of the City of Willamina” or “this code” and may be so cited.

§ 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 CAPTIONS.

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.

§ 10.05 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.

CITY, MUNICIPAL CORPORATION or **MUNICIPALITY.** The City of Willamina, Oregon.

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. Yamhill and Polk Counties, Oregon.

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 those 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.

§ 10.06 RULES OF INTERPRETATION.

The construction of all ordinances of this city shall be by the following rules, unless that construction is plainly repugnant to the intent of the legislative body 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, that 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.

§ 10.07 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.

§ 10.08 REFERENCE TO OTHER SECTIONS.

Whenever in one section reference is made to another section hereof, that 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.

§ 10.09 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.

§ 10.10 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 the intent, the spelling shall be corrected and the 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 the error.

§ 10.11 OFFICIAL TIME.

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

§ 10.12 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 the time which is necessary for a prompt performance of the act or the giving of the 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.

§ 10.13 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.

§ 10.14 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.

§ 10.15 EFFECTIVE DATE OF ORDINANCES.

All ordinances passed by the legislative body requiring publication shall take effect from and after the due publication thereof, unless otherwise expressly provided. Ordinances not requiring publication shall take effect from their passage, unless otherwise expressly provided.

§ 10.16 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, enjoyed 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.

§ 10.17 ORDINANCES WHICH AMEND OR SUPPLEMENT CODE.

(A) If the legislative body 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 that chapter or section. In addition to the 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.

(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:

§ 10.18 SECTION HISTORIES; STATUTORY REFERENCES.

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

Example:

(Ord. 161, passed 5-13-1960; Am. Ord. 170, passed 1-1-1970; Am. Ord. 180, passed 1-1-1980; Am. Ord. 185, passed 1-1-1985)

(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)

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§ 10.09 GENERAL PENALTY.

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(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) of this section.

(B) Any person violating any provision of this code which is identical to a state statute containing a lesser 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. CITY COUNCIL; CITY OFFICIALS

31. CITY ORGANIZATIONS

32. COUNCIL POLICIES, PROCEDURES AND GUIDELINES

33. FEES

34. CITY POLICIES

CHAPTER 30: CITY COUNCIL; CITY OFFICIALS

Section

City Council

- 30.01 Meeting time and place
- 30.02 Quorum
- 30.03 Committees
- 30.04 Order of business
- 30.05 Rules of order

presence is required to enable the Council to proceed with business. Should they fail to appear at this notice, the members present shall adjourn to the next regularly scheduled Council meeting or to an earlier date (special Council meeting properly noticed and scheduled).
(Ord. 611, passed 7-25-2002)

Officials

- 30.15 City Manager

§ 30.03 COMMITTEES.

(A) The Mayor will appoint the members and chairpersons at the beginning of his or her term of office or as vacancies occur to the following standing committees:

- (1) Finance;
- (2) Budget;
- (3) Public Affairs;
- (4) Parks;
- (5) Utilities; and
- (6) Law/Code Enforcement.

CITY COUNCIL

§ 30.01 MEETING TIME AND PLACE.

(A) The City Council shall meet at least once per month according to the City Charter. The number of meetings above that required by the Charter will be set by the Council in its Council Procedure and Policy Handbook.

(B) All meetings will be held at City Hall unless the Council by majority vote decides to meet at a different place.

(Ord. 611, passed 7-25-2002)

Cross-reference:

Council Policies, Procedures and Guidelines, see Chapter 32 of this code of ordinances

(B) Special committees shall be appointed by the presiding officer or City Manager unless otherwise directed by the City Council. These committees are intended to be temporary to attend to a specific item of business considered to be outside the scope of the standing committees.

§ 30.02 QUORUM.

If the roll call shows no quorum present at a Council meeting, they may or may not direct the City Recorder to immediately inform the absent members, except those known to be absent from the city or unavoidably detained (excused absence), that their

(C) These committees will make recommendations to the City Manager for implementation and to the full Council for changes in policy. The City Manager or his or her designee shall attend all committee meetings. Each committee chair will file a written report and present it verbally in the first Council meeting following the committee meeting

each month. The committee chair or his or her designee is responsible for providing the report to the City Recorder for distribution and communicating recommendations to the City Manager as needed. If a committee fails to report timely upon a matter referred to it, the matter may be brought before the Council by action of any Councilperson. (Ord. 611, passed 7-25-2002)

§ 30.04 ORDER OF BUSINESS.

(A) *Generally.* In the conduct of business of the Council, the following order of business shall be substantially followed:

- (1) Roll call;
- (2) Approval of the minutes of the previous meeting;
- (3) Reports of the standing committees;
- (4) Reports of the special committees;
- (5) Reports of the city officers (Attorney, Engineer, Planner and City Manager);
- (6) Public input;
- (7) Old business;
- (8) New business; and
- (9) Adjournment.

(B) *Executive session.*

(1) If executive session is required and known in advance it will be so noted in the agenda as distributed. An executive session may be added to the agenda if cleared by the City Manager through the City Attorney. The specific O.R.S. reference for executive session must be given before entering into the session.

(2) An executive session may also be called by a majority of the City Council if it complies with the law pertaining to executive session.

(C) *Question of priority.* All questions relating to the priority of business shall be decided by the

presiding officer.
(Ord. 611, passed 7-25-2002)

§ 30.05 RULES OF ORDER.

Except as provided in the Charter or in other city ordinances, Council meetings shall be governed by *Robert's Rules of Order, Newly Revised.* (Ord. 611, passed 7-25-2002)

OFFICIALS

§ 30.15 CITY MANAGER.

(A) *Creation of Office of City Manager.* There is hereby created the Office of City Manager who may act as the administrative head of the city government and may also act in the appointive capacity of City Recorder.

(B) *Appointment, removal and absence of City Manager.*

(1) A majority of the entire Council may appoint and may remove the City Manager. The appointment shall be without regard to political consideration and be based solely on the administrative qualifications. The City Manager shall be appointed for a definite or indefinite term and may be removed by the City Council at its pleasure. Within 6 months after a vacancy occurs in the position of City Manager, the City Council may, at its pleasure, fill a vacancy by appointment.

(2) When the City Manager is absent from the city or disabled from acting as City Manager, or when the Office of the City Manager becomes vacant, the City Council may appoint a City Manager pro tem, who has the powers and duties of the City Manager, except that the City Manager pro tem may appoint or remove personnel only with the approval of the City Council. No persons may be City Manager pro tem more than 6 consecutive months.

(C) *Residency requirement considerations.* The City Manager need not reside in the city or the State of Oregon when appointed; however, once appointed, it would be preferred, but not mandatory, for the City

Manager to reside within the boundaries of the city.

(D) *Surety bond requirements.* Upon accepting the appointment, the City Manager shall furnish the city with an amount and with a surety approved by the City Council. The city shall pay the bond premium.

(E) *Duties and responsibilities of City Manager.* The City Manager shall:

(1) Attend all Council meetings unless excused by the City Council;

(2) Locate, apply for and successfully obtain miscellaneous grant funding on an annual basis in conjunction with city goals;

(3) Keep City Council advised of the affairs and needs of the city;

(4) See that the provisions of all ordinances are administered to the satisfaction of the City Council;

(5) See that all terms of franchises, leases, contracts, permits and privileges granted by the city are fulfilled;

(6) Appoint, discipline and remove appointed personnel, except appointees of the City Council;

(7) Supervise and control the City Manager's appointees in their service to the city;

(8) Organize and reorganize the department structure of city government;

(9) Prepare and transmit to the City Council an annual city budget;

(10) Supervise city contracts;

(11) Supervise operation of all city-owned public utilities, property, programs and services; and

(12) Perform other duties as the City Council prescribes consistent with the provisions of the City Charter.

(F) *Relationships of City Manager with Council and other personnel.* The City Manager and other personnel whom the Council designates may sit with the Council, but may not vote on questions before it. The City Manager may take part in all City Council discussions. The City Manager may not control the City Council, the Municipal Judge in the Judge's judicial functions or, except as the City Council authorizes, appointive personnel of the city whom the City Manager does not appoint.

(G) *Written contract.* The city and the proposed City Manager will enter into a written contract which will specify the terms and conditions of the City Manager's employment with the city. (Ord. 609, passed 10-30-2001; Am. Ord. 623, passed 10-14-2004)

CHAPTER 31: CITY ORGANIZATIONS

Section

Library Board

- 31.01 City library established
- 31.02 Library financing
- 31.03 Library Board established
- 31.04 Board officers
- 31.05 Duties of Library Board
- 31.06 Annual report

City Planning Commission

- 31.15 Membership
- 31.16 Appointment and term
- 31.17 Vacancies and removals
- 31.18 Officers
- 31.19 Meetings
- 31.20 Powers and duties
- 31.21 Expenditures
- 31.22 Conflict of interest

LIBRARY BOARD

§ 31.01 CITY LIBRARY ESTABLISHED.

The city library heretofore established is hereby re-established under the provisions of O.R.S. 357.400 to 357.640. It shall be known as the Willamina Public Library.
(Ord. 496, passed 9-25-1980)

§ 31.02 LIBRARY FINANCING.

The library shall be financed through the use of General Fund monies, revenues obtained from operation of the library, grants, gifts, donations and bequests received and designated to be used for

library purposes, and any tax levies that may be authorized by the electors.
(Ord. 496, passed 9-25-1980)

§ 31.03 LIBRARY BOARD ESTABLISHED.

(A) The Library Board previously established is hereby re-established.

(B) The Board shall consist of 5 members appointed by the Mayor and confirmed by the City Council.

(C) Members of the Board in office at the time this subchapter takes effect may continue in office for the terms for which they have been appointed.

(D) The term of office of each member subsequently appointed is 4 years.

(1) No person shall hold office for more than 2 full consecutive terms; and

(2) Any person may be appointed again to the Board after an interval of 1 year.

(E) A Board position becomes vacant upon a member's:

(1) Death;

(2) Resignation from office;

(3) Term expiration; or

(4) Nonattendance of Board meetings without prior notice, for reasons other than illness or emergencies for more than 2 consecutive meetings, upon concurrence of the remainder of the Board that

a vacancy for these reasons shall exist.

(F) A vacancy on the Board, unless caused by the expiration of a term of office, shall be filled by appointment in the same manner as original appointments and shall be for the remainder of the unexpired term of office of the member who leaves the office vacant.

(Ord. 496, passed 9-25-1980; Am. Ord. 572, passed 12-8-1994)

§ 31.04 BOARD OFFICERS.

(A) The Library Board shall elect a Chairperson from among its members to serve at the pleasure of the Board.

(B) The librarian shall serve as Secretary of the Board and keep a record of its proceedings.

(C) The Board shall schedule meetings not less frequently than monthly, with the exception of the months of July and August.

(D) The Board may establish and alter rules and regulations for its government and procedure, but the rules and regulations shall be subject to the approval of the City Council.

(Ord. 496, passed 9-25-1980; Am. Ord. 572, passed 12-8-1994)

§ 31.05 DUTIES OF LIBRARY BOARD.

The Library Board shall:

(A) Keep informed about current trends in library services and administration;

(B) Study library growth and needs in Willamina and vicinity;

(C) Develop and recommend to the City Council long-range plans for library service and facilities, consistent with city priorities and with state, regional and national goals pertinent to libraries;

(D) Recommend to the City Council sites for library facilities;

(E) Participate in the planning for library facilities;

(F) Recommend to the City Council types of library service for the city and vicinity;

(G) Investigate sources of funding for library service and facilities;

(H) Recommend to the City Council policies for the acceptance and use of gifts for library purposes;

(I) Participate in the annual budgetary process of the city as that process pertains to the library;

(J) Recommend to the City Council policies conducive to efficient and effective operation of the library;

(K) Review and recommend to the City Council terms for contracts and working relationships with other public agencies regarding library service; and

(L) Submit reports as requested by the City Council.

(Ord. 496, passed 9-25-1980)

§ 31.06 ANNUAL REPORT.

The Library Board shall make an annual report to the State Library and to the City Council on a form supplied by the State Library.

(Ord. 496, passed 9-25-1980)

CITY PLANNING COMMISSION

§ 31.15 MEMBERSHIP.

(A) The Commission shall consist of 7 members who are not elected officials or employees of the city. Commission members shall receive no compensation, but may be reimbursed for expenses duly authorized in advance by the City Council.

(B) No more than 2 members of the Commission shall engage principally in the buying, selling or developing of real estate for profit as individuals, or be members of any partnership or officers or employees of any corporation, that engages principally in the buying, selling or

developing of real estate for profit.

(C) No more than 2 members shall be engaged in the same kind of occupation, business, trade or profession.

(D) The Planning Commission is a public body as defined by O.R.S. 192.410 and as such shall be subject to Public Records and Public Meetings law, being O.R.S. Ch. 192.
(Ord. 574, passed 8-31-1995)

§ 31.16 APPOINTMENT AND TERM.

Members of the Planning Commission shall be appointed by the City Council for a term of 4 years, beginning at the first regular Commission meeting of the calendar year immediately after appointment.
(Ord. 574, passed 8-31-1995)

§ 31.17 VACANCIES AND REMOVALS.

(A) Any vacancy in the Commission shall be filled by City Council appointment and shall be for the unexpired term of the predecessor in office.

(B) (1) A member may be removed by the City Council, after hearing, for misconduct or nonperformance of duty.

(2) A member who is absent from 3 consecutive meetings without an excuse as approved by the Planning Commission and/or Chairperson, is rebuttably presumed to be in nonperformance of duty, and the City Council shall declare the position vacant unless finding otherwise following the hearing.
(Ord. 574, passed 8-31-1995)

§ 31.18 OFFICERS.

(A) (1) At its first meeting of each calendar year, the Commission shall elect a Chairperson and Vice-Chairperson from among the members to serve 1-year terms. The Chairperson votes, in matters coming before the Commission, only to break a tie.

(2) The Commission shall elect a Secretary, who need not be a member of the Commission. The Secretary shall keep an accurate record of all Commission proceedings.

(B) Notwithstanding the above, the City Council retains the option of appointing and/or removing an officer of the Commission, if Council, by a majority vote at a regularly scheduled meeting, desires and deems it necessary to do so. The Council, as the appointing authority, is the final judge of the qualifications of Commission officers.
(Ord. 574, passed 8-31-1995)

§ 31.19 MEETINGS.

(A) A majority of the members of the Planning Commission shall constitute a quorum.

(B) The Commission shall meet at least once a month. Meetings of the Commission shall be conducted in accordance with public meeting law.

(C) Meetings other than at regularly scheduled times may be announced at a prior meeting and thereby be made a part of the meeting records.

(D) The Chairperson, upon his or her motion may, or at the request of 3 members of the Commission shall, by giving notice to members of the Commission, call a previously unannounced special meeting of the Commission for a time not earlier than 24 hours after notice is given. Notice of a previously unannounced meeting other than to Commission members shall be given as provided by law.
(Ord. 574, passed 8-31-1995)

§ 31.20 POWERS AND DUTIES.

The Commission shall have the powers and duties which are now or may hereafter be assigned to it by charter, ordinances or resolutions of this city and general laws of this state.

(A) The Commission shall administer the subdivision and zoning ordinances of the city and may make recommendations and suggestions to the City Council and to other public authorities concerning land use issues.

(B) The Commission may make studies, hold hearings and prepare reports and recommendations on its own initiative or at the request of the City Council.

(C) The Commission shall, in January of each year, make and file a report of all its transactions with the City Council.

(D) All recommendations and suggestions and reports made to the City Council by the Commission shall be in writing.
(Ord. 574, passed 8-31-1995)

§ 31.21 EXPENDITURES.

The Commission shall have no authority to make expenditures on behalf of the city or to obligate the city for payment of any sums of money except as herein provided, and then only after the City Council shall have first authorized the expenditure by appropriate action.
(Ord. 574, passed 8-31-1995)

§ 31.22 CONFLICT OF INTEREST.

(A) A member of the Planning Commission

shall not participate in any Commission proceeding or action in which any of the following has a direct or substantial financial interest:

(1) The member or the spouse, brother, sister, child, parent, father-in-law or mother-in-law of the member;

(2) Any business in which the member is then serving or has served within the previous 2 years; or

(3) Any business with which the member is negotiating for or has an arrangement or understanding concerning prospective partnership or employment.

(B) Any actual or potential interest shall be disclosed at the meeting of the Commission where the action is being taken.
(Ord. 574, passed 8-31-1995)

CHAPTER 32: COUNCIL POLICIES, PROCEDURES AND GUIDELINES

Section

Guidelines for Employee Action

- 32.01 Duties of Mayor
- 32.02 Council Authority
- 32.03 Duties of City Council
- 32.04 Criteria for hiring City Recorder
- 32.05 Miscellaneous

Municipal Court Procedures

- 32.15 Written rules of procedures
- 32.16 Municipal Court Sessions
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Financial Policies

- 32.30 Petty cash
- 32.31 Purchase policy
- 32.32 Purchase limits
- 32.33 Equipment purchases/capital improvement
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Office Procedures

- 32.45 Office hours

Miscellaneous Department Guidelines

- 32.55 Library Board

- 32.56 Equipment; use of city-owned equipment
- 32.57 Police Department procedures
- 32.58 Contract service

Editor's note:

The Council has drawn up the following policies as guidelines in dealing with day-to-day decisions. Any questions regarding the use or relevance of these procedures may be brought to the City Council for consideration. The City Council shall have the discretion to vary or modify at any time the application of any

policy,

which would result in practical difficulties.

Any

modification or updates will be by majority

vote

of the Council. Regardless of other modifications, this policy is to be reviewed on an as-needed basis by the City Council, with input from Department heads.

GUIDELINES FOR EMPLOYEE ACTION

§ 32.01 DUTIES OF MAYOR.

(A) *Mayor's function at Council meetings.*

- (1) Preside over deliberation of the Council;
- (2) Preserve order:
 - (a) Declaring unruly Council persons or audience persons "out of order;"
 - (b) Expulsion from the Council for unruly persons; and
 - (c) Adjourning the meeting.
- (3) Enforce Council rules according to *Robert's Rules of Order, Newly Revised;*
- (4) Determine the order of business under the rules;
- (5) Supervise the setting of the agenda for the meeting; and

(6) The Mayor shall vote only to break a tie.

(B) *Mayor's function outside Council meetings.*

- (1) The Mayor is the spokesperson for the city.
- (2) The Mayor is expected to appoint a representative or represent the city at local, county and state functions as necessary.
- (3) The Mayor is expected to enforce and adhere to the code of ethics for elected and supervisory officials.

(C) *Mayor's committee authority.*

- (1) The Mayor appoints committees and committee chairs on all committees.
- (2) The standing committees of the city, per the City Charter, are:
 - (a) Finance;
 - (b) Budget;
 - (c) Public Affairs;
 - (d) Parks;
 - (e) Utilities; and
 - (f) Law/Code Enforcement.

(3) All committees are advisory and make recommendations to the full Council.

- (a) Committee duties include following up on items Council has approved.
- (b) Each committee may set its meeting day and time but must notify the City Recorder, who will make sure that all public meeting laws are adhered to.
(Ord. passed 9-29-2005)

§ 32.02 COUNCIL AUTHORITY.

(A) The current schedule of regular Council meetings is the second and last Thursday of each month. The current start time is 7:00 p.m. with a meeting target curfew of 9:30 p.m.

(B) All meetings will be taped and have minutes written by the City Recorder, or if absent, 1 of his or her designees. The Mayor or 3 Council members may call work sessions and special Council meetings.

(C) Time, day and place must be properly noticed according to public meeting law (24 hours' advance notice). The sitting Council may change the above as long as the minimum requirements of the Charter are adhered to.

(D) The City Charter sets the order of business; however, the order may be changed at a meeting to expedite overall proceedings with the approval of the person in charge.

(E) On a daily basis, problems that arise should be discussed by department heads with the Mayor and/or committee chairperson.
(Ord. passed 9-29-2005)

§ 32.03 DUTIES OF CITY COUNCIL.

(A) Each elected or appointed Council person is expected to adhere to the following criteria:

(1) Debate is to be conducted in a civilized manner without malice towards the audience, the Mayor or other Councilors;

(2) All Councilors are encouraged to participate in civic and county affairs;

(3) Each Councilor is to be properly prepared for Council meetings in order to make good decisions for the city;

(4) When a Councilor wishes to place a proposal before the City Council, he or she has the right and duty to place that item on the agenda;

(5) Each Councilor has sworn to support the laws of the United States and the State of Oregon, also to faithfully perform the duties of Councilor of the City of Willamina to the best of his or her ability; and

(6) Advanced notification to either the Mayor or the City Recorder in the event he or she cannot attend a scheduled Council meeting or work session.

(B) The Council shall prescribe the compensation to be received by the Mayor, City Council and other officers. If a union contract exists, the Mayor or his or her designee negotiates the wages of employees, but the union contract must be ratified by the City Council.
(Ord. passed 9-29-2005)

§ 32.04 CRITERIA FOR HIRING CITY RECORDER.

The Charter of the City of Willamina provides for the hiring of a City Recorder at the option of the City Council.

(A) This position is an exempt, non-union position with the city.

(B) The duties of this employee shall be consistent with the City Charter, City Council, city ordinances, the courts, the laws of the State of Oregon and the laws of the United States of America, and shall include but not be limited to:

(1) Performs the duties and responsibilities as the City Recorder for the city, maintains an investment program for city funds and prepares the budget;

(2) Is responsible for all payments of bonded debt, accounts payable, payroll, liabilities, retirement accounts, accounts receivable, grant administration and the input of all of those records into the financial system, suitable for an independent audit;

(3) Authors the Management Discussion and Analysis for the end of each fiscal year, outlining an overview of the financial statements, major changes and budgetary highlights;

(4) Prepares an asset inventory for all capital equipment;

(5) Provides financial reports on a

monthly basis, keeping the Mayor and City Council aware of all city business;

(6) Maintains on up-to-date basis on all records of the city, i.e., ordinances, resolutions and Council minutes;

(7) Establishes and directs a central accounting system, maintains a system of control to ensure expenditures do not exceed budgeted amounts and reports any discrepancies;

(8) Supervises all billing and collection matters for the city while maintaining the policies and a program for utility collections;

(9) Supervises the business office functions and oversees the operations with the assistance of the office personnel;

(10) Serves as the clerk at the City Council meetings and assists the Mayor and City Council as needed;

(11) Purchases building maintenance supplies, office supplies and equipment; and

(12) Serves on the negotiating committee for the administrative team during labor negotiations.

(C) The duties listed shall not be construed as a detailed description encompassing all job requirements.
(Ord. passed 9-29-2005)

§ 32.05 MISCELLANEOUS.

(A) *Job applications.* In the event a position is filled and the new employee terminates within a 6-month period, an application on file from the original opening may be used to fill the position.

(B) *Taking applications.* Applications will be taken for positions even if there are no openings at the time of applying. These will be kept on file for a 1-year period. In the event a position becomes available in the job description applicable, the applicant will be contacted and asked if he or she is interested in activating the application. This will be in addition to using the usual channels.

(C) *Employment decisions.* Department heads may make recommendations for hiring, disciplining or firing to the City Council, who will make the final decision. The full Council including the Mayor will be involved in the annual performance review. All actions require the majority vote of the City Council and consideration of appropriate ordinances, the City Charter and the personnel service contract in place.

(D) *Employment verifications.* Various agencies write or telephone from time to time to verify dates of employment, wages earned and the like for past or present employees. The City Recorder is designated to accept such inquiries in writing. No additional information is to be given other than to verify facts that the inquiring agency already has.

(E) *Payroll.* Payday is the last working day of the month. A draw may be taken, not to exceed 1/2 of monthly take-home pay. The Mayor is paid monthly along with regular employees. Council members are paid quarterly, based on the number of meetings attended for the past quarter. Stipends for Mayor and City Councilors are to be reviewed annually by the City Council. All city staff with the exception of part-time, exempted supervisory staff, and contracted staff is subject to the specifics of the labor contract in place.
(Ord. passed 9-29-2005)

MUNICIPAL COURT PROCEDURES

§ 32.15 WRITTEN RULES OF PROCEDURES.

(A) The Court operates under separate written rules which include procedures for:

- (1) Attorneys;
- (2) Trials;
- (3) Jurors;
- (4) Postponements/appearances;
- (5) Multiple citations;
- (6) Courtroom ethics;

- (7) Terms of court;
- (8) Jurisdiction;
- (9) Sentencing authority;
- (10) Assessment;
- (11) Custody release;
- (12) Defendant's and victim's rights; and
- (13) Inherent power of courts.

(B) These procedures shall be reviewed and updated by the Municipal Judge and reviewed and updated by the Council on a timely basis.
(Ord. passed 9-29-2005)

§ 32.16 MUNICIPAL COURT SESSIONS.

Regular sessions of the Court are held on the third Tuesdays at 5:30 p.m. each month. Special sessions of the Court will be called as needed to expedite arraignments, meet emergencies or accommodate vacations or holidays.
(Ord. passed 9-29-2005)

§ 32.17 MUNICIPAL COURT FEE COLLECTION.

Every effort will be made by the Municipal Judge to collect fines, cost and levied assessments. Standard procedure is for payment agreements to be made if necessary and warrants for contempt of court issued for nonpayment.
(Ord. passed 9-29-2005)

FINANCIAL POLICIES

§ 32.30 PETTY CASH.

Petty cash expenditures are limited to items that cannot be paid on account and must be paid immediately when no check signatures are available for check signing. Anything over the \$50 limit must be processed according to the normal account payable

procedures.
(Ord. passed 9-29-2005)

§ 32.31 PURCHASE POLICY.

(A) It is the general policy that purchasing of items that may be available and comparatively priced from several services be purchased locally, with business spread as equally as possible between competing businesses.

(B) Any item costing more than \$1,000 should have 3 competitive bids unless it is not practical to comply.

(C) Any item costing \$5,000 or more should require an RFP (request for proposal) be filed, an evaluation of all qualified bids, a recommendation be made to Council and a decision be made.
(Ord. passed 9-29-2005)

§ 32.32 PURCHASE LIMITS.

(A) Department heads may authorize purchases for budget line items up to \$500 as needed. Notification should be made to the City Recorder who will assure cash availability to cover the purchases.

(B) Purchases above \$500 up to \$1,000 require purchase orders which must be signed by a department head and the City Councilor who is the chair of the committee which oversees that particular department head.

(C) All purchases over \$1,000 are to be approved by the City Council.

(D) In the case of an emergency, department heads may purchase items without the approval of a Councilor or the City Council; however, these emergency expenditures must also be approved by the City Recorder who will also sign the purchase order, and the City Council will be notified of the emergency purchase as soon as practicable.

(E) No purchases will be made solely upon a request by a member of Council.

(F) For purchases of appropriated items

between \$2,500 and \$9,999, competing bids (at least 3) will be sought, an evaluation of bids made based on consistent criteria and a recommendation be made to the City Council for a decision. The City Council will then select the successful bidder.

(G) Any appropriated item to be purchased exceeding \$10,000 requires that the employee seeking the purchase file a request for proposal. Qualified bids shall be gathered within a specified time period and be forwarded to the City Council, who will make the final decision.
(Ord. passed 9-29-2005)

§ 32.33 EQUIPMENT PURCHASES/CAPITAL IMPROVEMENT.

(A) All appropriated equipment purchased and appropriated capital improvements in excess of \$5,000 will be capitalized for financial purchases effective with the fiscal year. All appropriated items above \$500 will be inventoried for insurance purposes.

(B) To be classified as an equipment purchase/capital improvement, the purchase must have useful life in excess of 1 year and valued in excess of \$500.

(C) The same rules apply to this category of purchase as mentioned in the general policy.

(D) *Inappropriate expenses.* By law, the city may not expend monies that are not properly appropriated in the adopted budget or subsequent budget modifications.
(Ord. passed 9-29-2005)

§ 32.34 OTHER SPENDING POLICIES.

(A) *Banking policy.* The opening of new bank accounts for the city requires the approval of the City Council. Signatures on the account shall be the Mayor, the Council President or the City Recorder. A second employee who is bonded will also be available in the event of an emergency. Each check must be signed by 2 of the above signatories. All bank accounts will be reconciled on a monthly basis.

(B) *Visa policy.* Visa cards issued on behalf of the city will be limited to expenses while traveling on

city business, and emergency purchases by the City Recorder that cannot be purchased on account or paid by check. Individual cards will be issued to the aforementioned employees/officers of the city who are properly bonded. A Visa card may be issued to the Mayor and City Council when on city business with the consent of the Council.

(C) *Interest rate.* The current statutory rate of interest shall be used for items in the lien docket, if applicable ordinances do not state a specific rate to be used.

(D) *Short term investment.* The City Recorder is authorized by resolution to make timely investments of city funds to the Oregon State Treasury Local Government Investment Pool. A report of the status of investments shall be provided to the Council monthly.
(Ord. passed 9-29-2005)

OFFICE PROCEDURES

§ 32.45 OFFICE HOURS.

(A) Business hours for City Hall are from 8:00 a.m. to 5:00 p.m. Monday through Friday for the public's convenience. Lunch hours shall be staggered in order to keep the office open.

(B) Personal business and personal phone calls are to be kept to a minimum in all departments of the city during business hours. In no instance are any person's phone calls to be charged to the city phones. Any excessive personal use will be brought to the City Council's attention for action.

(C) Staff home address, phone numbers or any personal information regarding employees or Council members are not given out unless instructions are received from the individual employee/Council member to do otherwise. City Hall's mailing address is generally given to other agencies.

(D) Inquiries are often received as to owner information on various properties in the city. Generally, this is by people looking for a rental house and finds one that looks vacant. In this instance, because of the public relations factor, owner information may be given out if available, unless

instructed otherwise by the property owner.

(E) Other inquiries are sometimes made for addresses of residents for unknown reasons. By virtue of City Hall having this information available and also serving as an auxiliary Chamber of Commerce information center, the general rule is this information may be given out. However, there may be instances when the receptionist may feel totally uncomfortable with the reason for the inquiry. In this instance, a judgment call has to be made. If this situation arises, the best course is usually to consult the Mayor and the City Recorder to help make the decision.

(F) Security procedures:

(1) The following shall be kept in a locked fireproof storage place, with access given only to those persons whose daily work involves these items. Access is to be requested through the City Recorder:

- (a) Deeds;
- (b) Cash receipts;
- (c) Keys;
- (d) Minutes of meetings;
- (e) Titles;
- (f) Bond information;
- (g) Personnel records; and
- (h) Any one-of-a-kind or historically relevant items.

(2) Administrative staff needs to devise a computer backup system on tapes or disks, with off-site storage on a daily basis.
(Ord. passed 9-29-2005)

MISCELLANEOUS DEPARTMENT GUIDELINES

§ 32.55 LIBRARY BOARD.

(A) In addition to Council committees, the library has, by ordinance, a Board of Directors, whose procedures and duties are detailed in Chapter 31 of this code of ordinances. Any changes in members of this Board are to be reported to the Council as soon as the changes occur.

(B) Every attempt will be made, as much as possible with volunteer workers, to keep the library open as many hours and on days most convenient and preferred by the patrons.
(Ord. passed 9-29-2005)

§ 32.56 EQUIPMENT; USE OF CITY-OWNED EQUIPMENT.

The general rule is there is no loaning out or rental of city equipment except on a trade basis with other governmental agencies. Any exceptions to this procedure shall come before Council for a decision except in case of emergency.
(Ord. passed 9-29-2005)

§ 32.57 POLICE DEPARTMENT PROCEDURES.

(A) Law enforcement services are currently contracted with Yamhill County Sheriff's Department. The current allocation is for 1-1/2 and the Resource Officer shared with the local school district. The contract is negotiated annually. Termination of the contract by either party requires a 6-month notice and compliance with state law regarding hiring of displaced officers.

(B) All contracts with the Sheriff's Department regarding contracted services shall be through the county offices in McMinnville and the Mayor, subject to approval by the City Council.
(Ord. passed 9-29-2005)

§ 32.58 CONTRACT SERVICE.

(A) (1) *Legal.* All contact with the City Attorney shall be requested through the City Recorder and Mayor.

(2) *Engineer/planning/inspection.* All contact with the City Engineer, City Planner or

Inspector shall be requested through the City Recorder and Mayor.

replace any former policies in place.
(Ord. passed 9-29-2005)

(B) The policies and procedure herein listed

CHAPTER 33: FEES

Section

General Fees

- 33.01 Court proceedings; schedule of fees
- 33.02 Lien searches on real property
- 33.03 Jury fees

System Development Charge

- 33.15 Purpose
- 33.16 Scope
- 33.17 Definitions
- 33.18 System development charge established
- 33.19 Methodology
- 33.20 Authorized expenditures
- 33.21 Expenditure restrictions
- 33.22 Improvement plan
- 33.23 Collection of charge
- 33.24 Delinquent charges; hearings
- 33.25 Installment payment
- 33.26 Exemptions, reductions and waivers
- 33.27 Credits
- 33.28 Segregation and use of revenue
- 33.29 Appeal procedure
- 33.30 Prohibited connection

Cross-reference:

Business license fees, see § 110.04

GENERAL FEES

§ 33.01 COURT PROCEEDINGS; SCHEDULE OF FEES.

(A) (1) The Clerk of the Municipal Court shall collect, in advance of providing the required services and in addition to any other fine or penalty, the following fees:

(a) For preparation of a transcript of record on appeal to the County Circuit Court, \$20;

(b) For scheduling a jury trial, the fee required by § 33.03.

(2) On the order of the Municipal Judge, the aforementioned fees may be waived or modified when such action is required due to indigency and/or in the interests of justice.

(B) In all cases where a defendant has been convicted of a violation of any city ordinance or state traffic offense presented in the Municipal Court, the Municipal Judge may add costs to the fine, penalty or sentence imposed upon conviction which shall be established and adjusted by resolution of the City Council.

(Ord. 523, passed 4-14-1983; Am. Ord. 561, passed 11-12-1992; Am. Ord. 588, passed 5-29-1997; Am. Res. 96-97-13, passed 5-29-1997)

§ 33.02 LIEN SEARCHES ON REAL PROPERTY.

(A) The sum of \$20 is hereby fixed and specified as the amount to be charged from and after the date of this section for the services of the City Recorder in checking the city lien records to determine if there are any city liens against real property in the city.

(B) The fees shall be charged for each separate parcel of real property for which a lien search is

requested.

(Ord. 486, passed 3-27-1980)

§ 33.03 JURY FEES.

The jury fees as determined by the city are hereby adopted as if set out in full herein. Copies are available through city offices.

(Ord. 401, passed - -; Am. Ord. 522, passed 4-14-1983; Am. Ord. 561, passed 11-12-1992)

SYSTEM DEVELOPMENT CHARGE

§ 33.15 PURPOSE.

The purpose of the system development charge is to impose a portion of the cost of capital improvements for water, wastewater, drainage, streets, flood control, and parks and recreation upon those developments that create the need for or increase the demands on capital improvements.

(Ord. 567, passed 10-27-1994)

§ 33.16 SCOPE.

The system development charge imposed by this subchapter is separate from and in addition to any applicable tax, assessment, charge or fee otherwise provided by law or imposed as a condition of development.

(Ord. 567, passed 10-27-1994)

§ 33.17 DEFINITIONS.

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

CAPITAL IMPROVEMENTS. Facilities or assets used for:

(1) Water supply, treatment and distribution;

(2) Wastewater collection, transmission, treatment and disposal;

(3) Drainage and flood control;

(4) Transportation; or

(5) Parks and recreation.

CITY ADMINISTRATOR. City Recorder, in the case where the city does not have a City Administrator on staff.

DEVELOPMENT. A building or mining operation making a physical change in the use or appearance of a structure or land, dividing land into 2 or more parcels (including partitions and subdivisions), and creating or termination of a right of access.

IMPROVEMENT FEE. A fee for costs associated with capital improvements to be constructed after the date the fee is adopted pursuant to this subchapter.

