

CITY OF FALLS CITY, OREGON CODE OF ORDINANCES

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TITLE I: GENERAL PROVISIONS

Chapter

10. GENERAL PROVISIONS

CHAPTER 10: GENERAL PROVISIONS

Section

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§ 10.01 TITLE OF CODE.

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

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

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

COUNTY. Polk County, 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 such cases the words **SWEAR** and **SWORN** shall be equivalent to the words **AFFIRM** and **AFFIRMED**.

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

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

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

SHALL. The act referred to is mandatory.

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

STATE. The State of Oregon.

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

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

YEAR. A calendar year, unless otherwise expressed.

§ 10.06 RULES OF INTERPRETATION.

(A) *Generally.* The construction of all ordinances of this city shall be by the following rules, unless the construction is plainly repugnant to the intent of the legislative body or of the context of the same ordinance.

(B) *Specifically.*

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

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

(3) *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.

(4) *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, the reference shall extend and apply to the section referred to as subsequently amended, revised, recodified, or renumbered unless the subject matter is changed or materially altered by the amendment or revision.

§ 10.09 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.

(A) 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.

(B) 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/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 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 shall take effect as provided in the City Charter. If there is no City Charter, all ordinances passed by the legislative body shall take effect as provided by the legislative body or applicable state law.

§ 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 the 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.

§ 10.18 SECTION HISTORIES; STATUTORY REFERENCES.

(A) As histories for the code sections, the specific number and passage date of the original ordinance and any amending ordinances are listed following the text of the code section. Example: (Ord. 161, passed 5-13-1960; Ord. 170, passed 1-1-1970; Ord. 180, passed 1-1-1980; Ord. 185, passed 1-1-1985; Ord. 190, passed - -; Ord. passed 1-1-1995; Ord. passed - -)

(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) (Ord. 180, passed 1-17-1980; Ord. 185, passed 1-1-1985).

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

§ 39.01 PUBLIC RECORDS AVAILABLE.

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

Statutory reference:

For provisions concerning the inspection of public records, see O.R.S. 192.420

§ 10.19 SECTION CODE ENFORCEMENT OFFICER.

For purposes of Oregon law and enforcing City Code violations, the City may appoint and designate city officers as it determines necessary as an "enforcement officer." The City enforcement officers shall be authorized to enforce violations of this Code including the authority to issue infraction citations, issue summons and prosecute citations in municipal court.(Ordinance 549-2017 passed 11-09-2017)

§ 10.99 GENERAL PENALTY.

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

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

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

TITLE III: ADMINISTRATION

Chapter	
	30. CITY COUNCIL
	31. CITY OFFICIALS
	32. BOARDS, COMMISSIONS, AND COMMITTEES
	33. CITY POLICIES
	34. FINANCE
	35. PERSONNEL

CHAPTER 30: CITY COUNCIL

Section	
30.01	Adoption of Council Rules
30.02	Standing committees
30.03	Regular meetings
30.04	Passage of ordinances

§ 30.01 ADOPTION OF COUNCIL RULES.

(A) *Adoption.* The Council Rules attached to the ordinance codified in this section as Exhibit A are hereby adopted by the City Council, as permitted by the City Charter, and are incorporated herein by reference.

(B) *Amendments.* These Rules may be amended from time to time by resolution of the Council.

(C) *Application and enforcement.*

(1) These Rules shall apply to all meetings of the full Council and to all elected and appointed members of the Council as defined in § 4 of the City Charter. The Rules shall apply to the Mayor only to the extent permitted by the City Charter and as expressly covered by these Rules.

(2) The Mayor shall enforce the rules concerning conduct of meetings at all times, unless a rule is waived by a majority of a quorum of the Council at a meeting; the waiver shall expire at the adjournment of that meeting. The President of the Council shall have standing to require that the Mayor follow and enforce the rules concerning conduct of meetings. A majority of a quorum of the members of the Council shall have standing to raise any ethical issue relating to a member of the Council or the Mayor, if allowed by the City Charter. A vote of a two-thirds majority of the members of the Council legally in office shall be required to impose any sanction.

(Ord. 499, passed 9-24-2001; Ord 536-2014; passed 06-12-2014)

§ 30.03 REGULAR MEETINGS.

Regular meetings of the City Council shall be held at least once a month, in each month of the year, in the Council Chamber of the City of Falls City.

(Ord. 521-2009, passed 11-16-2009)

§ 30.04 PASSAGE OF ORDINANCES.

All ordinances shall be read a first time, a second time, and upon their final passage at a regular meeting of the City Council, provided, however, that, in its discretion, the City Council may, after the first reading of any ordinance at a regular meeting of the Council, continue the same for further consideration, and then the same shall be read a second time and upon its final passage at the next regular meeting of the Council.

(Ord. 51, passed 10-19-1909)

CHAPTER 31: CITY OFFICIALS

Section

- 31.01 City Manager
- 31.02 Superintendent of Public Works

§ 31.01 CITY MANAGER.

(A) There is hereby created the Office of City Manager, who shall be the administrative officer of the city. The City Manager shall hold office for an indefinite term and shall serve at the pleasure of the City Council, and shall be responsible to the City Council for the proper administration of the city. The City Manager may be removed from office at any time with or without cause by majority vote of the entire Council. The City Manager shall be chosen without regard to political considerations and solely on the basis of ability, as determined by the Council.

(B) The City Manager shall be required to give a fidelity bond in an amount fixed by the City Council conditioned upon the faithful performance of his or her duties. The premium of the bond shall be paid by the city.

(C) The City Manager shall have general supervision of administrative affairs of the city and the work of all city departments, and general supervision of all nonelective officers and

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employees of the city, except the Offices of Municipal Judge and City Attorney. The Council may, by motion, resolution, or ordinance, provide rules under which the City Manager shall conduct his or her office and the affairs of the various departments of the city.

(D) The duties of the City Manager shall be as follows:

(1) To recommend to the Council ordinances and policies designed to maintain or improve the efficiency of city government;

(2) To perform any other duties as prescribed by City Charter or ordinance, or as the Council may require;

(3) To submit to the Mayor and Council a list of interested citizens to fill any position appointed by the Mayor or elected by the Council;

(4) To prepare the annual budget for consideration by the Council and Budget Committee;

(5) To act as administrative head of all departments of the city government, and oversee the operations of the departments, and keep Council apprised as to the functioning of the departments;

(6) To act as manager with authority to recruit, hire, discipline, and terminate the employees under the City Manager's supervision following existing or subsequently issued guidelines, policies, and handbooks as adopted by the Council by resolution or ordinance, to establish and revise duties and job descriptions and to set salaries and grant merit increases and promotions within the constraints of the approved budget. Authority to grant across-the-board cost of living increases shall remain with the Budget Committee and Council;

(7) To prepare agendas;

(8) To act as business agent of the City Council in connection with city business;

(9) To act, within the adopted budget by line item as approved by the City Council, as purchasing agent for all departments of the city;

(10) To coordinate the enforcement of all city ordinances relating to enforcement of city ordinances under the advice of the Council;

(11) To ensure that provisions of all franchises, agreements, contracts, leases, permits or other agreements, and privileges granted by, or entered into, by the city are enforced and observed;

(12) To maintain general supervision over all city property and its use by the public or city employees;

(13) To advise the Council as to the needs of the city and to prepare and furnish all reports requested by the Council;

(14) Keep accurate personnel records/files;

(15) To perform and/or assist with general reception duties; and

(16) To perform any other duties as may be prescribed by the City Council.

(E) The City Manager shall attend all Council meetings, and shall normally participate in all discussions coming before the Council, but shall have no vote.

(F) The Council may enter into a contract with the City Manager stating terms and conditions of employment.

(G) The salary of the City Manager shall be determined by action of the Council.

(H) The performance of the City Manager shall be evaluated by the City Council annually or as recommended by the Council. The Mayor shall, on behalf of the Council, coordinate the obtaining of written and oral information to assist the Council in the evaluation.

(I) The City Manager may request that the Council appoint an ad hoc Personnel Committee to assist with personnel issues. The function of the Personnel Committee shall be an advisory one.

(Ord. 94-459, passed 11-15-1994; Ord. 478, passed 1-31-2000; Ord. 482, passed 5-22-2000, Ord. 540-2014, passed 11-13-2014)

§ 31.02 SUPERINTENDENT OF PUBLIC WORKS.

(A) There is hereby created a position with the city to be filled by a person to be designated as the Superintendent of Public Works, to be compensated as may be prescribed from time to time by resolution of the City Council.

(B) The Superintendent of Public Works is hereby designated and appointed as the Street Commissioner and shall perform the duties of that office as set forth in § 43 of the City Charter.

(C) The Superintendent of Public Works shall have the following duties in addition to those provided in division (B) above.

(1) He or she shall be responsible for the maintenance and supervision of the city shops, equipment, and tools, and shall, at all times, maintain a detailed and accurate inventory of all the personal property.

(2) He or she shall report to the Committee on Parks and Recreation at its request, and shall supervise and be responsible for the execution of maintenance and improvements of the parks and cemetery as ordered by the Committee or the City Council.

(3) He or she shall supervise the maintenance of the municipal water distribution system and shall make any reports to the Water Committee as it may, from time to time, direct. He or she shall supervise the installation of new services, repairs, and replacement, and shall enforce ordinances with respect to the operation of the water system. He or she shall turn off the water supply to any user for nonpayment of charges in accordance with applicable city ordinances, and he or she shall turn on the service to any such customer when reinstated.

(Ord. 351, passed 2-21-1972)

CHAPTER 32: BOARDS, COMMISSIONS, AND COMMITTEES

Chapter 32 COMMITTEES, BOARDS, AND COMMISSIONS

32.01 Planning Commission

32.02 Parks and Recreation Committee

32.03 Public Works Committee

32.04 Budget Committee

32.05 Historic Landmarks Commission

32.06 Building and Safety Committee

32.01 PLANNING COMMISSION

- 32.01.010 Planning Commission established.
- 32.01.020 Membership qualifications.
- 32.01.030 Terms of office
- 32.01.040 Meetings.
- 32.01.050 Purpose.
- 32.01.060 Compensation of members.
- 32.01.070 Rules and regulations.
- 32.01.080 Nonexistence of a Planning Commission

32.01.010 Planning Commission Established.

The Planning Commission is hereby established. The commission shall be composed of seven members appointed by the mayor, with the consent of the council. The Planning Commission members shall elect, at their first regular meeting, a chairperson, vice chairperson and secretary from their membership. Thereafter, the commission shall elect a chairperson at its first meeting each year, to serve for the calendar year and until the chairperson's successor has been elected; provided, however, that no member shall serve more than two consecutive terms as chairperson.

32.01.020 Membership Qualifications

At least six members of the planning commission must reside in the city at the time of their appointment and continue to be a resident of the city at all times during their term in office. One nonresident member may be appointed to the planning commission if that person has resided within the city urban growth boundary one year immediately preceding that person's appointment and continues to reside within the city urban growth boundary at all times during the term of that person's term in office. No more than two voting members of the commission may 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. No more than two members shall be engaged in the same kind of occupation, business, trade or profession.

32.01.030 Terms of Office; Vacancies and Removal

Planning commission members shall hold office for four years, except when filling the unexpired portion of a vacancy in office. Any vacancies in the commission shall be filled by appointment by the Mayor, with the consent of the council. A member of the commission who is absent from two consecutive meetings without the approval of the commission is presumed to be in nonperformance of duty and the council may remove the member from the commission and declare the position vacant.

32.01.040 Meetings

Four members of the commission shall constitute a quorum. When a quorum is present, the concurrence of a majority of the members present shall be required to decide any matter. It shall meet at least twice per year, at such times and places as may be fixed by the chairperson, or as directed by the city council. If necessary, members may attend a meeting of the commission by conference call in accordance with state law.

32.01.050 Purpose

The Planning Commission serves in an advisory capacity to the City Council on land use policy planning matters, which guide the future development of the City. The Planning Commission has final approval authority on certain cases and recommends action to the City Council on others. Areas of focus include:

Conducting a detailed review of all types of development projects and individual land use requests, such as subdivision maps, specific plans, conditional use permits, planned developments, and appeals of administrative approvals, as well as others

Assisting the Council in the formulation of policies and ordinances that implement the General Plan, such as amendments to the Zoning Code, the adoption of new code sections, changes to the existing zoning text and maps, etc.

The City Planning Commission shall also have all the powers which are now, or may hereafter be given to it under the general laws of the State.

All recommendations and suggestions made to the council by the commission shall be in writing.

32.01.060 Compensation of Members

The planning commission members shall receive no compensation for their services. The planning commission members shall have no authority to make any expenditure on behalf of the city, or obligate the city for payment of any sums of money. However, they may make recommendations to the city council from time to time regarding expenditures and/or obligations.

32.01.070 Rules and Regulations

The board may adopt rules and regulations to conduct its affairs, which rules and regulations shall be consistent with the laws of the state of Oregon, Falls City Charter and city of Falls City code and ordinances.

32.01.080 Nonexistence of a Planning Commission

In the event the City Council determines that the Planning Commission is, at any time, and for any reason, including but not limited to lack of a quorum to conduct business, unable to act to discharge its responsibilities under this section and under the Falls City Zoning and Development Ordinance, the City Council may act in place and stead of the Planning Commission, and all such acts taken by the City Council pursuant to such a determination shall be deemed and shall have the same force and effect as actions taken by the Planning Commission.

(Ord. 544-2017, passed 8-10-2017)

32.02.010 PARKS AND RECREATION COMMITTEE

- 32.02.010 Parks and Recreation Committee established.
- 32.02.020 Membership qualifications.
- 32.02.030 Terms of Office; Vacancies and Removal
- 32.02.040 Meetings.
- 32.02.050 Purpose.
- 32.02.060 Compensation of members.
- 32.02.070 Rules and regulations.