LAND AREA. The area of a parcel of land as measured by projection of the parcel boundaries upon a horizontal plane with the exception of a portion of the parcel within a recorded right-of-way, or easement subject to a servitude for a public street or scenic or preservation purpose.

OWNER. The owner or owners of record title or the purchaser or purchasers under a recorded sales agreement and other persons having an interest of record in the described real property.

PARCEL OF LAND. A lot, parcel, block or other tract of land that is occupied or may be occupied by a structure or structures or other use, and that includes the yards and other open spaces required under the zoning, subdivision or other development ordinance.

QUALIFIED PUBLIC IMPROVEMENT. A capital improvement that is:

(1) Required as a condition of residential development approval;

(2) Identified in the improvement plan adopted pursuant to this subchapter; and

(3) Not located on or contiguous to a parcel of land that is the subject of the residential

development approval.

REIMBURSEMENT FEE. A fee for costs associated with capital improvements constructed or under construction on the date the fee is adopted pursuant to § 33.18.

SYSTEM DEVELOPMENT CHARGE. A reimbursement fee, an improvement fee or a combination thereof assessed or collected at the time of increased usage of a capital improvement, at the time of issuance of a development permit or building permit, or at the time of connection to the capital improvement. **SYSTEM DEVELOPMENT CHARGE** includes that portion of a sewer or water system connection charge that is greater than the amount necessary to reimburse the city for its average cost of inspecting and installing connections with water and sewer facilities. **SYSTEM DEVELOPMENT CHARGE** does not include fees assessed or collected as part of a local improvement district or a charge in lieu of a local improvement district assessment, or the cost of complying with requirements or conditions imposed by a land use decision.

(Ord. 567, passed 10-27-1994)

§ 33.18 SYSTEM DEVELOPMENT CHARGE ESTABLISHED.

(A) System development charges shall be established and may be revised by resolution of the Council.

(B) Unless otherwise exempted by the provisions of the ordinance, or other local or state law, a system development charge is imposed upon all persons who develop parcels of land that connect to or which will otherwise use or create a need for the sewer facilities, storm sewers, water facilities, streets or parks and open spaces of the city.

(Ord. 567, passed 10-27-1994)

§ 33.19 METHODOLOGY.

(A) The methodology used to establish the reimbursement fee shall consider the cost of then-existing facilities, prior contributions by then-existing users, the value of unused capacity, rate making principals employed to finance publicly owned capital improvements, and other relevant factors identified by the Council. The methodology shall promote the objective that future systems users shall contribute no more than an equitable share of the cost of then-existing facilities.

(B) The methodology used to establish the improvement fee shall consider the cost of projected capital improvements needed to increase the capacity of the systems to which the fee is related.

(C) The methodology used to establish the improvement fee or the reimbursement fee, or both, shall be contained in a resolution adopted by the Council.

(Ord. 567, passed 10-27-1994)

§ 33.20 AUTHORIZED EXPENDITURES.

(A) *Reimbursement fees.* Reimbursement fees shall be applied only to capital improvements associated with the systems for which the fees are assessed, including expenditures relating to repayment of indebtedness.

(B) *Improvement fees.*

(1) Improvement fees shall be spent only on improvements associated with the systems for which the fees are assessed, including expenditures relating to repayment of indebtedness; and

(2) A capital improvement being funded wholly or in part from revenues derived from the improvement fee shall be included in the improvement plan adopted by the city pursuant to this subchapter.

(C) *Costs of compliance.* Notwithstanding divisions (B)(1) and (2) of this section, system development charge revenues may be expended on the direct costs of complying with the provisions of this subchapter, including the costs of developing system development charge methodologies and providing an annual accounting of system development charge expenditures.

(Ord. 567, passed 10-27-1994)

§ 33.21 EXPENDITURE RESTRICTIONS.

(A) System development charges shall not be expended for costs associated with the construction of administrative office facilities that are more than an incidental part of other capital improvements.

(B) System development charges shall not be expended for costs of the operation or routine maintenance of capital improvements.
(Ord. 567, passed 10-27-1994)

§ 33.22 IMPROVEMENT PLAN.

The Council shall adopt a plan by resolution that:

(A) Lists the capital improvements that may be funded with improvement fee revenues;

(B) Lists the estimated cost and time of construction of each improvement; and

(C) Describes the process for modifying the plan.
(Ord. 567, passed 10-27-1994)

§ 33.23 COLLECTION OF CHARGE.

(A) The system development charge is payable upon issuance of:

(1) A building permit;

(2) A permit to connect to the water system; or

(3) A permit to connect to the sewer system.

(B) If development is commenced or connection is made to the water or sewer systems without an appropriate permit, the system development charge is immediately payable upon the earliest date that a permit was required.

(C) The City Administrator, or his or her

designee, shall collect the applicable system development charge when a permit that allows the building or development of a parcel is issued, or when a connection to the water or sewer system of the city is made.

(D) The City Administrator, or his or her designee, shall not issue the permit or allow the connection until the charge has been paid in full, or until provision for installment payments has been made pursuant to § 33.25, or unless an exemption is granted pursuant to § 33.26.
(Ord. 567, passed 10-27-1994)

§ 33.24 DELINQUENT CHARGES; HEARINGS.

(A) When, for any reason, the system development charge has not been paid, the City Administrator shall report to the Council the amount of the uncollected charge, the description of the real property to which the charge is attributable, the date upon which the charge was due, and the name of the person responsible for the payment of the fee.

(B) The City Council shall schedule a public hearing on the matter and direct that notice of the hearing be given to each owner or person responsible for payment of the fee, with a copy of the City Administrator's report concerning the unpaid charge. Notice of the hearing shall be given either personally or by certified mail, return receipt requested, or by both personal and mailed notice and by posting notice on the parcel at least 10 days before the date set for the hearing.

(C) At the hearing, the Council may accept, reject or modify the determination of the City Administrator as set forth in the report.

(D) The City Recorder shall report to the City Administrator the amount of the system development charge, the date on which the payment is due, the name of the owner, and the description of the parcel.
(Ord. 567, passed 10-27-1994)

§ 33.25 INSTALLMENT PAYMENT.

(A) When a system development charge of \$25 or more is due and collectible, the owner of the parcel of land subject to the development charge may apply for payment in at least 10 semi-annual installments, to include interest on the unpaid balance, in accordance with O.R.S. 223.208.

(B) The City Recorder shall provide application forms for installment payments which shall include a waiver of all rights to contest the validity of the lien, except for the correction of computational errors.

(C) An applicant for installment payment shall have the burden of demonstrating the applicant's authority to assent to the imposition of a lien on the parcel and that the interest of the applicant is adequate to secure payment of the lien.

(D) The City Recorder shall report to the City Administrator the amount of the system development charge, the dates on which the payments are due, the name of the owner and the description of the parcel.

(E) The City Administrator shall docket the lien in the lien docket. From that time, the city shall have a lien upon the described parcel for the amount of the system development charge, together with interest on the unpaid balance at the rate established by resolution of the Council. The lien shall be enforceable in the manner provided in O.R.S. Chapter 223.

(Ord. 567, passed 10-27-1994)

§ 33.26 EXEMPTIONS, REDUCTIONS AND WAIVERS.

(A) Structures and uses established and existing on or before July 1, 1991 are exempt from system development charges imposed by this subchapter, except water and sewer charge, to the extent of the structure or use then existing and to the extent of the parcel of land as it is constituted on that date. Structures and uses affected by this division shall pay the water or sewer charges pursuant to the terms of this subchapter upon the receipt of a permit to connect to the water or sewer system.

(B) Additions to single-family dwellings that do not constitute the addition of a dwelling unit, as defined by the State Uniform Building Code, are exempt from all portions of the system development

charge.

(C) An alteration, addition, replacement or change in use that does not increase the parcel's or structure's use of the public improvement facility is exempt from all portions of the system development charge.

(Ord. 567, passed 10-27-1994)

§ 33.27 CREDITS.

(A) A system development charge shall be imposed when a change of use of a parcel or structure occurs, but credit shall be given for the computed system development charge to the extent that prior structures existed and services were established on or before July 1, 1991. The credit so computed shall not exceed the calculated system development charge. No refund shall be made on account of the credit.

(B) A credit shall be given for the cost of a qualified public improvement which is located partially on and partially off the parcel that is the subject of the residential development approval. The credit shall be given only for the cost of the portion of the improvement not located on or wholly contiguous to the property. The credit provided for by this division shall be only for the improvement fee charges for the type of improvement being constructed and shall not exceed the improvement fee, even if the cost of the capital improvement exceeds the applicable improvement fee.

(C) Credit shall not be transferable from one development to another, except in compliance with standards adopted by the City Council.

(D) Credit shall not be transferable from one type of capital improvement to another.

(Ord. 567, passed 10-27-1994)

§ 33.28 SEGREGATION AND USE OF REVENUE.

(A) All funds derived from a particular type of system development charge are to be segregated by accounting practices from all other funds of the city. That portion of the system development charge calculated and collected on account of a specific facility system shall be used for no purpose other than those set forth in § 33.20.

(B) The City Administrator shall provide the City Council with an annual accounting, based on the city's fiscal year, for system development charges showing the total amount of system development charge revenues collected for each type of facility and the projects funded from each account. (Ord. 567, passed 10-27-1994)

§ 33.29 APPEAL PROCEDURE.

(A) A person challenging the propriety of an expenditure of system development charge revenues may appeal the decision of the expenditure to the City Council by filing a written request with the City Administrator describing with particularity the decision and the expenditure from which the person appeals. An appeal of an expenditure must be filed within 2 years of the date of the alleged improper expenditure.

(B) Appeals of any other decision required or permitted to be made by the City Administrator under this subchapter must be filed within 10 days of the date of the decision.

(C) After providing notice to the appellant, the Council shall determine whether the City Administrator's decision or the expenditure is in accordance with this subchapter and the provisions of O.R.S. 223.297 to 223.314 and may affirm, modify or

overrule the decision. If the Council determines that there has been an improper expenditure of system development charge revenues, the Council shall direct that a sum equal to the misspent amount shall be deposited within 1 year to the credit of the account or fund from which it was spent. (Ord. 567, passed 10-27-1994)

§ 33.30 PROHIBITED CONNECTION.

(A) No person may connect to the water or sewer systems of the city unless the appropriate system development charge has been paid, or the installment payment method has been applied for and approved.

(B) (1) Any person found to be violating any provision of this subchapter 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. The offender shall, within the period of time stated in the notice, permanently cease all violations.

(2) Any person who shall continue any violation beyond the time limit provided for, upon conviction thereof before the Municipal Judge, shall be fined in an amount not to exceed \$200 for each violation. Each day in which any such violation shall continue shall be deemed a separate offense.

(3) Any person violating any of the provisions of this subchapter shall become liable to the city for any expense, loss or damage occasioned by the city by reason of the violation. (Ord. 567, passed 10-27-1994)

CHAPTER 34: CITY POLICIES

Section

General Policies

- 34.01 Nomination procedures for nonpartisan city offices
- 34.02 Economic Improvement District
- 34.03 Public contract procedures; adopted

Public Improvements

- 34.15 Initiation of proceedings; report
- 34.16 Council action on report
- 34.17 Resolution and notice of hearing
- 34.18 Manner of doing work
- 34.19 Hearing
- 34.20 Call for bids
- 34.21 Assessment ordinance
- 34.22 Method of assessment; alternative methods of financing
- 34.23 Remedies
- 34.24 Notice of assessment
- 34.25 Lien records, foreclosure proceedings
- 34.26 Errors in assessment calculations
- 34.27 Deficit assessment
- 34.28 Rebates
- 34.29 Abandonment of proceedings
- 34.30 Curative provisions
- 34.31 Reassessment

Real Estate Compensation

- 34.45 Real estate compensation
- 34.46 Process for review of claims

GENERAL POLICIES

§ 34.01 NOMINATION PROCEDURES FOR NONPARTISAN CITY OFFICES.

(A) A qualified elector who has resided in the city during the 12 months immediately preceding an election may apply for a place on the ballot by following the general procedure set forth in O.R.S. 249.002 through 249.048, and 249.061 through 249.076.

(B) The nominating petition shall be returned to the City Elections Officer with the names and signatures of at least 10 qualified registered voters residing inside the city limits.

(C) No elector shall sign more than 1 petition

for each office to be filled at the election (for example, the elector may sign 1 petition for each of the 3 Council posts, but only 1 for the Mayor's post). If he or she does so, his or her signature shall be valid only on the first sufficient petition filed for the office. (Ord. 565, passed 1-27-1994)

Cross-reference:

Similar provisions, see Charter § 26

§ 34.02 ECONOMIC IMPROVEMENT DISTRICT.

(A) The City Council for the city makes and enters the following findings of fact based upon the oral and written testimony received at the public hearing:

(1) Written notices to the affected property owners were mailed 30 days prior to the scheduled public hearing;

(2) The area within the proposed district is zoned commercial or industrial;

(3) No residential real property or any portion of a structure used for residential purposes is assessed;

(4) Written objections to the proposed district that was received at the public hearing were less than 33% of the total assessments to be levied; and

(5) The rate to be assessed each benefited and assessed property is in proportion to the benefit it may derive from the district.

(B) The City Council hereby approves and continues the Willamina Economic Improvement District for the purpose of promoting within this district economic improvements by:

(1) The planning and management of development or improvement activities;

(2) Landscaping or other maintenance of public areas;

(3) Promotion of commercial activity of public areas;

(4) Activities in support of business recruitment and development;

(5) Improvements in parking systems or parking enforcement; and

(6) Any other economic improvement activity for which an assessment may be made on property specially benefited thereby.

(C) The properties included in the Economic Improvement District shall be in effect for 5 consecutive years commencing January 1, 2001 and ending on December 31, 2005.

(D) (1) Fully benefited commercial properties on Main Street shall be assessed 1/4 of 1.0% of their assessed valuation.

(2) Commercial properties on side Streets B, C, D, E, F, Oaken Hills Drive, Lamson, Baker, Barber, Polk and James shall be assessed 1/8 of 1.0% of assessed valuation.

(3) Commercial properties that are in industrial use shall be assessed 1/8 of 1.0% of assessed valuation.

(4) Commercial properties that also include residential property will be prorated.

(5) In no instance shall any residential real property be assessed.

(6) This division (D) provides for a limit of EID taxation to be at a maximum of \$500 and a minimum of \$50 per property owner. (Am. Ord. 626, passed 6-30-2005)

(E) Each year by July 15, the City Recorder shall secure the assessed value of each property to be assessed and shall forward a listing of each property and the prescribed rate to be levied to the County Assessor of the county in which the property is located, who shall cause the prescribed rate to be levied.

(F) (1) The City Recorder shall disburse funds to the Economic Improvement District as they are received for the duration of the District to accomplish the purposes set forth in division (B) above. No funds shall be distributed if the Economic

Improvement District ceases to exist or the purposes set forth in the bylaws of the organization are amended so as to be in conflict with the enabling legislation contained in O.R.S. Chapter 223 or in division (B) of this section.

(2) Funds shall be allocated and expended by the Economic Improvement District in accordance with the following conditions:

(a) Any and all changes in officers, bylaws or other governing procedures will be submitted to the city as soon as these changes take place;

(b) A report of the activities and programs undertaken and accomplished by the Economic Improvement District shall be filed with the City Recorder as of June 30 of each year of operation;

(c) A financial report will be submitted by the treasurer of the Economic Improvement District to the City Recorder detailing all receipts and expenditures of funds provided by Economic Improvement District assessments. This report will be done as of June 30 of each year the District is in operation; and

(d) All receipts, expenditures, invoices and other supporting documents concerning the Economic Improvement District finances shall be made available to the City Recorder in conjunction with the annual city audit.

(G) An advisory committee for the Economic Improvement District shall continue, consisting of 5 individuals who are either owners of property or managers of businesses located within the Economic Improvement District. The committee members shall serve a 1-year term.

(1) The City Council shall receive nominations for members of the advisory committee and shall give due consideration to the nominees presented to the Council by local business organizations.

(2) The advisory committee shall have the responsibility to allocate expenditures of monies for economic improvement activities within the scope of this section.

(Ord. 600, passed - -2000)

**§ 34.03 PUBLIC CONTRACT PROCEDURES;
ADOPTED.**

The public contract procedures for the city are hereby adopted by reference as if set out in full herein. Copies are available through city offices. (Ord. 414, passed - -; Am. Ord. 612, passed - -2002)

PUBLIC IMPROVEMENTS

**§ 34.15 INITIATION OF PROCEEDINGS;
REPORT.**

(A) Whenever the Council deems it necessary, upon its own motion or upon the petition of the owners of 1/2 of the property to benefit specially from the improvement, 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 an appropriate city employee or agent to make a survey and written report for the project and file the same with the City Recorder.

(B) Unless the Council directs otherwise, the 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 when the proposed project is to be carried out in cooperation with any other governmental agency, the report may adopt the plans, specifications and estimates of the 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 benefited 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 benefited;

(6) The description and assessed value of each lot, parcel of land or portion thereof to be specially benefited 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. (Ord. 458, passed 8-31-1978)

§ 34.16 COUNCIL ACTION ON REPORT.

After the report has been filed with the City Recorder, the Council may by motion approve the report; modify the report and approve it as modified; require additional or different information for the improvement; or it may abandon the improvement. (Ord. 458, passed 8-31-1978)

**§ 34.17 RESOLUTION AND NOTICE OF
HEARING.**

(A) After the Council has approved the report as submitted or modified, the Council shall by resolution declare its intention to make the improvement, provide the manner and method of carrying out the improvement, and direct the Recorder to give notice of the improvement, by 2 publications 1 week apart in a newspaper of general circulation within the city, and by mailing copies of the notice by registered or certified mail to the owners of property to be assessed for the costs of the improvement.

(B) The notice shall contain the following:

(1) That a written report on the improvement 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 10 days following the first publication of notice, at which objections and remonstrances to the improvement will be heard by the Council; and that if prior to the

hearing there shall be presented to the Recorder valid written remonstrances, on forms provided by the city, of the owners of 2/3 of the property to be specially affected by the improvement, then the improvement will be abandoned for at least 6 months; and

(3) A description of the property to be specially benefited by the improvement, the owners of the property and the estimate of the unit cost of the improvement to the property to be specially benefited, and the total cost of the improvement to be paid for by special assessments to benefited properties.
(Ord. 458, passed 8-31-1978)

§ 34.18 MANNER OF DOING WORK.

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, by any other governmental agency or by any combination thereof.
(Ord. 458, passed 8-31-1978)

§ 34.19 HEARING.

At the time of the public hearing on the proposed improvement, if the written remonstrances represent less than the amount of property required to defeat the proposed improvement, then, on the basis of the hearing of written remonstrances and oral objections, if any, the Council may by motion, at the time of the hearing or within 60 days thereafter, order the improvement to be carried out in accordance with the resolution; or the Council may, on its own motion, abandon the improvement.
(Ord. 458, passed 8-31-1978)

§ 34.20 CALL FOR BIDS.

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 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 improvement work is to be done under contract bids, the procedures contained in O.R.S. Chs. 279a through 279c or an ordinance adopted pursuant thereto shall apply.
(Ord. 458, passed 8-31-1978)

§ 34.21 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 benefited shall bear all or a portion of the cost. The Recorder or other person designated by the Council shall prepare the proposed assessment to the respective lots within the assessment district and file it in the appropriate city office.

(B) Notice of the 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.

(C) Any objection shall state the grounds thereof. The Council shall consider the 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.
(Ord. 458, passed 8-31-1978)

§ 34.22 METHOD OF ASSESSMENT; ALTERNATIVE METHODS OF FINANCING.

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

- (1) Use any just and reasonable method of determining the extent of any improvement district consistent with the benefits derived;
- (2) Use any method of apportioning the sum to be assessed as is just and reasonable between

the properties determined to be specially benefited;
and

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

(B) Nothing contained in this subchapter 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 these 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. (Ord. 458, passed 8-31-1978)

§ 34.23 REMEDIES.

(A) Subject to the curative provisions of § 34.30 and the rights of the city to reassess as provided in this chapter, proceedings for writs of review and suits in equity may be filed no later than 60 days after the passage by the Council of the ordinance spreading the assessment; provided that the property owner has filed a written objection to the proposed assessment as provided in this chapter.

(B) A property owner who has filed a written objection with the City Recorder, as required by this chapter, shall have the right to apply for a writ of review based on the grounds that the Council, in the exercise of judicial functions, has exercised the functions erroneously or arbitrarily, or has exceeded its jurisdiction, to the injury of some substantial right of the owner, if the facts supporting this ground have been specifically set forth in the written objection as required in this chapter.

(C) A property owner who has filed a written objection with the City Recorder, as required by this chapter, may commence a suit for equitable relief based on a total lack of jurisdiction on the part of the city; and if notice of the improvement has not 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.

(D) 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 or equitable defense, including laches. Any proceeding on a writ of review or suit in equity shall be abated if proceedings are commenced and diligently pursued by the City Council to remedy or cure the alleged errors or defects. (Ord. 458, passed 8-31-1978)

§ 34.24 NOTICE OF ASSESSMENT.

(A) Within 10 days after the ordinance levying assessment 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 the assessment twice in a newspaper of general circulation in the city, the first publication of which shall be made not later than 10 days after the date of the assessment ordinance.

(B) (1) 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 10 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.

(2) The 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. (Ord. 458, passed 8-31-1978)

§ 34.25 LIEN RECORDS, 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 names of the owners and the date of the assessment ordinance.

(B) The property owner may, at the property owner's option, elect to pay the assessment over a period of 10 years. Payments shall be made in annual payments beginning 1 year from the date of the project's completion. Payments shall be made on both principal and interest, with the principal balance bearing interest at an appropriate rate of interest to be determined by the resolution of the City Council. An outstanding balance of both principal and interest shall constitute a lien upon the property. Upon the failure of the property owner to make any payment within 10 days of the date that the payment is due, then the city shall, at the city's sole option, have the right to declare the total amount of principal and interest immediately due and to proceed with foreclosure of the lien as provided for in this subchapter.

(C) Interest shall be charged at an appropriate rate to be determined by the resolution of the City Council until paid on all amounts not paid within 30 days from the date of the assessment ordinance if the property owner has not made an election to pay the assessment over a period of 10 years. After expiration of 30 days from the date of the assessment ordinance, the city may proceed to foreclose or enforce collection of the assessment items.

(D) 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. Foreclosure or enforced collection of assessment liens shall be made 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 the property.

(Ord. 458, passed 8-31-1978; Am. Ord. 554, passed 7-11-1991)

§ 34.26 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 finds that there has been an error in fact, he or she shall recommend to the Council an amendment to the assessment ordinance to correct the error; and upon enactment of the 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.

(Ord. 458, passed 8-31-1978)

§ 34.27 DEFICIT ASSESSMENT.

In the event that an assessment is 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 the deficit and prepare a proposed deficit assessment. The Council shall set a time for a hearing of objections to the deficit assessment and shall direct the City Recorder to give notice according to the provisions in § 34.17. After the 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 subchapter; and notices of the deficit assessment shall be published and mailed, and the collection of the assessment shall be made, in accordance with §§ 34.24 and 34.25.

(Ord. 458, passed 8-31-1978)

§ 34.28 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 the improvements, 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 the rebate credit or the portion thereof which exceeds the amount unpaid on the original assessment.

(Ord. 458, passed 8-31-1978)

§ 34.29 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 the improvements; and if liens have been assessed upon any property under the procedure, they shall be canceled, and any payments made on the assessments shall be refunded to the person paying the same, his or her assigns or legal representatives.

(Ord. 458, passed 8-31-1978)

§ 34.30 CURATIVE PROVISIONS.

No improvement assessment shall be rendered invalid by reason of a failure of the report to contain all of the information required by § 34.15; or by reason of a 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 subchapter; 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 matters by suitable action and proceedings.

(Ord. 458, passed 8-31-1978)

§ 34.31 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 is in doubt as to the validity of the 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.

(Ord. 458, passed 8-31-1978)

REAL ESTATE COMPENSATION

§ 34.45 REAL ESTATE COMPENSATION.

The real property compensation ordinance, intended to implement provisions added to O.R.S. Chapter 197 by Ballot Measure 37, is hereby adopted by reference as if set out in full herein. Copies are available through city offices.

(Ord. 624, passed 4-14-2005)

§ 34.46 PROCESS FOR REVIEW OF CLAIMS.

The provisions for creating a process for review of applications for compensation under Article 1, Section 18 of the Constitution of Oregon (Ballot Measure 7) are hereby adopted by reference as if set out in full herein. Copies are available through city offices.

(Ord. 599, passed 12-5-2000)

TITLE IX: GENERAL REGULATIONS

Chapter

90. ANIMALS

91. ABANDONED VEHICLES

92. FIRE PREVENTION

93. NUISANCES

94. STREETS AND SIDEWALKS

CHAPTER 90: ANIMALS

Section

90.01	Definitions	(4) Trespasses on private property of persons other than the owner/keeper of the dog;
90.02	Prohibitions	
90.03	Dog required to be on leash	
90.04	Impoundment of dog at large	(5) Disturbs any person by unreasonably frequent or prolonged noises; or
90.05	License required	
90.99	Penalty	(6) Running at large if the owner/keeper has been convicted of 3 prior offenses of permitting a dog to run at large within a 12-month period.

§ 90.01 DEFINITIONS.

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

DOG. Any mammal of the canine family.

DOG RUNNING AT LARGE. A dog off or outside of the premises of the owner/keeper, not restrained by a rope, line-leash or other similar means.

LICENSE. That license required to be issued annually for each individual dog pursuant to the provisions of ordinances of the county in which the dog's owner-keeper resides.

OWNER/KEEPER. A person 18 years of age or older who is responsible for the dog. Each term is interchangeable and means the same.

PUBLIC NUISANCE. A dog that does any of the following:

- (1) Bites a person;
- (2) Chases vehicles or persons;
- (3) Damages or destroys the property of persons other than the owner/keeper of the dog;

VICIOUS OR DANGEROUS DOG. Any dog which snaps at, pursues or bites human beings; except that a dog shall not be considered a **VICIOUS OR DANGEROUS DOG** under this chapter if the dog snaps at, pursues or bites a person who is wrongfully assaulting the dog or the dog's owner/keeper, or if the dog snaps at, pursues or bites a person trespassing on the premises occupied by the dog's owner/keeper, after being provoked by that person.
(Ord. 466-A, passed 9-5-1985)

§ 90.02 PROHIBITIONS.

It shall be unlawful for the owner/keeper of any dog to:

- (A) Permit a dog to run at large;
- (B) Allow a dog to become a public nuisance, except that a dog shall not be considered a public nuisance under this chapter if the dog snaps at, pursues or bites a person who is wrongfully assaulting the dog or the dog's owner, or if the dog snaps at, pursues or bites a person trespassing on the premises occupied by the dog's owner, after being provoked by that person;
- (C) To own, keep or possess a dog that has been declared dangerous unless that dog is properly and adequately enclosed, and when not enclosed, restrained and/or muzzled to protect the public;

(D) To keep a dog with knowledge that it has injured livestock;

(E) To keep a dog without a license attached to its collar, as required by this chapter, when it is subject to the licensing provisions of this chapter;

(F) To keep an unlicensed dog, when that dog is subject to the licensing provisions of this chapter; or

(G) To keep a dog which has not received its rabies inoculation as required under O.R.S. 433.365. It shall be an affirmative defense to a violation of this provision that the dog was inoculated prior to trial, and the charge shall be dismissed upon the presentation to the trial court of a certificate of inoculation signed by a veterinarian.
(Ord. 466-A, passed 9-5-1985) Penalty, see § 90.99

§ 90.03 DOG REQUIRED TO BE ON LEASH.

Each dog, when in a public place, on a public street or sidewalk, or on property other than that of its owner/keeper, shall be on a leash of not more than 6 feet in length and under direct control by its owner/keeper by the leash.
(Ord. 466-A, passed 9-5-1985)

§ 90.04 IMPOUNDMENT OF DOG AT LARGE.

(A) Any dog found to be running at large within

the city limits shall be seized by any police officer of the city finding the dog and lodged in the city pound.

(B) A reasonable attempt to contact the owner/keeper of the dog shall be made by the officer. If the owner/keeper has not been located and contacted by the next regular working day, the dog will be transferred to the Yamhill County Dog Control.

(Ord. 466-A, passed 9-5-1985)

§ 90.05 LICENSE REQUIRED.

Any dog kept within the city limits shall be licensed under the provisions of the county of residence of its owner/keeper.
(Ord. 466-A, passed 9-5-1985) Penalty, see § 90.99

§ 90.99 PENALTY.

Any violation of this chapter shall be punishable, upon conviction, by a fine not to exceed \$250, and restitution may be ordered for any property damaged. In addition to fines or restitution, the Court may order such disposition of the dog that the Court considers necessary for the safety or health of the public, including but not limited to having the dog declared “vicious or dangerous dog” or having the dog destroyed.

(Ord. 466-A, passed 9-5-1985)

CHAPTER 91: ABANDONED VEHICLES

Section

91.01	Definitions	91.06	Impounding
91.02	Declaration	91.07	Hearing
91.03	Applicability	91.08	Abatement by city
91.04	Police duty	91.09	Public sale
91.05	Entry upon property	91.10	Redemption before sale

- 91.11 Sale and proceeds
- 91.12 Assessment of costs
- 91.13 Private garages

- 91.99 Penalty

§ 91.01 DEFINITIONS.

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

ABANDONED. Unoccupied and unclaimed.

CHIEF OF POLICE. Any authorized law enforcement officer of the city.

CITY. The City of Willamina.

COSTS. The expense of removing, storing and/or selling an abandoned or discarded vehicle.

DISCARDED.

(1) Any vehicle which is in 1 or more of the following conditions:

- (a) Inoperative;
- (b) Wrecked or damaged;
- (c) Dismantled;

(e) Junked.

(2) **DISCARDED** vehicles may be deemed to include major parts thereof, including but not limited to bodies, engines, transmissions and rear ends.

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.

PERSON IN CHARGE OF PROPERTY. Any agent, occupant, lessee, contract purchaser, owner or person having possession, control or title of property where vehicle is located.

PRIVATE GARAGE. A reputable, private storage yard, garage or other storage place selected by the Chief of Police.

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.
(Ord. 552, passed 6-13-1991)

§ 91.02 DECLARATION.

(A) It shall be unlawful for an owner of a vehicle to leave an abandoned/discarded vehicle on the streets or alleys of the city for a period exceeding 24 hours.

(B) Further, it shall be unlawful for a vehicle owner or person in charge of property to store or

permit the storing of a discarded vehicle upon any private property within the city limits unless the vehicle is completely enclosed within a building or unless it is in connection with a business enterprise dealing in junk vehicles lawfully conducted within the city.
(Ord. 552, passed 6-13-1991) Penalty, see § 91.99

§ 91.03 APPLICABILITY.

This chapter shall apply to all abandoned or discarded vehicles now in the city's possession as well as to abandoned/discarded vehicles that are hereafter impounded.
(Ord. 552, passed 6-13-1991)

§ 91.04 POLICE DUTY.

(A) *Abandoned vehicle.*

(1) Whenever a vehicle is found abandoned upon a city alley, street or other public property, in the same position for a period of 24 hours, the police shall make a reasonable investigation to discover the owner of the vehicle and to give that person written notice, by personal service or registered or certified mail and by affixing a citation to the vehicle, or if the owner cannot be located by posting the notice on the vehicle.

(2) The notice shall state the following:

(a) That the vehicle is considered abandoned in violation of this chapter;

(b) 1. That the Police Department will remove and have impounded the vehicle under the provisions of this chapter 72 hours after the time of the posting, unless:

a. The owner removes the vehicle; or

b. Good cause is shown, satisfactory to the Chief of Police, why the vehicle should not be removed by the owner or removed and impounded by the city.

2. In the alternative, the owner may petition the City Recorder and make a written request for a hearing before the City Council to show

cause why the vehicle should not be removed.

(c) That if the 72-hour period ends on a day the city offices are closed, then the deadline shall extend to the next day the city offices are open; and

(d) That violation may result in a fine set forth in this chapter.

(B) *Discarded vehicle.*

(1) Whenever a discarded vehicle is found upon private property, the city police shall make an investigation to discover the owner of the vehicle and the person in charge of the property upon which the vehicle is located, and to give written notice to that party by personal service or by registered or certified mail and affixing a citation to the vehicle that the vehicle is being stored or being permitted to be stored in violation of this chapter, and 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.

(2) The notice shall state that a certain discarded vehicle is in violation of this chapter and that within 10 days of the day of the sending or posting of the notice:

(a) The vehicle must be removed from the city, or to the storage yard of a lawfully conducted business dealing in junked vehicles; or

(b) Completely enclosed within a building.

(3) The notice shall also state that the alternative to compliance is to petition the City Recorder and make a written request for a hearing before the City Council within 10 days of sending or posting of the notice and show cause why the vehicle should not be immediately abated as provided in this chapter.

(4) The notice shall also state that failure to comply with this chapter authorizes the city to remove the vehicle and charge the cost against the property.

(Ord. 552, passed 6-13-1991)

§ 91.05 ENTRY UPON 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 the owner or person in lawful possession or control thereof or a warrant of the Municipal Court authorizing his or her 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 the inspection by stating the purpose and extent of the proposed inspection, citing this chapter as the basis for the 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 exhibits a warrant authorizing entry. (Ord. 552, passed 6-13-1991) Penalty, see § 91.99

§ 91.06 IMPOUNDING.

(A) (1) *Abandoned.* An abandoned vehicle which remains in the same position for a period of 72 hours after an owner has been requested to remove it, or after a notice to remove has been posted upon the vehicle, and no person has appeared to show good cause why the vehicle should not be moved, shall constitute a nuisance.

(2) *Discarded.* A vehicle which remains discarded 10 days after notice has been given in accordance with § 91.04(B) shall constitute a nuisance.

(B) (1) It shall be the duty of the Police Department to remove a vehicle which constitutes a nuisance under the provisions of this chapter, store the vehicle upon city property, or store the same in a private garage and dispose of it pursuant to the provisions of this chapter. The vehicle may be

removed by city employees or duly authorized independent contractors.

(2) The city assumes no responsibility or liability for personal belongings left in or affixed to the vehicle.

(C) After the impoundment, the Chief of Police shall cause the vehicle to be appraised.

(D) If the owner is identified, he or she shall be notified immediately by registered or certified mail that the vehicle is held by the Police Department of the city. The notice to the owner shall also state:

(1) The reason for impounding the vehicle; and

(2) The existing costs charged against the vehicle;

(3) An estimate of future costs, including the cost of advertising the vehicle for sale; and

(4) That unless the owner redeems the vehicle within 10 days from the day of mailing the notice and pays all the costs, the vehicle will be sold. (Ord. 552, passed 6-13-1991)

§ 91.07 HEARING.

(A) Pursuant to a request for a hearing, the City Council shall fix a time for a hearing to show cause why the vehicle should not be removed. If the City Council finds that there is not good cause why the vehicle should not be removed, the owner shall then have 24 hours to remove the vehicle.

(B) In addition, the Council may impose conditions and take any 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 Council, is not subject to the provisions of this chapter. The Council shall not be bound by the technical rules of evidence in the conduct of the hearing.

(C) If a hearing is requested and the City

Council orders the vehicle to be removed and it is not removed within 24 hours, then a complaint will be filed in Municipal Court for the violation of this chapter.
(Ord. 552, passed 6-13-1991)

§ 91.08 ABATEMENT BY CITY.

(A) *City to abate.* After the giving of notice required if a hearing is not requested or 24 hours after a hearing is held, and the Council finds there is not good cause why the vehicle should not be removed, the city shall be deemed to have acquired jurisdiction to abate the nuisance. It shall be unlawful for any person to interfere with, hinder or refuse to allow the persons to enter upon private property for the purpose of removing a vehicle under the provisions of this chapter.

(B) *Low value vehicle.*

(1) 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 shall state that notice of intent to junk or dismantle the vehicle has been sent, with notification of the location of the vehicle, to the owner.

(2) Failure of the owner to reclaim the vehicle within 10 days after the date notification is mailed shall constitute a waiver of his or her interest in the vehicle.

(3) Upon completion and forwarding of the affidavit and expiration of the time period stated above, the Chief of Police may, without notice and public auction, dispose of the vehicle and execute a certificate of sale.

(4) The certificate of sale shall be substantially as follows:

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(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;

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h (3) Terms of the sale; and

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r (4) The date, time and place of the sale.

(C) The notice of sale shall be published 2 times. The first publication shall be made not less than 4 days prior to the date of the proposed sale, and the second shall be made not less than 7 days prior to the date of the proposed sale.

(D) If no claim has been made to redeem an impounded vehicle appraised over \$300 or appraised under \$300 but the owner cannot be identified before the time set for the sale of the vehicle, the Chief of Police shall hold a sale at the time and place appointed within view of the vehicle to be sold.

(E) 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 those costs

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(F) 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 City Recorder.

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(G) The certificate of sale shall be substantially as set forth in § 91.08.

(Ord. 552, passed 6-13-1991)

(Ord. 552, passed 6-13-1991) Penalty, see § 91.99

§ 91.09 PUBLIC SALE.

(A) If the vehicle is appraised over \$300, or if the vehicle is valued under \$300 but the owner cannot be identified, the Chief of Police shall cause to be posted a notice of sale.

(B) The notice of sale shall state:

(1) The sale is of abandoned property in the city's possession;

§ 91.10 REDEMPTION BEFORE SALE.

(A) An owner may redeem a vehicle impounded under the provisions of this chapter, 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 the claim is rightful; and

(2) Pay the costs due and owing at the

time the application to redeem is made.

(B) Upon compliance with divisions (A)(1) and (2) above, the Chief of Police shall execute a receipt for the owner and cause the vehicle to be returned to him or her.
(Ord. 552, passed 6-13-1991)

§ 91.11 SALE AND PROCEEDS.

(A) Upon consummation of a sale, the Chief of Police shall deliver the vehicle and the certificate of sale to the purchaser. The sale and conveyance shall be without redemption.

(B) The proceeds of a sale shall be applied:

(1) To the payment of costs incurred by the city, then for such services as may be rendered by a private garage; and

(2) The balance, if any, shall be transferred to the City Recorder to be credited to the General Fund.

(C) In the enforcement and execution of the provisions of this chapter, the Chief of Police shall charge and collect any fees as the Council may establish for necessary services rendered in those cases.

(Ord. 552, passed 6-13-1991)

§ 91.12 ASSESSMENT OF COSTS.

(A) In the event the sale of the vehicle does not cover the payment of costs incurred for abatement, then after deducting the money received from any sale of the vehicle from the costs, the City Recorder shall give notice 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 Recorder 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 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 and shall be entered in the docket of city liens and, upon an 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 statutory rate per annum. The 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.
(Ord. 552, passed 6-13-1991)

§ 91.13 PRIVATE GARAGES.

When a private garage is utilized, the Council shall also establish reasonable fees for those services, with the following conditions:

(A) The city shall not be liable for services rendered by a private garage from any funds other than such amounts as may be collected from the owner on redemption or from a purchaser upon sale, after the city has deducted its expenses, unless the city is the purchaser of the vehicle;

(B) No lien shall be created by this chapter in favor of the private garage upon the vehicle for these services; and

(C) The vehicle shall not be released from the private garage except upon a receipt signed by the Chief of Police, proffered by the purchaser.
(Ord. 552, passed 6-13-1991)

the owner of the abandoned vehicle of \$50 for each day the vehicle is not moved.
(Ord. 552, passed 6-13-1991)

§ 91.99 PENALTY.

Violation of this chapter shall result in a fine to

CHAPTER 92: FIRE PREVENTION

Section

Fire Code

- 92.01 Adoption of Uniform Fire Code
- 92.02 Enforcement
- 92.03 Modifications
- 92.04 Appeals

- 92.99 Penalty

The Uniform Fire Code shall be enforced by the Chief of the Fire Department.
(Ord. 468, passed 10-19-1978)

§ 92.03 MODIFICATIONS.

The Chief of the Fire Department shall have power to modify any of the provisions of the code hereby adopted upon application in writing by the owner or lessee, or his or her duly authorized agent, when there are practical difficulties in the way of carrying out the strict letter of the code; provided that the spirit of the code shall be observed, public safety secured, and substantial justice done. The particulars of the modification, when granted or allowed, and the decision of the Chief of the Fire Department thereon shall be entered upon the records of the Department, and a signed copy shall be furnished the applicant. Modifications hereunder shall be liberally allowed with regard to installations existing within the city limits at the time of the passage of this chapter, which installations were not prior thereto in violation of city ordinance.
(Ord. 468, passed 10-19-1978)

FIRE CODE

§ 92.01 ADOPTION OF UNIFORM FIRE CODE.

(A) That certain publication, 1 copy of which is on file in the office of the City Recorder, marked and entitled "Uniform Fire Code, 1976 Edition," published and copyrighted by the International Conference of Building Officials and the Western Fire Chiefs Association, is hereby adopted in its entirety as hereinafter specifically modified, and by this reference is made a part of this chapter, the same as if fully reproduced as modified herein.

(B) The code adopted by division (A) of this section shall be hereafter known and may be cited as the "Uniform Fire Code," or by the initials "UFC."
(Ord. 468, passed 10-19-1978)

§ 92.02 ENFORCEMENT.

§ 92.04 APPEALS.

Whenever the Chief of the Fire Department shall disapprove an application or refuse to grant a permit applied for, or when it is claimed that the provisions of the code do not apply or that the true intent and

meaning of the code have been misconstrued or wrongly interpreted, the applicant may appeal from the decision of the Chief of the Fire Department to the City Council within 30 days from the date of the decision appealed.

(Ord. 468, passed 10-19-1978)

§ 92.99 PENALTY.

Any violation of this chapter shall be punishable by a maximum fine of \$300 for each offense or violation thereof.

(Ord. 468, passed 10-19-1978; Am. Ord. 561, passed 11-12-1992)

CHAPTER 93: NUISANCES

Section

- 93.01 Definitions
- 93.02 Animals damaging property
- 93.03 Animals at large
- 93.04 Livestock, bees and poultry
- 93.05 Removal of animal carcasses
- 93.06 Nuisances affecting the public health
- 93.07 Nuisances affecting the public safety
- 93.08 Nuisances affecting the public peace
- 93.09 General nuisance
- 93.10 Abatement notice
- 93.11 Abatement by owner
- 93.12 Abatement by city
- 93.13 Assessment of costs
- 93.14 Application of chapter; summary abatement

- 93.99 Penalty

Cross-reference:

Similar offenses, see Title 13 of this code of ordinances

§ 93.01 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning. As used in this chapter, the singular includes the plural and the masculine includes the feminine.

CITY. The City of Willamina.

COUNCIL. The governing body of the city.

PERSON. Every natural person, firm, partnership, association or corporation.

PERSON IN CHARGE OF PROPERTY. Any owner, occupant, agent, lessee, contract purchaser or other person having the possession or control of property.

PUBLIC PLACE. Any building, place or accommodations, whether publicly or privately owned, open and available to the public.
(Ord. 521, passed 4-14-1983)

§ 93.02 ANIMALS DAMAGING PROPERTY.

No person shall permit any animal owned or controlled by him or her to cause damage or injury to gardens, flower beds and other property belonging to another person.
(Ord. 521, passed 4-14-1983) Penalty, see § 93.99

§ 93.03 ANIMALS AT LARGE.

No owner or person in charge of an animal shall permit the animal to run at large. Animals at large may be taken into custody by the city and disposed of in accordance with the procedures provided by ordinance for the impoundment of dogs.
(Ord. 521, passed 4-14-1983) Penalty, see § 93.99

§ 93.04 LIVESTOCK, BEES AND POULTRY.

No person shall maintain a pigsty or keep livestock, bees or poultry within the city; except that persons in charge of property may keep livestock, bees or poultry on the property of which they are in charge if:

(A) The livestock, bees or poultry are kept, grazed, fed, sheltered, hived, penned, staked or otherwise maintained at least 150 feet distant from all dwellings or structures other than the person's own unless the written consent of the person in charge of the other dwelling or structure to waive this requirement has been obtained;

(B) The livestock, bees or poultry are kept, grazed, fed, sheltered, penned, staked or otherwise maintained at least 150 feet distant from all streets, alleys or sidewalks within the city; and

(C) The Council has not determined that any particular keeping of any livestock, bees or poultry at any location otherwise authorized under this section constitutes a danger to the health, lives, property, safety or general welfare of the city or its citizens. (Ord. 521, passed 4-14-1983) Penalty, see § 93.99

§ 93.05 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 the carcass. (Ord. 521, passed 4-14-1983) Penalty, see § 93.99

§ 93.06 NUISANCES AFFECTING THE PUBLIC HEALTH.

(A) No person shall permit or cause a nuisance affecting public health.

(B) The following are hereby declared to be nuisances affecting the public health and may be abated in the manner prescribed by §§ 93.10 through 93.14:

(1) *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 Oregon State Board of Health regulations;

(2) *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;

(3) *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 insect pests;

(4) *Water pollution.* The pollution of any body of water, well, spring, stream, drainage ditch or river by sewage, industrial wastes or other substances placed in or near the water in a manner that will cause harmful material to pollute the water;

(5) *Food.* All decayed or unwholesome food which is offered for human consumption;

(6) *Odor.* Any premises which are in such state or condition as to cause any offensive odor or which are in an unsanitary condition; and

(7) *Surface drainage.* Drainage of liquid wastes from private premises. (Ord. 521, passed 4-14-1983) Penalty, see § 93.99

§ 93.07 NUISANCES AFFECTING THE PUBLIC SAFETY.

(A) No person shall permit or cause a nuisance affecting public safety.

(B) The following are hereby declared to be nuisances affecting public safety and may be abated in the manner prescribed by §§ 93.10 through 93.14:

(1) *Abandoned iceboxes.* No person shall leave in any place accessible to children any abandoned, unattended or discarded icebox, refrigerator or similar container which has an airtight door with a snap lock or lock or other mechanism which may not be released for opening from the inside, without first removing the snap lock or door from the icebox, refrigerator or similar container.

(2) *Attractive nuisances.*

(a) No person in charge of property

shall permit:

1. Any unguarded structures, machinery, equipment or other devices on the property which are attractive, dangerous and accessible to children; or

2. Any excavation without erecting proper safeguards or barriers to prevent the excavation from being used by children.

(b) 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) *Snow and ice removal.* No person in charge of property, improved or unimproved, abutting upon any public sidewalk, shall permit:

(a) Any snow to remain on the sidewalk for a period longer than the first 5 hours of daylight after the snow has fallen; or

(b) The sidewalk to be covered with ice. It shall be the duty of the person to remove any ice accumulating on the sidewalk or to properly cover it with sand, ashes or other suitable material to assure safe travel within the first 5 hours of daylight after the ice has formed.

(4) *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 the public place, or would be likely to injure any animal, vehicle or person traveling upon the public way.

(5) *Grass, shrubbery, weeds and noxious growth.* No person in charge of property shall permit weeds or other noxious vegetation to grow to a height of over 12 inches upon his or her property. It shall be the duty of the person in charge of property to cut down or to destroy grass, shrubbery, brush, bushes or weeds or other noxious vegetation as often as needed to prevent these substances from becoming unsightly, from becoming a fire hazard or, in the case of weeds or other noxious vegetation, from maturing or from going to seed.

(6) *Trees.* No person in charge of property that abuts upon a street or public sidewalk shall permit:

(a) Trees, bushes or other vegetation to interfere with street or sidewalk traffic. These plantings, including those on the adjoining parking strip, shall be kept trimmed to a height of not less than 8 feet above the ground; or

(b) Dead or decaying trees to stand that are a hazard to the public or to persons or property on or near the property.

(7) *Sifting or leaking loads.* 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. 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.

(8) *Fences.*

(a) No person shall construct or maintain a fence with unsafe materials, including but not limited to barbed wire, electric fencing, broken glass and/or spikes.

(b) All fences shall exhibit good workmanship and be constructed of materials commonly used in the fence building industry.

(c) No person shall begin construction of a fence or wall without first applying for and obtaining a fence construction approval form from the City Recorder. This form shall be displayed on the construction site.

(d) An applicant for an approval form shall file with the City Recorder a plan showing:

1. Location of the proposed fence or wall on the property in relation to the property lines, streets, driveways, intersections and alleyways;

2. Property boundaries;

3. Proposed fence or wall dimensions;

4. Construction materials to be used; and

5. Any other information as the city shall find reasonably necessary.

(e) It is the responsibility of the person in charge of property to determine boundaries. The city takes no responsibility for determining the proper location of the fence or wall. (Am. Ord. 577, passed 11-30-1995)

(9) *Drainage.* No person in charge of property on which any building or structure is constructed shall suffer or permit rain water, ice or snow to fall from the building or structure onto any street or sidewalk or to flow across the sidewalk; and every 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 the building will not be carried across or upon any sidewalk.

(10) *Surface water.* No persons in charge of property shall allow any type of surface water from any source on the property to run across or upon any sidewalk.

(11) *Junk.* No person shall keep junk outdoors on a street, lot or premises or in a building that is not wholly or entirely enclosed except for doors used for ingress and egress. The term "junk" as used in this section includes all old motor vehicles, old motor vehicle parts, abandoned automobiles, old machinery, old machinery parts, old appliances or appliance parts, old iron or other metal, glass, paper, lumber, wood or other waste or discarded material. This section does not apply to junk kept in a licensed junk yard or automobile wrecking yard. (Ord. 521, passed 4-14-1983; Am. Ord. 534, passed 5-29-1986) Penalty, see § 93.99

§ 93.08 NUISANCES AFFECTING THE PUBLIC PEACE.

(A) No person shall permit or cause a nuisance affecting public peace.

(B) The following are hereby declared to be nuisances affecting public peace and may be abated

in the manner prescribed by §§ 93.10 through 93.14.

(1) *Unnecessary noise.* 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. 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:

(a) 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;

(b) 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;

(c) 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;

(d) The sounding of any horn or signaling device on any vehicle on any street, public or private place, except as a necessary warning of danger;

(e) The blowing of any steam whistle attached to any stationary boiler, except to give notice of the time to begin or stop work, as a warning of danger, or upon request of proper city authorities;

(f) The use of any mechanical device operated by compressed air, steam or otherwise, unless the noise thereby created is effectively muffled;

(g) 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 10:00 p.m., except upon special permit granted by the Council;

(h) The use of any gong or siren upon any vehicle, other than police, fire or other emergency vehicle;

(i) The creation of any excessive noise on any street adjacent to any school, institution

of learning, church or municipal court while the same are in use, or adjacent to any institution for the examination, care or treatment of the sick or infirm, which unreasonably interferes with the operation of the institution, or which disturbs or unduly annoys patients therein;

(j) 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;

(k) 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 Council, permits may be granted to responsible persons or organizations to broadcast programs of music, news, speeches or general entertainment;

(l) The making of any noise by crying, calling or shouting, or by any 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 ordinance of the city may vend merchandise in the streets by public outcry; or

(m) The conducting, operating or maintaining of any garage within 100 feet of any private residence, apartment, rooming house or hotel in a manner as to cause loud or offensive noises to be emitted therefrom between the hours of 10:00 p.m. and 7:00 a.m.

(2) *Notices and advertisements.* No person shall, either as principal, agent or employee:

(a) 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 person in charge of the private property or proper public authority.

(b) 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.

(C) This section shall not be construed as an amendment to or a repeal of any regulation now or hereafter adopted by the city regulating the use of and the location of signs and advertising.
(Ord. 521, passed 4-14-1983)

§ 93.09 GENERAL NUISANCE.

In addition to those nuisances specifically enumerated within this chapter, every other thing, subject or act which is determined by the Council to be injurious or detrimental to the public health, safety or welfare of the city or its citizens is hereby declared to be a nuisance and may be abated as provided in §§ 93.10 through 93.14.
(Ord. 521, passed 4-14-1983)

§ 93.10 ABATEMENT NOTICE.

(A) Upon determination by the Chief of Police of the city or the Council that a nuisance, as defined in this or any other ordinance of the city, exists, the Chief of Police of the city shall forthwith cause a notice to be posted on the property where the nuisance exists for the abatement, directing the person in charge of the property to abate the nuisance.

(B) At the time of posting, the City Recorder shall cause a copy of the 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 the person.

(C) The notice to abate shall contain:

(1) A description of the property, by street address or otherwise, on which the nuisance exists;

(2) A direction to remove the nuisance within 10 days from the date of the notice;

(3) A description of the nuisance;

(4) A statement that unless the 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 protest the action by giving notice to the City Recorder within 10 days from the date of the posting of the notice.

(D) The persons posting and mailing the notice as provided herein shall, upon completion of the posting and mailing, execute and file certificates stating the date and place of the 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 the person shall not make the notice void and in such a case, the posted notice shall be deemed sufficient.
(Ord. 521, passed 4-14-1983)

§ 93.11 ABATEMENT BY OWNER.

(A) Within 10 days after the posting of the notice as provided in § 93.10, the person in charge of the property shall remove and abate the nuisance or show that no nuisance exists.

(B) The person in charge of the property desiring to protest 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 within 10 days after the posting.

(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, the person may appear and be heard by the Council, and the Council shall thereupon determine whether a nuisance in fact exists and the 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 10 days after the Council determination, remove or abate the nuisance.

(Ord. 521, passed 4-14-1983)

§ 93.12 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. In this event, the City Recorder shall maintain an accurate record of the expense incurred by the city in abating the nuisance and shall include therein an overhead charge of 5% of the total cost for administration. The total cost, including the administrative overhead, shall thereupon be assessed to the property as hereinafter provided.

(B) The officer charged with the abatement of the nuisance shall have the right, at reasonable times, to enter into or upon the property to investigate and/or cause the abatement of the nuisance.
(Ord. 521, passed 4-14-1983)

§ 93.13 ASSESSMENT OF COSTS.

(A) A notice of the assessment shall be forwarded by registered or certified 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 30 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 15 days from the date of the notice.

(B) Upon the expiration of 15 days after the date the notice of assessment is mailed, the proposed assessment shall be heard and determined by the Council as a part of its regular agenda at the next scheduled Council meeting. If the person in charge of the property has filed a notice of objection to the assessment as allowed above, the person may appear and be heard by the Council at the time set for the

consideration of the assessment. The Council shall then determine the amount of the assessment.

(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 the 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 9% per annum. This 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.
(Ord. 521, passed 4-14-1983)

**§ 93.14 APPLICATION OF CHAPTER;
SUMMARY ABATEMENT.**

The procedure provided by this chapter is not exclusive, but is in addition to procedures 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 of human life, health or property.
(Ord. 521, passed 4-14-1983)

§ 93.99 PENALTY.

(A) Any person violating any of the provisions of this chapter shall, upon conviction thereof, be punished by a fine not to exceed \$300.
(Am. Ord. 534, passed 5-29-1986)

(B) (1) Each day's violation of a provision of this chapter shall constitute a separate offense.

(2) 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 the ordinance.
(Ord. 521, passed 4-14-1983)

CHAPTER 94: STREETS AND SIDEWALKS

Section

Responsibilities of Property Owners

- 94.01 General maintenance requirement
- 94.02 Requirement of property owner to construct sidewalks
- 94.03 Owner or occupant to remove obstructions
- 94.04 Liability for injury
- 94.05 Determination of defective sidewalk
- 94.06 Notification by City Council
- 94.07 Repairs by city; declaration of lien
- 94.08 Lien docket; interest
- 94.09 Collection of lien
- 94.10 Alternative procedure

others using the same. The city has no responsibility for the maintenance or repair of sidewalks on the streets thereof, adjacent to or abutting on property owners' real property.

(B) It is made the duty of every property owner whose property abuts upon any street that has been improved with hard-surfaced pavement, or along any street the grade of which has been established and which has been improved by excavating and bringing the street to an established grade, to construct a cement sidewalk conforming to the ordinances of the city within 60 days from the completion of any structure located upon the property of the owner.

(C) (1) It is made the duty of every property owner whose vacant or nondeveloped property abuts upon any street that has been improved with a hard-surface pavement, or along any street, the grade of which has been established and which has been improved by excavating and bringing the street to an established grade, to construct a cement sidewalk

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ordinances at such time as the sidewalks have been installed and constructed along any 1 individual block to the extent of 50% of the lineal distance of the block, the sidewalk to be constructed within 60 days after notice by the City Engineer or Street Superintendent. A property owner shall be eligible for a 1-year delay in completing the construction upon application to and approval by the Council.

(2) The owner of a structure or otherwise developed property which was built prior to the time 50% of the lineal distance of the block in which it is located has had sidewalks installed, shall construct a cement sidewalk conforming to the ordinance of the city within 60 days after notice has been given by the City Engineer or Street Superintendent.

RESPONSIBILITIES OF PROPERTY OWNERS

§ 94.01 GENERAL MAINTENANCE REQUIREMENT.

Real property owners in the city shall maintain and keep in repair all sidewalks in the streets, avenues and alleys of the city in front of and that are adjacent to or abutting upon the owner's or owners' real property.

(Ord. 548, passed 5-31-1990)

§ 94.02 REQUIREMENT OF PROPERTY OWNER TO CONSTRUCT SIDEWALKS.

(A) It is made the duty of all property owners in the city to keep the sidewalks on the streets thereof, adjacent to or abutting on their respective real property, in a good state of repair, in order to eliminate the hazard of injuries to pedestrians or

(Ord. 548, passed 5-31-1990)

§ 94.03 OWNER OR OCCUPANT TO REMOVE OBSTRUCTIONS.

It is the duty of an owner or occupant of land adjoining a street to maintain in good repair and remove obstructions from the adjacent sidewalk.
(Ord. 548, passed 5-31-1990)

§ 94.04 LIABILITY FOR INJURY.

(A) The owner or owners of real property, in the city, shall be liable for any person suffering personal injury or property damage, by reason of any defect in the sidewalk adjacent to or abutting upon the property of the respective owner or owners thereof.

(B) If the city is required to pay damages for an injury to persons or property caused by the failure of a person to perform the duty which this chapter imposes, the property owner shall compensate the city for the amount of damages thus paid. The city may maintain an action in a court of competent jurisdiction to enforce the provisions of this section.
(Ord. 548, passed 5-31-1990)

§ 94.05 DETERMINATION OF DEFECTIVE SIDEWALK.

Whenever any sidewalk becomes defective or out of repair, the Utility Superintendent may, at his or her discretion, report the same to the City Council, designating the description of the property upon which the sidewalk fronts, is adjacent to or abuts upon, the record owner or owners of the property, and also the kind and nature of repair to the sidewalk, and that in his or her judgment repair thereof is necessary for the safety of pedestrians and others using the same. Failure of the city to notify property owner of needed repairs shall not relieve the property owner of liability in the event of personal injury or property damage suffered by reason of any defect in the sidewalk adjacent to or abutting upon the property of the owner or owners.
(Ord. 548, passed 5-31-1990)

§ 94.06 NOTIFICATION BY CITY COUNCIL.

The City Council, upon receipt of the report from the Utility Superintendent and deeming the repair necessary, may direct that the owner or owners repair the sidewalk by notifying the owner or owners in writing by mail, if the address of the owner or owners is known; if not known, by posting notice thereof on the property involved. This notice shall direct that the owner or owners make and complete the repairs, in the manner described in the notice, on or before 30 days after the mailing or posting of the notice. This notice is to be given or posted by or under the direction of the City Recorder.
(Ord. 548, passed 5-31-1990)

§ 94.07 REPAIRS BY CITY; DECLARATION OF LIEN.

In the event the owner or owners fail or refuse to make and complete the repairs to the sidewalk within 30 days after the mailing or posting of the notice, then the City Utility Superintendent may proceed to cause the repairs to be made and shall report the cost thereof, including 10% thereof for administrative costs, together with the name or names of the owner or owners of record of the real property abutting the sidewalk which was required to be repaired; and upon the approval of the reports of costs by the City Council, the same shall become and shall be declared to be a lien against the adjacent real property, and in a proportion as the Council shall direct, and the lien shall have priority over all other liens against the property, save and except such liens or taxes as by law take precedence.
(Ord. 548, passed 5-31-1990)

§ 94.08 LIEN DOCKET; INTEREST.

The Recorder shall enter all the liens in the lien docket as directed by the City Council, and these liens shall bear interest at the statutory rate from 20 days after the date notice of assessment is mailed.
(Ord. 548, passed 5-31-1990)

§ 94.09 COLLECTION OF LIEN.

At any time after the lien has been so docketed, the same shall be foreclosed and collected in the

manner provided for the collection of assessments for local improvements.
(Ord. 548, passed 5-31-1990)

§ 94.10 ALTERNATIVE PROCEDURE.

The procedure prescribed in this chapter shall be in no wise deemed a repeal of any existing ordinance providing for the repair of any existing sidewalk within the city, but is an alternative procedure, which in the sole discretion of the Council may be invoked for the repair of sidewalks within the city. Failure of the city to notify the property owner of needed repair shall not relieve the owner of liability.
(Ord. 548, passed 5-31-1990)

TITLE V: PUBLIC WORKS

Chapter

50. SOLID WASTE

51. WATER REGULATIONS

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CHAPTER 50: SOLID WASTE

Section

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GENERAL PROVISIONS

§ 50.01 TITLE.

This chapter shall be known as the “Solid Waste Management Ordinance” and may be referred to herein as this chapter.
(Ord. 551, passed 6-27-1991)

§ 50.02 PURPOSE; POLICY AND SCOPE.

It is declared to be the public policy of the city to

§ 50.03 AMENDMENT OF CHAPTER.

This chapter may be amended upon the written agreement of city and franchisee, and upon a finding by the city that the amendment would be in the public interest.
(Ord. 551, passed 6-27-1991)

§ 50.04 DEFINITIONS.

Except where the context clearly indicates a different meaning, the definitions appearing in O.R.S. 459.005 and regulations promulgated thereunder are applicable to this chapter. The singular includes the plural and vice versa. As used in this chapter, the following words shall be defined as follows:

CITY. The City of Willamina.

COMPENSATION. Includes:

- (1) Any type of consideration paid for service including but not limited to rent, the proceeds

from resource recovery, any direct or indirect provision for the payment of money, goods, services or benefits by tenants, lessees, occupants or similarly situated persons;

(2) The exchange of service between persons; and

(3) The flow of consideration from a person owning, possessing or generating solid waste to another person who provides services or from a person providing services to another person owning, possessing or generating solid waste.

FRANCHISEE. The person to whom this franchise is granted by the City Council pursuant to this chapter.

PERSON. An individual, partnership, association, corporation, trust, firm, estate or other private legal entity.

RECYCLABLE MATERIALS. Any material or group of materials that can be collected and sold for recycling at a net cost equal to or less than the cost of collection and disposal of the same material.

RESOURCE RECOVERY. The process of obtaining useful material or energy resources from solid waste, including energy recovery, material recovery, recycling and reuse of solid waste.

SERVICE. The collection, transportation or disposal of or the resource recovery from solid waste.

SOLID WASTE. All putrescible and nonputrescible wastes, including but not limited to garbage, rubbish, refuse, ashes, fruit refuse, waste paper, cardboard, grass clippings, compost, tires, equipment and furniture; sewage sludge, septic tank and cesspool pumping or other sludge; commercial, industrial, demolition and construction wastes; discarded or abandoned vehicles or parts thereof; discarded home or industrial appliances; manure, vegetable or animal solid and semi-solid wastes, dead animals, infectious and other wastes. The term does not include:

(1) Hazardous waste as defined in O.R.S. 466.005; or

(2) Materials used for fertilizer or for other

productive purposes or which are salvageable as such when the materials are used on land in agricultural operations and the growing or harvesting of crops and the raising of fowls or animals.

SOLID WASTE MANAGEMENT. The prevention or reduction of solid waste; management of the storage, collection, transportation, treatment, utilization, processing and final disposal of solid waste; or resource recovery from solid waste; and facilities necessary or convenient to those activities.

WASTE. Useless or discarded materials. (Ord. 551, passed 6-27-1991)

FRANCHISE PROVISIONS

§ 50.15 EXCLUSIVE FRANCHISE AND EXCEPTIONS.

(A) There is hereby granted to a franchisee the exclusive right, privilege and franchise to provide all solid waste management service within the city limits as now existing or hereafter expanded and to use the public rights-of-way of the city for the purposes of this franchise. Except as hereinafter provided, it shall be unlawful for any person, firm or corporation to collect solid waste within the corporate limits of the city as now existing or hereafter expanded, without first having procured a franchise from the city.

(B) Exceptions to the exclusive right, privilege and franchise are:

(1) A person may engage in the collection of source separated materials for recycling or resource recovery, but only for the purpose of raising funds for a charitable, civic or benevolent activity. This person or his or her representative must notify the city in writing of his or her intent to engage in the activity and specify the time when the activity is to take place. The franchisee shall be furnished with a copy of the notice;

(2) A person may transport solid waste which the person produces or is produced on the person's property directly to an authorized disposal site or recycling or resource recovery facility without complying with the regulations imposed upon

commercial franchised haulers, provided the solid waste is hauled in such a manner as to prevent leakage or litter upon the streets. Public self-hauling and the preparation, storage and setting out for collection of solid waste shall be in compliance with rules of the Oregon Environmental Quality Commission. The solid waste produced by a tenant, licensee, occupant or person other than the owner of the leased, occupied or licensed premises shall be considered produced by the tenant, licensee, occupant or person and not produced by the landlord or property owner;

(3) A person may engage in the practice of pumping, transporting and disposing of septic tank and cesspool pumpings or other sludge, provided the activity is conducted in compliance with applicable state and local laws; and

(4) A person may engage in the practice of towing or otherwise removing damaged, discarded or abandoned vehicles or parts thereof, so long as the activity is conducted in compliance with applicable state and local laws.

(Ord. 551, passed 6-27-1991) Penalty, see § 50.99

§ 50.16 FRANCHISE TERM.

(A) The rights, privilege and franchise herein granted shall begin on the effective date of this chapter and shall be considered as a continuing 7-year franchise. That is, beginning on January 1 of each year, the franchise shall be considered renewed for a 7-year term, unless at least 30 days prior to December 31 of any year the city shall notify the franchisee in writing of the city's intent to terminate the franchise.

(B) Upon giving this notice of termination, the franchisee shall have a franchise which will terminate 7 years from the date of the notice of termination. The city may later extend the term or reinstate a continuing renewal upon mutual agreement with the franchisee. If the city notifies the franchisee of its intent to terminate the franchise, the franchisee shall have the right for a hearing before the City Council before any termination is made, provided the hearing is requested by the franchisee within 30 days of the notice, in writing. Nothing in this section restricts the city from suspending, modifying or revoking the franchise for reasonable cause as provided for in § 50.31.

(Ord. 551, passed 6-27-1991)

§ 50.17 FRANCHISE RESPONSIBILITY.

(A) The franchisee shall furnish and maintain at its own expense, or by contract, a disposal site for the solid waste collected within the city.

(B) The franchisee shall transport all solid waste in compliance with all applicable state laws and regulations governing the collection, loading and transport of the materials.

(C) The franchisee shall provide sufficient collection vehicles, containers, facilities, personnel and finances to provide all types of necessary service and solid waste management service. Where necessary, the franchisee may subcontract for part of the collection services where more efficient or complete service can be provided by another person; provided, that the franchisee remains responsible for the service provided; and provided further, that the subcontract does not amount to a transfer of ownership. Such subcontracts require the prior written approval of the Council.

(D) Except as otherwise provided, all vehicles used in the collection and/or transportation of waste shall be equipped with a leak-proof metal body of the compactor type. If the franchisee uses a pick-up truck or open-bed truck, the load shall be covered with an adequate cover to prevent scattering of the load.

(E) The franchisee shall respond to all calls for service within a reasonable period of time. Except for acts of God or other conditions out of the control of the franchisee, the franchisee shall have available weekly residential collection service and services to business, industry and government at least 2 times each week. More frequent service may be required as necessary to prevent the creation of nuisances or health hazards in the city. The franchisee shall supply, by contract or otherwise, a disposal site for the purpose of disposing of collected solid waste.

(F) The franchisee shall not give any rate preference to any person, locality or type of solid waste stored, collected, transported, disposed of or resource recovered, taking into consideration the services rendered. This division shall not prohibit

uniform classes of rates based upon length of haul, time of haul, type or quantity of solid waste handled or location of customers, so long as the rates are reasonably based upon the cost of the particular service.

(G) The franchisee shall procure and at all times carry in full force and effect, liability and property damage insurance issued by an insurance company authorized to do business in the state and acceptable to the city.

(H) The franchisee shall provide the opportunity to recycle in accordance with O.R.S. Ch. 459, together with rules and regulations promulgated thereunder. The city may require the franchisee to provide additional levels of recycling if the service is economically and technically feasible.
(Ord. 551, passed 6-27-1991)

§ 50.18 FRANCHISE FEE.

(A) In consideration of the rights, privilege and franchise granted by this chapter, the franchisee shall pay to the city 3% of the gross cash receipts resulting from any solid waste collection service which specifically requires a franchise under this chapter. When any other person without a franchise may conduct the same activities, business or service within the city, no franchise fees shall be payable. To stimulate recycling and reuse and to make more materials recyclable, no franchise fee shall apply to gross receipts from collection or sales of recyclables or reusable materials. For the purpose of calculating the franchise fee, gross cash receipts shall not include revenues generated by the lease, rental or sale of any solid waste receptacle such as roll-off compactors, roll-off boxes, containers, carts or garbage cans.

(B) The franchise fee shall be computed on an estimated gross receipts basis beginning April 1, 1991 and shall be payable to the city on or before the twentieth day of the month following the end of each quarter thereafter. The payment for the quarter ending March 31 of each year shall be based on actual gross receipts for the preceding year and shall be accompanied by a statement of any adjustments made and the computation thereof to change from an estimated to actual basis.
(Ord. 551, passed 6-27-1991)

§ 50.19 ASSIGNMENT OF FRANCHISE.

This franchise shall not be assignable by the franchisee to any third person without the written consent of the City Council first being obtained (which consent shall not be unreasonably withheld), and until the assignee has filed with the City Recorder its acceptance and agreement to abide by the terms of this chapter.
(Ord. 551, passed 6-27-1991)

PUBLIC PROVISIONS

§ 50.30 PUBLIC RESPONSIBILITY.