32.02.010 Parks and Recreation Committee Established

The parks and recreation committee is hereby established. The committee shall be composed of seven members appointed by the mayor, with the consent of the council. The parks and recreation committee members shall elect, at their first regular meeting, a chairperson, vice chairperson and secretary from their membership. Thereafter, the committee shall elect a chairperson at its first meeting each year, to serve for the calendar year and until the chairperson's successor has been elected; provided, however, that no member shall serve more than two consecutive terms as chairperson.

32.02.020 Membership Qualifications

At least six of the members of the parks and recreation committee, must reside in the city at the time of their appointment and at all times during their term in office. One nonresident member may be appointed if that person has resided within the city Falls City School District one year immediately preceding that person's appointment and continues to reside within the city Falls City School District at all times during the term of that person's term in office.

32.02.030 Terms of Office; Vacancies and Removal

Parks and recreation committee members shall hold office for four years, except when filling the unexpired portion of a vacancy in office. Any vacancies in the committee shall be filled by appointment by the Mayor, with the consent of the council. A member of the committee who is absent from two consecutive meetings without the approval of the committee is presumed to be in nonperformance of duty and the council may remove the member from the committee and declare the position vacant.

32.02.040 Meetings

Four members of the committee shall constitute a quorum. When a quorum is present, the concurrence of a majority of the members present shall be required to decide any matter. It shall meet at least twice per year, at such times and places as may be fixed by the chairperson, or as directed by the city council. If necessary, members may attend a meeting of the committee by conference call in accordance with state law.

32.02.050 Purpose

The purpose of the parks and recreation committee shall be to advise the city council regarding matters in the parks and recreation service area, including parks, cemeteries, athletic facilities, trails planning, acquisition, construction and maintenance, grants acquisition, volunteer coordination, improvements, and the following tasks:

- A. Review and make recommendations on parks and recreation projects.
- B. Advise on parks systems development charge rate analysis and recommendations.
- C. Advise on city parks rental rates and use procedures.
- D. Advise on city budget for operation and capital improvements.
- E. Troubleshoot capital and maintenance projects.
- F. Park rules and policy recommendations.

In addition, the board may advise the council on any matter upon which the council requests guidance.

32.02.060 Compensation of Members

The parks and recreation committee members shall receive no compensation for their services. The parks and recreation members shall have no authority to make any expenditure on behalf of the city, or obligate the city for payment of any sums of money. However, they may make recommendations to the city council from time to time regarding expenditures and/or

obligations.

32.02.070 Rules and Regulations

The committee may adopt rules and regulations to conduct its affairs, which rules and regulations shall be consistent with the laws of the state of Oregon, Falls City Charter and city of Falls City code and ordinances.

32.03 PUBLIC WORKS COMMITTEE

- 32.03.010 Public Works Committee established.
- 32.03.020 Membership qualifications.
- 32.03.030 Terms of Office; Vacancies and Removal
- 32.03.040 Meetings.
- 32.03.050 Purpose.
- 32.03.060 Compensation of members.
- 32.03.070 Rules and regulations.

32.03.010 Public Works Committee Established

The public works committee is hereby established. The committee shall be composed of seven members appointed by the mayor, with the consent of the council. The public works committee members shall elect, at their first regular meeting, a chairperson, vice chairperson and secretary from their membership. Thereafter, the committee shall elect a chairperson at its first meeting each year, to serve for the calendar year and until the chairperson's successor has been elected; provided, however, that no member shall serve more than two consecutive terms as chairperson.

32.03.020 Membership Qualifications

Members of the public works committee must reside in the city at the time of their appointment and at all times during their term in office.

32.03.030 Terms of Office; Vacancies and Removal

Public works committee members shall hold office for four years, except when filling the unexpired portion of a vacancy in office. Any vacancies in the committee shall be filled by appointment by the Mayor, with the consent of the council. A member of the committee who is absent from two consecutive meetings without the approval of the committee is presumed to be in nonperformance of duty and the council may remove the member from the committee and declare the position vacant.

32.03.040 Meetings

Four members of the committee shall constitute a quorum. When a quorum is present, the concurrence of a majority of the members present shall be required to decide any matter. It shall meet at least twice per year, at such times and places as may be fixed by the chairperson, or as directed by the city council. If necessary, members may attend a meeting of the committee by conference call in accordance with state law.

32.03.050 Purpose

The purpose of the public works committee shall be to advise the city council regarding matters in the water, sewer, streets, transportation, bridges, trails planning, acquisition, construction and maintenance, grants acquisition, volunteer coordination, improvements, and the following tasks:

- A. Review and make recommendations on public works projects.
- B. Advise on utility or street systems development charge rate analysis and recommendations.
- C. Advise on city utility use procedures.
- D. Advise on city budget for operation and capital improvements.
- E. Troubleshoot capital and maintenance projects.
- F. Utility rules and policy recommendations.

In addition, the board may advise the council on any matter upon which the council requests guidance.

32.03.060 Compensation of Members

The public works committee members shall receive no compensation for their services. The public works committee members shall have no authority to make any expenditure on behalf of the city, or obligate the city for payment of any sums of money. However, they may make recommendations to the city council from time to time regarding expenditures and/or obligations.

32.03.070 Rules and Regulations

The committee may adopt rules and regulations to conduct its affairs, which rules and regulations shall be consistent with the laws of the state of Oregon, Falls City Charter and city of Falls City code and ordinances.

32.04 BUDGET COMMITTEE

- 32.04.010 Budget Committee established.
- 32.04.020 Membership qualifications.
- 32.04.030 Terms of Office; Vacancies and Removal
- 32.04.040 Meetings.
- 32.04.050 Purpose.
- 32.04.060 Compensation of members.
- 32.04.070 Rules and regulations.
- 32.04.080 Members – Prohibited acts.

32.04.010 Budget Committee Established.

The budget committee is hereby established. The committee shall be composed of the city council and seven members appointed by the mayor, with the consent of the council. The budget committee members shall elect, at their first regular meeting, a chairperson, vice chairperson and secretary from their membership. Thereafter, the committee shall elect a chairperson at its first meeting each year, to serve for the calendar year and until the chairperson's successor has been elected; provided, however, that no member shall serve more than two consecutive terms as chairperson.

32.04.020 Membership Qualifications

In order to qualify for an appointment or reappointment to the budget committee, a person must reside in the city continue to be a resident of the city at all times during the term of that person's office.

32.04.030 Terms of Office; Vacancy and Removal

Budget committee members shall hold office for four years, except when filling the unexpired portion of a vacancy in office. Any vacancies in the committee shall be filled by appointment by the Mayor, with the consent of the council. A member of the committee who is absent from two consecutive meetings without the approval of the committee is presumed to be in nonperformance of duty and the council may remove the member from the committee and declare the position vacant.

32.04.040 Meetings

Eight members of the committee shall constitute a quorum. When a quorum is present, the concurrence of a majority of the members present shall be required to decide any matter. It shall meet at least twice per year, at such times and places as may be fixed by the chairperson, or as directed by the city council. If necessary, members may attend a meeting of the committee by conference call in accordance with state law.

32.04.050 Purpose

The purpose of the budget committee shall be to advise the city council regarding the city budget and perform the following tasks:

- A. Review and make recommendations the city budget.
- B. Advise on utility budget analysis and recommendations.
- C. Advise on city budget for operation and capital improvements.
- D. Fulfill the responsibilities of a municipal budget committee under state law.

In addition, the committee may advise the council on any matter upon which the council requests guidance.

32.04.060 Compensation of Members

The budget committee members shall receive no compensation for their services. The public works committee members shall have no authority to make any expenditure on behalf of the city, or obligate the city for payment of any sums of money. However, they may make recommendations to the city council from time to time regarding expenditures and/or obligations.

32.04.070 Rules and Regulations

The committee may adopt rules and regulations to conduct its affairs, which rules and regulations shall be consistent with the laws of the state of Oregon, Falls City Charter and city of

Falls City code and ordinances.

32.05 HISTORIC LANDMARKS COMMISSION

- 32.05.010 Historic Landmarks Commission established.
- 32.05.020 Membership qualifications.
- 32.05.030 Terms of office
- 32.05.040 Meetings.
- 32.05.050 Purpose.
- 32.05.060 Compensation of members.
- 32.05.070 Rules and regulations.

32.05.010 Historic Landmark Commission Established

The historic landmarks commission is hereby established. The commission shall be composed of seven members appointed by the mayor, with the consent of the council. The historic landmarks commission members shall elect, at their first regular meeting, a chairperson, vice chairperson and secretary from their membership. Thereafter, the commission shall elect a chairperson at its first meeting each year, to serve for the calendar year and until the chairperson's successor has been elected; provided, however, that no member shall serve more than two consecutive terms as chairperson.

32.05.020 Membership Qualifications

At least four of the members of the historic landmark commission, must reside in the city at the time of their appointment and at all times during their term in office. Three nonresident members may be appointed and approved when the Mayor and City Council determine that such individuals have special qualifications and expertise in the subject matter of the commission, and have expressed interest in being appointed and serving and advancing the interests of the City.

(Ord. 543-2017 passed 4-13-2017)

32.01.030 Terms of Office; Vacancies and Removal

Historic landmark commission members shall hold office for four years, except when filling the unexpired portion of a vacancy in office. Any vacancies in the commission shall be filled by appointment by the Mayor, with the consent of the council. A member of the commission who is absent from two consecutive meetings without the approval of the commission is presumed to be in nonperformance of duty and the council may remove the member from the commission and declare the position vacant.

32.05.040 Meetings

Four members of the commission shall constitute a quorum. When a quorum is present, the concurrence of a majority of the members present shall be required to decide any matter. It shall meet at least twice per year, at such times and places as may be fixed by the chairperson, or as directed by the city council. If necessary, members may attend a meeting of the committee by conference call in accordance with state law.

32.05.050 Purpose

The purpose of historic landmark commission shall be to advise the city council regarding matters in the historic buildings, landmarks, historic preservation planning, historic site acquisition, construction and maintenance, grants acquisition, volunteer coordination, improvements, and the following tasks:

- A. Review and make recommendations on historic landmark commission projects.
- B. Advise on historic preservation efforts and recommendations.
- C. Advise on city historic preservation and promotion activities.
- D. Advise on capital improvements to facilitate historic preservation.
- E. Troubleshoot historic preservation issues for city improvement projects.
- F. Advise on historic preservation rule and policy recommendations.

In addition, the board may advise the council on any matter upon which the council requests guidance.

32.05.060 Compensation of Members

The historic preservation commission members shall receive no compensation for their services. The historic preservation commission members shall have no authority to make any expenditure

on behalf of the city, or obligate the city for payment of any sums of money. However, they may make recommendations to the city council from time to time regarding expenditures and/or obligations.

32.05.070 Rules and Regulations

The commission may adopt rules and regulations to conduct its affairs, which rules and regulations shall be consistent with the laws of the state of Oregon, Falls City Charter and city of Falls City code and ordinances.

32.06 BUILDING AND SAFETY COMMITTEE

- 32.06.010 Building and Safety Committee established.
- 32.06.020 Membership qualifications.
- 32.06.030 Terms of office
- 32.06.040 Meetings.
- 32.06.050 Purpose.
- 32.06.060 Compensation of members.
- 32.06.070 Rules and regulations.

32.06.010 Building and Safety Committee Established

The building and safety committee is composed of all available employees, include at least one employer representative authorized to ensure correction of safety and health issues, and be held on company time and attendees paid at their regular rate of pay. If Falls City has 10 or fewer employees it may hold Safety Meetings with available staff in lieu of having a Safety Committee.

32.06.020 Membership Qualifications

In order to qualify for an appointment or reappointment to the safety committee the person must be a member of management, or a staff representative that has an interest in the general promotion of safety and health.

32.06.030 Terms of Office

Building and safety members shall hold office for two years, except when filling the unexpired portion of a vacancy in office.

32.06.040 Meetings

Meetings must be held at least monthly, and/ or at such times and places as may be fixed by the committee.

32.06.050 Purpose

The purpose of the building and safety committee shall be to advise the city council regarding matters responsible for preventing accidents and injuries. Our management provides direction and full support of all safety procedures, job training and hazard elimination practices and the following tasks:

- A. Review and make recommendations on safety issues.
- B. Advise repairs, safety hazards, and injury prevention practices.
- C. Advise on city utility safety procedures.
- D. Provide advice on safety and risk management policy recommendations.

In addition, the committee may advise the council on any matter upon which the council requests guidance.

32.06.060 Compensation of Members

The building and safety committee members shall receive no additional compensation for their services outside of the terms of their employment agreement.

32.03.070 Rules and Regulations

The committee may adopt rules and regulations to conduct its affairs, which rules and regulations shall be consistent with the laws of the state of Oregon, Falls City Charter and city of Falls City code and ordinances.

(Ord. 523-2010, passed 3-9-2010; Ord 526-2011, passed 2-8-2011; Ord. 538-2014, passed 7-10-2014)

CHAPTER 33: CITY POLICIES

Section

33.01	Manner of nominating elective officers
33.02	Municipal Court

§ 33.01 MANNER OF NOMINATING ELECTIVE OFFICERS.

(A) *Manner of nominating elective officers.* The nomination of candidates for all elective offices of the city shall be by petition. The petition shall be signed by not less than ten legal voters of the city. It shall be the responsibility of each candidate to have petition signatures verified by the County Clerk prior to submission to the City Elections Officer, who is the City Recorder/Administrator. There shall be no fee to file a verified petition and signatures with the City Elections Officer.

(B) *Forms and state law.* The forms to be used for the petition and signatures shall be those published by the Secretary of State for city elections. All other requirements of state law regarding city elections not inconsistent with division (A), above, shall apply to city elections.

(C) *City deadlines.* The City Elections Officer shall determine and post a deadline for receipt of verified petitions and signatures, in order that the City Elections Officer can, in turn, verify the list of nominated candidates to the County Clerk before the statewide filing deadline. The city deadline shall be not less than one business day nor more than three business days prior to the statewide deadline, and shall be established prior to the first filing date for that election.

(Ord. 486, passed 7-10-2000)

§ 33.02 MUNICIPAL COURT.

(A) In all prosecutions for any crime defined and made punishable by the City Charter or ordinance, the defendant shall have the right of trial by jury, of six in number. Juries shall be selected from the latest tax roll and registration books used at the last city election in the same manner in which juries are selected for circuit courts. Summons for jury service shall be made by process approved by the court. The qualifications, rights, and duties of jurors shall conform with O.R.S. 10.010 through 10.125. The verdict of the jury shall be unanimous.

(B) The payment of jury costs by a defendant as required by § 37 of the City Charter shall not apply to a defendant who has been found to be indigent by the court. The deposit required by the Municipal Court to ensure the right of trial by jury, under the City Charter, shall not be greater than that provided by O.R.S. 10.061 in courts other than circuit courts for payment for each juror sworn, multiplied by the number of jurors constituting a jury. Where the defendant is found not guilty, the deposit shall be returned to the defendant.

(C) In order to act as a juror in the Municipal Court, a person must have the qualifications prescribed in O.R.S. Chapter 10 and, in addition thereto, must be an inhabitant and a registered voter within the city at the time when he or she is summoned.

(D) On the first Monday in January in each year, the Municipal Judge, together with the Mayor and the Recorder/Administrator, shall meet and make a list containing the names of not less than 50 nor more than 150 persons who are the most competent of the permanent citizens of the city, by selecting names by lot from the voters registration list used at the last preceding city election. The list, so selected, shall be known as a preliminary jury list. The Municipal Judge, Mayor, and Recorder/Administrator shall then delete from the preliminary jury list the names of those persons known not to be qualified by law to serve as jurors and the remaining names shall constitute the jury list. The names of those persons deleted from the preliminary jury list shall be placed on a separate list known as rejected prospective jurors, and opposite each name, the reason for removing the name shall be stated. The jury list shall contain the first name and last name and the place of residence and occupation of each person named therein and shall be certified by the City Recorder/Administrator and placed on file in his or her office within ten days from the time it is prepared. If for any reason the making of a city jury list is omitted and neglected on the first Monday in January of any year, it may be done on the first Monday of any month following, to serve until the close of the year.

(E) The Recorder/Administrator shall keep in his or her office a sufficient box, carefully secured, which is known as the jury box. After he or she has filled the jury list in his or her office, the Recorder/Administrator shall destroy all ballots remaining in the jury box and shall prepare and deposit in the box separate ballots, containing the name, place of residence, and occupation of each person embraced in the list, and folded as nearly alike as practicable so that the name cannot be seen.

(F) When a jury is demanded in the Municipal Court, and the fee therefor is paid as hereinabove set forth, the Municipal Judge must draw from the jury box, in the presence of the parties, at a time and place to be set by the court which shall be at least three days prior to the trial date, 12 ballots, or any greater number if necessary, until the names of 12 persons who are deemed able to attend at the time and place required, are obtained. The Municipal Judge must make and sign a list of the 12 names thus drawn. On motion of the defendant or his or her attorney, or on motion of the City Attorney, or the court on its own motion, may direct that four additional names be drawn as alternate jurors.

(G) If it appears to the Municipal Judge that a person whose name is drawn is dead or resides outside the city, the ballot must be destroyed. If it appears to the Municipal Judge, or he or she has good reason to believe, that a person whose name is drawn is temporarily absent from the city or is in ill health, or so engaged as to be unable to attend at the time and place required without great inconvenience, the ballot must be laid aside, without the name thereon being entered on the list drawn, and returned to the jury box when the drawing is completed. A person whose name is drawn is deemed able to attend within the meaning of this division (G) and division (F) above, and his or her name is deemed to be entered on the list drawn, except as provided in this division (G).

(H) When the aforesaid drawing of 12 names is completed, the city and the defendant, by their representatives, must select a jury by each striking from the list three names alternately commencing with the defendant. The remaining six must be summoned as jurors in the cause. When four name are drawn from the jury box as alternates, each party shall strike one of the names. No peremptory challenges shall be allowed other than as provided herein. No alternate juror shall be summoned to serve at the trial of the action except when the six principals are not available.

(I) The names of the six jurors selected, as provided in division (H) above, must be inserted in the order to summon a jury and thereafter the Municipal Judge shall transmit the order to the Chief of Police, who shall summon the six persons so drawn and listed to serve as jurors in the pending cause. The order shall require the jurors to appear before the Municipal Judge forthwith, or at some future time to which the trial of the cause may be postponed. The Chief of Police or any other police officer of the city must serve the order by giving notice to each person selected of the time and place he or she is required to appear and for what purpose, and return the same according to the direction therein, with the names of the persons summoned, verified by his or her own certificate.

(J) The six persons drawn and summoned as herein above provided shall constitute the jury for the trial of the cause then pending before the Municipal Court. Neither party shall be entitled to a peremptory challenge as to any of the six jurors, but if any of the six jurors are found to be disqualified by challenge for cause, their places on the jury shall be filled by the alternates, if selected as aforesaid, or by drawing from the jury box by the Municipal Judge in the manner hereinabove stated and subject to being disqualified for cause.

(K) If a person duly summoned to attend the Municipal Court as a juror fails to attend or to give a valid excuse therefor, he or she may be fined by the Municipal Judge in a sum not to exceed \$250.

(Ord. 269, passed 12-7-1959; Ord. 484, passed 6-13-2000)

CHAPTER 34: FINANCE

Section

Funds

34.01	QRT Sinking Fund
34.02	Ambulance Purchase Sinking Fund
34.03	Equipment Purchase and General Repair Fund
34.04	Firefighters' Fund

Cross-reference:

City Policies, see Ch. 33

FUNDS

§ 34.01 QRT SINKING FUND.

(A) There is hereby established a sinking fund for the City Quick Response Team (QRT), hereinafter the QRT Sinking Fund.

(B) All money remaining in the QRT budget unexpended upon the last day of the fiscal year will be transferred to the QRT Sinking Fund.

(C) The QRT Sinking Fund may be used for the purpose of repair, replacement, or the acquisition of new equipment when, in the opinion of the City Council, it is in the best interest of the city.

(Ord. 415, passed 7-1-1985)

§ 34.02 AMBULANCE PURCHASE SINKING FUND.

(A) There is hereby established a sinking fund which will hereafter be known as the City Ambulance Purchase Sinking Fund.

(B) The City Ambulance Purchase Sinking Fund shall be entitled to receive gifts, grants, and donations and further money.

(C) The City Ambulance Purchase Sinking Fund may be used for the purpose of repair, replacement, or the acquisition of new equipment when, in the opinion of the City Council, it is in the best interest of the city.

(Ord. 414, passed 7-1-1985)

§ 34.03 EQUIPMENT PURCHASE AND GENERAL REPAIR FUND.

(A) There is hereby established a sinking fund which shall be known as the Equipment Purchase and General Repair Fund, and which Fund shall be kept separate from all other funds of the city.

(B) The Equipment Purchase and General Repair Fund shall consist of any sums of money as may be budgeted from the Common Street Fund, State Tax Street Fund, and General Fund from the city as is deemed necessary or convenient.

(C) The Equipment Purchase and General Repair Fund shall be used for the purpose of repair, replacement, or acquisition of new street equipment, and for the general repair of streets, alleys, public thoroughfares, parks and public grounds, sidewalks, crosswalks, and bridges, when, and the opinion of the Committee on Streets of the city, it is deemed necessary for adequate general street maintenance.

(D) The City Council may, from time to time, at its discretion, expend the Equipment Purchase and General Repair Fund, with all the expenditures being made for the purposes specified in division (C) above.

(Ord. 254, passed 9-9-1957)

§ 34.04 FIREFIGHTERS' FUND.

(A) There is hereby established a sinking fund which will hereafter be known as the Firefighters' Fund.

(B) All money remaining in the fire protection budget unexpended upon the last day of the fiscal year will be transferred to the Firefighters' Fund.

(C) The Firefighters' Fund may be used for the purpose of repair, replacement, or the acquisition of new equipment when, in the opinion of the City Council, it is necessary for the adequate fire protection of the city.

(Ord. 214, passed 1-2-1951)

§ 34.05 MARIJUANA TAX

34.06 Purpose.

For the purposes of this chapter, every person who sells marijuana, medical marijuana, or marijuana-infused products in the City of Falls City is exercising a taxable privilege. The purpose of this chapter is to impose a tax upon the retail sale of marijuana, medical marijuana, and marijuana-infused products.

34.08 Definitions.

As used in this ordinance, unless the context requires otherwise:

- (1) “Administrator” means the City Recorder/Administrator for the City of Falls City or his or her designee.
- (2) “Gross Sales” means the total amount received in money, credits, property or other consideration from sales of marijuana, medical marijuana and marijuana-infused products that is subject to the tax imposed by this chapter.
- (3) “Marijuana” means all parts of the plant of the Cannabis family Moraceae, whether growing or not; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant or its resin, as may be defined by Oregon Revised Statutes as they currently exist or may from time to time be amended. It does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks (except the resin extracted there from), fiber, oil, or cake, or the sterilized seed of the plant which is incapable of germination.
- (4) “Oregon Medical Marijuana Program” means the office within the Oregon Health authority that administers the provisions of ORS 475.300 through 475.346, the Oregon Medical Marijuana Act, and all policies and procedures pertaining thereto.
- (5) “Person” means natural person, joint venture, joint stock company, partnership, association, club, company, corporation, business, trust, organization, or any group or combination acting as a unit, including the United States of America, the State of Oregon and any political subdivision thereof, or the manager, lessee, agent, servant, officer or employee of any of them.
- (6) “Purchase or Sale” means the acquisition or furnishing for consideration by any person of marijuana or marijuana-infused product within the City.
- (7) “Registry identification cardholder” means a person who has been diagnosed by an attending physician with a debilitating medical condition and for whom the use of medical marijuana may mitigate the symptoms or effects of the person's debilitating medical condition,

and who has been issued a registry identification card by the Oregon Health Authority.

(8) “Retail sale” means the transfer of goods or services in exchange for any valuable consideration.

(9) “Seller” means any person who is required to be licensed or has been licensed by the State of Oregon to provide marijuana or marijuana-infused products to purchasers for money, credit, property or other consideration.

(10) “Tax” means either the tax payable by the seller or the aggregate amount of taxes due from a seller during the period for which the seller is required to report collections under this chapter.

(11) “Taxpayer” means any person obligated to account to the Administrator of Finance for taxes collected or to be collected, or from whom a tax is due, under the terms of this chapter.

34.10 Tax Imposed.

A tax is hereby levied and shall be paid by every seller exercising the taxable privilege of selling marijuana and marijuana-infused products as defined in this chapter. The Administrator is authorized to exercise all supervisory and administrative powers with regard to the enforcement, collection, and administration of the marijuana tax.

34.12 Amount and Payment, Deductions.

(1) In addition to any fees or taxes otherwise provided for by law, every seller engaged in the sale of marijuana and marijuana-infused products shall pay a tax, with the tax rates established by resolution of the City Council.

(Ord. 541-2015, passed 6-11-2015)

(2) The following deductions shall be allowed against sales received by the seller providing marijuana or marijuana-infused products:

(a) Refunds of sales actually returned to any purchaser;

(b) Any adjustments in sales which amount to a refund to a purchaser, providing such adjustment pertains to the actual sale of marijuana or marijuana-infused products and does not include any adjustments for other services furnished by a seller.

34.14 Seller Responsible for Payment of Tax.

(1) Every seller shall, on or before the last day of the month following the end of each calendar quarter (in the months of April, July, October and January) make a return to the Administrator, on forms provided by the City, specifying the total sales subject to this chapter and the amount of tax collected under this chapter. The seller may request or the City may establish shorter reporting periods for any seller if the seller or City deems it necessary in order to ensure collection of the tax and the City may require further information in the return relevant to payment of the tax. A return shall not be considered filed until it is actually received by the Administrator.

- (2) At the time the return is filed, the full amount of the tax collected shall be remitted to the City.
- (3) Payments shall be applied in the order of the oldest liability first, with the payment credited first toward any accrued penalty, then to interest, then to the underlying tax until the payment is exhausted. Crediting of a payment toward a specific reporting period will be first applied against any accrued penalty, then to interest, then to the underlying tax. If the Administrator, in his or her sole discretion, determines that an alternative order of payment application would be in the best interest of the City in a particular tax or factual situation, the Administrator may order such a change. The Administrator may establish shorter reporting periods for any seller if the Administrator deems it necessary in order to ensure collection of the tax. The Administrator also may require additional information in the return relevant to payment of the liability. When a shorter return period is required, penalties and interest shall be computed according to the shorter return period. Returns and payments are due immediately upon cessation of business for any reason. All taxes collected by sellers pursuant to this chapter shall be held in trust for the account of the City until payment is made to the City. A separate trust bank account is not required in order to comply with this provision.
- (4) Every seller required to remit the tax imposed in this chapter shall be entitled to retain five percent of all taxes due to defray the costs of bookkeeping and remittance.
- (5) Every seller must keep and preserve, in an accounting format established by the Administrator, records of all sales made by the dispensary and such other books or accounts as may be required by the Administrator for a period of three years or until all taxes associated with the sales have been paid, whichever is longer. The City shall have the right to inspect all such records at all reasonable times.

34.16 Penalties and Interest.

- (1) Any seller who fails to remit any portion of any tax imposed by this chapter within the time required shall pay a penalty of ten percent of the amount of the tax, in addition to the amount of the tax.
- (2) If the City determines that the nonpayment of any remittance due under this chapter is due to fraud, a penalty of twenty-five percent of the amount of the tax shall be added thereto in addition to the penalty stated in subsection (1) of this section.
- (3) In addition to the penalties imposed, any seller who fails to remit any tax imposed by this chapter shall pay interest at the rate of one percent per month or fraction thereof on the amount of the tax, exclusive of penalties, from the date on which the remittance first became delinquent until paid.
- (4) Every penalty imposed, and such interest as accrues under the provisions of this section, shall become a part of the tax required to be paid.
- (5) All sums collected pursuant to the penalty provisions in this section shall be distributed to the City of Falls City General Fund and may be used to offset the costs of auditing and enforcement of this tax.