In order to facilitate the collection and disposal of solid waste and the recycling of recyclable materials, the following rules and regulations shall be in force and effect:

(A) All solid waste, as defined in § 50.04, shall be wrapped and deposited in watertight solid waste receptacles or cans with tight-fitting lids and shall be collected at least once every 7 days as provided in Oregon Administrative Rules 340-61-070;

(B) No garbage receptacle for individual residential service shall exceed 32 gallons in size nor weigh more than 60 pounds gross loaded weight unless the receptacle is of a mechanical loading type approved by franchisee. Cans shall be tapered so they are larger at the top and shall have a place for a handhold at the bottom. Sunken refuse cans or containers shall not be installed or used unless they are placed above ground for collection;

(C) Solid waste collection for commercial establishments must be available upon request of the franchisee, except Saturdays, Sundays and holidays;

(D) All brush must not exceed 4 feet in length, and when possible, should be securely bundled and tied;

(E) It shall be unlawful for any person, firm or corporation within the city to permit the accumulation of solid waste or waste on or about their premises. All such persons, firms or corporations are hereby

required to make prompt and sanitary disposal of the solid waste and waste of every kind, nature and character, as herein provided. No solid waste or waste shall be buried within the city;

(F) It shall be unlawful for any person, firm or corporation within the city to dump solid waste or waste on vacant lots within the city. Incineration of yard debris shall be approved by the Fire Chief of the Willamina Fire District in accordance with Department of Environmental Quality regulations;

(G) It shall be unlawful for any person, firm or corporation to haul, transport or convey sawdust, shavings, hog fuel or other solid waste or waste by truck, automobile, wagon or trailer over and upon any street, alley or thoroughfare in the city, unless the vehicle is so constructed or loaded as to prevent its contents from dropping, sifting, leaking or otherwise escaping therefrom;

(H) The franchisee shall not be required to serve any person, firm or corporation who has made default in payment for any prior service rendered under this chapter or serve any person who refuses to comply with the requirements set forth in this chapter; otherwise, all persons, firms and corporations shall be served by the franchisee in an impartial manner. Where service has been terminated to a customer for failure to pay for services rendered, the franchisee may require a reasonable deposit to guarantee payment for future service before reinstating the service; and

(I) Stationary compactors for handling solid waste shall comply with applicable federal and state safety requirements. No such compactor shall be loaded so as to exceed the safe loading design limit or operation limit of the collection vehicles used by the franchisee. A person who wishes services for a compactor shall, prior to acquiring the compactor, inquire of the franchisee as to the compatibility with franchisee's equipment or equipment which the franchisee is willing to acquire.
(Ord. 551, passed 6-27-1991) Penalty, see § 50.99

§ 50.31 RIGHTS OF CITY.

(A) The city reserves the right to close any street or streets used by the franchisee during the course of construction or during the course of

necessary repairs thereto, or in the event that any street becomes dangerous to the operation of automobiles; it being understood, however, that the city shall not be held liable for damages to the franchisee or any of its servants or employees by reason of defects in streets, or by reason of failure to repair the same.

(B) Failure to comply with a written notice to provide the service required by this chapter, or to otherwise comply with the provisions of this chapter after written notice shall be grounds for the immediate modification, termination or suspension of the franchise herein granted subject to the following divisions:

(1) After written notice from the Council is served either in person or by certified mail that such grounds exist, the franchisee shall have 10 days from the date of mailing or serving of the notice in which to comply, to request a public hearing before the Council or to request an extension of the time allowed for compliance as specified in this division. The Council may grant the extension if the franchisee can show reasonable cause;

(2) In the event the franchisee or the City Council requests a public hearing, the franchisee shall be given 20 days' notice in advance of the time, date and place of the hearing;

(3) At the public hearing, the franchisee and other interested persons shall be given an opportunity to present oral, written or documentary evidence to the Council. The franchisee shall have the right to be present in person and to be represented by counsel and to present witnesses and evidence as may be proper concerning the matter. The findings of the City Council thereon shall be conclusive; provided, however, that the action may be appealed to a court of competent jurisdiction; and

(4) If the franchisee fails to comply with the written notice within the specified time or fails to comply with the order of the Council entered upon the basis of written findings at the public hearing, the Council may immediately suspend, modify or terminate the franchise or make that action contingent upon continued noncompliance, and the action shall not be subject to the 7-year termination contained in § 50.16.

(Ord. 551, passed 6-27-1991)

RATES AND CHARGES

§ 50.40 RATES.

(A) The rates for service under this chapter shall be those rates currently in effect upon the adoption of this chapter, unless modified by the Council. These rates shall remain in effect until a change in rates is approved by the City Council. The City Council shall establish and, as considered necessary from time to time, change rates by resolution.

(B) The rates to be charged to all persons by franchisee shall be adequate, reasonable, uniform and based upon the level and type of service rendered.

(C) Nothing in this section is intended to prevent:

(1) The reasonable establishment of uniform classes of rates based on the type of waste collected, transported, disposed of, recycled or resource recovered; or the number, type and location of customers served; or upon other factors so that rates are reasonably based on the cost of the particular service; or

(2) The franchisee from volunteering service at reduced cost for a civic, community, benevolent or charitable purpose.

(D) In the event either the city or franchisee proposes a rate change, written notice shall be given to the city or franchisee, respectively.

(1) The notice of proposed rates shall include the new proposed rates, a statement including relevant facts or dates justifying the proposed rate, a statement of comparative rate schedules of other Oregon cities of approximate size; an operating statement showing income and a breakdown of costs of operation for the past 12 months; and any other relevant information as the City Council may desire.

(2) Within 30 days following the written request for a rate change, the Council shall hold a public hearing concerning the requested rate change and shall give due consideration to the following

relevant factors:

(a) The cost of performing the service provided by the franchisee;

(b) The anticipated increase in the cost of providing this service;

(c) The need for equipment replacement and the need for additional equipment to meet service needs, compliance with federal, state, local law, ordinances and regulations, or technological change.

(d) The investment of the franchisee and the value of the business and the necessity that the franchisee have a reasonable rate of return;

(e) The rates charged in other cities of similar size within the area for similar service;

(f) The rates will be just, fair, reasonable and sufficient to provide proper service to the public and to provide the level of service that the public finds necessary or desirable;

(g) The local wage scales, cost of management facilities and disposal costs;

(h) Any profit or cost savings resulting from recycling and any additional costs resulting from recycling;

(i) The concentration of customers and the volume of waste available in the area served;

(j) Methods of collection, storage, transportation, disposal, salvage, recycling or reuse of materials;

(k) The future service demands of the service area which must be anticipated in equipment, facilities, personnel or land;

(l) Extra charges for special pickups or pickups on days where service is not normally provided on a collection route, or any other specific type of special or unusual service; and

(m) Extra charges, where the type or character of waste or solid waste, including but not limited to waste with particularly offensive odors, requires special handling or service.

(3) Immediately following the public hearing, the Council shall:

(a) Adopt the proposed modification in the rate schedule by enacting an appropriate resolution; or

(b) Refuse to adopt the amendment through a vote to deny, based upon a stated reasonable cause for denial.

(E) Rates established by the Council are fixed rates and franchisee shall not charge more than the fixed rate except as provided in this division and division (C)(2) above.

(F) When no rate has been established for a service which the franchisee can provide at customer request, the franchisee shall charge a rate based on the factors outlined in divisions (B) and (D)(2)(a).

(G) Until changed by the Council in an appropriate resolution, rates to be charged are those in effect on the effective date of this chapter. (Ord. 551, passed 6-27-1991)

§ 50.99 PENALTY.

Any firm, person or corporation violating any of the terms of this chapter shall, upon conviction thereof, be subject to a fine of not less than \$5 nor exceeding \$100. Each separate day is a separate violation; provided, however, that violations of the same section of the ordinance may be joined in a single case.

(Ord. 551, passed 6-27-1991)

CHAPTER 51: WATER REGULATIONS

Section

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GENERAL REGULATIONS; CONNECTIONS

§ 51.01 ADMINISTRATION.

(A) The Superintendent of the Water Department, hereinafter called the Superintendent, shall have charge of the maintenance and operation of the water supply, treatment plant, pumping

equipment, distribution system, meters and all other appurtenances of the waterworks system under the supervision and direction of the Water Committee. The Superintendent shall supervise all extensions and alterations of the waterworks system which are authorized by the City Council. He or she shall also be responsible for the reading of all water meters and shall report to the Water Clerk on all money due the city for all deposits, fees and charges made for water services and connections.

(B) The City Water Clerk shall be responsible for the collection of water bills, deposits and fees. All revenues therefrom shall be accounted for in a manner satisfactory to the Council and shall be deposited regularly with the City Treasurer in the same manner as approved for other municipal deposits.
(Ord. 529, passed 5-9-1985)

§ 51.02 WATER MAINS.

(A) The water mains of the city shall be under the complete control of the Superintendent and no person or persons other than employees of the Water Department shall tap, change, obstruct, interfere with or in any way disturb the water system.

(B) Extension to water mains will be made upon proper petition to the City Council, or by the initiative of the Council. The Council shall have the right to reject these petitions or to enter into any contract with the petitions as the Council may elect.

(C) All fire hydrants connected to the water mains of the city shall be under the complete control of the Chief of the Fire Department or his or her subordinate officers of the Department.
(Ord. 529, passed 5-9-1985)

§ 51.03 CONNECTIONS.

(A) Before any connection is made to any water main, application for a permit must be made in writing by the owner of the premises to be served, or by his or her authorized representative, at the office of the Water Department.

(B) All service pipe and all water piping in all premises shall be installed in accordance with the State Plumbing Code, and no service connection shall be made to any water main of a diameter of less than 3/4 inch. Any person, firm or corporation shall not interfere in any way with fixtures installed by the Water Department. Any plumber called upon to shut off water and drain pipes in any premises shall do so inside the property line.

(C) Where connections are provided for fire protection on any premises, or where hose connections for fire apparatus are provided, each connection shall have not less than 25 feet of fire hose constantly attached thereto, and no water shall be taken through the opening or hose for any purpose other than extinguishing fires, except for the purpose of testing the equipment. No test of fire equipment may be conducted except by the City Fire Department, unless special permit be first secured from the Water Department.

(D) All new water taps and service connection installations from the main, to and including the meter, shall be made by the Water Department of the city. The cost, therefor payable in advance, shall be the sum of \$550 for connections 1 inch and smaller. For connections larger than 1 inch, the cost shall be the actual cost of installation, including materials and labor.
(Am. Ord. 529-A, passed 1-11-1990; Res. 89-90-4, passed 1-11-1990; Am. Ord. 568, passed 10-27-1994)

(E) When new buildings are to be erected on the site of old ones and it is desired to increase the size or change the location of the old service connection, or where a service connection to any premises is abandoned or no longer in use, the city may cut out or remove the service connection, after which, should a service connection be required to the premises, a new service shall be placed only upon the owner making application and paying for a new tap in

the regular manner, and as herein provided. A service connection will be deemed to be abandoned if it has not been used for a period of 120 days or more.
(Ord. 529, passed 5-9-1985)

§ 51.04 METERS.

(A) All premises using water from city mains shall be metered, and payment shall be made for water at rates as herein set forth. In no case will water be supplied at fixed or flat rates except in special cases reviewed and approved by formal resolution of the Council.

(B) Meters will be furnished by the Water Department and will remain the property of the city and will at all times be under its control.

(C) For ordinary metered consumption of water, a 3/4-inch meter will be furnished. Where application is made for a meter larger than 3/4-inch, special arrangements must be made between the Water Department and the customer and approved by the Water Committee.

(D) The maintenance of meters will be borne by the city; provided, however, that where the replacement, repair or adjustment of a meter is made necessary by the act, negligence or carelessness of the owner or occupant of the premises, the expense to the city thereby shall be charged to the owner of the premises.
(Am. Ord. 568, passed 10-27-1994)

(E) All water furnished by the city and used on any metered premises must pass through the meter. No bypass or connection around the meter will be permitted. If any meter becomes defective or fails to register, the consumer will be charged at the average monthly consumption rate as shown by the meter over a period of the preceding 3 months when the meter was accurately registering.

(F) Where the water has been turned off by the Water Department for any reason, no person or persons, except authorized employees or agents of the Water Department, may turn it on again. Any violation hereof shall be punishable in accordance with the penalty provisions of this chapter.

(G) The Water Superintendent, or his or her authorized agent, shall have free access at all

reasonable hours to inspect any premises supplied with water. No person shall refuse to admit authorized agents of the Water Department to make the inspection. In case any authorized employee be refused admittance or is in any way hindered in making the necessary inspection or examination, the water may be turned off from the premises after giving 24 hours' notice to the owner or occupant thereof.
(Ord. 529, passed 5-9-1985) Penalty, see § 51.99

§ 51.05 USE OF WATER IN EMERGENCY SITUATIONS.

(A) If, in the Utility Superintendent or his or her representative's judgment the water supply is such, in the city, that there is danger of a shortage, the Superintendent or his or her representative may determine and declare an emergency water use situation and take immediate steps to implement an emergency plan, upon consultation with the Mayor and/or Utility Committee.

(B) (1) Upon declaration of such a situation, the Utility Superintendent or his or her representative shall file an emergency management plan with the City Recorder. The plan shall include the hours and/or days when water may be used by consumers for sprinkling, irrigation or any other nonessential use and may incorporate any other management plan for water use deemed to be appropriate and necessary by the Superintendent or his or her representative.

(2) The emergency water use management plan shall be publicly announced in as many avenues as possible to make the public fully aware of the situation and the plan. At the least, notices shall be posted at City Hall and 2 other public places. Any changes to the plan shall be publicly announced in the same manner.

(C) During a declared water use emergency, no person shall use a hose for irrigation without having a nozzle or other water-distributing device attached thereto. No person shall use water for sprinkling, irrigation or any other nonessential use other than as prescribed by the water use management plan, or permit water used to flow into or upon any public thoroughfare or upon or over premises not under the user's control.

(D) The Utility Superintendent or his or her representative is authorized at all reasonable times to enter upon private property to investigate an obvious violation of this chapter.
(Ord. 559, passed 6-25-1992) Penalty, see § 51.99

CROSS-CONNECTIONS; PROHIBITIONS

§ 51.15 PURPOSE AND SCOPE.

The purpose of this subchapter is to protect the public health of water consumers by the control of actual and/or potential cross-connections to customers.
(Ord. 529, passed 5-9-1985)

§ 51.16 DEFINITIONS.

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

BACKFLOW. The undesirable reversal of water or mixtures of water and other liquids, gases or other substances into the distribution pipes of the potable supply of water from any source or sources.

BACKFLOW PREVENTION DEVICE.

(1) *Approved.* A device that has been investigated and approved by the regulatory agency having jurisdiction. The approval of ***BACKFLOW PREVENTION DEVICES*** by the regulatory agency should be on the basis of a favorable laboratory and field evaluation report by an approved testing laboratory, recommending the approval.

(2) *Type.* Any approved device used to prevent backflow into a potable water system. The type of device used should be based on the degree of hazard either existing or potential.

CONTAMINATION. The entry into or presence in a public water supply system of any substance which may be deleterious to health and/or quality of the water.

CROSS-CONNECTION. Any unprotected

actual or potential connection or structural arrangement between a public or a consumer's potable water system and any other source or system through which it is possible to introduce into any part of the potable system any used water, industrial fluid, gas or substance other than the intended potable water with which the system is supplied. Bypass arrangements, jumper connections, removable sections, swivel or change-over devices and other temporary or permanent devices, through which or because of which backflow can or may occur, are considered to be **CROSS-CONNECTIONS**.

HAZARD, DEGREE OF. Derived from the evaluation of a health, system, plumbing or pollution hazard.

HAZARD, HEALTH. An actual or potential threat of contamination of a physical or toxic nature to the public potable water system or the consumer's potable water system that would be a danger to health.

HAZARD, PLUMBING. An internal or plumbing type cross-connection in a consumer's potable water system that may be either a pollution or a contamination type hazard. This includes but is not limited to cross-connections to toilets, sinks, lavatories, wash trays, domestic washing machines and lawn sprinkling systems. Plumbing type cross-connections can be located in many types of structures including homes, apartment houses, hotels and commercial or industrial establishments.

HAZARD, POLLUTIONAL. An actual or potential threat to the physical properties of the water system or the potability of the public or the consumer's potable water system but which should not constitute a health or system hazard, as defined. The maximum degree of intensity of pollution to which the potable water system could be degraded under this definition would cause a nuisance or be aesthetically objectionable or could cause minor damage to the system or its appurtenances.

HAZARD, SYSTEM. An actual or potential threat of severe danger to the physical properties of the public or consumer's potable water system, or a pollution or contamination which would have a protected effect on the quality of the potable water in the system.

HEALTH DIVISION OFFICER. The Oregon State Health Division Officer, or authorized agent.

POTABLE WATER SUPPLY. Any system of water supply intended or used for human consumption or other domestic use. (Ord. 529, passed 5-9-1985)

§ 51.17 CROSS-CONNECTIONS PROHIBITED.

(A) The installation or maintenance of a cross-connection which will endanger the water quality of the potable water supply system of the city shall be unlawful and is prohibited. Any such cross-connection now existing or hereafter installed is hereby declared to be a public hazard and the same shall be abated.

(B) The control or elimination of cross-connections shall be in accordance with this chapter and in compliance with the Oregon Administrative Rules Chapter 333, Public Water Systems, Section 42-230. The Superintendent shall have the authority to establish requirements more stringent than state regulations if he or she deems that the conditions so dictate. The city shall adopt rules and regulations as necessary to carry out the provisions of this chapter.

(C) The Building Official is hereby authorized to enforce the provisions of this chapter in the inspection of existing, new and remodeled buildings. (Ord. 529, passed 5-9-1985) Penalty, see § 51.99

§ 51.18 BACKFLOW PREVENTION DEVICES.

(A) No water service connection to any premises shall be installed or maintained by the city unless the water supply is protected as required by state law and regulation and this subchapter. Service of water to any premises shall be discontinued by the city if a backflow prevention device required by this subchapter is not installed, tested and maintained, or if it is found that a backflow prevention device has been removed, bypassed, or if unprotected cross-connection exists on the premises. Service will not be restored until the conditions or defects are corrected.

(B) The customer's system should be open for inspection and tests at all reasonable times to

authorized representatives of the city to determine whether cross-connections or other structural or sanitary hazards, including violations of these regulations, exist. When such a condition becomes known, the Superintendent shall deny or immediately discontinue service to the premises by providing for a physical break in the service line until the customer has corrected the condition(s) in conformance with the state and city statutes relating to plumbing and water supplies and the regulations adopted pursuant thereto.

(C) An approved backflow prevention device shall also be installed on each service line to a customer's water system at or near the property line or immediately inside the building being served, but in all cases, before the first branch line leading off the service line.

(D) Backflow prevention devices shall be installed under circumstances, including but not limited to the following:

- (1) Premises having an auxiliary water supply;
- (2) Premises having cross-connections that are not correctable, or intricate plumbing arrangements which make it impractical to ascertain whether or not cross-connections exist;
- (3) Premises where entry is restricted so that inspections for cross-connections cannot be made with sufficient frequency or at sufficiently short notice to assure that cross-connections do not exist;
- (4) Premises having a history of cross-connections being established or reestablished;
- (5) Premises on which any substance is handled under pressure so as to permit entry into the public water supply, or where cross-connection could reasonably be expected to occur. This shall include the handling of process waters and cooling waters;
- (6) Premises where materials of a toxic or hazardous nature are handled in such a way that if back-siphonage should occur, a serious health hazard might result; and
- (7) The following types of facilities will fall into 1 of the above categories where a backflow

prevention device is required to protect the public water supply. A backflow prevention device shall be installed at these facilities unless the city determines that no hazard exists:

- (a) Lumber and plywood mills;
- (b) Laboratories and clinics;
- (c) Metal plating industries;
- (d) Sewage treatment plants;
- (e) Food or beverage processing plants;
- (f) Petroleum processing or storage plants;
- (g) Facilities with fire service lines as specified by Oregon State Health Division; and
- (h) Others specified by the city.

(E) The type of protective device required shall depend on the degree of hazard which exists:

- (1) An air-gap separation or a reduced-pressure-principle backflow prevention device shall be installed where the public water supply may be contaminated with sewage, industrial waste of a toxic nature or other contaminant which could cause a health or system hazard; or
- (2) In the case of a substance which may be objectionable but not hazardous to health, a double check valve assembly, air-gap separation, or a reduced-pressure-principle backflow prevention device shall be installed.

(F) Backflow prevention devices required by this chapter shall be installed under the supervision and with the approval of the city.

(G) Any protective device required by this chapter shall be approved by the Superintendent.

(H) These devices shall be furnished and installed by and at the expense of the customer.

(I) (1) It shall be the duty of the customer-user at any premises where backflow prevention

devices are installed to have certified inspections and operational tests made at least once per year. In those instances where the Superintendent deems the hazard to be great enough he or she may require certified inspections at more frequent intervals.

(2) These inspections and tests shall be at the expense of the water user and shall be performed by a certified tester approved by the Superintendent. It shall be the duty of the Superintendent to see that these timely tests are made. The customer-user shall notify the Superintendent in advance when the tests are to be undertaken so that the Superintendent or a representative may witness the tests if so desired.

(3) These devices shall be repaired, overhauled or replaced at the expense of the customer-user whenever the devices are found to be defective. Records of these tests, repairs and overhaul shall be kept and copies sent to the Superintendent.

(J) No underground sprinkling device will be installed without adequate backflow prevention devices.

(K) Failure of the customer to cooperate in the installation, maintenance, testing or inspection of backflow prevention devices required by this chapter or by state law shall be grounds for the termination of water service to the premises.
(Ord. 529, passed 5-9-1985)

§ 51.19 CROSS-CONNECTION INSPECTION.

(A) No water shall be delivered to any structure hereafter built within the city or within areas served by city water until the same shall have been inspected by the city for possible cross-connections and been approved as being free of same.

(B) Any construction for industrial or other purposes which is classified as hazardous facilities where it is reasonable to anticipate intermittent cross-connections, or as determined by the Superintendent, shall be protected by the installation of 1 or more backflow prevention devices at the point of service from the public water supply or any other location designated by the city.

(C) Inspections shall be made at the discretion of the Superintendent of all buildings, structures or

improvements for the purpose of ascertaining whether cross-connections exist. These inspections shall be made by the city.
(Ord. 529, passed 5-9-1985)

§ 51.20 LIABILITY.

This section shall not be construed to hold the city responsible for any damage to persons or property by reason of the inspection or testing herein, or the failure to inspect or test by reason of approval of any cross-connections.
(Ord. 529, passed 5-9-1985)

RATES AND CHARGES

§ 51.30 BILLS DUE.

For the purpose of making and collecting charges for water used by consumers, all water bills for each month shall be due and payable 15 days after the date of billing.
(Ord. 529, passed 5-9-1985)

§ 51.31 DELINQUENT PAYMENTS.

(A) All charges for water supplied during any month shall be paid not later than 30 days after billing date. If the charges are not paid prior to the thirty-first day after billing, the water may be turned off for any premises against which these charges have been made. On failure to comply with the rules and regulations established as a condition to the use of water, or on failure to pay the water rents in the time and manner provided in this chapter, the water shall be shut off until there is compliance or there is payment of the amount due to the time the water is again turned on. There shall be a charge, the amount to be set by resolution, for the expense of turning the water on after it has been shut off pursuant to the provisions of this section.

(B) If a renter of property moves from the premises and leaves an unpaid water rent, the owner shall be notified of the amount of the arrearage and given 30 days in which to pay. If amounts remain unpaid after 30 days, the Clerk shall report the

amount due, including 10% thereof for administrative costs, together with the name or names of the owner or owners of record of the real property, to the Recorder and the same shall become a lien against the property and entered in the city lien docket as directed by the City Council, to bear interest at the standard rate per annum from the date of the end of the 30-day period.

(Ord. 529, passed 5-9-1985; Ord. 529-A, passed 1-11-1990; Res. 89-90-4, passed 1-11-1990)

§ 51.32 DEPOSITS.

(A) All residents, owners and renters alike, shall, before having water turned on in the premises they are to occupy, make a cash deposit, to be set by resolution, with the Clerk of the Water Department as a guarantee of payment of current bills, and receive a receipt therefor before water service is extended to them.

(Am. Ord. 529-A, passed 1-11-1990; Res. 89-90-4, passed 1-11-1990)

(B) When service is discontinued, any balance on deposit, less any sum which may be due for unpaid water bills, will be returned to that customer upon surrender of the deposit receipt.

(Ord. 529, passed 5-9-1985)

§ 51.33 VACATION OF PREMISES.

When a residence or business building is vacated, the meter will be read and then padlocked. Until the time that a new tenant pays the required deposit and water is turned on by the Water Department, no monthly charge for unused water will be made.

(Ord. 529, passed 5-9-1985)

§ 51.34 MONTHLY RATES WITHIN THE CITY.

(A) Minimum rates as specified by resolution are the minimum rates to be charged each month from the date of this chapter for all water consumed within the city. The minimum monthly rate shall be charged each month and will not be reduced due to nonconsumption of water. A minimum monthly fee, set by resolution, will be charged for hookups not in

use.

(B) A person who is 62 years of age or older or proven permanently disabled, with no source of income except social security or other disability payments, will be entitled to a reduced household rate set by resolution, on making application for this rate. The overage rate shall not be reduced.

(C) Duplex household, motels, auto courts, trailer courts and apartments shall, if connected all on 1 meter, be charged with 1 minimum rate each, plus a rate per 100 cubic feet, or fraction thereof, over and above a monthly allowance of 750 cubic feet total, for all water passing through the meter, and the same shall be billed monthly to the owner, agent or representative of the premises, who shall be responsible for payment of the same. Rates are set forth by resolution.

(Ord. 529, passed 5-9-1985; Am. Ord. 529-A, passed 1-11-1990; Res. 89-90-4, passed 1-11-1990)

§ 51.35 MONTHLY RATES OUTSIDE THE CITY.

(A) Rates as specified by resolution are the minimum rates to be charged each month from the date of this chapter for all chemically treated water consumed outside the city, unless other rates are specifically negotiated and agreed upon by the city and outside users.

(B) Where 2 or more units are connected on 1 meter, 1 flat fee shall be charged on 1 unit, with an additional fee per unit additional, plus a fee per 100 cubic feet, or fraction thereof, over and above a monthly allowance of 750 cubic feet total, for all water passing through the meter, and the same shall be billed monthly to the owner, agent or representative of the premises, who shall be responsible for payment of same. Fees are set forth by resolution.

(Ord. 529, passed 5-9-1985; Am. Ord. 529-A, passed 1-11-1990; Res. 89-90-4, passed 1-11-1990)

§ 51.36 USE OF WATER DURING FIRE.

The use of water for sprinkling, irrigation or any such purpose during the time a fire is in progress may be prohibited, and consumers may be required to shut

off all such water service if directed by the Fire Chief or his or her duly authorized representative, and to refrain from this use of water until the fire has been extinguished. Failure to do so in compliance with this regulation will be grounds for discontinuance of service without notice.

(Ord. 529, passed 5-9-1985; Am. Ord. 529-A, passed 1-11-1990)

§ 51.99 PENALTY.

(A) Violation of any provision of this chapter, unless otherwise noted, is punishable by a fine not to exceed \$300. Each violation constitutes a separate offense.

(Ord. 529, passed 5-9-1985; Am. Ord. 561, passed 11-12-1992)

(B) Any person violating any of the provisions of § 51.05 shall, upon conviction thereof, be punished by a fine of not more than \$50. Each act or violation of this section will be adjudicated as a separate offence and be so punishable.

(Ord. 559, passed 6-25-1992)

CHAPTER 52: SEWER REGULATIONS

Section

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GENERAL PROVISIONS

§ 52.01 DEFINITIONS.

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

ASTM SPECIFICATIONS. All references to the form **ASTM** shall mean the standard specification, ~~in its entirety~~, of the American Society for Testing and Materials of the serial designation indicated by the number and, unless otherwise stated, refer to the latest adopted revision of the specification or method.

BOD (denoting **BIOCHEMICAL OXYGEN DEMAND**). The quantity of oxygen utilized in the biochemical oxidation of organic matter under a standard laboratory procedure in 5 days at 20°C, expressed in parts per million by weight.

BUILDING DRAIN. That part of the lowest horizontal piping or 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 5 feet outside the inner face of the building wall.

BUILDING SEWER. The extension from the building drain to the property line or right-of-way line and connection with the public sewer service connection.

CITY ENGINEER. The City Engineer of the City of Willamina or his or her authorized deputy, agent or representative.

CONNECTION CHARGE. The fee levied by the city to cover the cost of inspection and construction of the public sewer lateral to the property which is to be serviced, for a portion of the construction cost of the lateral sewers, and other administrative costs.

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

INDUSTRIAL WASTES. The liquid wastes from industrial processes, as distinct from sanitary sewage.

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

PERSON. Any individual, firm, company, association, society, corporation or group.

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

PROPERLY SHREDDED GARBAGE. The wastes from the preparation, cooking and dispensing of foods that have been shredded to the degree that all particles will be carried freely under the flow and conditions normally prevailing in public sewers, with no particle greater than 1/2 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 waters are not intentionally admitted.

SERVICE CONNECTION. A public sewer which has been constructed to property line or right-of-way from a public sewer lateral or main for the sole purpose of providing a connection for the building sewer.

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

SEWAGE SYSTEM. All city-owned facilities for collecting, pumping, treating and disposing of sewage.

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

SEWER. A pipe or conduit for carrying sewage.

STORM SEWER and STORM DRAIN. A sewer which carries storm and surface waters and drainage, but excludes sewage and polluted industrial wastes.

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

WATERCOURSE. A channel in which a flow of water occurs, either continuously or intermittently. (Ord. 532, passed 1-30-1986)

§ 52.02 USE OF PUBLIC SEWERS REQUIRED.

(A) It shall be unlawful for any person to place, deposit or permit to be deposited in any unsanitary manner upon public or private property within the city or in any area under the jurisdiction of the city any human 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 unsanitary sewage, industrial wastes or other polluted waters, except where suitable treatment has been provided in

accordance with subsequent provisions of this chapter.

(C) 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 within the corporate limits of the city, or in any area under the jurisdiction of the city.

(D) The owners of all houses, buildings or properties 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 sewer of the city, are hereby required at their expense to install suitable toilet facilities therein and to connect the facilities directly with the proper public sewer, either by gravity or with approved pumping facilities, in accordance with the provisions of this chapter, within 90 days after the date of official notice to do so; provided that the public sewer is available to or on the property and/or at a property line of the property and the structures or buildings are within 300 feet of the public sewer. (Ord. 532, passed 1-30-1986) Penalty, see § 52.99

CONNECTIONS; PROHIBITIONS

§ 52.15 BUILDING SEWERS AND CONNECTIONS.

(A) No unauthorized person shall uncover, make any connections with or opening into, use, alter or disturb any public sewer or appurtenances thereto, and no person, firm or corporation shall make any connection to any part of the sewer system without first making an application and securing a permit therefor.

(B) There shall be 2 classes of building sewer permits, one for residential and commercial service, another for service to establishments producing industrial wastes. In either case, the owner or his or her agent shall make application on a special form furnished by the city. The permit applications shall be supplemented by any plans, specifications or other information considered pertinent to the Engineer's judgment. A permit and inspection fee, set by resolution, shall be paid to the City Recorder at the

time the application is filed, 80% of which shall be refunded after final approval by the Engineer. No permit shall be issued until the connection charge specified in § 52.45 has been paid, or financing arrangements have been made for installment payments on terms allowed by the city.

(C) All costs and expenses 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.

(D) Old building sewers may be used in connection with new buildings or new building sewers only when they are found, on examination and testing by the City Engineer to meet all requirements of this chapter.

(E) 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 all conform to the requirements of the State Plumbing Code and other applicable regulations of the city.

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

(G) The connection of the building sewer to the public sewer shall conform to the requirements of the State Plumbing Code and other applicable regulations of the city. Each connection shall be made gastight and watertight. Any deviation from the prescribed procedures and materials must be approved by the Engineer before installation.

(H) The applicant for building sewer permit shall notify the City Engineer when the building sewer is ready for inspection and connection to the building drain as defined in § 52.01, unless otherwise authorized by the City Engineer. A 30-minute internal hydrostatic test will be required on all building sewers before connection is made to the building drain. All water, plugs and other facilities for making the test shall be furnished by the applicant. Minimum head over the top of the pipe

shall be 2 feet, and maximum allowable leakage shall be 4 gallons per hour per 100 feet.

(I) No plumbing contractors shall be allowed to make connections of building sewers to the sewage works of the city on behalf of any owners of property therein without first posting with the city a bond in a sum set by resolution, indemnifying the city and the inhabitants thereof against any loss or damage which the city or the inhabitants thereof might suffer by reason of the actions of those contractors in making the connections.

(Ord. 532, passed 1-30-1986; Am. Ord. 532-A, passed 12-14-1989; Res. 89-90-5, passed 12-14-1989) Penalty, see § 52.99

§ 52.16 USE OF PUBLIC SEWERS; PROHIBITED OR REGULATED DISCHARGES.

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

(B) Stormwater and all other unpolluted drainage shall be discharged to those sewers that are specifically designed as storm sewers or to a natural outlet approved by the City Engineer. Industrial cooling water or unpolluted process water may be discharged, upon approval of the City Engineer, to a storm sewer or natural outlet.

(C) Except as hereinafter provided, no person shall discharge or cause to be discharged any of the following described water or wastes to any public sewer:

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

(2) Any gasoline, grease, oils, paint, benzene, naphtha, fuel oil or other flammable or explosive liquid, solid or gas;

(3) Any ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, paunch manure, or any other solid or viscous substance capable of causing obstructions to the flow in sewers or other interference with the proper

operation of the sewage works;

(4) Any waters or wastes containing a toxic or poisonous substance in sufficient quantity to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals or create any hazard in the receiving waters of the sewage treatment plant;

(5) Any waters or wastes having a pH lower than 5.5 or higher than 9.0 or having any other corrosive property capable of causing damage or hazard to structures, equipment and personnel of the sewage works;

(6) Any waters or wastes containing suspended solids of a character and quantity that unusual attention or expense is required to handle the material at the sewage treatment plant; or

(7) Any noxious or malodorous gas or substance capable of creating a public nuisance, including the contents of septic tanks and cesspools, without written consent of the City Engineer.

(D) Grease, oil and sand interceptors shall be provided when, in the opinion of the City Engineer, they are necessary for the proper handling of liquid wastes containing grease in excessive amount, or any flammable wastes, sand and other harmful ingredients; except that these interceptors shall not be required for private living quarters. All interceptors shall be of a type and capacity approved by the City Engineer and shall be located so as to be readily and easily accessible for cleaning and inspection, and shall be maintained by the owner, at his or her expense, in continuously efficient operations at all times.

(E) (1) The admission into the public sewers of any water or wastes having the following properties in divisions (a) through (c) below shall be subject to the review and approval of the City Engineer:

(a) Having a 5-day biochemical oxygen demand greater than 300 parts per million by weight;

(b) Containing more than 350 parts per million by weight of suspended solids; or

(c) Having an average daily flow

greater than 2% of the average daily sewage flow of the city.

(2) Where necessary, in the opinion of the City Engineer, the owner shall provide, at his or her expense, any preliminary treatment as may be necessary. The design and installation of the proposed preliminary treatment facilities shall be subject to the review of the City Engineer, in addition to compliance with the requirements of all applicable codes, ordinances and laws.

(F) When required by the City Engineer, the owner of any property served by a building sewer carrying industrial wastes shall install a suitable control manhole in the building sewer to facilitate observation, sampling and measurement of the wastes. This manhole, when required, shall be accessible at all times.

(G) Where preliminary treatment 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.

(H) All measurements, tests and analyses of the characteristics of waters and wastes to which reference is made above shall be determined in accordance with *Standard Methods for the Examination of Water and Sewage*, and shall be determined at the 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.

(I) No statement contained in this section 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.
(Ord. 532, passed 1-30-1986)

(J) A storm sewer connected to the sanitary sewer is considered a cross-connection and is prohibited. Any such cross-connection now existing or hereafter installed is hereby declared to be a public hazard and the same shall be abated.
(Ord. 575, passed 6-29-1995)
Penalty, see § 52.99

§ 52.17 PROTECTION FROM DAMAGE.

No person or persons shall unlawfully, maliciously, willfully or, as the result of gross negligence on his, her or their part, break, damage, destroy, uncover, deface or tamper with any structure, facility, appurtenance or equipment which is a part of the sanitary sewer system of the city. This section does not apply, however, to any employee of the city during the time he or she is engaged in his or her official employment, nor to any person or persons authorized to work in any manner thereon.
(Ord. 532, passed 1-30-1986) Penalty, see § 52.99

§ 52.18 RESPONSIBILITY OF PROPERTY OWNERS; LIMITATION OF CITY LIABILITY.