34.18 Failure to Report and Remit Tax – Determination of Tax by Administrator.

(1) If any seller should fails to make, within the time provided in this chapter, any report of the tax required by this chapter, the Administrator shall proceed in such manner as deemed best to obtain facts and information on which to base the estimate of tax due. As soon as the Administrator shall procure such facts and information as is able to be obtained, upon which to base the assessment of any tax imposed by this chapter and payable by any seller, the Administrator shall proceed to determine and assess against such seller the tax, interest and penalties provided for by this chapter. In case such determination is made, the Administrator shall give a notice of the amount so assessed by having it served personally or by depositing it in the United States mail, postage prepaid, addressed to the seller so assessed at the last known place of address. Such seller may make an appeal of such determination as provided in section 34.20. If no appeal is filed, the Administrator's determination is final and the amount thereby is immediately due and payable.

34.20 Appeal.

(1) Any seller aggrieved by any decision of the Administrator with respect to the amount of such tax, interest and penalties, if any, may appeal such decision to the City Manager by filing written notice of appeal with the City Manager. Any appeal shall be filed within 30 days of the serving or mailing of the determination of tax due. The City Manager shall hear and consider any records and evidence presented bearing upon the Administrator's determination of amount due, and make findings affirming, reversing or modifying the determination. The findings of the City Manager shall be final and conclusive, subject to subsection (2) of this section.

(2) A person aggrieved by a decision of the City Manager may appeal to the City Council by filing written notice of appeal with the City Recorder within 20 days of personal service or mailing of notice of the City Manager's decision. The City Council shall give the appellant not less than 20 days advance written notice of the time and place of the hearing.

34.22 Refunds.

(1) Whenever the amount of any tax, interest or penalty has been overpaid or paid more than once, or has been erroneously collected or received by the City under this chapter, it may be refunded as provided in subsection (2) of this section, provided a claim in writing, stating under penalty of perjury the specific grounds upon which the claim is founded, is filed with the Administrator within one year of the date of payment. The claim shall be on forms furnished by the City.

(2) The Administrator shall have 20 days from the date of receipt of a claim to review the claim and make a determination in writing as to the validity of the claim. The Administrator shall notify the claimant in writing of the Administrator's determination. Such notice shall be mailed to the address provided by claimant on the claim form. In the event a claim is determined by the Administrator to be a valid claim, in a manner prescribed by the Administrator a seller may

claim a refund, or take as credit against taxes collected and remitted, the amount overpaid, paid more than once or erroneously collected or received. The seller shall notify Administrator of claimant's choice no later than 15 days following the date Administrator mailed the determination. In the event claimant has not notified the Administrator of claimant's choice within the 15 day period and the seller is still in business, a credit will be granted against the tax liability for the next reporting period. If the seller is no longer in business, a refund check will be mailed to claimant at the address provided in the claim form.

(3) Any credit for erroneous overpayment of tax made by a seller taken on a subsequent return or any claim for refund of tax erroneously overpaid filed by a seller must be so taken or filed within three years after the date on which the overpayment was made to the City.

(4) No refund shall be paid under the provisions of this section unless the claimant establishes the right by written records showing entitlement to such refund and the Administrator acknowledged the validity of the claim.

34.24 Actions to Collect.

Any tax required to be paid by any seller under the provisions of this chapter shall be deemed a debt owed by the seller to the City. Any such tax collected by a seller which has not been paid to the City shall be deemed a debt owed by the seller to the City. Any person owing money to the City under the provisions of this chapter shall be liable to an action brought in the name of the City of Falls City for the recovery of such amount. In lieu of filing an action for the recovery, the City of Falls City, when taxes due are more than 30 days delinquent, can submit any outstanding tax to a collection agency. So long as the City of Falls City has complied with the provisions set forth in ORS 697.105, in the event the City turns over a delinquent tax account to a collection agency, it may add to the amount owing an amount equal to the collection agency fees, not to exceed the greater of fifty \$50.00 or fifty percent of the outstanding tax, penalties and interest owing.

34.26 Violation.

(1) Violation of this chapter shall constitute a civil infraction. It is a violation of this chapter for any seller or other person to:

- (a) Fail or refuse to comply as required herein;
- (b) Fail or refuse to furnish any return required to be made;
- (c) Fail or refuse to permit inspection of records;
- (d) Fail or refuse to furnish a supplemental return or other data required by the City;
- (e) Render a false or fraudulent return or claim; or
- (f) Fail, refuse or neglect to remit the tax to the city by the due date.

(2) Filing a false or fraudulent return shall be considered a Class B misdemeanor.

(3) The remedies provided by this section are not exclusive and shall not prevent the City from exercising any other remedy available under the law, nor shall the provisions of this

ordinance prohibit or restrict the City or other appropriate prosecutor from pursuing criminal charges under state law or City ordinance.

34.28 Confidentiality.

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

(a) The disclosure of the names and addresses of any person who is operating a licensed establishment from which marijuana or marijuana-infused products are sold or provided;

(b) The disclosure of general statistics in a form which would not reveal an individual seller's financial information;

(c) Presentation of evidence to the court, or other tribunal having jurisdiction in the prosecution of any criminal or civil claim by the City or an appeal from the City for amount due the City under this chapter;

(d) The disclosure of information when such disclosure of conditionally exempt information is ordered under public records law procedures; or

(e) The disclosure of records related to a business' failure to report and remit the tax when the report or tax is in arrears for over six months or the tax exceeds \$5,000.

(2) The City Council expressly finds and determines that the public interest in disclosure of such records clearly outweighs the interest in confidentiality under ORS 192.501(5).

34.30 Audit of Books, Records, or Persons.

(1) The City, for the purpose of determining the correctness of any tax return, or for the purpose of an estimate of taxes due, may examine or may cause to be examined by an agent or representative designated by the City for that purpose, any books, papers, records, or memoranda, including copies of seller's state and federal income tax return, bearing upon the matter of the seller's tax return. All books, invoices, accounts and other records shall be made available within the City limits and be open at any time during regular business hours for examination by the Administrator or an authorized agent of the Administrator.

(2) If the examinations or investigations disclose that any reports of sellers filed with the Administrator pursuant to the requirements herein have shown incorrectly the amount of tax accruing, the Administrator may make such changes in subsequent reports and payments, or make such refunds, as may be necessary to correct the errors disclosed by its examinations or investigations.

(3) The seller shall reimburse the City for reasonable costs of the examination or investigation if the action disclosed that the seller paid 95 percent or less of the tax owing for the period of the examination or investigation. In the event that such examination or investigation results in an assessment by and an additional payment due to the City, such additional payment shall be subject to interest at the rate of 1 percent per month, or the portion thereof, from the date the original tax payment was due.

(4) If any taxpayer refuses to voluntarily furnish any of the foregoing information when requested, the City may immediately seek a subpoena from the Falls City Municipal Court to require that the taxpayer or a representative of the taxpayer attend a hearing or produce any such books, accounts and records for examination.

(5) Every seller shall keep a record in such form as may be prescribed by the City of all sales of marijuana and marijuana-infused products. The records shall at all times during the business hours of the day be subject to inspection by the City or authorized officers or agents of the Administrator.

(6) Every seller shall maintain and keep, for a period of three years, or until all taxes associated with the sales have been paid, whichever is longer, all records of marijuana and marijuana-infused products sold.

34.32 Forms and Regulations.

The Administrator is hereby authorized to prescribe forms and promulgate rules and regulations to aid in the making of returns, the ascertainment, assessment and collection of said marijuana tax and in particular and without limiting the general language of this chapter, to provide for:

- (1) A form of report on sales and purchases to be supplied to all vendors;
- (2) The records which sellers providing marijuana and marijuana-infused products are to keep concerning the tax imposed by this chapter.

(Ord. 539-2014, passed 10-09-2014; Ord. 541-2014, passed 6-11-2014)

CHAPTER 35: PERSONNEL

Section

35.01	County officers or employees
35.02	Personnel policies adopted
35.03	Compensation of officers and employees

§ 35.01 COUNTY OFFICERS OR EMPLOYEES.

Any and all officers and employees of the county who may periodically engage in providing general law enforcement services to the city, pursuant to a cooperative agreement entered into between the city and county on or about 7-1-1979, shall be considered to be

employees of the city solely for the purpose of giving the officers and employees official status in their acts when performing municipal functions pursuant to the agreement.
(Ord. 396, passed 5-5-1980)

§ 35.02 PERSONNEL POLICIES ADOPTED.

(A) The City Council shall prescribe rules and regulations relating to matters of city employment and personnel practices. It shall be the object of the rules and regulations to attract and retain persons to city employment who are qualified and competent, and to provide for a reasonable degree of job security and promotions based upon merit.

(B) Personnel rules shall be adopted and amended by resolution of the City Council. The rules shall provide for a means to recruit, select, develop, and maintain an effective and responsive work force, and shall include policies and procedures for employee hiring, advancement, training, career development, job classification, salary administration, retirement, fringe benefits, discipline, discharge, and other related matters. All appointments and promotions shall be made in accordance with the personnel rules so adopted, and without regard to sex, race, color, age, religion, or political affiliation and shall be based upon merit and qualifications.

(C) The Mayor shall be responsible for administering all provisions of the rules and regulations adopted pursuant to this section.
(Ord. 380, passed 4-4-1977)

§ 35.03 COMPENSATION OF OFFICERS AND EMPLOYEES.

The City Council shall, from time to time, provide by resolution for the amount of compensation of its officers and employees.
(Ord. 371, passed 12-1-1975)

TITLE V: PUBLIC WORKS

Chapter

- 50. SEWERS**
- 51. WATER**
- 52. CROSS-CONNECTION CONTROL**
- 53. SOLID WASTE MANAGEMENT**

CHAPTER 50: SEWERS

Section

General Provisions

50.01	Declaration of intent
50.02	Definitions
50.03	Use of on-site or community sewers
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50.05	Community sewer system connections
50.06	Connection fees
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Sewer User Charges

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GENERAL PROVISIONS

§ 50.01 DECLARATION OF INTENT.

The city, in a further desire to define its responsibilities and the responsibilities of property owners to the community sewer system and the on-site sewer systems and the availability of that system and requirement for its use of its residents, sets out the following requirements.

(Ord. 420, passed 10-5-1987)

§ 50.02 DEFINITIONS.

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

BUILDING DRAIN. Defined by the Oregon Plumbing Specialty Code, and extends from a building and terminates five feet outside of a building.

BUILDING SEWER. Defined by the Oregon Plumbing Specialty Code, and is the extension from the building drain to the interceptor tank.

COMMERCIAL BUILDING. All premises, except those designated as public buildings by the City Council, that are used for any purpose other than as a residence.

COMMUNITY SEWER SYSTEM. All public sewers operated under city authority.

EFFLUENT SEWER. The part of the community sewer system located between an interceptor tank and a street sewer.

INTERCEPTOR TANK. A tank installed between the building sewer and the community sewer. **INTERCEPTOR TANKS** are city property and part of the community sewer system.

ON-SITE SYSTEM. A septic tank and drainfield or mounded or other collection, treatment, and disposal system that is initiated and completed on private property and is not connected to the community sewer system.

PERSON. Any individual, company, firm, association, society, corporation, or group.

PUBLIC BUILDING. Any premises or part of any premises used primarily for public purposes and designated a public building by the City Council.

PUBLIC SEWER. All community sewer systems.

PUBLIC TREATMENT WORKS. Any treatment works owned and operated by the city.

RESIDENCE. A structure used primarily for residential purposes.

SANITATION MANAGER. The Chairperson of the Sewer Board of the city or the individual authorized to act on behalf of the city.

SEWAGE. Water-carried human wastes, including kitchen, bath, and laundry wastes from residences, buildings, industrial establishments, or other places, together with any groundwater infiltration, surface waters, or industrial waste as may be present.

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

STORM DRAIN. A sewer which carries storm and surface waters, but excludes sewage and industrial wastes and other polluted waters.

(Ord. 420, passed 10-5-1987)

§ 50.03 USE OF ON-SITE OR COMMUNITY SEWERS.

(A) It shall be unlawful for any person to place, deposit, or permit to be deposited in an unsanitary manner, on public or private property within the city, any sewage.

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

(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, except as provided in this subchapter and approved by the city, or as approved by the State Department of Environmental Quality or its agent, the County Sanitarian.

(D) Except as stated in division (F) below, the owner of all houses, buildings, or properties used for human occupancy, employment, recreation, or other purposes situated within the city and abutting or within 300 feet of any street, alley, right-of-way, or easement, in which there is now located or may in the future be located a community sewer belonging to the city, is hereby required at owner's expense to install suitable facilities therein, including an interceptor tank as specified by the Sanitation Manager, and arrange for connection of the facilities directly

to the community sewer system. The connection shall be made under the direction of the Sanitation Manager within 90 days after official notice to do so.

(E) The Sanitation Manager shall establish, by written policy, the materials, including interceptor tank and effluent sewer piping, to be used in the installation, construction, and connection of all new facilities, and shall establish leakage allowances for both interceptor tanks and effluent sewers using a standard exfiltration test.

(F) (1) During the initial construction phase of the sand-filter sewer system, the city shall install all interceptor tanks and sewer lines from the interceptor tank to the community sewer system, and from the interceptor tank to within five feet of the structure to be serviced.

(2) After initial construction phase, all connections will be subject to the permit provisions contained in § 50.04(B) if on-site and § 50.05(B) if community sewer system connection.

(G) Within one year of construction completion, owners shall, at their expense, abandon and fill all existing on-site septic tanks not connected to the community sewer system in accordance with the regulations of the State Department of Environmental Quality.

(Ord. 420, passed 10-5-1987; Ord. 492, passed 4-9-2001; Ord. 502-B, passed 1-21-2003)
Penalty, see § 50.99

§ 50.04 ON-SITE SEWER SYSTEMS.

(A) Where the community sewer system is not available, building sewers shall be connected to an on-site disposal system.