(A) (1) It is the responsibility of the property owner to maintain and keep in good repair the building drain and building sewer to assure no sewage is leaked and/or infiltrates into the ground.

(2) Whenever leaks in the building drain and/or building sewer are determined, the Utility Superintendent may, at his or her discretion, report the same to the City Council, designating the description of the property, the owner or owners of record of the property, the nature of the maintenance that is deemed necessary to be done, and that in his or her judgment repair thereof is necessary. Failure to notify property owner of needed repairs shall not relieve the property owner of liability.

(3) The City Council, upon receipt of this report from the Utility Superintendent and deeming the repair necessary, may direct that the owner or owners make the needed repairs by notifying the owner or owners in writing by mail, if the address of the owner or owners is known; if not known, by posting notice thereof on the property involved. This notice shall direct that owner or owners make and complete the repairs, in the manner described in the notice, on or before 30 days after the mailing or posting of the notice. This notice is to be given or posted by or under the direction of the City Recorder. An error in the name or address of the owner of the property shall not make the notice void.

(4) In the event the owner or owners fails

or refuses to make and complete the repairs as notified of within 30 days after the mailing or posting of notice, the City Utility Superintendent may proceed to cause the repairs to be made.

(5) The City Engineer, Public Works Director and other duly authorized employees of the city bearing proper credentials and identification shall be permitted to enter upon all properties for the purpose of repair at a time and during such hours as the Council shall approve.

(6) When repairs are complete, the Superintendent shall report the cost thereof, including 10% thereof for administrative costs, together with the name or names of the owner or owners of record of the real property, to the Recorder and the same shall become a lien against the property and entered in the city lien docket as directed by the City Council to bear interest at the standard rate per annum from the date at the end of the 30-day period.

(B) This section shall not be construed to hold the city responsible for any damage to persons or property by reason of the inspection or testing, or the failure to inspect or test by reason of approval of sanitary sewers.
(Ord. 575, passed 6-29-1995)

ENFORCEMENT

§ 52.30 POWERS AND AUTHORITY OF INSPECTORS.

The City Engineer and other duly authorized employees of the city bearing proper credentials and identification shall be permitted to enter upon all properties for the purposes of inspection, observation, measurement, sampling and testing in accordance with the provisions of this chapter at the times and during those hours as the Council shall approve.
(Ord. 532, passed 1-30-1986)

RATES AND CHARGES

§ 52.45 CONNECTION CHARGES.

(A) All houses, buildings or properties used for human occupancy, employment, recreation or other purposes which are required to connect to the public sewer under the provisions of this chapter shall pay a connection charge for each separate service connection to the property.

(B) When 1 service connection serves 2 or more property owners, each property owner shall pay a connection charge.

(C) Any person making connections to the public sewer system shall pay a service connection charge of \$150, the charge being a fee to defray the cost of permitting and inspection of the service connection. In addition, the installation or and associated cost of installation of the service connection from the public main to the building sewer shall be the sole responsibility of the person making the service connection. The \$150 service connection charge will be waived if the owner can show that a per square foot assessment has previously been paid on the property.
(Am. Ord. 532-A, passed 12-14-1989; Res. 89-90-5, passed 12-14-1989; Am. Ord. 569, passed 10-27-1994)

(D) At any time when any improvement which is connected to the municipal sewer system is destroyed by fire or is torn down and no longer connected to the sewer system, the owner thereof shall file a certificate with the City Recorder stating to the date of destruction or removal of the improvements and pay up all sewer service charges from the date of the destruction or removal, and thereafter there shall be no monthly service charge made to the property until new improvements are placed on the premises and connected to the sewer system; and it is further provided that when the property which is removed from the sewer service charges is reconnected to the sewer, the City Recorder shall check in the records and determine whether or not the property has paid into the Sewer User Fund an amount equal to the sums set up as of the date the property is reconnected to the sewer system, then no additional charges will be made. If not, then in that event, upon re-hooking up the property to the municipal sewer system, the owner of the property shall pay the difference between the amount theretofore paid into the city and the amount accruing under this section.

(E) The City Recorder, upon receipt of a certificate of destruction or removal of improvements to property connected to the municipal sewer system, shall present the certificate at the next Council meeting; and the Council shall then consider the matter and, upon adoption of a resolution removing the property from the sewer service charge rolls, the Recorder shall make proper notation in the proper record of the city and remove the property from the monthly sewer charges until the property is again hooked up to the municipal sewer system. (Ord. 532, passed 1-30-1986)

§ 52.46 SEWER USER CHARGES.

(A) (1) The just and equitable charges aforesaid are hereby established, determined and declared to be as set by resolution. (Am. Ord. 532-A, passed 12-14-1989; Res. 89-90-5, passed 12-14-1989)

(2) If amounts remain unpaid after 30 days, the clerk shall report the amount due, including 10% thereof for administrative costs, together with the name or names of the owner or owners of record of the real property, to the Recorder, and the same shall become a lien against the property and entered in the city lien docket as directed by the City Council to bear interest at the standard rate per annum from

the date at the end of the 30-day period. (Am. Ord. 561, passed 11-12-1992)

(B) When no water is used in a building or residence because the building or residence has been vacated, sewer charges will be terminated until a new tenant or owner deposits the required amount to reinstate water service. At that time, the appropriate sewer charges will be included with the monthly water bill as stated in division (A) of this section. (Ord. 532, passed 1-30-1986)

§ 52.99 PENALTY.

(A) Violations of any provision of this chapter, except §§ 52.17 and 52.18, is punishable by a maximum fine of \$300 for each offense or violation thereof. (Am. Ord. 561, passed 11-12-1992)

(B) Any person or persons violating any of the provisions of § 52.17 of this chapter shall be guilty of disorderly conduct and, upon conviction thereof, shall be punished by a fine as set by resolution. (Ord. 532, passed 1-30-1986; Am. Ord. 532-A, passed 12-14-1989; Res. 89-90-5, passed 12-14-1989)

TITLE VII: TRAFFIC CODE

Chapter

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CHAPTER 70: GENERAL REGULATIONS

Section

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- 70.07 Resolutions effective
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- (2) Designation of 1-way streets, per O.R.S. 810.130;
- (3) Designation of truck routes, per O.R.S. 810.040;
- (4) Designation of parking meter zones;
- (5) Restriction of the use of certain streets by any class or kind of vehicle to protect the streets from damage, per O.R.S. 810.060;

Pedestrians

- 70.20 Use of crosswalks required
- 70.21 Crossing at right angles

- 70.99 Penalty

- (6) Authorization of greater maximum weights or lengths for vehicles using city streets than specified by state law, per O.R.S. 810.050;
- (7) Initiation of proceedings to change speed zones, per O.R.S. 810.180; and

GENERAL PROVISIONS; ADMINISTRATION

- (8) Revision of speed limits in parks, per O.R.S. 810.180.
(Ord. 428, passed 8-12-1976)

§ 70.01 SHORT TITLE.

This title may be cited as “Willamina Uniform Traffic Ordinance” or “city traffic code.” (Ord. 428, passed 8-12-1976)

§ 70.03 DUTIES OF CHIEF OF POLICE.

The Chief of Police or his or her designate shall exercise the following duties:

§ 70.02 POWERS OF COUNCIL.

(A) Subject to state laws, the City Council shall exercise all municipal traffic authority for the city except those powers specifically and expressly delegated herein or by another ordinance.

(A) Implement the ordinances, resolutions and motions of the Council and his or her own orders by installing, maintaining, removing and altering traffic control devices. This installation shall be based on the standards contained in the *Oregon Manual on Uniform Traffic Control Devices for Streets and Highways*;

(B) The powers of the Council shall include but not be limited to:

(B) Establish, remove or alter the following classes of traffic controls:

- (1) Designation of through streets, per O.R.S. 810.110;

- (1) Crosswalks, per O.R.S. 810.080, safety zones, per O.R.S. 810.130, and traffic lanes per

O.R.S. 810.140;

(2) Intersection channelization and areas where drivers of vehicles shall not make right, left or U-turns, and the time when the prohibition applies, per O.R.S. 810.130; and

(3) Parking areas and time limitations, including the form of permissible parking (e.g., parallel or diagonal), per O.R.S. 810.160.

(C) Issue oversize or overweight vehicle permits, per O.R.S. 818.200 through 818.270. (Ord. 428, passed 8-12-1976)

§ 70.04 PUBLIC DANGER.

Under conditions constituting a danger to the public, the Chief of Police or his or her designate may install temporary traffic control devices deemed by him or her to be necessary. (Ord. 428, passed 8-12-1976)

§ 70.05 STANDARDS.

The regulations of the Chief of Police or his or her designate shall be based upon:

(A) Traffic engineering principles and traffic investigations;

(B) Standards, limitations and rules promulgated by the Oregon Transportation Commission; and

(C) Other recognized traffic control standards. (Ord. 428, passed 8-12-1976)

§ 70.06 AUTHORITY OF POLICE AND FIRE OFFICERS.

(A) It shall be the duty of police officers to enforce the provisions of this title.

(B) In the event of a fire or other public emergency, officers of the Police and Fire Departments may direct traffic as conditions require, notwithstanding the provisions of this title. (Ord. 428, passed 8-12-1976)

§ 70.07 RESOLUTIONS EFFECTIVE.

(A) Regulations set by resolution shall take effect upon passage and adoption of the resolution and the resolution shall state the prior resolution or portion thereof to be rescinded.

(B) A copy of the resolution shall be filed in the ordinance book of the city upon passage and adoption.

(C) Resolutions shall be reviewed and updated periodically by the City Council. (Ord. 563, passed 10-28-1993)

§ 70.08 DEFINITIONS.

(A) For the purpose of this title, in addition to those definitions contained in the Oregon Vehicle Code, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

BUS STOP. A space on the edge of a roadway designated by sign for use by buses loading or unloading passengers.

HOLIDAY. New Year's Day, Independence Day, Labor Day, Thanksgiving Day, Christmas Day and any other day proclaimed by the Council to be a holiday.

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

MOTOR VEHICLE. Every vehicle that is self-propelled, including tractors, fork-lift trucks, motorcycles, road building equipment, street cleaning equipment and any other vehicle capable of moving under its own power, notwithstanding that the vehicle may be exempt from licensing under the motor vehicle laws of Oregon.

PERSON. A natural person, firm, partnership, association or corporation.

STREET. Highway, road or street as

defined in O.R.S. 801.305.

TAXICAB STAND. A space on the edge of a roadway designated by sign for use by taxicabs.

TRAFFIC LANE. That area of the roadway used for the movement of a single line of traffic.

VEHICLE. As used in subsequent sections of this chapter, includes bicycles.

(B) As used in this chapter, the singular includes the plural, and the masculine includes the feminine.
(Ord. 428, passed 8-12-1976)

PEDESTRIANS

§ 70.20 USE OF CROSSWALKS REQUIRED.

No pedestrian shall cross a street other than within a crosswalk in blocks with marked crosswalks or if within 150 feet of a marked crosswalk.

(Ord. 428, passed 8-12-1976) Penalty, see § 70.99

§ 70.21 CROSSING AT RIGHT ANGLES.

A pedestrian shall cross a street at a right angle, unless crossing within a crosswalk.
(Ord. 428, passed 8-12-1976)

§ 70.99 PENALTY.

(A) Any person who violates any provision of this chapter for which no penalty is provided shall be subject to the terms of § 10.99.

(B) Violation of §§ 71.01 through 71.03, 71.05 and 71.06 is punishable by fine not to exceed \$100.

(C) Violation of §§ 70.20, 70.21, 71.30 through 71.35, 72.01 through 72.10, 73.01 and 73.03 is punishable by fine not to exceed \$50.
(Ord. 428, passed 8-12-1976; Am. Ord. 552, passed 6-13-1991)

CHAPTER 71: TRAFFIC REGULATIONS

Section

General Regulations

- 71.01 Crossing private property
- 71.02 Unlawful riding
- 71.03 Sleds on streets
- 71.04 Skateboards, skates and similar devices
- on sidewalks
- 71.05 Damaging sidewalks and curbs
- 71.06 Removing glass and debris

Parades and Processions

- 71.30 Prohibited activity
- 71.31 Parade permit
- 71.32 Appeal to Council
- 71.33 Offenses against parade
- 71.35 Funeral procession

GENERAL REGULATIONS

§ 71.01 CROSSING PRIVATE PROPERTY.

No operator of a vehicle shall proceed from one street to an intersection street by crossing private property. This provision shall not apply to the operator of a vehicle who stops on the property for the purpose of procuring or providing goods or services.
(Ord. 428, passed 8-12-1976) Penalty, see § 70.99

§ 71.02 UNLAWFUL RIDING.

- (A) No operator shall permit a passenger and no

passenger shall ride on a vehicle upon a street except on a portion of the vehicle designed or intended for the use of passengers. This provision shall not apply to an employee engaged in the necessary discharge of a duty or to a person riding within a truck body in space intended for merchandise.

(B) No person shall board or alight from a vehicle while the vehicle is in motion upon a street.
(Ord. 428, passed 8-12-1976) Penalty, see § 70.99

§ 71.03 SLEDS ON STREETS.

No person shall use the streets for traveling on skis, toboggans, sleds or similar devices, except where authorized.

71.34 Pen. 428, passed 8-12-1976) Penalty, see § 70.99

§ 71.04 SKATEBOARDS, SKATES AND SIMILAR DEVICES ON SIDEWALKS.

No person shall travel on skateboards, roller skates, in-line skates or similar devices upon the sidewalks on the main thoroughfares of the city.
(Ord. 562, passed 6-24-1993) Penalty, see § 70.99

§ 71.05 DAMAGING SIDEWALKS AND CURBS.

(A) The operator of a motor vehicle shall not drive upon a sidewalk or roadside planting strip except to cross at a permanent or temporary driveway.

(B) No unauthorized person shall place dirt, wood or other material in the gutter or space next to

the curb of a street with the intention of using it as a driveway.

(C) No person shall remove a portion of a curb or move a motor vehicle or device moved by a motor vehicle upon a curb or sidewalk without first obtaining authorization and posting bond if required. A person who causes damage shall be held responsible for the cost of repair.
(Ord. 428, passed 8-12-1976) Penalty, see § 70.99

§ 71.06 REMOVING GLASS AND DEBRIS.

A party to a vehicle accident or a person causing broken glass or other debris to be upon a street shall remove the glass and other debris from the street.
(Ord. 428, passed 8-12-1976) Penalty, see § 70.99

PARADES AND PROCESSIONS

§ 71.30 PROHIBITED ACTIVITY.

No person shall organize or participate in a parade which may disrupt or interfere with traffic without obtaining a permit. A permit shall always be required of a procession of people utilizing the public right-of-way and consisting of 15 or more persons or 5 or more vehicles.
(Ord. 428, passed 8-12-1976) Penalty, see § 70.99

§ 71.31 PARADE PERMIT.

(A) Application for parade permits shall be made to the Chief of Police at least 15 days prior to the intended date of the parade, unless the time is waived by him or her.

(B) Applications shall include the following information:

- (1) The name and address of the person responsible for the proposed parade;
- (2) The date of the proposed parade;
- (3) The desired route, including assembling points;

(4) The number of persons, vehicles and animals which will be participating in the parade;

(5) The proposed starting and ending time; and

(6) The application shall be signed by the person designated as chairperson.

(C) If the Chief of Police, upon receipt of the application, determines that the parade can be conducted without endangering public safety and without seriously inconveniencing the general public, he or she shall approve the route and issue the permit.

(D) If the Chief of Police determines that the parade cannot be conducted without endangering public safety or seriously inconveniencing the general public, he or she may:

- (1) Propose an alternate route;
- (2) Propose an alternate date; or
- (3) Refuse to issue a parade permit.

(E) The Chief of Police shall notify the applicant of his or her decision within 5 days of receipt of the application.

(F) If the Chief of Police proposes alternatives or refuses to issue a permit, the applicant shall have the right to appeal his or her decision to the City Council.

§ 71.32 APPEAL TO COUNCIL.

(A) An applicant may appeal the decision of the Chief of Police by filing a written request of appeal with the City Recorder within 5 days after the Chief of Police has proposed alternatives or refused to issue a permit.

(B) The Council shall schedule a hearing date which shall not be later than the second regular session following the filing of the written appeal with the City Recorder and shall notify the applicant of the date and time that he or she may appear, either in person or by a representative.
(Ord. 428, passed 8-12-1976)

§ 71.33 OFFENSES AGAINST PARADE.

(A) No person shall unreasonably interfere with a parade or parade participant.

(B) No person shall operate a vehicle that is not part of a parade between the vehicles or persons comprising a parade.

(Ord. 428, passed 8-12-1976) Penalty, see § 70.99

§ 71.34 PERMIT REVOCABLE.

The Chief of Police may revoke a parade permit if circumstances clearly show that the parade can no longer be conducted consistent with public safety.

(Ord. 428, passed 8-12-1976)

§ 71.35 FUNERAL PROCESSION.

(A) A funeral procession shall proceed to the place of interment by the most direct route which is both legal and practicable.

(B) The procession shall be accompanied by adequate escort vehicles for traffic control purposes.

(C) All motor vehicles in the procession shall be operated with their lights turned on.

(D) No person shall unreasonably interfere with a funeral procession.

(E) No person shall operate a vehicle that is not a part of the procession between the vehicles of a funeral procession.

(Ord. 428, passed 8-12-1976) Penalty, see § 70.99

CHAPTER 72: PARKING REGULATIONS

Section

Regulations

- 72.01 Method of parking
- 72.02 Prohibited parking or standing
- 72.03 Prohibited parking; purposes
- 72.04 Use of loading zone

- 72.06 Standing or parking of buses and taxicabs
- 72.07 Restricted use of bus and taxicab stands

- 72.08 Lights on parked vehicles
- 72.09 Extension of parking time
- 72.10 Exemption

Parking Citations and Owner Responsibilities

- 72.20 Citation on illegally parked vehicle
- 72.21 Failure to comply with citation on parked vehicle
- 72.22 Owner responsibility
- 72.23 Registered owner presumption

Impoundment

- 72.35 Statutory traffic offenses; violations
- 72.36 Impoundment of motor vehicles
- 72.37 Hearing request
- 72.38 Conditions of release
- 72.39 Hearing for impounded vehicles
- 72.40 Impoundment of obstructing vehicles

REGULATIONS

§ 72.01 METHOD OF PARKING.

(A) Where parking space markings are placed on a street, no person shall stand or park a vehicle other than in the indicated direction and, unless the size or shape of the vehicle makes compliance impossible, within a single marked space.

- 72.05 Unattended Vehicle. The operator who first begins maneuvering a motor vehicle into a vacant parking space on a street shall have priority to park in that space, and no other vehicle operator shall attempt to interfere.

(C) Whenever 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 otherwise directed by police or fire officers.

(Ord. 428, passed 8-12-1976)

§ 72.02 PROHIBITED PARKING OR STANDING.

In addition to the state motor vehicle laws prohibiting parking, no person shall park or stand:

(A) A vehicle in an alley other than for the expeditious loading or unloading of persons or materials, and in no case for a period in excess of 30 consecutive minutes; nor

(B) A motor truck as defined by O.R.S. 801.355 on a street between the hours of 9:00 p.m. and 7:00 a.m. of the following day in front of or adjacent to a residence, motel, apartment house, hotel or other sleeping accommodation, without first obtaining a permit from the city.

(Ord. 428, passed 8-12-1976; Am. Ord. 563, passed 10-28-1993) Penalty, see § 70.99

§ 72.03 PROHIBITED PARKING; PURPOSES.

No operator shall park and no owner shall allow a vehicle to be parked upon a street for the principal purpose of:

- (A) Displaying the vehicle for sale;
 - (B) Repairing or servicing the vehicle, except repairs necessitated by an emergency;
 - (C) Displaying advertising from the vehicle; or
 - (D) Selling merchandise from the vehicle, except when authorized.
- (Ord. 428, passed 8-12-1976) Penalty, see § 70.99

§ 72.04 USE OF LOADING LANE.

No person shall stand or park a vehicle for any purpose or length of time, other than for the expeditious loading or unloading of persons or materials, in a place designated as a loading zone when the hours applicable to that loading zone are in effect. In no case, when the hours applicable to the loading zone are in effect, shall the stop for loading and unloading of materials exceed the time limits posted. If no time limits are posted, then the use of the zone shall not exceed 30 minutes.

(Ord. 428, passed 8-12-1976) Penalty, see § 70.99

§ 72.05 UNATTENDED VEHICLES.

Whenever a police officer shall find a motor vehicle parked or standing unattended with the ignition key in the vehicle, the officer is authorized to remove the key from the vehicle and deliver the key to the person in charge of the police station.

(Ord. 428, passed 8-12-1976)

§ 72.06 STANDING OR PARKING OF BUSES AND TAXICABS.

The operator of a bus or taxicab shall not stand or park the vehicle upon a street in a business district at a place other than a bus stop or taxicab stand, respectively, except that this provision shall not

prevent the operator of a taxicab from temporarily stopping the taxicab outside a traffic lane while loading or unloading passengers.

(Ord. 428, passed 8-12-1976)

§ 72.07 RESTRICTED USE OF BUS AND TAXICAB STANDS.

No person shall stand or park a vehicle other than a taxicab in a taxicab stand, or a bus in a bus stop, except that the operator of a passenger vehicle may temporarily stop for the purpose of and while actually engaged in loading or unloading passengers when stopping does not interfere with a bus or taxicab waiting to enter or about to enter the restricted space.

(Ord. 428, passed 8-12-1976) Penalty, see § 70.99

§ 72.08 LIGHTS ON PARKED VEHICLES.

No lights need be displayed upon a vehicle that is parked in accordance with this chapter upon a street where there is sufficient light to reveal a person or object at a distance of at least 500 feet from the vehicle.

(Ord. 428, passed 8-12-1976)

§ 72.09 EXTENSION OF PARKING TIME.

Where maximum parking time limits are designated by sign, movement of a vehicle within a block shall not extend the time limits for parking.

(Ord. 428, passed 8-12-1976)

§ 72.10 EXEMPTION.

The provisions of this chapter regulating the parking or standing of vehicles shall not apply to a vehicle of the city, county or state or public utility while necessarily in use for construction or repair work on a street, or a vehicle owned by the United States while in use for the collection, transportation or delivery of mail.

(Ord. 428, passed 8-12-1976)

PARKING CITATIONS AND OWNER

RESPONSIBILITIES

§ 72.20 CITATION ON ILLEGALLY PARKED VEHICLE.

Whenever a vehicle without an operator is found parked in violation of a restriction imposed by this chapter or state law, the officer finding the vehicle shall take its license number and any other information displayed on the vehicle which may identify its owner, and shall conspicuously affix to the vehicle a traffic citation instructing the operator to answer to the charge against him or her or pay the penalty imposed within 5 days, during the hours and at a place specified in the citation.
(Ord. 428, passed 8-12-1976)

§ 72.21 FAILURE TO COMPLY WITH TRAFFIC CITATION ON PARKED VEHICLE.

If the operator does not respond to a traffic citation affixed to a vehicle within a period of 5 days, the fine imposed shall double. If the fine still remains unpaid, the city may send to the owner of the vehicle to which the citation was attached a letter informing the owner of the violation and warning him or her that, in the even the letter is disregarded, Department of Motor Vehicles may be notified.
(Ord. 428, passed 8-12-1976; Am. Ord. 563, passed 10-28-1993)

§ 72.22 OWNER RESPONSIBILITY.

The owner of a vehicle placed in violation of a parking restriction shall be responsible for the offense, except when the use of the vehicle was secured by the operator without the owner's consent.
(Ord. 428, passed 8-12-1976)

§ 72.23 REGISTERED OWNER PRESUMPTION.

In a prosecution of a vehicle owner charging a violation of a restriction on parking, proof that the vehicle at the time of the violation was registered to the defendant shall constitute a presumption that the defendant was then the owner in fact.
(Ord. 428, passed 8-12-1976)

IMPOUNDMENT

§ 72.35 STATUTORY TRAFFIC OFFENSES; VIOLATIONS.

(A) Oregon Revised Statutes, Chapters 801 through 822 (the Oregon Vehicle Code Oregon Laws 1997), O.R.S. Chapter 819 (Senate Bill 780, effective October 4, 1997), Chapter 153 and Chapter 823 are hereby incorporated by this reference within the city traffic code as though they were set forth fully therein.

(B) Any violation defined by the Oregon Revised Statute chapters listed in division (A) of this section shall be an identical violation of the city traffic code.
(Ord. 589, passed 1-8-1998)

§ 72.36 IMPOUNDMENT OF MOTOR VEHICLES.

(A) A police officer who reasonably believes that a person is doing any of the following in divisions (1) through (4) below, as these are incorporated within the city traffic code, and who issues a citation into court to the driver for that offense may, without prior notice, order the vehicle impounded until a person with right to possession of the vehicle complies with the conditions for release, or the hearings officer orders that the vehicle be released:

(1) Driving an uninsured vehicle, in violation of O.R.S. 806.010;

(2) Operating without driving privileges or in violation of license restrictions, in violation of O.R.S. 807.010;

(3) Driving while driver's license is suspended or revoked, in violation of O.R.S. 811.175 or 811.182; or

(4) Driving while under the influence of intoxicants, in violation of O.R.S. 813.010.

(B) The police officer shall give notice that the

vehicle has been impounded to the same parties, in the same manner and within the same time limits as provided in O.R.S. 819.180, as it has been incorporated into the city traffic code, for notice after removal of a vehicle.
(Ord. 589, passed 1-8-1998)

§ 72.37 HEARING REQUEST.

A person entitled to lawful possession of a vehicle impounded pursuant to this subchapter may request, in writing, within 5 business days of the impoundment, a hearing to contest the validity of the impoundment. The written request shall be delivered to the City Recorder. When a timely request for hearing is made, a hearing shall be held before the Municipal Judge or other hearings officer as designated by the City Council and set for 4 calendar days after the request is received, excluding Saturdays, Sundays and holidays, but may be postponed at the request of the person asking for the hearing.
(Ord. 589, passed 1-8-1998)

§ 72.38 CONDITIONS OF RELEASE.

A vehicle impounded under this subchapter shall be released to a person entitled to lawful possession upon proof of compliance with financial responsibility requirements for the vehicle, payment to the city of a fee of \$50, costs of the hearing (if applicable), and payment of any towing and storage charges.
(Ord. 589, passed 1-8-1998)

§ 72.39 HEARING FOR IMPOUNDED VEHICLES.

The impounding police officer shall have the burden of proving by a preponderance of the evidence that there were reasonable grounds to believe that the vehicle was being operated in violation of § 72.36(A)(1), (2), (3) or (4). If the Municipal Judge or hearings officer finds that impoundment of the subject vehicle was proper, an order may be entered supporting the removal and shall find that the owner or person entitled to possession of the vehicle is liable for usual and customary towing and storage costs.

The hearings officer may also find the owner or person entitled to possession of the vehicle liable for costs of the hearing.
(Ord. 589, passed 1-8-1998)

§ 72.40 IMPOUNDMENT OF OBSTRUCTING VEHICLES.

(A) Whenever a vehicle is placed in a manner or location that constitutes an obstruction to traffic or a hazard to public safety, a police officer shall order the owner or operator of the vehicle to remove it. If the vehicle is unattended, the officer may cause the vehicle to be towed and stored at the owner's expense. The owner shall be liable for the costs of towing and storing, notwithstanding that the vehicle was parked by another or that the vehicle was initially parked in a safe manner but subsequently became an obstruction or hazard.

(B) The disposition of a vehicle towed and stored under authority of this section shall be in accordance with the provisions of the ordinance of the city relating to impoundment and disposition of vehicles abandoned on the city streets.

(C) The impoundment of a vehicle will not preclude the issuance of a citation for violation of a provision of this chapter.

(D) Stolen vehicles may be towed from public or private property and stored at the expense of the vehicle owner.

(E) Whenever a police officer observes a vehicle parked in violation of a provision of this chapter or state law, if the vehicle has 4 or more unpaid parking violations outstanding against it, the officer may, in addition to issuing a citation, cause the vehicle to be impounded. A vehicle so impounded shall not be released until all outstanding fines and charges have been paid. Vehicles impounded under authority of this division shall be disposed of in the same manner as is provided in division (B) of this section.
(Ord. 428, passed 8-12-1976)

CHAPTER 73: RECREATIONAL VEHICLES

Section

Bicycles

- 73.01 Operating rules
- 73.02 Licensing of bicycles
- 73.03 Impounding of bicycles

- 73.99 Penalty

BICYCLES

§ 73.01 OPERATING RULES.

In addition to observing all other applicable provisions of this chapter and state law pertaining to bicycles, a person shall:

(A) Not leave a bicycle, except in a bicycle rack. If no rack is provided, the person shall leave the bicycle so as not to obstruct any roadway, sidewalk, driveway or building entrance. A person shall not leave a bicycle in violation of the provisions relating to the parking of motor vehicles; and

(B) Not ride a bicycle upon a sidewalk within the corporate city limits.
(Ord. 428, passed 8-12-1976) Penalty, see § 73.99

§ 73.02 LICENSING OF BICYCLES.

(A) (1) No person who owns or controls a bicycle shall keep, possess or use that bicycle within the city unless that bicycle bears a valid, current bicycle license issued by the city for that bicycle.

(2) It shall be a defense to any complaint charging a violation of this division (A) that the defendant was a nonresident of the city and was keeping, possessing or using the bicycle at the time charged only for the purpose of travel to and from points outside the city.

(B) Bicycle licenses shall be issued by the Chief of Police for periods of 2 years, the initial period to have commenced January 1, 1974.

(C) The license fee for a 2-year period shall be \$1 on each licensed bicycle. This fee shall be prorated at the rate of \$0.50 per each elapsed year in any one 2-year period, a fraction of a year shall be considered a full year in determining the amount of license fee to be charged.

(D) In the event of the loss, theft or mutilation of a bicycle license, the city shall issue a duplicate or replacement bicycle license, for a fee of \$0.25.
(Ord. 454, passed 8-31-1978) Penalty, see § 73.99

§ 73.03 IMPOUNDING OF BICYCLES.

(A) No person shall leave a bicycle on public or private property without the consent of the person in charge or the owner thereof.

(B) A bicycle left on public property for a period in excess of 24 hours may be impounded by the Police Department.

(C) In addition to any citation issued, a bicycle parked in violation of this chapter may be immediately impounded by the Police Department.

(D) If a bicycle impounded under this chapter is licensed, or other means of determining its ownership exist, the police shall make reasonable efforts to notify the owner. No impounding fee shall be charged to the owner of a stolen bicycle which has been impounded.

(E) A bicycle impounded under this chapter which remains unclaimed shall be disposed of in accordance with the city's procedures for disposal of abandoned or lost personal property.

(F) Except as provided in division (D) of this section, a fee of \$2 shall be charged to the owner of a bicycle impounded under this section.
(Ord. 428, passed 8-12-1976)

§ 73.99 PENALTY.

(A) Any person who violates any provision of this chapter for which no penalty is provided shall be subject to the terms of § 70.99.

(B) Violation of § 73.02 is punishable by a fine not to exceed \$25.
(Ord. 454, passed 8-31-1978)

TITLE XI: BUSINESS REGULATIONS

Chapter

110. BUSINESS LICENSING

111. AMUSEMENTS

112. ALCOHOLIC BEVERAGES

CHAPTER 110: BUSINESS LICENSING

Section

110.01	Definitions
110.02	License required
110.03	License term
110.04	License fees
110.05	Procedure
110.06	Revocation of license
110.07	Nonexclusivity
110.08	Exemptions
110.09	Deemed business
110.10	Injunction; severability
110.11	Assignment
110.12	Amendment
110.13	Remedies besides penalty
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 and all machines, devices and/or apparatus played or operated by the public for the purpose of exercising the skill, amusing or entertaining him or her, and which require the player to pay either through the device or to the owner or custodian thereof any money, check, token or other representative of value for the privilege of playing or operating the same, whether or not the player receives any money, check, token or other representative of value in connection with, or as a result of, the playing or operation of the **AMUSEMENT DEVICE**.

BUSINESS. Every business, calling, trade, profession, service or employment, including both the premises and the activities.

LICENSEE. Every person issued a license for a business under the provisions of this chapter.

PERSON. Every natural person, firm, partnership, association or corporation.
(Ord. 556, passed 3-26-1992)

§ 110.02 LICENSE REQUIRED.

(A) It shall be deemed a violation of this chapter for any person, firm or corporation, except as specifically exempted within this chapter to conduct, carry on or transact any business within the corporate limits of the city without first having obtained an annual license therefor and paid the annual license fee in advance in accordance with this chapter.

(B) (1) No license shall be issued to any business owning, operating or displaying any amusement device, which device by reason of the possession, playing or operation thereof shall violate the provisions of the laws of the State of Oregon or the ordinances of the City of Willamina with reference to gambling.

(2) The proprietor of any place of business wherein any such device is operated or displayed shall be conclusively presumed to be the one in possession and control thereof.

(C) (1) Itinerant merchants, transient vendors of merchandise, solicitors, peddlers, hawkers and those purporting to be survey-takers, going in and upon private property or calling at residences in the city and not having been requested or invited to do so by the owner or owners, occupant or occupants of the property and/or residences, for the purpose of soliciting orders for the sale of goods, wares, services or merchandise and/or for the purpose of disposing of and/or peddling or hawking the same or soliciting orders is prohibited and hereby declared to be a nuisance and punishable as such.

(2) The Chief of Police and/or any police officers of the city are hereby required and directed to suppress the same and to abate any such nuisance.

(3) However, any agent, representative or other reputable person who can show or produce credentials from a reputable concern may be licensed temporarily.

(4) There shall be no discrimination of any kind as between any individuals or representatives of any outside concerns so long as they shall comply with the terms and conditions set forth in this chapter, and otherwise conduct themselves so as not to be a nuisance or create any disturbance of any kind. (Ord. 556, passed 3-26-1992)

§ 110.03 LICENSE TERM.

Any annual license issued hereunder shall be for the license fiscal year beginning on April 1 of the year of issuance and expiring on the last day of March of the following year. Licenses issued for any part of the fiscal year shall expire at the end of the fiscal year ending March 31. No license fee shall be prorated for part of the fiscal year. (Ord. 556, passed 3-26-1992)

§ 110.04 LICENSE FEES.

(A) Each person conducting or maintaining any business as defined in this chapter shall pay an annual license fee which shall be established and adjusted by resolution of the City Council. This fee is nonrefundable and due and payable by April 1 of each year.

(B) Whenever any person shall be engaged in more than 1 business, a separate license shall be required for each business in which that person is engaged. If more than 1 related activity is combined under 1 business name and operated as a single business at 1 location, only 1 license is required.

(C) Any agent, representative or other reputable person who can show or produce credentials from a reputable, established concern which peddles and sells goods and/or services on a door-to-door itinerant basis may be licensed temporarily by paying a weekly license fee in advance which shall be established and

adjusted by resolution of the City Council.

(D) Peddlers and sellers of magazines and/or vacuum cleaners shall pay in advance a daily license fee which shall be established and adjusted by resolution of the City Council.

(E) This shall not apply to representatives of the local schools, church organizations, fraternal and service groups who wish to sell magazines, papers, pamphlets or goods, or take subscriptions therefor. (Ord. 556, passed 3-26-1992; Res. 96-97-8, passed - - ; Am. Ord. 587, passed 3-27-1997; Am. Ord. 613, passed 6-13-2002; Am. Ord. 613, passed 3-27-2003)

§ 110.05 PROCEDURE.

(A) All applications for licenses hereunder shall be made to the City Recorder, who shall collect the license fee for every application received and granted, and issue a license upon payment of fee.

(B) All license fees collected hereunder shall be deposited in the General Fund of the city and shall become a part thereof for the purpose of securing revenue to assist in defraying the costs of necessary municipal services and functions ordinarily required for the health, peace, safety and general welfare of the city.

(C) The license issued for every business shall be kept and maintained in a conspicuous place where the licensee shall customarily transact or engage in the business so licensed, and the licensee shall exhibit the license to any police officer of the city when requested to do so.

(D) The City Recorder shall keep a record of all licenses issued. This record shall include the name, address and type of business, name and address of owner, and name and address of operator of business if other than owner, along with date of issue of license and fee paid.

(E) If amusement devices as defined by this chapter are a part of the business operation, a listing of the devices by type is to be included in the record. (Ord. 556, passed 3-26-1992)

Cross-reference:

Regulation of places of amusement, see Chapter 111 of this code of ordinances

§ 110.06 REVOCATION OF LICENSE.

(A) Any license hereafter granted may be revoked by the Council after due cause having been first shown at a hearing held before the Council. The Council shall be the judge of sufficiency of the cause or reason for the revocation, and no person shall conduct, carry on or transact the business after its license shall have been revoked by the Council. All licenses shall be subject to the regulations imposed by the city.

(B) Nothing contained in this chapter shall be construed to create any vested right in any person to the assignment, renewal, reissuance or continuance of any license. The right shall be and remain at all times vested in the Council, as herein provided, to revoke and cancel any license for any 1 or more of the following reasons:

(1) The licensee, its predecessors in interest, its successors in interest, its employees or anyone acting on its behalf engaging in fraud or misrepresentation in the process of procuring a license;

(2) The licensee or anyone acting on its behalf violating any of the provisions of this chapter or any ordinance of the city or of any state or federal law;

(3) The licensee, its employees or anyone acting on its behalf permitting any violation of any of the provisions of this chapter or any other ordinance of the city or of any state or federal law on the premises where the business is conducted or adjacent thereto or in connection with the business or premises;

(4) The licensee, its employees or anyone acting on its behalf engaging in any conduct or act or permitting any conduct or acts on the premises where the business is conducted or adjacent thereto or in connection with the business or premises, the conduct or acts tending to render the business or the premises a public nuisance as determined by the Council or a menace to the health, peace and/or general welfare of the city; or

(5) Whenever, in the judgment of the

Council, the public interest demands the revocation.

(C) When the Council desires to investigate or revoke any license issued by the city under this chapter, it shall notify the licensee or cause it to be notified in writing of the time and place of the hearing or investigation. The hearing or investigation shall be informal. Nothing shall operate to prevent the Council from considering any evidence developed during the hearing or investigation touching or concerning the fitness of the licensee to retain its license.

(D) If upon hearing and investigation, the Council shall find that cause exists for revocation of the license, the same may be revoked by a majority of the Council upon motion of 1 of its members, the motion to be entered into the minutes of the meeting. (Ord. 556, passed 3-26-1992) Penalty, see § 110.99

§ 110.07 NONEXCLUSIVITY.

Any and/or all license fees required hereunder shall be in addition to any other license fee or assessments now required from any person in the city.
(Ord. 556, passed 3-26-1992)

§ 110.08 EXEMPTIONS.

(A) The terms and provisions of this chapter shall not apply to any individual conducting a business from his or her personal residence, where the individual does not maintain any sign or signs indicating the existence of a business or otherwise advertise the business in any manner and which meets all the requirements of a home occupation.

(B) A home occupation is a small-scale business or professional operation conducted from a place of residence. The residential character is maintained and the home occupation is conducted in such a manner as not to give an outward appearance nor manifest any characteristic of a business in the ordinary meaning of the term. A home occupation shall not infringe upon the right of neighboring residents to enjoy the peaceful occupancy of their homes.

(C) No person shall be employed other than a

resident of the home in which the home occupation is established. No structural alterations shall be made which affect the residential character of the building. The business or activity shall be conducted wholly within the home or within a small accessory building which is residential in character and not larger than 1/2 the floor area of the house. No dust or any other offensive action or material shall be emitted from the premises. Noise associated with the activity shall not exceed 60 dB, measured at the property line, between the hours of 7:00 a.m. and 6:00 p.m. No noises shall be created by the home occupation between the hours of 6:00 p.m. and 7:00 a.m. that are detectable to normal sensory perception off the premises of the home occupation. No storage of materials, produce or supplies shall be permitted outside of the building. The home occupation shall not generate more than 20 vehicle trips in 1 day. A "trip" is a vehicle traveling in 1 direction to or from a source. Twenty trips is equivalent to 10 round trips.

(D) For purposes of this section, the unsolicited oral recommendations of prior customers of the business does not constitute "advertising."

(E) The terms and provisions of this chapter shall not apply to a property owner or householder holding or conducting occasional household sales or garage sales on his or her property or at his or her residence within a residential district, provided the sales are conducted for no longer than 3 consecutive days, are kept on an occasional basis, and any posted advertising is removed within 1 week of the event. Any violation of these restrictions shall be deemed a violation of the terms and provisions of this chapter, and any dispute regarding the meaning of "occasional" shall be settled by Council based on evidence presented.

(F) Any agents or representatives of any business on which a license is levied by this chapter shall be liable for the license fee herein levied and the penalties for failure to pay the license fees to the same extent as if the agent or representative were themselves the person engaged in business.
(Ord. 556, passed 3-26-1992)

§ 110.09 DEEMED BUSINESS.

Any person, representing by exhibiting any sign or advertisement that it is engaged in any business within the city on which a license is levied by this chapter, shall be deemed to be actually engaged in that business and shall be liable for the payment of the applicable license fee.
(Ord. 556, passed 3-26-1992)

§ 110.10 INJUNCTION; SEVERABILITY.

In case an injunction may be issued against the city enjoining or restraining the collection of a license fee for any particular type of business hereunder, the injunction shall in no wise affect the validity or enforcement of this chapter in all its provisions with respect to any other business to which the injunction or restraining order does not specifically apply.
(Ord. 556, passed 3-26-1992)

§ 110.11 ASSIGNMENT.

No transfer or assignment of any license issued hereunder shall be valid or permitted except whenever any person shall sell or transfer, in whole, a business for which the license has been paid. In that case, the buyer of the business shall not be required to pay any additional license fee for the balance of the license fiscal year in which he or she purchased the business. The buyer shall be required to inform the city of the transfer and provide the city with the usual applicant information and effective date of transfer.
(Ord. 556, passed 3-26-1992)

§ 110.12 AMENDMENT.

Nothing herein contained shall be taken or construed as vesting any right in the licensee as a contract obligation on the part of the city as to amount or character of the license hereunder, and the license fee may be increased or decreased in any and all instances at any time by the city, and any business herein scheduled may be reclassified or subclassified at any time, and all license fees herein shall be due and payable in advance.
(Ord. 556, passed 3-26-1992)

§ 110.13 REMEDIES BESIDES PENALTY.

In addition to the penalties provided in this chapter, and as a separate, distinct and concurrent remedy, the city may sue in any court of competent jurisdiction to obtain judgment and force collection thereof by execution for any license fee due under this chapter, and may also sue in addition thereto and at the same time bring suit for an injunction as against any person conducting the business herein scheduled and specified until the license fee, together with all costs, including a reasonable attorneys' fee, shall have been paid to the city, and thus restrain the person from operation of the business until all fees and costs have been paid.
(Ord. 556, passed 3-26-1992)

(A) Any person engaged in business or any officers, agents, representatives or employees of any business violating any of the provisions of this chapter shall, upon conviction thereof before the Municipal Court of the city, be punished by a fine not to exceed \$100. If the person operating a business in violation of the provisions of this chapter shall be a corporation, the officers and directors of the corporation shall be personally liable for the fines jointly and severally together with the corporation itself.

(B) Each day's operation of a business in violation of any provision of this chapter shall constitute a separate offense.
(Ord. 556, passed 3-26-1992)

§ 110.99 PENALTY.

CHAPTER 111: AMUSEMENTS

Section

	<i>Gambling and Card</i>
Rooms	
111.01	Definitions
111.02	Gambling prohibited
111.03	Card room regulations
111.04	Card room license application
111.05	Granting and denial of card room application
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111.07	Suspension and revocation of card room license
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111.30	Public dances
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GAMBLING AND CARD ROOMS

§ 111.01 DEFINITIONS.

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

CARD ROOM. Any space, room or enclosure furnished or equipped with a table used or intended to be used as card table for the playing of cards only, and the use of which is available to the public; provided, however, that this section shall not apply to any bona fide charitable, fraternal or religious organization as defined by statute.

GAMBLING. A person stakes or risks something of value upon the outcome of a contest of chance or a future contingent event not under the control or influence of the person, upon an agreement or understanding that the person or someone else will receive something of value in the event of a certain outcome.

(1) The term **GAMBLING** shall not include bona fide business transactions valid under the laws of contracts for the purchase or sale at a future date of securities or commodities, and agreements to compensate for loss caused by the happening of chance, including but not limited to contracts of indemnity or guaranty and life, health or accident insurance.

(2) The term **GAMBLING** shall not include social games or bingo, lotto or raffles operated in compliance with O.R.S. 167.118 by a charitable, fraternal or religious organization.

PERSONS FINANCIALLY INTERESTED.

All persons who share in the profits of the business, on the basis of gross or net revenue, including landlords, lessors, lessees and the owner or owners of the building, fixtures or equipment.

SOCIAL GAME. A game, other than a lottery, between players in a private home, private business, private club or place of public accommodation where no house player, house bank or house odds exist and

there is no house income from the operation.
(Ord. 557, passed 5-28-1992)

§ 111.02 GAMBLING PROHIBITED.

(A) No person shall participate in, operate or assist in operating any gambling game or activity in the city. No person shall have in his or her possession any gambling device as defined by O.R.S. 167.117. Any such device is hereby declared to be a nuisance and may be summarily seized by any police officer.

(B) Property so seized shall be placed in the custody of the Chief of Police of the city. Upon conviction of the person owning or controlling the property for a violation of this section, the Municipal Judge shall order the property confiscated and destroyed.
(Ord. 557, passed 5-28-1992) Penalty, see § 111.99

§ 111.03 CARD ROOM REGULATIONS.

(A) Pursuant to O.R.S. 167.121 a card room shall be authorized upon the granting of a valid license issued by the city under the terms, conditions and provisions of this chapter. License shall be granted only to persons of ascertained good moral character and upon the approval of the City Council.

(B) In addition, it shall be unlawful to operate a card room in violation of any of the following regulations and rules:

(1) Each and all of the games conducted or operated in the city pursuant to the provisions of this chapter shall be conducted and operated in full conformity with and subject to all the provisions of the laws of the State of Oregon and the City of Willamina;

(2) All card rooms shall be open to police inspection during all hours of operation. Card room license shall be available for inspection during all hours of operation;

(3) No licensee shall farm out, assign or sublet any card games lawfully permitted under this chapter on the premises in which the licensee has any interest or works;

(4) The playing of all card games shall be so arranged as to provide free access and visibility to any interested party. Doors leading into the card room must remain unlocked during all hours of operation;

(5) No person under the age of 21 shall participate in any form of gambling; and

(6) No charge shall be collected from any player for the privilege of participating in any game.
(Ord. 557, passed 5-28-1992) Penalty, see § 111.99

§ 111.04 CARD ROOM LICENSE APPLICATION.

(A) An applicant for a card room license shall submit his or her application to the City Recorder. The application shall be under oath and shall include: the true names and addresses of all persons financially interested in the business; the personal history and business experiences of the persons; the past criminal record, if any, of all persons who have any interest in the business; and any other matters deemed by the Council to be of necessary inquiry.

(B) The application shall be accompanied by a \$65 nonrefundable investigation fee and fingerprints and photographs of persons financially interested.
(Ord. 557, passed 5-28-1992) Penalty, see § 111.99

§ 111.05 GRANTING AND DENIAL OF CARD ROOM APPLICATION.

(A) The City Council shall either approve the application and grant the license applied for or deny the application and refuse to grant the license.

(B) Reasons for denial are:

(1) Any person who has any interest in the business has been previously convicted of a felony within the last 10 years;

(2) Any person who has any interest in the business has been convicted of 5 misdemeanors other than minor traffic offenses within the last 5 years;

(3) Any person who has any interest in the business has been convicted of or forfeited bail for any crime involving gambling within the last 5 years;

(4) Any person who has any interest in the business has been directly or indirectly involved in a forfeiture proceeding regarding a gambling device, as defined by statute, where the gambling device has been ordered destroyed or a bond has been forfeited in lieu of the gambling device being destroyed within the last 5 years;

(5) Any false or misleading information is supplied in the application or any information requested is omitted from the application; and

(6) Any person who has any interest in the business has had a license which was in his or her name revoked or suspended 3 times by the Oregon Liquor Control Commission, the last of which was in the last 5 years.
(Ord. 557, passed 5-28-1992)

§ 111.06 CARD ROOM LICENSE NOT TRANSFERABLE.

(A) No card room license shall be assignable or transferable. A change of persons having financial interest in a licensed business shall be reported immediately to the City Council, who shall order an investigation by the Police Department and the change approved or denied by the City Council.

(B) Applications for change of financial ownership shall be accompanied by a \$65 non-refundable investigation fee.
(Ord. 557, passed 5-28-1992)

§ 111.07 SUSPENSION AND REVOCATION OF CARD ROOM LICENSE.

(A) The City Council shall temporarily suspend for 30 days any card room license issued hereunder if:

(1) Any person who has an interest in the business has been convicted of a felony;

(2) Any person who has any interest in the business has been convicted of 5 misdemeanors other

than minor traffic offenses within the last 5 years;

(3) Any person who has any interest in the business has been convicted of or forfeited bail for any crime involving gambling;

(4) Any person who has any interest in the business has been directly or indirectly involved in a forfeiture proceeding regarding a gambling device, as defined by statute, where the gambling device has been ordered destroyed or a bond has been forfeited in lieu of the gambling device being destroyed;

(5) Any false or misleading information is supplied in the application or any information requested is omitted from the application;

(6) Any person who has any interest in the business has had a license which was in his or her name revoked or suspended 3 times by the Oregon Liquor Control Commission; or

(7) Any person who has any interest in the business or any employee thereof violates any section of this chapter.

(B) Suspension shall be subject to the right of appeal to the City Council in regular Council session. Notice of this appeal shall be filed with the City Recorder within 10 days of suspension or the action shall be deemed final and conclusive.

(C) Permanent revocation may be made only by the City Council and shall take place in regular Council session and only after the licensee has been served with notice at least 20 days prior to the City Council meeting.

(D) This notice shall state the time and date of the meeting and the grounds upon which the permanent revocation is sought. Notice shall be sent by certified mail by the City Recorder to the address listed by the licensee on his or her application for a license, and shall be deemed to have been received by the licensee the day after the notice is mailed.
(Ord. 557, passed 5-28-1992)

§ 111.08 SIGNS.

Signs advertising gambling, playing of cards, advertising specific forms of card playing, enticing participants or procuring players are prohibited.

(Ord. 557, passed 5-28-1992) Penalty, see § 111.99

§ 111.09 CARD ROOM LICENSE FEE.

There shall be collected for each card room license hereunder the sum of \$17 per table per month, payable quarterly, in advance.
(Ord. 557, passed 5-28-1992)

§ 111.10 EXCEPTIONS.

(A) A charitable, fraternal or religious organization may be granted a permit for social games when it appears that the social games are for the exclusive use of members of the organization, club, service group or fraternal organization and no charge is made for participation.

(B) The Oregon State Lottery as authorized by statute shall be exempt from the provisions of this chapter.
(Ord. 557, passed 5-28-1992)

§ 111.11 PERSONS UNDER 18.

(A) No person under 18 years of age shall enter or remain in or about a public cardroom, poolroom or billiard parlor.

(B) This section shall not apply to the playing of billiards, pool or video games in a recreational facility. As used in this section, a "recreational facility" means an area enclosure or room in which to play billiards or pool for amusement only, and:

(1) Which is clean, adequately lighted and ventilated and in which an adult supervisor is present at all times;

(2) In which no alcoholic liquor is sold or consumed; and

(3) Access to which does not require passing through a room where alcoholic liquor is sold or consumed.

(C) Minors over the age of 10 years may be permitted to play bingo at events sponsored by charitable, fraternal or religious organizations if the minor is in the company of an adult, providing the criteria of divisions (B)(1), (2) and (3) are met.
(Ord. 557, passed 5-28-1992) Penalty, see § 111.99

OTHER AMUSEMENTS

§ 111.30 PUBLIC DANCES.

The licensing and regulation of public dances is hereby adopted by reference as if set out in full herein. Copies are available through city offices.
(Ord. 21, passed - -; Am. Ord. 459, passed 8-10-1978) Penalty, see § 111.99

§ 111.99 PENALTY.

(A) Any person who violates any provision of this chapter for which no penalty is provided shall be subject to the terms of § 10.99.

(B) Violation of or failure to comply with any provision of §§ 111.01 through 111.11 is punishable, upon convictions, by a fine not to exceed \$300. Each day's operation in violation of any provision of this chapter shall constitute a separate offense.
(Ord. 557, passed 5-28-1992)

CHAPTER 112: ALCOHOLIC BEVERAGES

Section

112.01 Alcoholic beverage regulations;
adopted

**§ 112.01 ALCOHOLIC BEVERAGE
REGULATIONS; ADOPTED.**

The city's alcoholic beverage regulations are hereby adopted by reference as if set out in full herein. Copies are available through city offices. (Ord. 244, passed - -; Am. Ord. 344, passed 7-10-1969; Am. Ord. passed 7-13-1972; Am. Ord. 452, passed 7-27-1978; Am. Ord. 561, passed 11-12-1992)

TITLE XIII: GENERAL OFFENSES

Chapter

130. GENERAL OFFENSES

131. OFFENSES AGAINST PERSONS AND ANIMALS

132. OFFENSES AGAINST PUBLIC PEACE

133. OFFENSES AGAINST PROPERTY

CHAPTER 130: GENERAL OFFENSES

Section

General Provisions

- 130.01 Offenses outside city limits
- 130.02 Soliciting or confederating to violate ordinances
- 130.03 Attempt to commit offenses
- 130.04 Separate violations
- 130.05 Nuisance abatement
- 130.06 Working out fine and costs
- 130.07 Application of state statutes
- 130.08 Release from custody
- 130.09 Definitions

130.48 Possession of marijuana

130.99 Penalty

GENERAL PROVISIONS

§ 130.01 OFFENSES OUTSIDE CITY LIMITS.

Where permitted by state law, an act made unlawful by this title shall constitute an offense when committed on any property owned or leased by the city, even though outside the corporate limits of the city.
(Ord. 450, passed 7-27-1978)

§ 130.02 SOLICITING OR CONFEDERATING TO VIOLATE ORDINANCES.

No person shall solicit, aid, abet, employ or engage another, or confederate with another to violate a provision of this title or any other ordinance of the city.
(Ord. 450, passed 7-27-1978) Penalty, see § 130.99

§ 130.03 ATTEMPT TO COMMIT OFFENSES.

A person who shall attempt to commit any of the offenses mentioned in this title or any ordinance of the city, but who for any reason is prevented from consummating the act, shall be deemed guilty of an offense.
(Ord. 450, passed 7-27-1978) Penalty, see § 130.99
§ 130.04 SEPARATE VIOLATIONS.

Whenever in this title, or any ordinance of the city, an act is prohibited or is made or declared to be unlawful or an offense, or the doing of an act is

Obstructing

Governmental Administration

- 130.20 Unsworn falsification
- 130.21 Obstructing governmental administration
- 130.22 Tampering with public records
- 130.23 Impersonation
- 130.24 False reports
- 130.25 Refusing to assist in firefighting operations
- 130.26 Resisting or refusing to aid officer
- 130.27 Escape
- 130.28 Police and fire communications
- 130.29 Deliveries to prisoners
- 130.30 Tampering with fire hydrant

Miscellaneous

- 130.40 Misrepresentation of age or marital status
- 130.41 Begging
- 130.42 Lodging
- 130.43 Selling or pledging property of intoxicated persons
- 130.44 Possession of burglars' tools
- 130.45 Posted notices
- 130.46 Expectoration
- 130.47 Occult arts

required, or the failure to do an act is declared to be unlawful or an offense, each day a violation continues shall constitute a separate offense.
(Ord. 450, passed 7-27-1978)

§ 130.05 NUISANCE ABATEMENT.

No provisions in this title shall preclude the abatement of a nuisance as provided in the general nuisance ordinance of the city.
(Ord. 450, passed 7-27-1978)

Cross-reference:

Nuisances and abatement, see Chapter 93 of this code of ordinances

§ 130.06 WORKING OUT FINE AND COSTS.

When a person shall be convicted of an offense under the laws of the city and shall be adjudged to pay a fine and costs, and shall fail to pay the fine and costs, the Municipal Judge may collect the fine by sentencing the person so fined to labor on the streets or on other public works, 1 day for each \$10 of the fine unpaid. Persons fined and sentenced to labor, as set out in this section, shall be under the charge and supervision of the Chief of Police and the Police Department.
(Ord. 450, passed 7-27-1978)

§ 130.07 APPLICATION OF STATE STATUTES.

Provisions of the Oregon Criminal Code of 1971, being O.R.S. 161.005 - 167.820, as the same now exists or may hereafter be amended, relating to defenses and burden of proof, general principles of criminal liability, parties and general principles of justification, shall apply to offenses defined and made punishable by this title.
(Ord. 450, passed 7-27-1978)

§ 130.08 RELEASE FROM CUSTODY.

Decisions regarding release of persons in custody shall be made according to the provisions of O.R.S. 135.230 to 135.290.

§ 130.22 TAMPERING WITH PUBLIC

(Ord. 450, passed 7-27-1978)

§ 130.09 DEFINITIONS.

The definitions contained in the Oregon Criminal Code of 1971, being O.R.S. 161.005 - 167.820, as now or hereafter constituted, are adopted by reference and made a part of this title. Except where the context clearly indicates a different meaning, the general definitions and the definitions appearing in the definitional and other sections of particular articles of the Code shall be applicable throughout this title.
(Ord. 450, passed 7-27-1978)

OBSTRUCTING GOVERNMENTAL ADMINISTRATION

§ 130.20 UNSWORN FALSIFICATION.

No person shall knowingly make any false written statement to a public servant in connection with an application for any benefit.
(Ord. 450, passed 7-27-1978) Penalty, see § 130.99

§ 130.21 OBSTRUCTING GOVERNMENTAL ADMINISTRATION.

(A) No person shall intentionally obstruct, impair or hinder the administration of law or other governmental function by means of intimidation, force or physical interference or obstacle.

(B) This section shall not apply to the obstruction of unlawful governmental action or interference with the making of an arrest.
(Ord. 450, passed 7-27-1978) Penalty, see § 130.99

RECORDS.

No person shall, without lawful authority, knowingly destroy, mutilate, conceal, remove, make a false entry in or falsely alter any public record.
(Ord. 450, passed 7-27-1978) Penalty, see § 130.99

§ 130.23 IMPERSONATION.

No person shall, with intent to obtain a benefit or to injure or defraud another, falsely impersonate a public servant and do an act in that assumed character.
(Ord. 450, passed 7-27-1978) Penalty, see § 130.99

§ 130.24 FALSE REPORTS.

(A) No person shall knowingly initiate a false alarm or report which is transmitted to a fire department or law enforcement agency or other organization that deals with emergencies involving danger to life or property.

(B) No person shall knowingly make or file with the Police Department or with the City Attorney or a police officer engaged in his or her official duties a false, misleading or unfounded statement or report concerning the violation or alleged violation of a city ordinance or the commission or alleged commission of a crime.
(Ord. 450, passed 7-27-1978) Penalty, see § 130.99

§ 130.25 REFUSING TO ASSIST IN FIREFIGHTING OPERATIONS.

No person shall:

(A) Upon command by a person known by him or her to be a firefighter, unreasonably refuse or fail to assist in extinguishing a fire or protecting property threatened thereby; or

(B) Upon command by a person known by him or her to be a firefighter or peace officer, intentionally and unreasonably disobey a lawful order relating to his or her conduct in the vicinity of a fire.
(Ord. 450, passed 7-27-1978) Penalty, see § 130.99

§ 130.26 RESISTING OR REFUSING TO AID

OFFICER.

(A) No person shall resist any peace officer acting in the performance of his or her duties; when requested to do so, refuse to assist any officer in the discharge of his or her duties; or by any means whatsoever hinder, delay or obstruct any officer acting in the performance of his or her duties.

(B) As used in this section, “resist” refers to the ordinary meaning of the term.

(C) It is no defense to a prosecution under this section that the peace officer lacked legal authority to make an arrest, provided he or she was acting under color of his or her official authority.
(Ord. 450, passed 7-27-1978) Penalty, see § 130.99

§ 130.27 ESCAPE.

(A) No person shall:

(1) Knowingly escape or attempt to escape from official detention; or

(2) Knowingly cause, aid, assist, abet or facilitate an escape from official detention.

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

ESCAPE. An unlawful departure.

OFFICIAL DETENTION.

(a) Arrest by a peace officer;

(b) Detention in a vehicle or facility for the transportation or custody of persons under arrest, charge or conviction of an offense;

(c) Detention for extradition or deportation; and/or

(d) Other detention because the person detained is charged with or convicted of an offense.

(Ord. 450, passed 7-27-1978) Penalty, see § 130.99

§ 130.28 POLICE AND FIRE COMMUNICATIONS.

No person shall operate any generator or electromagnetic wave or cause a disturbance of such magnitude as to interfere with the proper functioning of any Police or Fire Department radio communication system.
(Ord. 450, passed 7-27-1978) Penalty, see § 130.99

§ 130.29 DELIVERIES TO PRISONERS.

No person shall deliver, by any means whatsoever, intoxicating liquor, dangerous drugs or narcotic drugs as defined by state law to a person confined in the city detention facility, or attempt to convey or deliver to that person any article without the consent of the officer in charge.
(Ord. 450, passed 7-27-1978) Penalty, see § 130.99

§ 130.30 TAMPERING WITH FIRE HYDRANT.

No unauthorized person shall unfasten, open, draw water from or otherwise tamper with a fire hydrant.
(Ord. 450, passed 7-27-1978) Penalty, see § 130.99

MISCELLANEOUS

§ 130.40 MISREPRESENTATION OF AGE OR MARITAL STATUS.

No person shall:

(A) Being less than a certain, specified age, knowingly represent himself or herself to be of any age other than his or her true age with the intent of securing a right, benefit or privilege which by law is denied to persons under that certain, specified age.

(B) Being unmarried, knowingly represent that he or she is married with the intent of securing a right, benefit or privilege which by law is denied to unmarried persons.
(Ord. 450, passed 7-27-1978) Penalty, see § 130.99

§ 130.41 BEGGING.

No person shall accost another in a public place for the purpose of soliciting alms.
(Ord. 450, passed 7-27-1978) Penalty, see § 130.99

§ 130.42 LODGING.

No person shall lodge in a car, outbuilding or other place not intended for that purpose without permission of the owner or person entitled to the possession thereof.
(Ord. 450, passed 7-27-1978) Penalty, see § 130.99

§ 130.43 SELLING OR PLEDGING PROPERTY OF INTOXICATED PERSONS.

No person shall purchase property from any person who is in an intoxicated condition or under the influence of any narcotic drug, or advance or loan money to that person, or have any dealings with any that person respecting the title to property.
(Ord. 450, passed 7-27-1978) Penalty, see § 130.99

§ 130.44 POSSESSION OF BURGLARS' TOOLS.

(A) No person shall possess any burglar tool with the intent to use the tool or knowing that some person intends to use the tool to commit or facilitate a forcible entry into premises or theft by a physical taking.

(B) "Burglar tool" means an acetylene torch, electric arc, burning bar, thermal lance, oxygen lance or other similar device capable of burning through steel, concrete or other solid material; nitroglycerin, dynamite, gunpowder or any other explosive; tool; instrument or other article adapted, designed or commonly used for committing or facilitating a forcible entry into premises; or theft by a physical taking.
(Ord. 450, passed 7-27-1978)

§ 130.45 POSTED NOTICES.

No person shall affix a placard, bill or poster upon personal or real property, private or public,

without first obtaining permission from the owner thereof or from the proper public authority.
(Ord. 450, passed 7-27-1978) Penalty, see § 130.99

§ 130.46 EXPECTORATION.

No person shall expectorate upon any public sidewalk or street or in any public building except in receptacles provided for the purpose.
(Ord. 450, passed 7-27-1978) Penalty, see § 130.99

§ 130.47 OCCULT ARTS.

(A) "Occult arts" means the use or practice of fortune-telling, astrology, phrenology, palmistry, clairvoyance, mesmerism, spiritualism or any other practice or practices generally recognized to be unsound and unscientific whereby an attempt or pretense is made:

- (1) To reveal or analyze past incidents or events;
 - (2) To analyze or define the character or personality of a person;
 - (3) To foretell or reveal the future;
 - (4) To locate by such means lost or stolen property; or
 - (5) To give advice or information concerning any matter or event.
- (B) No person shall for hire or profit engage in the practice of occult arts, either public or private.
- (C) Nothing in this section shall be construed to

prohibit or prevent:

(1) A duly organized and recognized religious organization which promulgates religious teachings or beliefs involving spiritualism or similar media from holding its regular meetings or services; or

(2) A school, church, fraternal, charitable or other benevolent organization from utilizing occult arts for a bazaar or other money-raising project; provided that all money so received is devoted exclusively to the organization sponsoring the affair. In this case, the money so received shall be considered as a donation for benevolent and charitable purposes.
(Ord. 450, passed 7-27-1978) Penalty, see § 130.99

§ 130.48 POSSESSION OF MARIJUANA.

Possession of less than 1 avoirdupois ounce of marijuana is a violation of this chapter.
(Ord. 450, passed 7-27-1978) Penalty, see § 130.99

§ 130.99 PENALTY.

(A) Unless otherwise excluded, violation of any provision of this title is punishable by a fine of \$300 for each offense or violation thereof.
(Ord. 450, passed 7-27-1978; Am. Ord. 561, passed 11-12-1992)

(B) A penalty imposed for violation of § 130.48 shall not exceed \$100.
(Ord. 450, passed 7-27-1978)

CHAPTER 131: OFFENSES AGAINST PERSONS AND ANIMALS

Section

Offenses **Sexual and Related**

- 131.01 Public nudity
- 131.02 Public indecency
- 131.03 Obscenity

Offenses Relating to Minors

- 131.15 Child neglect
- 131.16 Endangering welfare of minor
- 131.17 Tobacco sales to minors
- 131.18 Purchasing property of minors
- 131.19 Curfew for unaccompanied or unemancipated minors
- 131.20 Parental responsibility for child's delinquent actions

Animals

- 131.35 Cruelty to animals
- 131.36 Poisoning of animals

131.99 Penalty

Cross-reference:

Nuisances involving animals, see Chapter 93 of this code of ordinances

SEXUAL AND RELATED OFFENSES

§ 131.01 PUBLIC NUDITY.

(A) No person shall willfully and publicly display his or her person in such a manner that it becomes a nudity display.

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

NUDITY. Uncovered, or less than opaquely covered, post-pubertal human genitals, pubic areas and the post-pubertal human female breast above the areola.

PUBLICLY DISPLAY. The exposing, placing, exhibiting or in any fashion displaying in any location, whether public or private, an item in such a manner that it can be readily seen and its content or character distinguished by normal unaided vision viewing it from a public thoroughfare or vehicle. (Ord. 450, passed 7-27-1978)

§ 131.02 PUBLIC INDECENCY.

No person shall, while in or in view of a public place, perform:

- (A) An act of sexual intercourse;
- (B) An act of deviate sexual intercourse; or

(C) An act of urination or defecation except in toilets provided for that purpose. (Ord. 450, passed 7-27-1978) Penalty, see § 131.99

§ 131.03 OBSCENITY.

(A) No person shall, with knowledge of the character of the material:

- (1) Print, publish, sell or distribute any obscene book, magazine, pamphlet, picture, drawing, photograph or other material of obscene character; or

(2) Permit any show, play, entertainment or motion picture which is of any obscene character in or at any place which is under his or her control.

(B) "Obscenity" is to be construed as defined in O.R.S. 167.060 to 167.095.
(Ord. 450, passed 7-27-1978) Penalty, see § 131.99

OFFENSES RELATING TO MINORS

§ 131.15 CHILD NEGLECT.

(A) No person having custody or control of a minor child under 10 years of age shall, with criminal negligence, leave the child unattended in or at any place for a period of time as may be likely to endanger the health or welfare of the child.

(B) It shall be lawful and the duty of a police officer or other peace officer finding a child confined in violation of the terms of this section to enter the place and remove the child, using such force as is reasonably necessary to effect an entrance to the place where the child may be confined in order to remove the child.

(C) "Place" shall include but not be restricted to vehicles.
(Ord. 450, passed 7-27-1978) Penalty, see § 131.99

§ 131.16 ENDANGERING WELFARE OF MINOR.

(A) No person shall employ a person under 18 years of age in or about a cardroom, poolroom, billiard parlor or dance hall, unless the establishment is a recreational facility as defined in Chapter 111.

(B) No person shall solicit, aid, abet or cause a person under 18 years of age to:

(1) Violate a law of the United States or a state, or to violate a city or county ordinance; or

(2) Run away or conceal himself or herself from a person or institution having lawful custody of the minor.

(Ord. 450, passed 7-27-1978) Penalty, see § 131.99

§ 131.17 TOBACCO SALES TO MINORS.

No person shall sell, or cause to be sold, tobacco in any form to a person under 18 years of age. Violations will be subject to the provisions of § 131.99.

(Ord. 450, passed 7-27-1978) Penalty, see § 131.99

§ 131.18 PURCHASING PROPERTY OF MINORS.

No person shall purchase property or an article of value from a minor or have dealings respecting the title of property in the possession of a minor without the written consent of the parent or guardian of the minor.

(Ord. 450, passed 7-27-1978) Penalty, see § 131.99

§ 131.19 CURFEW FOR UNACCOMPANIED OR UNEMANCIPATED MINORS.

(A) *Curfew hours.* It shall be unlawful for any unemancipated minor to be in or upon any street, highway, park, alley, sidewalk or any other public place in the city between the hour of 10:00 p.m. and sunrise of the following morning, unless:

(1) The minor is accompanied by a parent, legal guardian or other person 18 years of age or over and authorized by the parent or by law to have care and custody of the minor; or

(2) The minor is then actually engaged in or traveling directly to or from a place of legal employment, school activity or function, religious activity or function, and his or her place of residence.

(B) *Parental responsibility.* It shall be unlawful for any parent, guardian or person having the care and custody of a minor under the age of 18 years to intentionally, knowingly, recklessly or negligently permit, allow or sanction the unemancipated minor to be in violation of division (A) of this section.
(Ord. 533, passed 2-27-1986) Penalty, see § 131.99

§ 131.20 PARENTAL RESPONSIBILITY FOR

CHILD'S DELINQUENT ACTIONS.

(A) *Definitions.* As used in this section, the following terms shall have the following meanings, unless the context clearly indicates that a different meaning is intended.

DELINQUENT ACTS. Those acts which violate the laws of the United States, or the statutes of the State of Oregon or the ordinances of the City of Willamina or those acts which would cause or tend to cause the minor to come under the jurisdiction of the Juvenile Department of the Circuit Court of the State of Oregon for violation of a state law. This definition does not include traffic violations.

ILLEGAL DRUGS. Controlled substances as defined by state law which are obtained without legal prescription.

MINOR. Any person under the age of 18 years.

PARENT. Mother, father, legal guardian and any other person having the legal care or custody of a minor or any person acting in the parents' place who has custody of the child.

(B) *Parental duties.*

(1) It is the continuous duty of the parent of any minor to exercise reasonable care to prevent the minor from committing any delinquent acts.

(2) This parental duty includes but is not limited to the following:

(a) Keeping illegal drugs out of the home;

(b) Arranging proper supervision for the minor when the parent must be absent; and

(c) Forbidding the minor from keeping stolen property or illegal drugs.