(B) Before commencement of construction of an on-site sewage disposal system, the owner shall first obtain a written permit from the State Department of Environmental Quality or the County Department of Environmental Quality or equivalent agency as may be required. The permit for an on-site sewer system must be approved by the city prior to the issuance of a building permit. An on-site disposal system will not be allowed if connection to a community sewer system is possible.

(C) When the city determines, by written notice to a property owner, that its community sewer system is available to property served by an on-site sewage disposal system, the provisions of § 50.03(D) through (G) shall apply.

(D) No statement contained in this section shall be construed to interfere with any additional requirements that may be imposed by the State Department of Environmental Quality or the county.

(Ord. 420, passed 10-5-1987) Penalty, see § 50.99

§ 50.05 COMMUNITY SEWER SYSTEM CONNECTIONS.

(A) The community sewer system, as presently designed, is limited in capacity for both initial hookups and flow through the system. All connections to the community sewer system shall be permitted only after the Sewer Board has determined that there is a demonstrated need for the connection. No connections shall be allowed outside the corporate city limits.

(B) No unauthorized person shall uncover, make a connection with or opening into, use, alter, or disturb any community sewer system without first obtaining a written permit from

the Sanitation Manager. All permit applications shall be approved by the Sanitation Manager and must meet specifications specified by the city. A permit inspection fee, in an amount established by the City Council, shall be paid at the time the permit application is filed.

(C) The property owner shall pay all costs and expenses incident to the installation of the building sewer and its connection to the community sewer system, including, but not limited to, the costs of interceptor tanks and effluent lines required to service the property. The property owner shall reimburse the city for any loss or damage that may directly or indirectly be caused by the installation of the building sewer. Nothing contained in this section shall prevent any person from applying for and receiving any grant monies available through the County Housing Authority and Urban Renewal Agency.

(D) The city may, on a one-time basis only, pay or cause to be paid the partial cost of installations to the community sewer from the execution of this subchapter until final designs of the public sewer system have been approved. At all other times, the costs shall be assessed the property owner.

(E) Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any 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 or from the interceptor tank and public sewer system at no cost to the city.

(F) No person shall make connection of roof downspouts, exterior foundation drains, areaway drains, or other sources of surface runoff or groundwater to a building sewer or building drain which in turn is connected directly or indirectly to the public treatment works.

(G) A person applying for connection to the community sewer system shall notify the Sanitation Manager when the effluent sewer is ready for inspection and connection to the public sewer. The Sanitation Manager will inspect the proposed connection to the street sewer, including the installation of the interceptor tank and piping. The connection shall be under the supervision of the Sanitation Manager or his or her representative. No pipings, fittings, or tankage shall be backfilled or covered in any way until the Sanitation Manager has inspected and approved the completed work.

(H) All excavations for effluent sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Private contractors involved in the construction described in this subchapter shall defend, preserve, and shall hold the city harmless from any claims made by third parties injured due to the contractor's negligence. Streets, sidewalks, parkways, and private property disturbed in course of the work described herein shall be restored in a manner satisfactory to the City Council.

(I) The city shall have the right, at all times, to enter property by way of the appropriate easement, in order to inspect, repair, clean, or otherwise service the community sewage system, including the interceptor tank.

(Ord. 420, passed 10-5-1987) Penalty, see § 50.99

§ 50.06 CONNECTION FEES.

(A) The City Council shall establish a connection fee schedule which it may change by resolution from time to time. The current fee schedule shall be attached as Exhibit A to the ordinance codified in this subchapter, and by this reference is incorporated herein. Fees for the

connection of existing buildings to the community sewer system shall be due within 30 days of the notice to connect sent to all affected property owners by the city. Where permits have been obtained pursuant to § 50.05(B), connection fees shall be payable in advance. Applicants for connections to be made after completion of construction of the system shall pay all costs of making the connection.

(B) Those residences and commercial buildings located within the area served which are not offered the opportunity to connect to the community sewer system due to the limited number of connections may later be allowed to connect at the initial hookup rate with applications for grant money, if available, made by the property owner to the city. (Ord. 420, passed 10-5-1987) Penalty, see § 50.99

§ 50.07 USE OF THE PUBLIC SEWERS.

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

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

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

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

(3) Any waters or wastes having a pH lower than five and one-half, or having any other corrosive property capable of causing damage or hazard to structures, equipment, and personnel of the sewage works;

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

(5) Any wastes not pretreated by an interceptor tank.

(C) No person shall discharge or cause to be discharged the following substances, water, or wastes, if it appears likely in the opinion of the Sanitation Manager that the wastes can harm either the sewers, sewage treatment process, or equipment, have an adverse effect on the receiving stream, or can otherwise endanger life, limb, public property, or constitute a nuisance. In forming his or her opinion as to the acceptability of these wastes, the Sanitation Manager will give consideration to the factors as to quantities of subject wastes in relation to flows and velocities in the sewers, capacity of the sewage treatment plant, degree of treatability of wastes in the sewage treatment plant, and other pertinent factors. The substances prohibited are:

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

Falls City, OR Code of Ordinances

(2) Any water or waste containing fats, gas, grease, or oils, whether emulsified or not, in excess of 100 mg/l or containing substances which may solidify or become viscous at temperatures between 32 and 150°F (65°C);

(3) Any garbage that has not been properly shredded;

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

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

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

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

(8) Any waters or wastes having a pH in excess of nine and one-half;

(9) Materials which exert or cause:

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

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

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

(d) Unusual volume of flow or concentration of wastes constituting "slugs," as defined in § 50.02.

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

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

(1) Reject the wastes;

(2) Require pretreatment to an acceptable condition for discharge to the public sewers at no cost to the city;

(3) Require control over the quantities and rates of discharge; and/or

(4) Require payment to cover the added cost of handling and treating the wastes not covered by wasting taxes or sewer charges.

(E) Grease, oil, and sand interceptors shall be provided when, in the opinion of the Sanitation Manager, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts, or any flammable wastes, sand, or other harmful ingredients. All

interceptors shall be of a type and capacity approved by the appropriate governmental agency and the city, and shall be located as to be readily and easily accessible for cleaning and inspection. Interceptors shall be provided by persons discharging into the sewer.

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

(Ord. 420, passed 10-5-1987) Penalty, see § 50.99

§ 50.08 RESPONSIBILITY FOR DAMAGE.

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

(B) At all times, all building sewer lines to any interceptor tank belong to the private property owner and are the owner's responsibility for maintenance and upkeep. Where pumping from an interceptor tank is allowed, the owner shall be responsible for installation of the electrical panel and wiring from the residence or business to the interceptor tank and shall pay all associated power costs. The electrical panel and its wiring will be installed on the exterior of the building for access. The interceptor tank and all lines leading from the tank to the public treatment works shall be the responsibility of the city for maintenance and upkeep.

(C) If any damage to the interceptor tank, public treatment works, or connecting lines is the result of a negligent or intentional act of any individual, that individual shall be responsible for the cost of any and all repairs to the lines. If an agreement for payment is not reached between the city and the parties, the parties causing the damage shall also be responsible for any reasonable attorney's fees incurred by the city regarding this matter in any court of appeals.

(Ord. 420, passed 10-5-1987) Penalty, see § 50.99

§ 50.09 POWERS AND AUTHORITY OF INSPECTORS.

(A) The Sanitation Manager and other duly authorized employees of the city bearing proper credentials and identification shall be permitted to enter all properties for the purposes of inspection, observation, measurement, sampling, and testing in accordance with the provisions of this subchapter.

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

(C) The Sanitation Manager and other duly authorized employees of the city shall be permitted to enter all property for the purpose of inspecting and maintaining the community

sewer system or a city easement. All entries and work, if any, shall be by way of the city's easement granted by the owner at the time their permit was approved or connection made to the public sewer.

(Ord. 420, passed 10-5-1987)

§ 50.10 CONSTRUCTION OF BUILDING SEWERS.

(A) All building sewers shall be laid on a grade of not less than three and sixteen-hundredths inch per foot for four-inch pipe and of not less than one-eighth inch per foot for six-inch pipe.

(B) If the grade of the building or side sewer is to be less than three and sixteen-hundredths inch per foot for four-inch pipe or one-eighth inch per foot for six-inch pipe, the property owner shall sign and acknowledge a grade release in a form approved by the city, the effect of which shall be to release the city from all future claims for damages due to the installation of the sewer. If there is doubt about grade, a grade release shall be procured before the pipe is laid. If, upon inspection, the grade is inadequate, the grade release shall be filed in the office of the City Recorder/Administrator before any backfilling takes place.

(C) All materials, pipes, and fittings used in the construction of effluent sewer lines on private property must meet published specifications of good construction as specified by the Sanitation Manager to prevent leakage and infiltration into the system.

(D) Pressure piping, fittings, and cleanouts shall be Class 160 (SDR 26) pressure-rated PVC piping with rubber gasket joints conforming to ASTM D 1784 and ASTM D 2241. Piping and fittings for pressure sewer service lines shall be Class 160 (SDR 26) pressure-rated PVC piping with rubber gasket joints conforming to ASTM D 1784 and ASTM D 2241 or polyethylene piping, pressure Class 160 (SDR 26) conforming to ASTM D 2122.

(E) Interceptor tanks shall be of concrete construction from a supplier approved by the city. The city shall keep on file at all times currently approved manufacturer and/or supplier of approved interceptor tanks with their current prices as per agreement with the city.

(F) Minimum interceptor tank sizes shall be 1,000 gallons per residence. Minimum interceptor tank sized for businesses or multi-residences shall be in accordance with requirements set forth by the Department of Environmental Quality, the requirements to be on file with the city.

(Ord. 420, passed 10-5-1987) Penalty, see § 50.99

SEWER USER CHARGES

§ 50.25 GENERALLY.

(A) User charges shall be levied on all users of the public sewers or public treatment works which may cover the cost of operation and maintenance, debt service, taxes, and other administrative costs of the treatment works.

(B) There shall be established classes of users such that all members of a class discharge approximately the same volume of wastewater per user.

(C) The flat charge per appropriate unit shall be established so that each user pays their proportionate share of the treatment cost. As the flow of wastewater and discharge is not metered, each user in the particular class shall be assigned an approximate wastewater volume based on the equivalent residential unit (ERU) rate.

(D) The user rate per ERU shall be established by resolution to be passed at the same time this subchapter is on its final passage, and the resolution may be amended from time to time as deemed necessary by the City Council by a subsequent resolution.

(E) Any change in the number of units on the premises of a user shall be reported by that user to the Sewer Board.

(F) Should any user believe that they have been incorrectly assigned to a particular user class, that user may apply for review of the assigned user charge, as provided in § 50.29.

(G) Should the Sewer Board or other individual as designated by the Board determine that a user is incorrectly assigned to a user class, or that the strength and/or volume of the user's wastewater flow is inconsistent with the assigned user class, the Sewer Board or other designated individual shall reassign a more appropriate user class to that user and notify that user of the reassignment.

(H) Records of all assigned rates shall be kept on file with the Sewer Board and shall be open for public inspection.

(I) The public sewer system user charges shall be established and adjusted by resolution of the City Council.

(J) The sewer user charge for all occupied property shall begin upon the acceptance of the public sewer system by the city. The sewer user charge for all unoccupied property shall begin within 30 days after the property is ready for occupancy or on the first day of occupancy, whichever occurs first. All unoccupied property which is ready for occupancy at the time sewer service becomes available shall be treated as occupied property. Once the sewer user charge has commenced, no credit shall be given for vacancy. If the dates upon which the user charge is commenced or altered do not fall on the first day of billing, the rates shall be appropriately pro-rated.

(Ord. 411, passed 6-4-1985)

§ 50.26 REVIEW AND REVISION OF RATES AND NOTIFICATION.

The sewer user charges established by resolution shall, as a minimum, be reviewed biennially, and revised periodically to reflect actual costs of operation, maintenance, replacement, and financing of the treatment works and to maintain the equitability of the user charges with respect to proportional distribution of the costs of operation and maintenance.

(Ord. 411, passed 6-4-1985)

§ 50.27 RESPONSIBILITY; PAYMENT DELINQUENCIES.

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

(B) Sewer user charges shall be due and payable to the city not later than 15 days after the date of billing.

(C) Sewer user charges levied in accordance with this subchapter shall be a debt due the city and a lien upon the property in accordance with O.R.S. 454.225. If this debt is not paid within 60 days after it shall become due and payable, it shall be deemed delinquent and may be recovered by civil action in the name of the city against the property owner, the person, or both. At the Sewer Board's discretion, water may be shut off when the bill is 60-days' delinquent.

(D) Change of ownership or occupancy of premises found delinquent shall not be cause for reducing or eliminating these charges.

(Ord. 411, passed 6-4-1985)

§ 50.28 HANDLING OF FUNDS.

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

(B) All collections of sewer user charges shall be made to the city.

(C) The Sewer Board or other designated individual is hereby directed to deposit in the Sewer System Improvement Fund all of the gross revenues received from charges, rates, and penalties collected for the use of the sewerage system as herein provided.

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

(Ord. 411, passed 6-4-1985)

§ 50.29 APPEALS.

(A) Any sewer user who feels his or her user charge is unjust and inequitable as applied to his or her premises, within the intent of the foregoing provisions, may make written application to the Sewer Board requesting a review of the user charge. Written requests shall, where necessary, include all information necessary for the Board to compare this unit charge to other similar units to determine appropriate charges.

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

(C) If the request is determined to be substantiated, the user charge for that user shall be recomputed based on the approved unit charge. The new charges thus recomputed shall be applicable retroactively up to six months, as applicable.

(Ord. 411, passed 6-4-1985)

§ 50.99 PENALTY.

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

(B) *Sections 50.01 through 50.10.*

(1) Any person found to be violating any provision of §§ 50.01 through 50.10 shall be served by the city with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in the notice, permanently cease all violations.

(2) Violation of any of the provisions of §§ 50.01 through 50.10 which shall pose a danger or threat to any inhabitant of the city, or which may harm any part of the community sewer system, as determined by the Sanitation Manager, shall be cause for the city to enter onto the violator's property and to break and plug the connection to the community sewer system, or to disconnect and discontinue water service to the property, until the time as the cause of the damage or threat shall be shown to no longer exist, and until all damages to the community sewer system have been paid.

(3) Any person continuing any violation beyond the time limit provided for in division (A) above shall be guilty of a misdemeanor, and on conviction thereof shall be fined in the amount not exceeding \$500 for each violation.

(4) Any person violating any of the provisions of §§ 50.01 through 50.10 shall become liable to the city for any expense, loss, or damage occasioned the city by reason of the violation.

(5) Each day any provision is violated, or continue to be violated after notice is given, is a separate violation. Successive notices are not required for successive violations. (Ord. 420, passed 10-5-1987)

CHAPTER 51: WATER

Section

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Cross-reference:

Cross-Connection Control, see Ch. 52

Sewers, see Ch. 50

Solid Waste Management, see Ch. 53

RULES AND REGULATIONS

§ 51.01 SHORT TITLE; SCOPE.

(A) *Short title.* This subchapter may be referenced to as the *Rules and Regulations of the Falls City Water System*, and may be so cited and pleaded.

(B) *Scope.* The Water Department and all customers receiving services from the Water Department, whether inside or outside the city limits, are bound by these rules and regulations of the Water Department.

(Ord. 98-471, passed 5-4-1998)

§ 51.02 DEFINITIONS.

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

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

CITY. The legally constituted municipal government of the City of Falls City, Polk County, Oregon.

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

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

RESOLUTION OF THE COUNCIL. Resolution No. 98-06 setting rates and fees as adopted on 1-6-1998, until superseded, in which case it shall mean the most recent resolution of the City Council setting rates and fees.

SUPERINTENDENT. The person appointed by the City Council to superintend the affairs of the Water Department or, if none, the City Recorder/Administrator.

WATER DEPARTMENT. The City Water Department.
(Ord. 98-471, passed 5-4-1998)

Cross-reference:

Short title; scope, see § 51.01

§ 51.03 SERVICE AREA.

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

(Ord. 98-471, passed 5-4-1998)

§ 51.04 DESCRIPTION OF SERVICE.

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

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

(C) *Ownership of system.* All water mains, water meters, valves, fittings, hydrants, and other appurtenances, except "customer service lines," as defined in § 51.07(A), shall be the property of the Water Department.

(D) *Classes of service.* The classes of service shall be residential, commercial, standby fire, and contract:

(1) Inside city limits or outside city limits; and

(2) Classes:

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

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

(c) *Standby fire.* Standby fire services shall consist of those services where water is available or used for fire protection only; and

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

(E) *Special contracts.* When the applicant's requirements for water are unusual or large, such as an independent water district or necessitate considerable special or reserve equipment or capacity, the Water Department, by authorization of the City Council, reserves the right to make a special contract, the provisions of which are different from and have exceptions

to the regularly published water rates, rules, and regulations. This special contract shall be in writing, signed by the applicant, and approved by the City Council and City Attorney and signed by the Mayor and City Recorder/Administrator.

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

(G) *Service preference.* In cases of shortage of supply, the Water Department reserves the right to give preferences in the matter of furnishing service to customers and interest of the Water Department from the standing of public convenience or necessity. Water service to users outside of the city limits shall at all times be subject to the prior and superior rights of the customers within the city limits.

(Ord. 98-471, passed 5-4-1998)

§ 51.05 APPLICATION FOR SERVICE.

(A) *Application form.*

(1) Each applicant for water service shall sign an application form provided by the Water Department giving the date of application, location of premises to be served, the date the applicant desires services to begin, purpose for which service is to be used, the address for mailing of the billings, the class and size of the meter service, and any other information as the Water Department may reasonably require. In signing the application, the customer agrees to abide by these rules and regulations of the Water Department. The application is merely a written request for service and does not bind the Water Department to provide service.

(2) Effective as of 3-1-2000, all new applications for water service shall be made by the property owner(s) of record. All new deposits and customer accounts shall be maintained in the name of the property owner(s) of record. For properties being purchased through a land sale contract, the owner(s) of record shall be those designated as "agent" on the rolls of the County Assessor's office.

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

(1) *Establishment of credit.* The credit of the applicant will be deemed established if the applicant makes a cash deposit with the Water Department to secure the payment of bills for service. The deposit shall be a sum equal to the estimated bill for two-months' service or as otherwise established by resolution of the Council.

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

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

(C) *Application amendments.* Customers desiring a material change in the size, character, or extent of equipment or operation which would result in a material change in the

amount of water used shall give the Water Department written notice of the change prior to the change and the application for service shall be amended. Customers desiring a change in the size, location, or number of services shall fill out an amended application.

(Ord. 98-471, passed 5-4-1998; Ord. 477, passed 1-31-2000)

§ 51.06 MAIN EXTENSION.

(A) *Within the city limits.* Water main extensions to areas within the city limits not presently served with water shall be a minimum of six-inch pipe of a material specified by the city and become the property of the Water Department at the time of installation. Extensions inside the city limits shall be installed by the Water Department or by contractors approved by the Water Department. The installation procedures and materials used shall be in accordance with current City and/or State Health Department standards. Subdividers for newly partitioned properties will assume all costs of main extensions with the approval of the City Council.

(B) *Outside the city limits.* Water mains outside the city limits shall be extended only at the expense of the customers served. The main extensions shall be a minimum of six-inch pipe of a material specified by the city and become the property of the Water Department at the time of installation. Extensions outside the city limits shall be installed by the Water Department or by contractors approved by the Water Department. The installation procedures and materials used shall be in accordance with current City and/or State Health Department standards. Subdividers for newly partitioned properties will assume all costs of main extensions with the approval of the City Council.

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

(Ord. 98-471, passed 5-4-1998)

§ 51.07 SERVICES.

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

CUSTOMER SERVICE LINE. The part of the piping on the customer's property that connects the service to the customer's distribution system.

SERVICE CONNECTION. The part of the water distribution system which connects the meter to the main line and shall normally consist of corporation stop, service pipe, curb stop and box, meter, meter yoke, and meter box.

(B) *Ownership, installation, and maintenance.* The Water Department shall own, install, and maintain all services and installation and maintenance shall only be performed by authorized employees of the Water Department. The customer shall own, install, and maintain the service line.

(C) *Service connection charge.* At the time the applicant files for service where no service previously existed, or if he or she is filing for a change in service size or location, he or she shall submit with his or her application the service connection charge. This charge is to

cover the actual cost to the Water Department to install the first 100 feet of service from the main line to, and including, the meter and meter housing. The minimum service connection charge shall be as established by resolution of the Council. If the length of main line to the meter location exceeds 100 feet, the applicant shall pay the extra cost of the line on the basis of actual cost to the Water Department for labor, materials, and equipment plus 15%.

(D) *Size of service line.* The Water Department will furnish and install a service line of the size and at the locations as the applicant requests, provided the requests are reasonable and that the size requested is one that is listed by the Water Department. The minimum size of service line shall be three-fourths inch. The Water Department may refuse to install a service line which is undersized or oversized as determined by a study and report of the Superintendent to the City Council.

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

(F) *Length of service line.* Where the main line is in a public right-of-way, the meter will be placed at the right-of-way line nearest the property to be served for the standard connection fee, provided the length of service line does not exceed the width of the right-of-way. Where the main line is on an easement or publicly owned property other than designated rights-of-way, the service shall be installed to the boundary of the easement or public property by the Water Department, provided the length of service does not exceed 100 feet. If, in either case cited herein, the length of service line to the meter location exceeds the maximum stated, the applicant shall pay the extra cost of the line on the basis of actual cost to the Water Department for labor, materials, and equipment plus 15%.

(G) *Joint service connections.* The Water Department may, at its option, serve two or more premises with one connection. On new service connections, the inside diameter of the joint lines shall be sufficient to provide a carrying capacity of not less than the combined capacity of individual service lines of the same size as the meters installed. Service extensions from an existing service to other occupancies or ownerships than that for which the existing service was intended shall not be permitted nor shall separate residences be permitted to receive service through one meter except under special considerations approved by the City Council.

(H) *Number of service connections on premises.* The owner of a single parcel of property may apply for and receive as many services as he or she and his or her tenants may require, provided his or her application or applications meet the requirements of the policies, rules, and regulations.

(I) *Standby fire protection service connections.*

(1) *Purpose.* Standby fire protection service connections of two-inch size and larger will be installed only if adequate provisions are made to prevent the use of water from the services for purposes other than fire extinguishing. Sealed fire sprinkler systems with water-operated alarms shall be considered as having the provisions. The Water Department may require that a suitable detector check meter be installed in the standby fire protection service connections to which hose lines or hydrants are connected. All piping on the customer's premises shall be installed in accordance with the plumbing code of the state.

(2) *Charges for service.* Charges for standby fire protection service will be as established by resolution of the Council. No charge will be made for water used in the standby fire protection services to extinguish accidental fires or for routine testing of the fire protection system. The customers shall pay the full cost of the standby protection service

connection, any required detector check meters, and any required special water meter installed for the service to the standby connection.

(3) *Violations of regulations.* If water is used from a standby pipe connection service in violation of these regulations, an estimate of the amount used will be computed by the Water Department. The customer shall pay for the water used at the regular rates, including the minimum charge based on the size of the service connection and subsequent bills rendered on the basis of the regular water rates.

(J) *Fire services connections other than standby.* A service having fire protection facilities on the premises and water for other purposes flowing through the same service connection shall be considered as an ordinary service and metered as such. All water used through that service, regardless of its use, will be charged at the regular rates.

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

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

(2) *Charge for water served.* Charges for water furnished through a temporary service connection shall be at the same rates as for regular services as established by resolution of the Council.

(3) *Installation charge and deposits.* Applicant for temporary service will be required:

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

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

(c) To deposit with the utility an amount equal to the value of any equipment loaned by the Water Department to the applicant under the terms of division (K)(4) below.

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

(L) *Customer's plumbing.*

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

(2) *Control valves.* Customers shall install a suitable control valve in the customer service line as close to the meter as possible, the operation of which will control the entire water supply to the premises served. In the event a customer's service is discontinued for

any reason, a control valve must be installed, if none exists, as provided by this section. It shall be a violation of these rules and regulations for the customer to operate, cause, or permit unauthorized operation of the meter stop or any appurtenances on the service connection. (Ord. 98-471, passed 5-4-1998) Penalty, see § 51.99

§ 51.08 METERS.

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

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

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

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

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

(F) *Changes in size or location.* If for any reason a change in the size of a meter and service is required, the installation will be accomplished on the basis of a new connection, and the customer's application shall be amended. Meters or services moved for the convenience of the customer will be relocated only at the customer's expense. (Ord. 98-471, passed 5-4-1998) Penalty, see § 51.99

§ 51.09 WATER RATES AND CHARGES.

The water rates to be charged for each class of service, including minimum charges, charges for water consumption, service connection charges, and all other related fees and charges shall be as established by resolution or ordinance of the Council, as may be amended from time to time.

(Ord. 98-471, passed 5-4-1998; Ord. 493, passed 5-2-2001)

§ 51.10 NOTICES.

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

(B) *Notices from customers.* Notices from the customer to the Water Department may be given by the customer or his or her authorized representative orally or in writing at the office of the Water Department in the City Hall or to an agent of the Water Department duly authorized to receive notices or complaints.

(Ord. 98-471, passed 5-4-1998)

§ 51.11 BILLING AND PAYMENTS.

(A) *Meter readings.* Meters will be read and customers billed in arrears on the basis of the meter reading to the last 1,000 gallons. The Water Department will keep an accurate account on its books of all reading of meters and the accounts so kept shall be offered at all times, places, and courts as prima facie evidence of the use of water service by the customer.

(B) *Rendering of bills.*

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

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

(3) *Bills for more than one meter.* All meters supplying a customer's premises shall be billed separately, except that where the Water Department has for operating purposes installed two or more meters in place of one, the reading may be combined for billing.

(C) *Disputed bills.* When a customer disputes the correctness of any bill, he or she shall submit a written request for a hearing by the City Council at its next regularly scheduled meeting, and deposit the amount of the disputed bill, within ten days of receipt of the disputed bill, pending final settlement of the bill or bills. A determination of the City Council after a hearing on a disputed bill shall be final. Any subsequent bills shall be paid or placed on deposit in a similar manner until the dispute is heard by the Council. The customer's service shall not be disconnected while the dispute is pending and for ten days after a decision by the Council is made. Failure of the customer to make such a written request and deposit within ten days shall warrant discontinuance of service as provided under division (F) below and the imposition of any other remedies available under § 51.13(B).

(D) *Failure to read meters.* In the event that it shall be impossible or impractical to read a meter on the regular date, the water consumption shall be pro-rated on the basis of 30 days per month and the total water consumption for billing purposes for that period shall be estimated.

(E) *Payment of bills.* Each bill rendered shall contain the final date on which payment is due. If the bill is not paid by that date, the account shall be considered delinquent, unless other arrangements have been made with the Water Department, in writing, that specify another due date.

(F) *Delinquent accounts.*

(1) *Delinquent notice.* A reminder of account delinquency may be sent, at the discretion of the City Recorder/Administrator, to each delinquent account on or about ten days after the account becomes delinquent.

(2) *Turn-off notice.* On or about 15 days after an account becomes delinquent, a turn-off notice may be sent to the customer. The notice shall state a date on which water will be turned off if the delinquent account is not paid in full prior thereto.

(3) *Service turn-off.* On the turn-off date, the meter reader or other agent of the city shall deliver a written notice to the customer stating that the water service is being turned off until all delinquent amounts have been paid. The meter reader or other agent of the city shall immediately thereafter turn off the service. A delivery to the premises served by the meter shall be considered a delivery to the customer.

(4) *Service charge.* In all instances where water has been turned off because of delinquent accounts, a service charge for the reconnection of services and replacement of cash deposit shall be made as established by resolution of the Council. Effective 3-1-2000, water service shall be reconnected only upon application and replacement of cash deposit by the property owner(s) of record, if the customer account was held in a name other than the owner(s) of record when service was turned off.