(C) *Parental responsibility.* It shall be unlawful for any parent to knowingly allow, or allow due to the failure to exercise reasonable control, a minor to commit a delinquent act.
(Ord. 543, passed 11-30-1989) Penalty, see § 131.99

OFFENSES RELATING TO ANIMALS

§ 131.35 CRUELTY TO ANIMALS.

(A) Except as otherwise authorized by law, no person shall intentionally or recklessly:

(1) Subject any animal under human custody or control to cruel mistreatment;

(2) Subject any animal under his or her custody or control to cruel neglect; or

(3) Kill without legal privilege any animal under the custody or control of another, or any wild bird.

(B) As used in this section, "animal" includes birds.
(Ord. 450, passed 7-27-1978) Penalty, see § 131.99

§ 131.36 POISONING OF ANIMALS.

No person shall put out or place any poison where the same is liable to be eaten by any horse, cattle, sheep, hog, dog or other domestic animal.
(Ord. 450, passed 7-27-1978) Penalty, see § 131.99

§ 131.99 PENALTY.

(A) Any person who violates any provision of this chapter for which no penalty is provided shall be subject to the terms of § 130.99.

(B) Violation of § 131.17 shall be punishable by a fine not to exceed \$50.
(Ord. 450, passed 7-27-1978)

(C) Any minor who violates § 131.19(A) may be taken into custody as provided in O.R.S. 419C.080 to 419C.109 and may be subjected to further proceedings as provided in O.R.S. Chs. 419A through 419C. Any parent, guardian or person having care and custody of a minor under the age of 18, who shall violate the provisions of this section, shall be deemed guilty of an offense and, upon conviction thereof,

shall be punished by a fine of not more than \$100,
and that each act or violation of this section will be
adjudicated as a separate offense and be so
punishable.
(Ord. 533, passed 2-27-1986)

(D) Any parent violating any provision of §
131.20 shall be guilty of an infraction and be liable
for a fine not to exceed the sum of \$250 for each
violation.
(Ord. 543, passed 11-30-1989)

CHAPTER 132: OFFENSES AGAINST PUBLIC PEACE

Section

Disorderly Conduct and Related Offenses

- 132.01 Assault
- 132.02 Menacing
- 132.03 Disorderly conduct
- 132.04 Disorderly conduct at fires
- 132.05 Drinking in public places
- 132.06 Loitering
- 132.07 Harassment
- 132.08 Abuse of venerated objects

Weapons and

Fireworks

- 132.20 Concealed weapons
- 132.21 Discharge of weapons
- 132.22 Pointing a firearm at another
- 132.23 Fireworks

DISORDERLY CONDUCT AND RELATED OFFENSES

§ 132.01 ASSAULT.

No person shall:

- (A) Intentionally, knowingly or recklessly cause physical injury to another; or
- (B) With criminal negligence cause physical injury to another by means of a deadly weapon.
(Ord. 450, passed 7-27-1978) Penalty, see § 130.99

§ 132.02 MENACING.

No person shall, by word or conduct, intentionally attempt to place another person in fear of imminent serious physical injury.
(Ord. 450, passed 7-27-1978) Penalty, see § 130.99

§ 132.03 DISORDERLY CONDUCT.

No person shall, with intent to cause public inconvenience, annoyance or alarm, or by recklessly creating a risk thereof:

- (A) Engage in fighting or in violent, tumultuous or threatening behavior;
- (B) Use abusive or obscene language or make an obscene gesture in a public place;
- (C) Disturb any lawful assembly of persons without lawful authority;
- (D) Obstruct vehicular or pedestrian traffic in or on a public way or public place;
- (E) Congregate with other persons in a public place and refuse to comply with a lawful order of the police to disperse;
- (F) Initiate or circulate a report, knowing it to be false, concerning an alleged or impending fire, explosion, crime, catastrophe or other emergency; or
- (G) Create a hazardous or physically offensive condition by any act which he or she is not licensed or privileged to do.
(Ord. 450, passed 7-27-1978) Penalty, see § 130.99

§ 132.04 DISORDERLY CONDUCT AT FIRES.

(A) No person at or near a fire shall obstruct or impede the fighting of the fire, interfere with Fire Department personnel or Fire Department apparatus, behave in a disorderly manner or refuse to observe promptly an order of a member of the Fire or Police Department.

(B) For purposes of this section, members of the Fire Department are endowed with the same powers of arrest as are conferred upon peace officers for violations of city ordinances.
(Ord. 450, passed 7-27-1978) Penalty, see § 130.99

§ 132.05 DRINKING IN PUBLIC PLACES.

No person shall drink or consume alcoholic liquor in or upon a street, alley, mall, parking lot or structure, motor vehicle, public grounds or other public place unless the place has been licensed for that purpose by the Oregon Liquor Control Commission; provided, however, consumption of alcoholic liquor in the park shall be permitted where a permit therefor has been received from the Council.
(Ord. 450, passed 7-27-1978) Penalty, see § 130.99

§ 132.06 LOITERING.

No person shall loiter in or about a public place frequented by children, including swimming pools, school bus stops, playgrounds and parks and public premises adjacent thereto, for the purpose of annoying, bothering or molesting children.
(Ord. 450, passed 7-27-1978) Penalty, see § 130.99

§ 132.07 HARASSMENT.

No person shall, with intent to harass, annoy or alarm another person:

(A) Subject another to offensive physical contact;

(B) Publicly insult another by abusive or obscene words or gestures in a manner likely to provoke a violent or disorderly response; or

(C) Communicate with a person anonymously or otherwise, by telephone, mail or other form of written communication, in a manner likely to cause annoyance or alarm.

(Ord. 450, passed 7-27-1978) Penalty, see § 130.99

§ 132.08 ABUSE OF VENERATED OBJECTS.

(A) No person shall intentionally abuse a public monument or structure, a place of worship or burial, or the national or state flag.

(B) As used in this section, “abuse” means to deface, damage, defile or otherwise physically mistreat in a manner likely to outrage public sensibilities.

(Ord. 450, passed 7-27-1978) Penalty, see § 130.99

WEAPONS AND FIREWORKS

§ 132.20 CONCEALED WEAPONS.

(A) Except as provided in O.R.S. 166.291 through 166.297, as now constituted and hereafter amended, no person shall carry concealed about his or her person or carry concealed in a vehicle a revolver, pistol or other firearm; or any knife other than an ordinary pocket knife; any dirk, dagger or stiletto; any metal knuckles; or any other weapon by the use of which injury could be inflicted upon the person or property of another.

(B) For purposes of this section, an ordinary pocket knife is one with a maximum blade length of 3-1/2 inches which is not a switchblade or spring-blade knife.

(Ord. 450, passed 7-27-1978) Penalty, see § 130.99

§ 132.21 DISCHARGE OF WEAPONS.

Except on a person’s own property or at firing ranges approved by the Council, no person other than a peace officer shall fire or discharge a gun, including spring- or air-actuated pellet guns, air guns or BB guns, or other weapon which propels a projectile by use of gunpowder or other explosive, jet or rocket propulsion.

(Ord. 450, passed 7-27-1978) Penalty, see § 130.99

§ 132.22 POINTING A FIREARM AT

ANOTHER.

(A) No person over the age of 12 years shall with or without malice purposely point or aim any loaded or empty pistol, revolver or other firearm at or toward another person within range of the weapon, except in self-defense.

(B) "Firearm" means a weapon, by whatever name known, which is designed to expel a projectile by the action of black or smokeless powder and is capable of use as a weapon.
(Ord. 450, passed 7-27-1978) Penalty, see § 130.99

§ 132.23 FIREWORKS.

The following sections of the Oregon Fireworks Law, together with all acts and amendments applicable to cities which are now or hereafter enacted, are adopted by reference and made a part of this chapter: O.R.S. 480.110, 480.120, 480.130, 480.140(1) and 480.150.
(Ord. 450, passed 7-27-1978)

CHAPTER 133: OFFENSES AGAINST PROPERTY

Section

	<i>Offenses Relating to</i>
Property	
133.01	Trespass
133.02	Violating privacy of another
133.03	Mischief
133.04	Theft

No person other than a peace officer performing a lawful duty shall enter upon land or into a building used in whole or in part as a dwelling not his or her own without permission of the owner or person entitled to possession thereof and while so trespassing look through or attempt to look through a window, door or transom of the dwelling or that part of the building used as a dwelling with the intent to violate the privacy of any other person.
(Ord. 450, passed 7-27-1978) Penalty, see § 130.99

	<i>Street and Sidewalk</i>
Offenses	
133.15	Obstruction of building entrances
133.16	Open cellar doors or grates
133.17	Obstruction of fire hydrants
133.18	Vending goods on streets or sidewalks
133.19	Vending food on streets or sidewalks
133.20	Obstruction of streets and sidewalks

§ 133.03 MISCHIEF.

(A) No person shall, with intent to cause substantial inconvenience to the owner or to another person, and having no right to do so nor reasonable grounds to believe that he or she has the right, tamper or interfere with property of another.

(B) No person shall, while having no right to do so nor reasonable grounds to believe that he or she has the right, intentionally damage property of another or recklessly damage property of another.
(Ord. 450, passed 7-27-1978) Penalty, see § 130.99

OFFENSES RELATING TO PROPERTY

§ 133.01 TRESPASS.

No person shall enter or remain unlawfully in or upon premises.
(Ord. 450, passed 7-27-1978) Penalty, see § 130.99

§ 133.02 VIOLATING PRIVACY OF ANOTHER.

§ 133.04 THEFT.

The Oregon Criminal Code of 1971, O.R.S. 164.015 to 164.135, as now or hereafter constituted, is adopted by reference and made a part of this chapter, save and except the penalty provisions.
(Ord. 495, passed 8-28-1980)

STREET AND SIDEWALK OFFENSES

§ 133.15 OBSTRUCTION OF BUILDING ENTRANCES.

No person shall obstruct any entrance to any building or loiter unnecessarily about or near any entrance, stairway or hall leading to any building. (Ord. 450, passed 7-27-1978) Penalty, see § 130.99

§ 133.16 OPEN CELLAR DOORS OR GRATES.

No owner or person in charge of property shall permit a cellar door or grate located in or upon a sidewalk or public pathway to remain open except when the entrance is being used and, when being used, there are adequate safeguards for pedestrians using the sidewalk. (Ord. 450, passed 7-27-1978) Penalty, see § 130.99

§ 133.17 OBSTRUCTION OF FIRE HYDRANTS.

No owner of property adjacent to a street upon which is located a fire hydrant shall place or maintain within 8 feet of the fire hydrant any bush, shrub or tree or other obstruction. (Ord. 450, passed 7-27-1978) Penalty, see § 130.99

§ 133.18 VENDING GOODS ON STREETS OR SIDEWALKS.

No person shall use or occupy any portion of a street or sidewalk for the purpose of vending goods, wares or merchandise by public outcry or otherwise, unless a license has first been obtained. (Ord. 450, passed 7-27-1978) Penalty, see § 130.99

§ 133.19 VENDING FOOD ON STREETS OR SIDEWALKS.

No person shall place or display upon the street or sidewalk any food for sale that is less than 18 inches above the street or sidewalk upon which it is placed or displayed. (Ord. 450, passed 7-27-1978) Penalty, see § 130.99

§ 133.20 OBSTRUCTION OF STREETS AND SIDEWALKS.

(A) Except as otherwise permitted by ordinance, no person shall obstruct, cause to be obstructed or assist in obstructing vehicular or pedestrian traffic on a street or public sidewalk.

(B) The provisions of this section shall not apply to the delivery of merchandise or equipment, provided the owner or person in charge of the merchandise or equipment on the property abutting on the street or public sidewalk upon which the merchandise or equipment is located removes the merchandise or equipment within a reasonable time. (Ord. 450, passed 7-27-1978) Penalty, see § 130.99

TITLE XV: LAND USAGE

Chapter

150. GENERAL REGULATIONS

151. FLOOD DAMAGE PREVENTION

152. MOBILE HOME REGULATIONS

153. SUBDIVISION REGULATIONS

154. ZONING REGULATIONS

CHAPTER 150: GENERAL REGULATIONS

Section

General Provisions

- 150.01 Adoption of building codes and specialty codes
- 150.02 Building Official
- 150.03 Permit fees
- 150.04 Power to enter into agreements
- 150.05 Stop work orders

Comprehensive Plan

- 150.15 Comprehensive Land Use Plan and Planning Atlas; adopted
- 150.99 Penalty

GENERAL PROVISIONS

§ 150.01 ADOPTION OF BUILDING CODES AND SPECIALTY CODES.

(A) The following codes, as periodically amended and enacted by the Building Codes Division of the State of Oregon, shall be adopted and enforced within the jurisdictional limits of the city. These are amended by the state as “Specialty Codes.”

- (1) Oregon Structural Specialty Code;
- (2) Oregon Mechanical Specialty Code;
- (3) Oregon Plumbing Specialty Code;
- (4) National Electrical Code;
- (5) Uniform Fire Code;
- (6) Oregon One- and Two-Family Dwelling Specialty Code;

(7) Uniform Code – Abatement of Dangerous Buildings;

(8) Uniform Sign Code – as amended by the State of Oregon; and

(9) Oregon Manufactured Dwelling Standard.

(B) The erection, enlargement, alteration, repair, moving removal, conversion, demolition, occupancy, equipment, use, height, care and maintenance of building and structures within the city shall conform with the provisions of the codes and any future amendments to the codes by the state, which are referred to and made a part of hereof as if fully set out in this subchapter, with the following amendments to each respective code as indicated as follows:

1. Excavation and Grading. Chapter 33 of the appendix to the Uniform Building Code shall be in effect in this city.

(C) One copy of each code shall be kept on file in the office of the City Inspector and shall be kept for public use, inspection and plan review. (Ord. 595, passed 5-27-1999; Am. Ord. 614, passed 9-12-2002)

§ 150.02 BUILDING OFFICIAL.

(A) The Building Official is authorized to enforce all of the provisions of this chapter and all other ordinances of the city pertaining to building and structures regulated by the specialty codes adopted herein. For these purposes, the Building Official shall have the powers of a law enforcement officer.

(B) The Building Official is also authorized to perform, fulfill and carry out duties and

responsibilities associated with the placement for occupancy of manufactured homes in accordance with all installation and siting requirements as adopted by the State of Oregon.

(C) The Building Official shall maintain and keep on file in his or her office a copy of the latest editions of the codes and regulations of the State of Oregon, which will be available for reference during regular business hours to all applicants for permit and to the general public.

(Ord. 595, passed 5-27-1999; Am. Ord. 614, passed 9-12-2002)

§ 150.03 PERMIT FEES.

(A) All applicants for building permits required to be issued in accordance with the specialty codes shall pay such fees as are stipulated in the building permit fee as promulgated by the Building Codes Division of the state. These fees shall be collected by the city or county and a receipt shall be issued for each remittance.

(B) When a plan review is required, plan review fees shall be paid at the time of submittal.

(Ord. 595, passed 5-27-1999; Am. Ord. 614, passed 9-12-2002)

§ 150.04 POWER TO ENTER INTO AGREEMENTS.

Pursuant to Oregon laws, Chapter 90, as amended, the city shall be empowered to enter into agreements for the acquisition or exchange of services with qualified government units for the purpose of providing and rendering services and enforcement of codes as they apply within the city. (Ord. 614, passed 9-12-2002)

§ 150.05 STOP WORK ORDERS.

Whenever any building work is done, contrary to the provisions of this chapter, the Building Official may order the work to be stopped, by notice in writing served on any persons engaged in doing or causing the work to be done, and the persons shall forthwith stop the work until authorized by the Building Official to proceed with the work.

(Ord. 595, passed 5-27-1999; Am. Ord. 614, passed 9-12-2002)

COMPREHENSIVE PLAN

§ 150.15 COMPREHENSIVE LAND USE PLAN AND PLANNING ATLAS; ADOPTED.

The city's Comprehensive Land Use Plan and Planning Atlas are hereby adopted by reference as if set out in full herein. Copies are available through city offices.

(Ord. 538, passed 5-14-1987; Am. Ord. 586, passed 2-27-1997; Am. Ord. 591, passed 8-13-1998; Am. Ord. 596, passed 6-24-1999; Am. Ord. 601, passed 7-8-1999; Am. Ord. 602, passed 8-10-2000)

Editor's note:

The amending ordinances here specified they amended Ord. 540, but that ordinance was not the Comprehensive Land Use Plan and its contents did not match what these amending ordinances adopted; therefore these ordinances were deemed to amend Ord. 538 and its successors.

§ 150.99 PENALTY.

(A) It is unlawful for any person, firm or corporation to do any act, or cause the same to be done in violation of or contrary to any provisions of this chapter.

(B) A person violating any of the provisions of this chapter shall:

(1) Upon the first conviction thereof, be punishable by a fine not to exceed the sum of \$150;

(2) Upon the second conviction thereof, be punishable by a fine not to exceed the sum of \$300; and

(3) Upon the third or further conviction thereof, be punishable by a fine to exceed \$300, or by imprisonment for a period not to exceed 30 days, or both.

(C) Each day's violation of any provision of this chapter shall constitute a separate offense, punishable as set forth in this section. (Ord. 595, passed 5-27-1999; Am. Ord. 614, passed 9-12-2002)

CHAPTER 151: FLOOD DAMAGE PREVENTION

Section

- 151.01 Finding of fact; purpose and objectives
- 151.02 Definitions
- 151.03 General provisions
- 151.04 Administration
- 151.05 Provisions for flood hazard protection

Statutory reference:

Delegation of responsibility to local governmental units to adopt regulations designed to promote the public health, safety and general welfare of its citizenry, see O.R.S. 92.046

§ 151.01 FINDING OF FACT; PURPOSE AND OBJECTIVES.

(A) *Finding of fact.*

(1) The flood hazard areas of Willamina are subject to periodic inundation which may result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare.

(2) These flood losses are caused by the cumulative effect of obstructions in areas of special flood hazards which increase flood heights and velocities, and when inadequately anchored, damage uses in other areas. Uses that are inadequately floodproofed, elevated or otherwise protected from flood damage also contribute to the flood loss.

(B) *Statement of purpose.* It is the purpose of this chapter to promote the public health, safety and general welfare, and to minimize public and private losses due to flood conditions in specific areas by provisions designed:

- (1) To protect human life and health;
- (2) To minimize expenditure of public money and costly flood control projects;
- (3) To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- (4) To minimize prolonged business interruptions;
- (5) To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in areas of specific flood hazard;
- (6) To help maintain a stable tax base by providing for the sound use and development of areas of special flood hazard so as to minimize future flood blight areas;
- (7) To ensure that potential buyers are notified that property is in an area of special flood hazard; and
- (8) To ensure that those who occupy the areas of special flood hazard assume responsibility for their actions.

(C) *Methods of reducing flood losses.* In order to accomplish its purposes, this chapter includes methods and provisions for:

(1) Restricting or prohibiting uses which are dangerous to health, safety and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities;

(2) Requiring that uses vulnerable to floods, including facilities which serve those uses, be protected against flood damage at the time of initial construction;

(3) Controlling the alteration of natural floodplains, stream channels and natural protective barriers which help accommodate or channel floodwaters;

(4) Controlling filling, grading, dredging and other development which may increase flood damage; and

(5) Preventing or regulating the construction of flood barriers which will unnaturally divert floodwaters or which may increase flood hazards in other areas.
(Ord. 513, passed 2-25-1982)

§ 151.02 DEFINITIONS.

Unless specifically defined below, words or phrases used in this chapter shall be interpreted so as to give them the meaning they have in common usage and to give this chapter its most reasonable application.

APPEAL. A request for a review of the City Council interpretation of any provision of this chapter or a request for a variance.

AREA OF SPECIAL FLOOD HAZARD. The land in the floodplain within a community subject to a 1% or greater chance of flooding in any given year.

BASE FLOOD. The flood having a 1% chance of being equaled or exceeded in any given year.

DEVELOPMENT. Any manmade change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations located within the area of special flood hazard.

EXISTING MOBILE HOME PARK OR MOBILE HOME SUBDIVISION. A parcel (or contiguous parcels) of land divided into 2 or more mobile home lots for rent or sale for which the construction of facilities for servicing the lot on which the mobile home is to be affixed (including, at a minimum, the installation of utilities, either final site grading or the pouring of concrete pads, and the construction of streets) is completed before the effective date of this chapter.

EXPANSION TO AN EXISTING MOBILE HOME PARK OR MOBILE HOME SUBDIVISION. The preparation of additional sites by the construction of facilities for servicing the lots on which the mobile homes are to be affixed (including the installation of utilities, either final site grading or pouring of concrete pads, or the construction of streets).

FLOOD or FLOODING. A general and temporary condition of partial or complete inundation of normally dry land areas from:

(1) The overflow of inland or tidal waters; and/or

(2) The unusual and rapid accumulation of runoff of surface waters from any source.

FLOOD INSURANCE RATE MAP (FIRM). The official map on which the Federal Insurance Administration has delineated both the areas of special flood hazards and the risk-premium zones applicable to the community.

FLOOD INSURANCE STUDY. The official report provided by the Federal Insurance Administration that includes flood profiles, the Flood Boundary Floodway Map, and the water surface elevation of the base flood.

FLOODWAY. The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than 1 foot.

HABITABLE FLOOR. Any floor usable for living purposes, which includes working, sleeping, eating, cooking or recreation, or a combination thereof. A floor used only for storage purposes is not a **HABITABLE FLOOR**.

MOBILE HOME. A trailer coach not less than 35 feet in length, exclusive of hitch, and containing not less than 400 square feet of living area, designed for long-term occupancy.

NEW CONSTRUCTION. Structures for which the start of construction commenced on or after the effective date of this chapter.

START OF CONSTRUCTION. The first placement of permanent construction of a structure (other than a mobile home) on a site, such as the pouring of slabs or footings or any work beyond the stage of excavation. Permanent construction does not include land preparation, such as clearing, grading and filling, nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not as part of the main structure. For a structure (other than a mobile home) without a basement or poured footings, the **START OF CONSTRUCTION** includes the first permanent framing or assembly of the structure or any part thereof on its piling or foundation. For mobile homes not within a mobile home park or mobile home subdivision, **START OF CONSTRUCTION** means the affixing of the mobile home to its permanent site. For mobile homes within mobile home parks or mobile home subdivisions, **START OF CONSTRUCTION** is the date on which the construction of facilities for servicing the site on which the mobile home is to be affixed (including, at a minimum, the construction of streets, either final site grading or the pouring of concrete pads, and installation of utilities) is completed.

STRUCTURE. A walled and roofed building or mobile home that is principally above ground.

SUBSTANTIAL IMPROVEMENT. Any repair, reconstruction or improvement of a structure, the cost of which equals or exceeds 50% of the market value of the structure either:

(1) Before the improvement or repair is started; or

(2) If the structure has been damaged and is being restored, before the damage occurred. For the purposes of this definition, **SUBSTANTIAL IMPROVEMENT** is considered to occur when the first alteration of any wall, ceiling, floor or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include either:

(a) Any project for improvement of a structure to comply with existing state or local health, sanitary or safety code specifications which are solely necessary to assure safe living conditions; or

(b) Any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

VARIANCE. A grant of relief from the requirements of this chapter which permits construction in a manner that would otherwise be prohibited by this chapter.
(Ord. 513, passed 2-25-1982)

§ 151.03 GENERAL PROVISIONS.

(A) *Lands to which this chapter applies.* This chapter shall apply to all areas of special flood hazards within the jurisdiction of the city.

(B) *Basis for establishing the areas of special flood hazard.* The areas of special flood hazard identified by the Federal Insurance Administration in a scientific and engineering report entitled "The Flood Insurance Study for the City of Willamina" dated September 15, 1981, with accompanying flood insurance maps is hereby adopted by reference and declared to be a part of this chapter. The Flood Insurance Study is on file at Willamina City Hall, Willamina, Oregon.

(C) *Compliance.* No structure or land shall hereafter be constructed, located, extended, converted or altered without full compliance with the terms of this chapter and other applicable regulations. This chapter does not apply to existing structures in the floodplain where proposed alterations and improvements do not constitute substantial improvements as defined in § 151.02.

(D) *Abrogation and greater restrictions.* This chapter is not intended to repeal, abrogate or impair any existing easements, covenants or deed restrictions. However, where this chapter and another ordinance, easement, covenant or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

(E) *Interpretation.* In the interpretation and application of this chapter, all provisions shall be:

- (1) Considered as minimum requirements;
- (2) Liberally construed in favor of the governing body; and
- (3) Deemed neither to limit nor repeal any other powers granted under state statutes.

(F) *Warning and disclaimer of liability.* The degree of flood protection required by this chapter is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by manmade or natural causes. This chapter does not imply that land outside the areas of special flood hazards or uses permitted within these areas will be free from flooding or flood damages. This chapter shall not create liability on the part of the city, any officer or employee thereof or the Federal Insurance Administration, for any flood damages that result from reliance on this chapter or any administrative decision lawfully made thereunder.
(Ord. 513, passed 2-25-1982)

§ 151.04 ADMINISTRATION.

(A) *Establishment of development permit.* A development permit shall be obtained before construction or development begins within any area of special flood hazard established in § 151.03(B). The permit shall be for all structures, including mobile homes, as set forth in the definitions, and for all other development including fill and other activities, also as set forth in the definitions. Application for a development permit shall be made on forms furnished by the City Council and may include but not be limited to plans in duplicate drawn to scale showing the nature, location, dimensions and elevations of the area in question; existing or proposed structures, fill, storage of materials, drainage facilities; and the location of the foregoing. Specifically, the following information is required:

- (1) Elevation in relation to mean sea level, of the lowest floor (including basement) of all structures;
- (2) Elevation in relation to mean sea level to which any structure has been floodproofed;
- (3) Certification by a registered professional engineer or architect that the floodproofing methods for any nonresidential structure meet the floodproofing criteria in § 151.05(F); and
- (4) Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.

(B) *Designation of the City Council.* The City Council is hereby appointed to administer and implement this chapter by granting or denying development permit applications in accordance with its provisions.

(C) *Duties and responsibilities of the City Council.* Duties of the City Council shall include but not be limited to:

- (1) *Permit review.*
 - (a) Review all development permits to determine that the permit requirements of this chapter have been satisfied;

(b) Review all development permits to determine that all necessary permits have been obtained from those federal, state or local governmental agencies from which prior approval is required; and

(c) Review all development permits to determine if the proposed development is located in the floodway. If located in the floodway, assure that the encroachment provisions of § 151.05(G) are met.

(2) *Use of other base flood data.* When base flood elevation data has not been provided on the FHBM, the City Council shall obtain, review and reasonably utilize any base flood elevation data available from a federal, state or other source, in order to administer § 151.05(F)(1) and (2).

(3) *Information to be obtained and maintained.*

(a) Obtain and record the actual elevation (in relation to mean sea level) of the lowest habitable floor (including basement) of all new or substantially improved structures, and whether or not the structure contains a basement.

(b) For all new or substantially improved floodproofed structures:

1. Verify and record the actual elevation (in relation to mean sea level); and

2. Maintain the floodproofing certifications required in division (A) of this section.

(c) Maintain for public inspection all records pertaining to the provisions of this chapter.

(4) *Alteration of watercourses.*

(a) Notify adjacent communities and the Oregon State Water Resources Department prior to any alteration or relocation of a watercourse, and submit evidence of the notification to the Federal Insurance Administration.

(b) Require that maintenance is provided within the altered or relocated portion of the watercourse so that the flood-carrying capacity is not diminished.

(5) *Interpretation of FHBM boundaries.*

Make interpretations where needed, as to exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions). The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in division (D) below.

(D) *Boundary appeal.* Where a floodplain boundary crosses through an existing parcel, or where there appears to be a conflict between a mapped boundary and actual field conditions, an applicant may ask for a variance. The City Council may grant the variance, based upon record of the following findings:

(1) *Information to be considered.*

(a) In passing upon such applications, the City Council shall consider all technical evaluations, all relevant factors, standards specified in other sections of this chapter, and:

1. The danger that materials may be swept onto other lands to the injury of others;

2. The danger to life and property due to flooding or erosion damage;

3. The susceptibility of the proposed facility and its contents to flood damage and the effect of the damage on the individual owner;

4. The importance of the services provided by the proposed facility to the community;

5. The necessity to the facility of a waterfront location, where applicable;

6. The availability to alternative locations for the proposed use which are not subject to flooding or erosion damage;

7. The compatibility of the proposed use with existing and anticipated development;

8. The relationship of the

proposed use to the comprehensive plan and floodplain management program for that area;

9. The safety of access to the property in times of flood for ordinary and emergency vehicles;

10. The expected heights, velocity, duration, rate of rise, and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site; and

11. The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems, and streets and bridges.

(b) Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of 1/2 acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing items 1. through 11. in division (D)(1)(a) above have been fully considered. As the lot size increases beyond the 1/2 acre, the technical justification required for issuing the variance increases.

(c) Upon consideration of the factors of division (D)(1) and the purposes of this chapter, the City Council may attach any conditions to the granting of variances as it deems necessary to further the purposes of this chapter.

(d) The City Recorder shall maintain the records of all appeal actions and report any variances to the Federal Insurance Administration upon request.

(2) *Conditions for variances.*

(a) Variances may be issued for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places or the State Inventory of Historic Places, without regard to the procedures set forth in the remainder of this section.

(b) Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would

result.

(c) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

(d) Variances shall only be issued upon:

1. A showing of good and sufficient cause;

2. A determination that failure to grant the variance would result in exceptional hardship to the applicant; and

3. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public as identified in division (D)(1) of this section, or conflict with existing local laws or ordinances.

(e) Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with a lowest floor elevation below the base flood elevation and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.
(Ord. 513, passed 2-25-1982)

§ 151.05 PROVISIONS FOR FLOOD HAZARD PROTECTION.

(A) *Anchoring.*

(1) All new construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure.

(2) All mobile homes shall be anchored to resist flotation, collapse or lateral movement by providing over-the-top and frame ties to ground anchors. Specific requirements shall be that:

(a) Over-the-top ties be provided at each of the 4 corners of the mobile home, with 2 additional ties per side at intermediate locations, with

mobile homes less than 50 feet long requiring 1 additional tie per side;

(b) Frame ties be provided at each corner of the home with 5 additional ties per side at intermediate points, with mobile homes less than 50 feet long requiring 4 additional ties per side;

(c) All components of the anchoring system be capable of carrying a force of 4,800 pounds; and

(d) Any additions to the mobile home be similarly anchored.

(B) *Construction materials and methods.*

(1) All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.

(2) All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.

(C) *Utilities.*

(1) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems;

(2) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems and discharge from the systems into floodwaters; and

(3) On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

(D) *Subdivision proposals.*

(1) All subdivision proposals shall be consistent with the need to minimize flood damage;

(2) All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage;

(3) All subdivision proposals shall have adequate drainage provided to reduce exposure to

flood damage; and

(4) Base flood elevation data shall be provided for subdivision proposals and other proposed development which contain at least 50 lots or 5 acres (whichever is less).

(E) *Review of building permits.* Where elevation data is not available, applications for building permits shall be reviewed to assure that proposed construction will be reasonably safe from flooding. The test of reasonableness is a local judgment and includes use of historical data, high water marks, photographs of past flooding and the like, where available.

(F) *Specific standards.* In all areas of special flood hazards where base flood elevation data has been provided as set forth in § 151.03(B) or § 151.04(C)(2), the following provisions are required:

(1) *Residential construction.* New construction and substantial improvement of any residential structure shall have the lowest floor, including basement, elevated to or above base flood elevation.

(2) *Nonresidential construction.* New construction and substantial improvement of any commercial, industrial or other nonresidential structure shall either have the lowest floor, including basement, elevated to the level of the base flood elevation; or, together with attendant utility and sanitary facilities, shall:

(a) Be floodproofed so that below the base flood level the structure is watertight, with walls substantially impermeable to the passage of water;

(b) Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and

(c) Be certified by a registered professional engineer or architect that the standards of this division are satisfied. These certifications shall be provided to the official as set forth in § 151.04(C)(3).

(3) *Mobile homes.*

(a) Mobile homes shall be anchored

in accordance with division (A) of this section.

(b) For new mobile home parks and mobile home subdivisions; for expansions to existing mobile home parks and mobile home subdivisions; for existing mobile home parks and mobile home subdivisions where the repair, reconstruction or improvement of the streets, utilities and pads equals or exceeds 50% of value of the streets, utilities and pads before the repair, reconstruction or improvement has commenced; and for mobile homes not placed in a mobile home park or mobile home subdivision, require that:

1. Stands or lots are elevated on compacted fill or on pilings so that the lowest floor of the mobile home will be at or above the base flood level;

2. Adequate surface drainage and access for a hauler are provided; and

3. In the instance of elevation on pilings, that:

a. Lots are large enough to permit steps;

b. Piling foundations are placed in stable soil no more than 10 feet apart; and

c. Reinforcement is provided for pilings more than 6 feet above the ground level.

(c) No mobile home shall be placed in a floodway, except in an existing mobile home park or existing mobile home subdivision.

(G) *Floodways*. Located within areas of special flood hazard established in § 151.03(B) are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of floodwaters which carry debris, potential projectiles, and erosion potential, the following provisions apply:

(1) Prohibit encroachments, including fill, new construction, substantial improvements and other development, unless certification by a registered professional engineer or architect is provided, demonstrating that encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge;

(2) If division (G)(1) above is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of this section; and

(3) Prohibit the placement of any mobile homes.

(Ord. 513, passed 2-25-1982)

CHAPTER 152: MOBILE HOME REGULATIONS

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GENERAL PROVISIONS

§ 152.001 DEFINITIONS.

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

APPROVED. Accepted by the regulating agency issuing authority or inspecting authority.

BOARD. The Mobile Home Parks Advisory Board created under O.R.S. 670.300 to 670.350.

BUILDING.

(1) Any permanent park structure such as washrooms, office building, recreation building and similar structures, owned by the park for the common use of all the tenants.

(2) Mobile home accessory buildings, awnings, cabanas, carports and ramadas as defined in O.R.S. 446.003 and other structures common to the tenants' lot such as greenhouses and storage sheds are not included in this definition.

COUNTIES. The Counties of Yamhill and Polk.

DEPARTMENT. The Department of Commerce.

DIRECTOR. The Director of Commerce.

IMMINENT SAFETY HAZARD. An imminent and unreasonable risk of death or severe personal injury.

INSPECTING AUTHORITY or INSPECTOR. With respect to mobile home parks, the Director of Commerce or his or her delegated agent authorized to administer and enforce parts of these administrative rules.

ISSUING AUTHORITY. The Director of Commerce or his or her delegated agent.

LOT. Any area or tract of land, portion of a mobile home park, which is designated or used for occupancy by 1 mobile home.

MOBILE HOME. A vehicle or structure constructed for movement on public highways, that has sleeping, cooking and plumbing facilities, is intended for human occupancy and is being used for

residential purposes.

MOBILE HOME PARK. Any place where 4 or more mobile homes are located within 500 feet of one another on a lot, tract or parcel of land under the same ownership, the primary purpose of which is to rent space or keep space for rent to any person for a charge or fee paid or to be paid for the rental or use of facilities, or to offer space free in connection with securing the trade or patronage of that person.

MUNICIPALITY. A city, county or other unit of local government otherwise authorized by law to enact codes.

PARK ELECTRICAL WIRING SYSTEM. All of the electrical wiring, fixtures, equipment and appurtenances related to electrical installations within a mobile home park, including the mobile home service equipment.

PARK STREET or DRIVEWAYS. A private way which affords principal means of access to abutting individual mobile home lots and auxiliary buildings.

REGULATING AGENCY. The Department of Commerce.

SPECIAL PERMISSION. The written consent of the regulating agency, issuing authority or inspecting authority.