(G) *Installment payments of delinquent accounts.* In cases of extreme hardship, the City Recorder/Administrator shall have the discretion of renewing service to a delinquent account upon receipt of a satisfactory installment payment agreement for the overdue amount, provided that new billings remain current.

(Ord. 98-471, passed 5-4-1998; Ord. 477, passed 1-31-2000)

§ 51.12 METER ERROR.

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

(B) *Meter test.*

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

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

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

(C) *Adjustments of bill for meter error.*

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

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

(Ord. 98-471, passed 5-4-1998)

§ 51.13 DISCONTINUANCE OF SERVICES.

(A) *On customer request.* Each customer about to vacate any premises supplied with water service by the Water Department shall give the Water Department written notice of his or her intentions at least two-days prior thereto, specifying the date service is to be discontinued; otherwise, he or she will be responsible for all water supplied to the premises until the Water Department shall receive notice of the removal. At the time specified by the customer that he or she expects to vacate the premises where service is supplied or that he or she desires service to be discontinued, the meter will be read and a bill rendered which is payable immediately. In no case will the bill be less than the monthly minimum specified in the schedule applying to the class or classes of service furnished.

(B) *Remedies for nonpayment of bills.* A customer's water service may be discontinued if the water bill is not paid in accordance with the procedures listed in § 51.11(C), (F), or (G). Additionally, if any billing for rates, fees, or other charges is not paid within 90 days of the date it became due, or 90 days after the date the Council determined that a disputed bill was due, by any such person, firm, or corporation, the amounts so unpaid may be certified by the city to the County Assessor, and shall be assessed by him or her against the premises served, as provided by law, and shall be collected and paid over to the city in the same manner as other taxes are assessed, collected, and paid over, with interest. Interest on unpaid bills shall run from the due date thereof at the rate of 8% per annum, or as otherwise established by resolution of the Council. The unpaid charges may also be recovered in an action at law in the name of the city, with interest as aforesaid. These remedies are not mutually exclusive and shall be in addition to any penalty assessed under § 51.99.

(C) *Nonpayment of sewer service charges.* If sewer service charges are not paid when due by any such person, firm, or corporation whose premises are serviced or who are subject to the charges herein provided, water service provided to that customer by the City Water Department may be discontinued because of the default in the payment of the sewer service charges.

(D) *Improper customer facilities.*

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

(2) *Cross-connections.* A cross-connection is defined as any physical connection between the Water Department's system and another water supply. The State Health

Division and the U.S. Environmental Protection Agency prohibit cross-connections. The Water Department will not permit any cross-connection and will discontinue service to any persons or premises where a cross-connection exists. Service will not be restored until the cross-connection is eliminated. Customers using water from one or more sources in addition to receiving water from the Water Department on the same premises shall maintain separate systems for each; and comply with all aspects of Chapter 52.

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

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

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

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

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

(Ord. 98-471, passed 5-4-1998)

§ 51.14 RECONNECTION OF SERVICE.

Reconnection of service after discontinuance for nonpayment of bills shall be made after payment of current and past due charges and posting a deposit pursuant to § 51.11(F)(4). Reconnection of service after discontinuance of service for any other reason, such as unsafe facilities, water waste, fraud, abuse, or noncompliance with any of the policies, rules, and regulations will only be made after the irregularity has been corrected and the Water Department has been assured that the irregularity will not reoccur. The reconnection charges shall be made as established by resolution of the Council, plus any other charges or costs due or past due that the Water Department may have incurred to correct the irregularity.

(Ord. 98-471, passed 5-4-1998)

§ 51.15 UNUSUAL DEMANDS.

When an abnormally large quantity of water is desired for filling a swimming pool, log pond, or for other purposes, arrangements must be made with the utility prior to taking the water. Permission to take water in unusual quantities will be given only if the Water Department facilities and other customers are not inconvenienced.
(Ord. 98-471, passed 5-4-1998)

§ 51.16 ACCESS TO PROPERTY.

All duly appointed employees of the Water Department, under the direction of the Water Superintendent, shall have free access at all reasonable hours of the day to perform all necessary repairs, maintenance, inspections, and meter readings. The Water Department does not, however, assume the duty of inspecting the customer's line, plumbing, and equipment, and shall not be responsible therefor. Denial or hindrance in any way to any city official or employee of the Water Department in the performance of his or her duties shall constitute cause for immediate termination of all service without further notification.
(Ord. 98-471, passed 5-4-1998)

§ 51.17 RESPONSIBILITY FOR EQUIPMENT.

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

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

(C) *Damage to Water Department distribution system, facilities, and equipment.* The customer shall be liable for any damage to distribution system, facilities, and equipment owned by the Water Department which is caused by an act of the customer, his or her tenants, agents, employees, contractors, licensees, or permittees. Damage shall include, but not be limited to, breaking of seals and locks, tampering with meters, injury to meters, injury to distribution lines, including, but not limited to, damage by hot water or steam and damaged meter boxes, curb stops, meter stops, and other appurtenances. Failure to make restitution in full within 90 days of notice and billing shall result in a lien being assessed against the customer's property, as provided for in § 51.13(B).

(Ord. 98-471, passed 5-4-1998) Penalty, see § 51.99

§ 51.18 FIRE HYDRANTS.

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

(B) *Moving a fire hydrant.* When a fire hydrant has been installed in the locations specified by the proper authority, the Water Department has fulfilled its obligation. If a property owner or other party desires to change the size, type, or location of the hydrant, he or she shall bear all costs of the changes. Any changes in the location of a fire hydrant must be approved by the Water Department and the Fire Department.
(Ord. 98-471, passed 5-4-1998) Penalty, see § 51.99

§ 51.19 SUSPENSION OF RULES.

No employee of the Water Department is authorized to suspend or alter any of the policies, rules, and regulations cited herein without specific approval or direction of the City Council, except in cases of emergency involving loss of life or property or which would place the water system operation in jeopardy.
(Ord. 98-471, passed 5-4-1998)

§ 51.20 EASEMENTS.

Each applicant and user, as a condition of service, gives and grants to the city an easement and right-of-way in, on, across, and under his or her property for the installation and maintenance of water lines, water meters, and the necessary valves and equipment in connection therewith.
(Ord. 98-471, passed 5-4-1998)

GENERAL PROVISIONS

§ 51.35 WATER PRESSURE REGULATORS.

Upon the sale or transfer, by contract, deed, or otherwise, of any property served by the city water system, the new owner of the property shall forthwith cause to be installed a water pressure regulator on the owner's side of the curb cock so as to restrict the amount of water pressure to the property to not more than 80 pounds per square inch. If it is shown that the water pressure to any certain piece of property does not ever exceed 80 pounds per square inch, then this section shall be of no force and effect with respect to the property.
(Ord. 395, passed 5-5-1980) Penalty, see § 51.99

§ 51.99 PENALTY.

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

(B) Any person violating any of the provisions of §§ 51.01 through 51.20 shall, upon conviction thereof, be punished by a fine not exceeding \$500. Each day's violation constitutes a separate offense. This penalty shall be in addition to any other remedies available to the city. (Ord. 98-471, passed 5-4-1998)

CHAPTER 52: CROSS-CONNECTION CONTROL

Section

52.01	General provisions
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§ 52.01 GENERAL PROVISIONS.

(A) *Purpose.*

(1) To protect the public potable water supply served by the City Public Works Department from the possibility of contamination or pollution by isolating, within its customer's internal distribution system, the contaminants or pollutants which could backflow or backsiphon into the public water system;

(2) To promote the elimination of, or control of, existing cross-connections, actual or potential, between the potable water system and source or non-potable water or other hazardous substances; and

(3) To provide for the maintenance of a continuing program of cross-connection control which will effectively prevent the contamination or pollution of all potable water systems by cross-connections.

(B) *Authority.*

(1) The Federal Safe Drinking Water Act of 1974, the statutes of the state, including, but not limited to, the State Drinking Water Quality Act of 1981, and Oregon Administrative Rules encompassed by O.A.R. 333-061-0005 through 333-061-0098, give the water supplier the primary responsibility of preventing water from unapproved sources, or any other substances, from entering the public potable water system; and

(2) The City Charter and ordinances of the city, including, but not limited to, §§ 51.01 through 51.20, as may be amended.

(C) *Responsibility.*

(1) Water suppliers are responsible for taking all reasonable precautions to assure that the water delivered to water users does not exceed maximum contaminant levels, to assure that water system facilities are free of public health hazards, and to assure that water system operation and maintenance are performed as required. In order to prevent contamination or pollution of the city water system due to the backflow or backsiphonage of contaminants or pollutants through the water service connections, all owners and water users shall be responsible for installing, maintaining, repairing, inspecting, and testing approved backflow preventer devices on all water service connections or at any other connection where a cross-connection is possible in the judgment of the Administrator or the cross-connection control staff.

(2) The owner or water user shall, within 90 days of notification, install and have tested by a certified tester an approved backflow preventer device(s) for all new and existing water service connections. All backflow preventer devices shall be inspected and tested once per year, or more frequently as determined by the Administrator or the cross-connection control staff, by a certified inspector and tester. All installations, inspections, testing, maintenance, and repairs shall be at the expense of the owner or water user. In the event of an emergency where the imminent contamination of the water supply is possible, the cross-connection control staff may make any repairs to a device as are necessary; the owner or water user shall be responsible for paying for any parts.

(3) Failure, refusal, or inability on the part of the owner or water user to install, have tested and inspected, and maintain the device or devices within 90 days of notification shall constitute grounds for summary discontinuation of water service to the premises until the device has been properly installed, inspected, tested, and/or maintained. (Ord. 97-464, passed 3-3-1997; Ord. 476, passed 1-10-2000) Penalty, see § 10.99

§ 52.02 DEFINITIONS.

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

ADMINISTRATOR. The Administrator of the Health Division of the Department of Human Resources, or his or her designee.

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

AUXILIARY WATER SUPPLY. Any water supply, on or available, to the premises other than the purveyor's will be considered as an **AUXILIARY WATER SUPPLY**.

BACK PRESSURE. Any elevation of pressure in the downstream piping system (by pumping, elevation of piping, steam or air pressure) above the supply pressure at the point of consideration which would cause, or tend to cause, a reversal of the normal direction of flow.

BACKFLOW. The undesirable reversal of flow 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 PREVENTER. An assembly or means designed to prevent backflow or backsiphonage.

(1) **AIR GAP.** A physical separation between free flowing discharge end of a potable water supply pipeline and an open or non-pressure receiving vessel. An **APPROVED**

AIR GAP shall be at least double the diameter of the supply pipe measured vertically above the overflow rim of the vessel; in no case be less than one inch.

(2) **ATMOSPHERE VACUUM BREAKER.** A device which prevents backsiphonage by creating an atmospheric vent when there is either a negative pressure or sub-atmospheric pressure on a water system.

(3) **DOUBLE CHECK VALVE ASSEMBLY.** An assembly of two independently operating spring-loaded check valves with tightly closing shut-off valves on each side of the check valves, plus properly located test cocks for the testing of the check valve.

(4) **PRESSURE VACUUM BREAKER.** A device consisting of one or more spring-loaded check valves and an independently operating air inlet valve installed as a unit between two tightly closing shut-off valves on each side of the check valves and properly located test cocks for testing. The air inlet valve is internally loaded to the open position.

(5) **REDUCED PRESSURE PRINCIPLE BACKFLOW PREVENTER.** A device consisting of two independently acting, spring-loaded check valves separated by a spring-loaded differential pressure relief valve. This device shall be installed as a unit between two tightly closing shut-off valves and properly located test cocks for the testing of the check valves and relief valves.

BACKSIPHONAGE. The flow of water or other liquids, mixtures or substances into the distribution pipes of a potable water supply system from any source other than its intended source caused by the sudden reduction of the pressure in the potable water supply system.

CONTAMINANT. Any physical, chemical, biological, or radiological substance or matter in water.

CROSS-CONNECTION. Any link or channel between the public water supply and piping or fixtures which carry other water or other substances.

CROSS-CONNECTION CONTROL STAFF. The person(s) designated by the city to administer and enforce the city water system's cross-connection control program.

DISTRIBUTION SYSTEM. The network of pipes and other facilities which are used to distribute water from the source, treatment, transmission, or storage facilities to the water user.

DIVISION. The Health Division of the State Department of Human Resources.

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

PERMIT. A document issued by the utility which allows the use of a backflow preventer.

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

UTILITY. City water section of the Public Works Department.

WATER SERVICE ENTRANCE (CONNECTION). The point in the owner's water system beyond the sanitary control of the utility; generally considered to be the outlet end of the water meter and always before any unprotected branch.

WATER USER. Any customer or person utilizing water from the city water system. (Ord. 97-464, passed 3-3-1997; Ord. 476, passed 1-10-2000)

§ 52.03 ADMINISTRATION.

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

(B) The owner shall allow his or her property to be inspected, when given reasonable notification and during reasonable times, for possible cross-connections and shall follow the provisions of the utility's program, and the Division's regulations if a cross-connection is identified.

(Ord. 97-464, passed 3-3-1997) Penalty, see § 10.99

§ 52.04 REQUIREMENTS.

(A) *Utility.*

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

(2) For premises existing prior to the start of this program, the utility will perform evaluations and inspections of plans and/or premises and inform the owner by letter of any corrective action deemed necessary.

(a) Ordinarily 90 days will be allowed for the correction; and

(b) This 90-day period may be shortened depending on the degree of hazard or the history of the device.

(3) The utility will not allow any cross-connection to remain unless it is protected by an approved backflow preventer for which a permit has been issued and which will be regularly tested to insure satisfactory operation.

(4) The utility will inform the owner by letter of any failure to comply, within ten working days of the first re-inspection.

(a) The utility will allow an additional 15 days for the correction.

(b) At the end of the additional 15 days, a second re-inspection will be made to determine if corrections have been made.