STAND. That portion of the mobile home lot reserved for the location of the mobile home. (Ord. 473, passed 5-17-1979)

Editor's note:

The definitions for director, imminent safety hazard, lot, mobile home, mobile home park, municipality and regulating agency are statutory definitions.

§ 152.002 PERMITS.

(A) (1) No person, firm or corporation shall establish, operate, manage, maintain, construct, enlarge or alter any mobile home park or cause the same to be done without first obtaining all required permits from the issuing authority and paying the prescribed permit fee specified in § 152.003.

(2) It is not the purpose of these rules to require that permits be obtained or fees be paid for repairs and maintenance which do not violate the intent of these rules, when the repair or maintenance is done on a mobile home, private garage, carport or storage shed that is accessory to a mobile home.

(B) Items, designated as follows, in or appurtenant to mobile homes and which do not encroach over subsurface disposal systems or into required yards are exempt from permits and fees in this division: concrete slabs, driveways, sidewalks, masonry repair, porches, painting, interior wall, floor or ceiling covering, non-bearing partitions, shelving, cabinet work, gutters, downspouts and plastic glazed storm windows, small accessory buildings not over 150 square feet or a height of 10 feet measured to the highest point, door and window replacements (where no structural member is changed), replacement or repair of siding not required to be fire-resistant and replacement or repair of roofing, the weight of which does not exceed 30% of the required live load design capacity and is not required to be fire-resistant. (Ord. 473, passed 5-17-1979)

§ 152.003 FEES; EXPIRATION; VALIDITY.

(A) *Construction permit and plan review fee.* A fee for each construction permit shall be paid to the issuing authority as set forth in Table A attached to Ord. 473 and hereby adopted by reference as if set out in full herein. Valuation of construction costs are to be determined by the issuing authority.

(1) The construction permit fee shall be 50% of the total fee as set forth in Table A.

(2) The construction permit does not include building permits, mobile home set-up permits, electrical permits or plumbing permits.

(B) *Return of plans.* The issuing authority shall, within 21 working days from the date of submission of a complete set of plans, approve or return the plans with noted modifications to the applicant; otherwise, the submitted plans shall be considered approved by the Department.

(C) *License required.*

(1) No person shall maintain or operate a mobile home park or trailer park within the city limits without first obtaining a license from the city. All these licenses shall be for the remainder of the year in which issued, and all shall expire at the close of December 31 of the year in which issued.

(2) Before a license is issued to operate a new mobile home park or to enlarge an existing mobile home park, the proposed use of the location shall be approved for the mobile home park purpose by the Planning Commission.

(3) The application for a license to operate a new mobile home park or to expand an existing park shall be accompanied by 10 copies of the plot plan for the proposed park. The plan shall be drawn on a sheet of 18 by 24 inches in size or a multiple thereof at a scale of 1 inch equals 100 feet, and shall show the following information:

(a) Proposed name of the mobile home park or trailer park;

(b) Name and address of the applicant;

(c) Name and address of the owner;

(d) Name and address of the contractor;

(e) Name and address of the engineer;

(f) Scale and north point of the plan;

(g) Vicinity map showing relationship of the mobile home park to adjacent properties;

(h) Boundaries and dimensions of the mobile home park;

(i) Location and dimensions of mobile home space;

(j) Location of existing and proposed buildings;

(k) Location and width of access roads;

(l) Location and width of walkways;
(m) Location of recreation areas and buildings;

(n) Location and type of fencing or screening;

(o) Location of telephone service for the park;

(p) Enlarged plot plan of a typical mobile home space showing location of the stand, patio, storage space, parking, sidewalk and utility connections drawn to a scale of 1 inch equals 10 feet;

(q) At the time of application for a license for a new mobile home park or the expansion of an existing park, the applicant shall submit 2 copies of the County Health Department's recommendation issued under the authority of the Oregon State Board of Health and, further, the applicant shall submit copies of detailed plans for the following:

1. New structures;
2. Water and sewer systems;
3. Electrical system;
4. Road, sidewalk, patio and mobile home stand construction;
5. Drainage system;
6. Recreation area improvements; and
7. Fire protection system.

(r) Plans and specifications must be stamped and signed by a registered engineer; and

(s) Plans and specifications must be approved and signed by the City Engineer prior to issuing any permit for construction in the mobile home park.

(4) Application for a license to operate a new mobile home park shall be filed with the City Recorder on forms provided by the city. An enlargement of a mobile home park site or an increase in the number of mobile home park spaces in an existing park shall be subject to the provisions of this chapter regulating new parks.

(5) After approval of the park under the provisions of the zoning ordinance, the applicant shall submit information required in this division (C), together with building and improvement plans, to the City Recorder with an application for a building permit. When the Building Official and City Engineer have approved the completed trailer park, as indicated by their final inspection, and upon issuance of a certificate of sanitation by the Health Officer, the city shall issue a license to the applicant.

(D) *Limiting trailer parks to trailer park uses and requiring compliance with plans.* Except as set forth in this chapter, no building or land within the boundary of a trailer park shall be used for any other purpose. Trailer parks shall conform to plans as approved by the city. Any mobile home park (or trailer park) developed shall contain not less than 5 acres.

(E) *Enlargement of trailer park.* An enlargement of a trailer park site or an increase in the number of trailer spaces shall be subject to the provisions of this chapter regulating new trailer parks. (Ord. 473, passed 5-17-1979)

§ 152.004 TRANSFER OF LICENSE.

(A) If a transfer of license for a trailer park under the provisions of this chapter is desired, an application for transfer shall be filed with the City Recorder. The application shall contain the name and address of the present licensee, the applicant and the location of the park. Before the transfer of license is approved, the application shall be signed by the Building Official, certifying that the trailer park conforms to all city regulations governing trailer parks. Upon receipt of approval, the City Recorder shall issue a new license to be valid until January 1 next following.

(B) If the application or transfer is disapproved, the City Recorder shall set forth in writing the

reasons therefor and state the action necessary to receive approval. The applicant may appeal the ruling to the City Council by filing a written notice of appeal with the City Recorder. (Ord. 473, passed 5-17-1979)

§ 152.005 DISPLAY OF LICENSE.

Any required trailer park license shall be displayed in a conspicuous place on the trailer park premises. (Ord. 473, passed 5-17-1979)

§ 152.006 REVOCATION OF LICENSE.

(A) The City Council may revoke any license to maintain and operate a trailer park if either of the following conditions occur:

(1) The certificate of sanitation for the park is revoked; or

(2) The park does not conform to the provisions of this chapter and other ordinances of the city relative thereto.

(B) Prior to revocation of a license, the licensee shall be given notice of a hearing before the City Council, at which time the revocation will be considered. The notice shall be before the hearing. For the purpose of the notice, the name and address that appears on the application for license or transfer of license shall be used.

(C) If the license is revoked, the Council may later authorize issuance of the license after the owner of the park has obtained a certificate of sanitation and conforms to the provisions of this chapter. (Ord. 473, passed 5-17-1979)

§ 152.007 AUTHORIZATION TO GRANT VARIANCES.

The City Planning Commission may recommend variances from the provisions of these regulations where the requirements are greater than those as set forth by state law and the rules and regulations of the Oregon State Board of Health. Variances may be granted according to the provisions of the zoning

ordinance.

(Ord. 473, passed 5-17-1979)

§ 152.008 PARTIAL LICENSING OF TRAILER PARKS.

If plumbing, paving, electrical, building and other municipal requirements have been fully met in any section of a proposed trailer park development, a temporary license may be granted for the portion so completed upon approval of the Building and Plumbing Inspectors, the City Engineer and the Sanitation Officer.

(Ord. 473, passed 5-17-1979)

§ 152.009 EXPIRATION AND VALIDITY OF PLANS AND PERMITS.

(A) *Expiration of plan approval.* Plan approval shall expire 1 year after the date of approval if no construction permit is issued. The issuing authority may extend the time for action by the applicant for a period of not exceeding 180 days, upon written request by the applicant, showing that circumstances beyond the control of the applicant have prevented action from being taken. In order to renew action on an application after expiration, the applicant shall re-submit plans and pay a new review fee.

(B) *Expiration of construction permits.* Construction permits issued by the issuing authority under the provisions of these administrative rules shall expire if the construction authorized by the permit is not commenced within 180 days from the date of the permit, or if the construction authorized by the permit is suspended for a period of 180 days or abandoned at any time after the work is commenced. Before the construction can be recommenced, a new permit shall be first obtained to do so, and the fee therefor shall be 1/2 the amount required for a new permit for this work, provided no changes have been made or will be made in the original plans and specifications for the permitted work and provided, further, that the duration of the suspension of work or abandonment has not exceeded 1 year.

(C) *Validity.* The issuance or granting of a permit or approval of plans and specifications shall not be construed to be a permit for or an approval of any violation of any of the provisions of these administrative rules. The issuance of a permit based upon plans and specifications shall not prevent the regulating agency from thereafter requiring the correction of errors in the plans or construction.

(D) *Suspension or revocation.* The issuing authority may, in writing, suspend or revoke a permit issued under provisions of these administrative rules whenever the permit is issued in error or on the basis of incorrect information supplied, or in violation of any provisions of these administrative rules.

(Ord. 473, passed 5-17-1979)

§ 152.010 PLANS AND SPECIFICATIONS.

(A) *Plans.* With each application for a permit the applicant shall submit 10 sets of construction plans and specifications. Plans and specifications shall be drawn to scale and shall be of sufficient clarity to indicate the nature and extent of the work proposed and show in detail that it will conform to these administrative rules and all relevant laws, rules and relations of the state pertaining to mobile home parks.

(B) *Design.*

(1) All plans shall be designed in accordance with the performance requirement of the various codes and administrative rules; or designed to the specifications of the codes.

(2) When designed to performance requirements, the plans shall be certified by an engineer registered in the state. Plans submitted without an engineer's certification shall comply with the following:

(a) Storm and sanitary sewers shall be designed in accordance with the Oregon Plumbing Specialty Code. Data may be required to show code compliance;

(b) Mobile home park water sources for domestic use shall be designed according to Health Division Regulations Chapter 333. Water distribution systems within mobile home parks shall be designed and installed in accordance with the Oregon Plumbing Specialty Code. Data may be required to show code compliance; and

(c) Roads shall be designed in accordance with the specifications for roads and driveways set forth in §§ 152.020 through 152.029.

(C) *Plan format and sequence.*

(1) *Cover sheet.* The cover sheet of each set of plans shall give the following:

(a) Name of mobile home park and location (vicinity map);

(b) Name of owner;

(c) Name of operator;

(d) Name of person who prepared or submitted plans;

(e) Scale used; and

(f) Symbols used.

(2) *The plot plan.* On separate sheet include:

(a) Both proposed and existing construction;

(b) The general layout of the entire mobile home park at a scale no smaller than 1 inch to 50 feet, showing the following:

1. Distances from park boundaries to public utilities located outside the park, when shown, may be indicated by arrows without reference to scale; and

2. The location of each of the following facilities must be clearly shown and clearly identified:

a. Play areas where required by statute;

b. Permanent buildings (washrooms, recreation and other similar type structures);

c. Location, size and materials of patio or slab for each mobile home;

d. Property line boundaries. When the construction involves an addition to or remodeling of an existing mobile home park, the plot plan need only show the facilities related to the addition and the facilities to be remodeled;

e. The designation of each mobile home lot by number, letter or name; and

f. Approximate location of each such mobile home lot by number, letter or name.

(3) *Park utilities systems.* On a separate sheet include:

(a) Location of mobile home sewer connections and service electrical outlets;

(b) Location of domestic water supply outlets;

(c) Location of water and sewer lines. Indicate type of material and construction;

(d) Water mains and fire hydrants on the interior of the mobile home park shall be installed by the park developer in size, make and location as required by the city's Fire Chief and City Engineer;

(e) Location of light fixtures for lighting the mobile home streets and walkways;

(f) Park streets layout, and how connected to outside street(s);

(g) Source of domestic water supply and private sewerage;

(h) Disposal system or public water supply and sewer connection;

(i) All street names shall be approved by the Planning Commission. Street name signs shall be erected by the developer and a street number may

be assigned to each lot on the city's master street numbering plan;

(j) All mobile home parks shall be landscaped in accordance with plans approved by the Planning Commission. Landscaping shall be designed to perform the following functions: screen the park from adjacent properties, reduce noise transmission between the park and adjacent properties, provide an attractive street frontage and provide dust control. Landscaping is required for a minimum of 15 feet along all property lines abutting public streets, except for the area required for private street openings;

(k) Recreation areas shall be improved with grass, plantings, surfacing or buildings suitable for recreation use;

(l) All boats, campers and trailers shall be stored in an area set aside for such storage on the approved plans. This storage area shall be located to avoid conflict with adjoining residential properties, and shall be screened from view from inside and outside the park by a fence, wall, or screen landscaping a minimum of 6 feet high; and

(m) Plans and specifications of all utilities (water, sewage, drainage, electrical, telephone, gas) "as constructed" shall be supplied the City Engineer on final completion and approval of the mobile home park.

(4) *Park topography.* Park topography shall be shown when any existing grade or slope exceeds 5%.
(Ord. 473, passed 5-17-1979)

DESIGN AND LAND USE

§ 152.020 SUITABILITY OF SITE.

The site shall be suitable for proper development of a mobile home park and meet all relevant land use requirements. Condition of soil, groundwater level, drainage and topography shall be suitable. No mobile home or other structure shall be located within an area designated as a 100-year floodplain by the Corps of Engineers, Oregon Water Resources Department or other approved agency unless the site will provide for a floor elevation that is at or above low flood level.

(Ord. 473, passed 5-17-1979)

§ 152.021 SPACE UTILIZATION.

Building separation in a mobile home park for each mobile home and its accessory structures shall be in accordance with the following:

(A) A mobile home shall not be located closer than 15 feet from any other mobile home, closer than 10 feet from a park building within the mobile home park or closer than 5 feet from a park property boundary line. The area occupied by the mobile home, accessory buildings and structures on a mobile home lot shall not exceed 75% of the lot area.

(B) To prevent the spread of fire from one mobile home to another (unless otherwise approved by the inspecting authority) the following separations shall apply:

(1) An accessory building shall not be located closer than 6 feet from any mobile home or other accessory building on an adjacent space, except that a double carport or garage may be built which serves 2 adjacent mobile homes; and

(2) When a double carport or garage is built to serve 2 adjacent mobile homes, a minimum 3-foot separation shall be provided between the double carport and any adjacent structure, mobile home or mobile home accessory structure. In the alternative, a 1-hour fire separation may be provided through the center of the double carport serving adjacent mobile homes.

(C) Mobile homes shall be set back a minimum distance of 5 feet from the edge of a park street or 2 feet from the edge of a sidewalk.

(D) Walkways not less than 3 feet in width shall

be provided from each trailer space to the service buildings, and from the patio to the surfaced part of the access way. The access way may be considered as part of the walkway to the service building.

(E) Mobile homes shall not be used for living purposes unless connected to the mobile home park water, sewer and electrical systems.
(Ord. 473, passed 5-17-1979)

§ 152.022 ACCESS.

Each mobile home lot within a mobile home park shall have direct access to a park street in order to allow individuals to escape in case of emergency. The access shall be an unobstructed area, not less than 14 feet in width.
(Ord. 473, passed 5-17-1979)

§ 152.023 STREET WIDTH.

Park streets shall be of adequate width to accommodate the contemplated parking and traffic load in accordance with the type of street. Traffic lanes shall be 10 feet minimum width. Where parking is permitted on park streets, the street shall be 30 feet minimum width, and all streets without parking shall be 20 feet minimum width.
(Ord. 473, passed 5-17-1979)

§ 152.024 CONNECTION TO PUBLIC WAY.

The park street system shall have direct connection to a public way which is not less than 60 feet in width and shall conform to standards established for residential streets.
(Ord. 473, passed 5-17-1979)

§ 152.025 LIGHTING.

Streets and walkways designed for the general use of the mobile home park residents shall be lighted during the hours of darkness. This lighting shall not be under control of the mobile home occupant. Lighting shall be designed to a minimum of 0.35 candlepower per square foot and a maximum of 0.1 watts per square foot energy use.
(Ord. 473, passed 5-17-1979)

§ 152.026 VEHICLE PARKING.

Mobile home parks shall be designed to include 2 automobile parking spaces for each mobile home lot. Spaces may be designed end to end, side to side, or 1 street space and 1 off-street space.
(Ord. 473, passed 5-17-1979)

§ 152.027 PARK ROADS AND STREETS.

(A) *Engineered streets.* Roads and streets shall be designed for a minimum 9-ton gross load (traffic coefficient 3.6–4.0) and both streets and walkways shall be well drained (furnish street profile, cross-section and grade). The street surface may be asphaltic-concrete, concrete or other approved hard-surfaced material.

(B) *Non-engineered streets.* Non-engineered streets, roads and driveways (as defined in O.R.S. 446.095) shall be constructed to but not limited to the following:

(1) *Wearing course.* The travelway (roads and streets) shall be surfaced with a wearing course of asphaltic concrete or portland cement concrete (unless otherwise approved by the Director) over a well-compacted base of minimum thickness as given in Table B.

(2) *Base.* All asphaltic concrete surfaced roads and streets shall have a well-graded base consisting of minimum 4 inches of 1-1/2-inch minus crushed rock and 2 inches of leveling course consisting of 3/4-inch minus crushed rock. The total thickness of the base course shall not be less than 6 inches (or a thickness approved by the issuing authority) or, if portland cement concrete surfaced, the base shall consist of sand as shown in Table B below. All base materials shall be clean and free from organic materials. All surfaces and materials on which the base is to be constructed shall be firm and free from soft spots at the time the base materials are placed. Base materials shall be thoroughly compacted before pavement surface is placed.

(3) *Exception.* Lime treatment of native soils (pH greater than 10, cement treatment if pH is less than 10) may be substituted for base rock or sand, inch for inch, with application of not less than

25 pounds of slacked lime (or portland cement) per square yard to be mixed thoroughly (rototilled) to the specified depth.

(4) (a) *Table B.*

TABLE B	
<i>Asphaltic Concrete</i>	<i>Portland Cement Concrete</i>
2 inches asphaltic concrete surface	4 inches PCC wearing surface
6 inches rock base	2-4 inches sand base

(b) *Exception.* A wearing surface of well-graded crushed rock or clean well-graded quarry or pit-run material may be substituted east of the Cascade Summit when hard surface walkways are provided on at least 1 side of the street.

(c) *Note.* Two inches of rock or gravel is considered equivalent to 1 inch of asphaltic concrete.

(C) *Geometrics.*

(1) The cross-slope of the roadway or street (crown or inverted crown) shall not be less than 2%.

(2) The minimum grade of a travelway without curbs and gutters shall be 0.50% of the road crown and 1.0 % on inverted crowns.

(3) The maximum grade on a travelway shall not exceed 15%.
(Ord. 473, passed 5-17-1979)

§ 152.028 MOBILE HOME DECKS.

Each mobile home stand shall be provided with 1 or more slab(s) or deck(s) adjacent to the mobile home, constructed of concrete, asphalt, flagstone, wood or other equivalent surface material which, singly or in combination, total 120 square feet of area and are not less than 4 feet wide in its least dimension.
(Ord. 473, passed 5-17-1979)

§ 152.029 PLAY AREAS.

(A) (1) A separate play area shall be provided in all mobile home parks that accommodate children under 14 years of age unless each space has a minimum size of 4,000 square feet. This play area shall be not less than 2,500 square feet of area with at least 100 square feet of play area provided for each mobile home lot occupied by children. In determining whether or not plans should be approved, the issuing authority shall require that suitable separations or other safeguards be provided if the play area abuts upon a railroad, a public street, a sharp declivity or other similar hazard.

(2) Separate play areas are not required if mobile home parks are restricted, as shown on their license, to children over the age of 14 years.

(B) Recreation areas shall be improved with grass, plantings, surfacings or buildings suitable for recreation use.
(Ord. 473, passed 5-17-1979)

FEES

§ 152.045 SPECIAL INSPECTION FEE.

An inspecting authority may charge \$20 per hour or any part thereof, for any special inspection.
(Ord. 473, passed 5-17-1979)

§ 152.046 PLAN REVIEW FEE.

When the valuation of the construction cost of a proposed mobile home park, addition or remodeling of an existing park exceeds \$5,000, the plan review fee set forth in Table A adopted above shall be paid to the issuing authority at the time of submitting plans and specifications for review.
(Ord. 473, passed 5-17-1979)

§ 152.047 OTHER PERMIT FEES.

Fees for building, plumbing, electrical and mechanical permits shall be as prescribed in the State Building Code.
(Ord. 473, passed 5-17-1979)

PARK SAFETY AND SANITATION

§ 152.060 FIRE SAFETY FACILITIES.

(A) *Access to mobile homes for fire protection services.* Access to a mobile home for fire protection services shall be such as to permit fire apparatus to approach within 100 feet of each mobile home.

(B) *Incinerators.* Where provision is made for the burning of rubbish in the park, incinerators shall be constructed in accordance with the NFPA standard for incinerators.

(C) *Outside hazards.* The park area shall be maintained free of dry brush, leaves and weeds which might allow fires to spread between mobile homes and other buildings in the park.

(D) *Empty LP-gas containers.* No person shall place empty liquefied petroleum gas containers under a mobile home. Empty containers shall be secured in place if there is more than 1 container. If the mobile home's LP-gas supply is limited to 1 container, and a replacement has been secured, any empty fuel container shall be stored in the area designated for that storage.
(Ord. 473, passed 5-17-1979)

§ 152.061 PARK SANITATION AND MAINTENANCE.

(A) (1) The owner or operator of a mobile home park shall maintain the park grounds, sewer and water systems to their point of termination on the lot, streets, common walkways and buildings in a safe, sanitary condition.

(2) The tenant shall maintain his or her lot and utilities from their termination points (lot boundaries defined by agreement between tenant and operator) in a safe, sanitary condition.

(B) No person shall allow his or her pet animal to run at large or to create any health hazard within a mobile home park.

(C) All park-owned public buildings accessible to park tenants shall be kept in a sanitary condition, in good repair and free of debris and refuse.

(D) The area directly under each mobile home shall be kept free and clean of refuse or other objects that will create a fire hazard or harbor rodents.

(E) When skirting is provided around a mobile home, an access panel shall be provided for inspections and maintenance of service connections.

(F) Liquid petroleum tanks shall be securely anchored to the chassis or stantion of the mobile home. The manifold regulator valve shall be attached to the tank in an approved manner with approved material.

(G) The sewage connection to a mobile home shall be maintained air- and watertight.

(H) All stands shall be designed to prevent standing water under or adjacent to any mobile home.

(I) Refuse containers with fly-tight lids shall be provided and maintained in a clean and sanitary condition. Garbage and refuse shall be disposed of in an approved manner to prevent fly, rodent and health nuisances.

(J) Owners shall keep the area under and around their units free from an accumulation of rubbish and/or combustible materials. Burning of rubbish, if permitted, shall be done only in approved incinerators.
(Ord. 473, passed 5-17-1979)

§ 152.062 ALTERNATE METHODS, MATERIALS AND INTERPRETATIONS; APPEALS.

(A) The provisions of this division are not intended to prevent the use of any material, design or method of construction for mobile home parks not specifically prescribed by this division, provided the alternate has been approved.

(B) Any person who desires an interpretation of how these rules apply to him or her, and any person who desires to use or furnish any material design or method of construction for mobile home parks, or any Building Official, may request the Director to issue a ruling with respect to the interpretation of the rules or the acceptability of the alternate method or material. Requests shall be in writing and shall be made prior to the use or attempted use of the alternate.

(C) In making rulings, the Director of Commerce shall consult with the Mobile Home Park Advisory Board.

(D) A Building Official of inspecting authority shall approve the use of any material, design or method of construction for mobile home parks approved by the Director pursuant to this section if the requirements of all other federal, state or municipal ordinances or statutes, rules and regulations are satisfied.

(E) In areas of the state where the Director has delegated enforcement in accordance with O.R.S. 446.425, the Director will not accept jurisdiction of a matter described in division (B) of this section until the matter has been submitted to and ruled upon by a local appeals board, if there is such a local appeals board established.
(Ord. 473, passed 5-17-1979)

§ 152.063 EXISTING PARKS.

(A) Parks existing at the time of the adoption of these administrative rules may have their existing use continued if the use was legal at the time of adoption of these rules; and provided the continued use is not a threat to life, health, property and general welfare of the public and is maintained in a safe and healthful condition; and further provided that continued use is not in conflict with the statutes, rules, regulations or ordinances of any federal or state agency, county or municipality.

(B) Any changes or additions to a mobile home park shall comply with the requirements of these rules and O.R.S. Chapter 446 for new parks.

(1) *Exception.* When a mobile home or mobile home accessory structure within a mobile home park is moved from the park, the replacement

mobile home and mobile home accessory structures shall not exceed the minimum setback requirements which were applicable at the time the just-removed mobile home and accessory structures were installed.

(2) *Note.* O.R.S. 446.090 provides that parks constructed prior to August 5, 1959 do not require mailboxes, telephones, play areas for children under 14 years of age, nor that there be a minimum 30-foot by 40-foot space for each mobile home.

(C) If a trailer park is located in an area subsequently annexed to the city, the term "effective date of this chapter" shall mean the effective date of the annexation.
(Ord. 473, passed 5-17-1979)

§ 152.064 DENIAL, SUSPENSION OR REVOCATION OF CERTIFICATE OF SANITATION.

The issuing authority shall conduct hearings on denial, suspension or revocation of a certificate of sanitation and other matters the issuing authority feels appropriate. These hearings shall be conducted as a contested case in accordance with O.R.S. 183.310 to 183.500.
(Ord. 473, passed 5-17-1979)

§ 152.065 ENFORCEMENT.

(A) As set forth in O.R.S. 446.005, the regulating agency with respect to mobile home parks shall be the Department of Commerce. A County Board of Commissioners or city governing body may request the authority, responsibilities and functions under O.R.S. 446.006, 446.016, 446.046 to 446.056, 446.066, 446.076, 446.096, 446.015 to 446.115 and 446.990. Upon determining that the county or city is willing and able to carry out these functions relating to fee collection, licensing, enforcement, plan review and issuance, and revocation of certificates of sanitation, issuing and inspecting authority will be delegated. Delegation shall continue until terminated in writing by either party. Termination of authority shall commence on July 1 of any year by notifying the Director by May 1 of that year of the requested termination. In accordance with O.R.S. Chapter 183, the Department of Commerce may suspend or rescind a delegation of authority. If it is determined that the

city or county is not carrying out the rules or the delegation is suspended, the unexpended portion of the fees collected shall be available to the issuing authority for carrying out the authority, responsibility and functions under this division.

(B) The inspecting authority shall perform plan reviews and inspect parks during and after construction to ensure that the approved plans have been accurately followed and complied with.

(C) The Department of Commerce or authorized inspecting authority may inspect any mobile home park in order to determine whether it conforms with the provisions of O.R.S. 446.003 to 446.200 and these administrative rules. Any person operating a mobile home park shall, at all reasonable times upon request of the issuing authority, permit access to all parts of the facilities.

(D) Operators of seasonal mobile home parks which are customarily closed for 120 days or more in any 12-month period shall notify the regulating agency in writing of their intention to reopen at the beginning of a season. This notice shall be given at least 30 days prior to the reopening.

(E) In any action, suit or proceeding arising out of county or city administration of their functions, and responsible pursuant to their delegation regulating mobile home parks and involving the validity of a rule promulgated by the regulating agency, the Department of Commerce shall be made a party to the action or proceedings.
(Ord. 473, passed 5-17-1979)

LOCATION OUTSIDE TRAILER PARKS

§ 152.075 DEFINITIONS.

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

ACCESSORY BUILDING or STRUCTURE.

Any awning, demountable or permanent cabana, ramada, carport, porch, skirting or steps established for use of the occupant of the mobile home and which are designed or intended to be attached to and which depend, in whole or part, upon the mobile home for

structural support.

INSPECTING AUTHORITY. The Building Inspector or other person authorized by the city to administer or enforce standards for construction and placement of mobile homes and mobile home accessory buildings or structures on property within the city.

MOBILE HOME. A factory-built home which was constructed for movement on the public highways in 1 or more sections, which, with the exception of connection to utilities, is complete for permanent residential living and which has an overall measurement of at least 23 feet and 6 inches wide.
(Ord. 527, passed 10-28-1984)

§ 152.076 PERMISSIBLE LOCATIONS.

Subject to compliance with all terms and conditions of this subchapter, the location, use and occupation of mobile homes shall be allowed in R-1, R-2 and R-3 residential zones within the city, provided that the location of the mobile home fulfills the requirements and restrictions for location of similar dwelling units which are not mobile homes as defined herein within the applicable zones.
(Ord. 527, passed 10-28-1984)

§ 152.077 LOCATION PROCEDURE.

No person shall place a mobile home on a lot within the city until he or she has obtained an installation permit from the City Recorder.

(A) To obtain an installation permit, a person shall complete an application in the form provided for by the City Recorder and submit his or her application to the City Recorder together with the following:

- (1) A description of the lot and proof of ownership;
- (2) A diagram of the proposed location of the mobile home on the lot;
- (3) A description of the mobile home and the name of the owner;

(4) Application for city sewer and water service connection for the mobile home together with all required deposits and hookup fees required by the city;

(5) Proof that the mobile home complies with all applicable federal and state construction standards for the mobile home;

(6) A copy of the factory specification sheets for the mobile home; and

(7) An application fee of \$25.

(B) Upon submission of the application and required information to the City Recorder, it shall be reviewed by the Planning Commission. Within 30 days, the Planning Commission shall approve or deny the application. If approved, an installation permit shall be issued. Upon issuance of the installation permit, a person may proceed with placement of the mobile home according to the terms, conditions and restrictions of the permit. An installation permit shall not be transferable as to location but may be transferred between persons for the same location and mobile home.

(Ord. 527, passed 10-28-1984)

§ 152.078 APPEAL PROCEDURE.

Any decision on an application for an installation permit hereunder may be appealed to the City Council by written notice filed with the City Recorder within 15 days after the denial of the application. The Council shall review the decision and issue its opinion within 60 days. If the appeal is filed, the Council shall receive a report and recommendation thereof from the Planning Commission, shall hold a public hearing on the appeal and shall issue its opinion within 60 days after the appeal is filed. Any decision not timely appealed hereunder shall be final.

(Ord. 527, passed 10-28-1984)

§ 152.079 INSTALLATION.

(A) Installation of all mobile homes shall include attachment to a permanent foundation and shall comply with all federal and state standards for installation and siting of mobile homes as well as with the Specification Sheet for Mobile Home Lots in

the city as it may be amended by the City Council from time to time.

(B) The inspecting authority shall inspect for proper placement and installation.

(1) Fees for this inspection shall be as follows:

<i>Inspection Type</i>	<i>Fee</i>
Single wide	\$25
Additional for each width	\$15
Awning approved by the state	\$5*
Plumbing	\$15*
Electrical	\$10*
NOTE: *Any surcharge required by the State of Oregon will be in addition to the inspection fee.	

(2) In the event minimum fees recommended by the state for these inspections exceed those in the foregoing schedule, the fees shall be automatically increased immediately to match the minimum fees recommended by the state. No mobile home shall be occupied until all utility connections are made and inspected.

(Ord. 527, passed 10-28-1984)

§ 152.080 CARPORT OR GARAGE.

Each mobile home sited hereunder shall have a carport or a garage. Each carport or garage shall enclose a space of not less than 300 square feet.

(Ord. 527, passed 10-28-1984)

§ 152.081 ACCESSORY BUILDINGS.

Any mobile home accessory building or structure which is constructed on the site of the mobile home shall comply with the applicable provisions of the State Building Code and the ordinances of the city.

(Ord. 527, passed 10-28-1984)

§ 152.082 REMOVAL.

(A) If a mobile home is removed from its foundation, the owner of the lot shall remove the foundation, accessory buildings and structures to ground level and permanently disconnect and secure all utilities within 30 days after removal of the mobile home from the foundation. This condition shall not apply, however, in the event that the original mobile home is replaced by another approved mobile home on the original foundation within 60 days after the original mobile home is removed.

(B) If, within the times allotted, the owner fails to complete the removal, the city may perform the work and place a lien against the property for the costs incurred. The city shall follow the applicable procedures provided in Chapter 93 of this code of ordinances to create such a lien.
(Ord. 527, passed 10-28-1984)

§ 152.083 TEMPORARY USE.

A mobile home used as a temporary residence on an individual lot during construction of a non-mobile housing unit shall comply with the following provisions:

(A) The mobile home shall be occupied by the owner of the lot on which the mobile home is located;

(B) The mobile home shall be placed upon a lot for which a building permit for a housing unit has been obtained;

(C) A \$10 temporary permit must be obtained from the City Recorder and displayed at all times on the temporary residence;

(D) The temporary residence mobile home shall

be removed completely no later than 8 months from the date on which the building permit for the housing unit is issued; and

(E) The mobile home shall be fully connected to all utilities before being occupied.
(Ord. 527, passed 10-28-1984)

§ 152.084 VARIANCE.

A variance from the provisions of this subchapter may be granted in accordance with the applicable standards and procedures stated in Willamina City Ordinance No. 387, Article 8, Section 8.010-8.050.
(Ord. 527, passed 10-28-1984)

§ 152.999 PENALTY.

(A) Violations of any provision of O.R.S. 446.033 to 446.200 are subject to the criminal penalties set forth in O.R.S. 446.990. Whoever violates any provision of O.R.S. 446.003 to 446.200 or these administrative rules is subject to the civil penalties set forth in O.R.S. 446.270.
(Ord. 473, passed 5-17-1979)

(B) Any person violating any of the provisions of §§ 152.075 through 152.084 shall, upon conviction thereof in the Municipal Court of the city, be punished by a fine not to exceed \$300. Each day's violation of the provisions of this subchapter shall constitute a separate offense.
(Ord. 527, passed 10-28-1984)

CHAPTER 153: SUBDIVISION REGULATIONS

Section

153.01 Subdivision regulations; adopted

herein, and as amended. Copies are available through city offices.

(Ord. 413, passed - -; Am. Ord. 497, passed 11-13-1980)

§ 153.01 SUBDIVISION REGULATIONS; ADOPTED.

The subdivision regulations of the city are hereby adopted by reference as if set out in full

CHAPTER 154: ZONING REGULATIONS

Section

154.01 Zoning and development, map;
adopted

§ 154.01 ZONING AND DEVELOPMENT, MAP; ADOPTED.

The “City of Willamina Zoning and Development Ordinance” and the “Zoning Map of 1987,” attached to Ord. 540, are hereby adopted by reference as if set out in full herein. Copies are available through city offices.

(Ord. 540, passed 6-11-1987; Am. Ord. 577, passed 11-30-1995; Am. Ord. 592, passed - -; Am. Res. 99-00-04, passed - -; Am. Res. 2000-01-05, passed 12- - 2000; Am. Ord. 610 pt. 1, passed 2-14-2002; Am. Ord. 610 pt. 2, passed 6-27-2002; Am. Ord. 622, passed 12-11-2003)

PARALLEL REFERENCES

References to Oregon Revised Statutes
References to Resolutions
References to Ordinances

REFERENCES TO OREGON REVISED STATUTES

<i>O.R.S. Cite</i>	<i>Code Section</i>
92.046	Ch. 151
135.230 – 135.290	130.08
Ch. 153	72.35
161.005 - 167.820	130.07, 130.09
164.015 – 164.135	133.04
166.291 – 166.297	132.20
167.060 – 167.095	131.03
167.117	111.02
167.118	111.01
167.121	111.03
Ch. 183	152.065
183.310 – 183.500	152.064
192.410	31.15
Ch. 197	34.45
Ch. 223	33.25, 34.02
223.208	33.25
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