(c) If corrections have not been made, the utility will inform the owner by letter that the water service to the owner's premises will be terminated five days from the date of this notice.

(d) In the event that the owner informs the utility of extenuating circumstances as to why the correction has not been made, a time extension may be granted by the utility, but in no case will exceed an additional 30 days.

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

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

(B) *Owner.*

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

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

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

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

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

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

(7) The owner shall install only backflow preventers approved by the Health Division.

(8) Any owner having a private well or other private water source must have a permit if the well or source is cross-connected to the utility's system. Permission to cross-connect may be denied by the utility. The owner may be required to install a backflow preventer at the service entrance if a private water source is maintained, even if it is not cross-connected to the utility's system.

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

(Ord. 97-464, passed 3-3-1997) Penalty, see § 10.99

§ 52.05 DEGREE OF HAZARD.

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

(B) The term **DEGREE OF HAZARD** shall mean either a polluttional (nonhealth-low) or contamination (health-high) hazard and is derived from the evaluation of conditions within a system.

(Ord. 97-464, passed 3-3-1997)

§ 52.06 EXISTING BACKFLOW DEVICES.

(A) Any existing backflow preventer shall be allowed by the utility to continue in service unless the degree of hazard is such as to supersede the effectiveness of the preventer, or result in an unreasonable risk to public health.

(B) Where the degree of hazard has increased, as in the case of a residential installation converting to a business establishment, any existing backflow device must be replaced with an approved device suitable for that degree of hazard.

(Ord. 97-464, passed 3-3-1997)

§ 52.07 PERIODIC TESTING.

- (A) All testable backflow devices shall be tested and inspected at least annually.
- (B) Periodic testing shall be performed by a certified tester from a list provided by the utility. This testing will be done at the owner's expense.
- (C) Any backflow preventer which fails during a periodic test will be repaired or replaced. When repairs are necessary, upon completion of the repair, the device will be re-tested at owner's expense to insure correct operation. High hazard situations will not be allowed to continue if the backflow preventer fails the test and cannot be repaired immediately. In other situations, a compliance date of not more than 30 days after the test date will be established. The owner is responsible for spare parts, repair tools, or a replacement device. Parallel installation of two devices is an effective means of the owner ensuring uninterrupted water service during testing or repair of devices and is strongly recommended when the owner desires the continuity.
- (D) Backflow prevention devices will be tested more frequently than specified in division (A) above if the utility feels that there is a history of test failures. Cost of additional testing will be borne by the owner. Any circumstance not covered by this chapter or any of the authorities in § 52.01(B) shall be left to the judgment of the Administrator or designee.
(Ord. 97-464, passed 3-3-1997)

§ 52.08 OREGON ADMINISTRATIVE RULES ADOPTED.

The city hereby adopts Oregon Administrative Rules as outlined in Chapter 333, Subsection 42-200 through 42-245, as may be amended.
(Ord. 97-464, passed 3-3-1997)

§ 52.09 EFFECTIVE DATE.

In as much as it is necessary for the immediate preservation of the public health, peace, and safety of the city, to enact this chapter, an emergency is hereby declared to exist, and this chapter shall become effective on 4-1-1997.
(Ord. 97-464, passed 3-3-1997)

CHAPTER 53: SOLID WASTE MANAGEMENT

53.01.010 Title

This chapter shall be known, pleaded, and cited as the “Falls City Solid Waste Management and Resource Recovery Code,” and referred to herein as “this code.”

53.01.020 Purpose, policy and scope.

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(A) To protect the public health, safety, welfare and environment and to conserve energy and natural resources within Falls City and to carry out recycling, reuse and other resource recovery and waste reduction requirements of ORS Chapters 459 and 459A, it is declared the policy of the city of Falls City to establish and implement programs to:

- (1) Carry out the responsibility and the authority granted, delegated and imposed by ORS Chapters 459 and 459A.
- (2) Ensure present and future safe, efficient and economical accumulation, storage, collection, transportation, disposal or resource recovery of or from solid waste.
- (3) Ensure maintenance of a financially stable, reliable solid waste management service and facilities.
- (4) Eliminate potential overlapping service to reduce truck traffic, street wear, air, water and land pollution and noise.
- (5) Ensure just, fair, reasonable and adequate rates providing necessary solid waste management services to the public.
- (6) Provide for technologically and economically feasible recycling pursuant to city, county, and state adopted waste reduction and recycling and reuse plans.
- (7) Prohibit rate preferences and other discriminatory practices which might benefit one or few users at the expense of other users of the service or the general public.
- (8) Provide standards for solid waste management services and public responsibilities.
- (9) Provide the basis for coordinated planning and cooperation between the city, county and other local and state governmental units to achieve the purposes of this section.
- (10) Protect against improper and dangerous handling of hazardous wastes and infectious wastes.
- (11) Provide a basis and incentive for investment in waste handling equipment, facilities, sites, systems and new technology.

(B) The authority granted under the terms of this franchise is also for the purpose of accomplishing the objectives set forth in ORS Chapter 459A. This authority and responsibility includes recycling as required in ORS Chapter 459A, together with regulations promulgated thereunder. The authority granted herein shall also carry out the following:

- (1) The purposes of ORS 459A.085.

- (2) The recycling, reuse and other requirements of ORS Chapter 459A.
- (3) The requirements of any waste reduction program adopted by Polk County and approved by the Oregon Department of Environmental Quality.
- (4) The State Solid Waste Management Plan and any adopted Department of Environmental Quality, Polk Solid Waste Management Plans.
- (5) The Oregon Land Conservation and Development Goals No. 6 and No. 11 on environment and public facilities, respectively.
- (6) Applicable requirements of the Federal Resource Conservation and Recovery Act of 1976, as amended.
- (7) Applicable requirements and provisions of ORS 468.220(6) and 646.740.
- (8) Applicable rules, requirements, standards and regulations promulgated under the above.

53.01.030 Definitions.

- (A) “City council” or “council” means the Falls City city council.
- (B) “City administrator” or “administrator” means the Falls City city administrator. Wherever this chapter grants authority to the administrator, that authority may be exercised by any person designated by the administrator.
- (C) “Compensation” includes:
 - (1) Any type of consideration paid for service including, but not limited to, rent, 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; or
 - (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.
- (D) “Commercial” means commercial and industrial businesses, including, but not limited to, retail sales, services, wholesale operations, manufacturing and industrial operations, excluding businesses lawfully conducted on residentially zoned property and permitted under applicable zoning regulations.

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- (E) “Compact” and “compaction” means the process of, or to engage in, the shredding of material or the manual or mechanical compression of material.
- (F) “Dispose” or “disposal” means the accumulation, storage, discarding, collection, removal, transportation, and recycling or resource recovery of waste.
- (G) “Disposal site” means land and facilities used for the disposal, handling or transfer of or resource recovery from solid wastes, including but not limited to dumps, landfills, sludge lagoons, sludge treatment facilities, disposal sites for septic tank pumping or cesspool cleaning service, transfer stations, resource recovery facilities, incinerators for solid waste delivered by the public or by a solid waste collection service, composting plants and land and facilities previously used for solid waste disposal at a land disposal site; but the term does not include a facility subject to the permit requirements of ORS 46853.010; nor a landfill site which is used by the owner or person in control of the premises to dispose of soil, rock, concrete or other similar non-decomposable material, unless the site is used by the public either directly or through a solid waste collection service; or a site operated by a wrecker issued a certificate under ORS 822.110.
- (H) “Franchisee” means Republic Services.
- (I) “Generator” means the person producing solid waste or recyclable material to be placed, or that is placed, for collection and disposal. As used herein, “generator” does not include any person who manages an intermediate function resulting in the alteration or compaction of the solid waste or recyclable material after it has been produced by the generator and placed for collection.
- (J) “Hazardous wastes” means any wastes defined as such by or pursuant to ORS 466.005; by another governmental unit; or found to be so by the franchisee to service workers, equipment or to the public.
- (K) “Mixed recycling” means the process where two or more types of recyclable materials are collected together or commingled (i.e., not separated) in a combination allowed by applicable regulations.
- (L) “Multi-family” means property with five or more dwelling units located thereon.
- (M) “Person” means the state of Oregon, a public or private corporation, local government unit, public agency, individual, partnership, association, cooperative, firm, trust, estate or any other legal entity.
- (N) “Placed for collection” means solid waste that has been placed by the customer for service by the franchisee under the requirements of this chapter.
- (O) “Putrescible material” means organic materials that can decompose and may give rise to

foul-smelling, offensive odors or products or create a health or vector problem.

(P) “Receptacle” means a can, cart, bin, container, drop box or other vessel used for collection and disposal of solid waste and recyclable materials that have been approved by the city and into which solid waste, recyclable materials or yard debris may be placed for collection.

(Q) “Recyclable material” means 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.

(R) “Residential” means property with four or fewer dwelling units that are used for residential purposes irrespective of whether such dwelling units are rental units or are owner-occupied.

(S) “Resource recovery” means the process of obtaining useful material or energy resources from solid waste and includes:

(1) “Energy recovery” means recovery in which all or a part of the solid waste materials are processed to utilize the heat content (or other forms of energy) of or from the material.

(2) “Material recovery” means any process of obtaining from solid waste, by presegregation or otherwise, materials which still have useful physical or chemical properties after serving a specific purpose and can, therefore, be reused or recycled for the same or other purposes.

(3) “Recycling” means any process by which solid waste is transformed into new or different products in such a manner that the original products may lose their original identity. As used in this code, “recycling” includes the collection, transportation and storage of solid waste done in order to place the solid waste in the stream of commerce for recycling or resource recovery.

(4) “Reuse” means the return of a commodity into the economic stream for use in the same kind of application as before without change in its identity.

(T) “Service” means the collection, transportation, storage, transfer, disposal of or resource recovery from solid waste, including solid waste management.

(U) “Solid waste” means all putrescible and non-putrescible wastes, including but not limited to garbage, rubbish, refuse, ashes, waste paper, cardboard, grass clippings, compost, tires, equipment and furniture; sewage sludge, septic tank and cesspool pumpings or other sludge; commercial, industrial, demolition and construction wastes; discarded or abandoned vehicles or parts thereof; discarded home and industrial appliances; manure, vegetable or animal solid and semisolid wastes, dead animals, infectious waste as defined in ORS 459.387, and other wastes;

but the term does not include:

(1) Hazardous wastes as defined in ORS 466.005.

(2) Materials used for fertilizer or for other productive purposes or which are salvageable as such materials are used on land in agricultural operations and the growing or harvesting of crops and the raising of fowl and animals.

(3) Beverage containers, subject to reuse or refund provisions as set out in ORS 459A.700 to 459A.740.

(V) "Solid waste management" means 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 such activities.

(W) "Source separate" means the process of separating recyclable materials from solid waste by the generator.

(X) "Special service" means collection of bulky waste including furniture, appliances and large quantities of waste.

(Y) "Waste" means material that is no longer usable or wanted by the source of the material, which material is to be utilized or disposed of by another person. For the purpose of this subsection, "utilized" means the productive use of wastes through recycling, reuse, salvage, resource recovery, energy recovery or landfilling for reclamation, habilitation or rehabilitation of land.

(Z) "Waste reduction" means reduction of the volume of waste that would otherwise be disposed of in a landfill disposal site, through techniques such as source reduction, recycling, reuse or other resource recovery.

(AA) "Yard debris" means grass clippings, leaves, hedge trimmings, and similar vegetative waste generated from property or landscaping activities, but does not include stumps or similar bulky wood materials. Yard debris is a subset of solid waste.

53.01.040 Grant of exclusive franchise.

There is hereby granted Republic Services., the exclusive right, privilege and franchise to provide "service" within the city limits subject to provisions of ORS 459.085(3), including those areas that may hereafter be annexed to the city. The franchisee is authorized use of the streets and other public facilities of the city as necessary to provide service.

53.01.050 Franchise term.

(A) The franchise granted under FCC 53.01.040 shall be in full force and effect as of July 11, 2013, subject to the terms and conditions set out in this code as well as the timely payment of franchise fees to the city.

(B) Unless the council acts to terminate further renewals of the franchise, the franchise is renewed each January 1st beginning January 1, 2014, for a term of seven years running from that January 1st renewal. At five-year intervals, beginning with 2019, the city shall review with the franchisee the standards and provisions contained in this code and make revisions thereto so as to carry out the purpose and policy set out in FCC 53.01.020. At any time the council may give written notification of termination of any further renewal, which may be with or without cause, and the franchisee then shall have a franchise which will terminate five years from date of mailing of the notice of termination, which shall be by certified mail, return receipt requested. The council may later extend the term or reinstate the continuing renewal provision upon agreement with the franchisee. Nothing in this section restricts or limits the ability of the council to suspend, modify or terminate the franchise for cause pursuant to FCC 53.01.140.

53.01.060 Franchise fees.

(A) In consideration of the franchise granted by FCC 53.01.040, and for other privileges granted, including but not limited to use of the city streets, the franchisee shall pay the city a fee equal to five percent of the gross cash receipts resulting from any solid waste services subject to the franchise. When any other person without a franchise may conduct activities under FCC 53.01.100(A)(8), no franchise fees shall be payable. To stimulate recycling and reuse and make more materials recyclable, no franchise fee shall apply to gross receipts from collection or sales of recyclable or reusable materials. No franchise fee shall be payable upon that portion of gross receipts paid by the franchisee other governmental body under FCC 53.01.070(F).

(B) Such franchise fees shall be computed on a quarterly basis and due to the city 30 days following the end thereof. The franchisee shall maintain an adequate bookkeeping system showing the gross cash receipts resulting from all franchised solid waste services conducted. Records shall be open at reasonable times for audit by authorized personnel designated by the city.

53.01.070 Rates.

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

(B) 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

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and location of customers served; or upon other factors so that rates are reasonably based on the cost of the particular service.

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

(C) The initial rates established under the authority of this ordinance for collection service charges shall be adjusted effective June 1, 2014, according to the change in the Refuse Rate Index (RRI), as described below for the period January 1, 2013 to December 31, 2013. Thereafter, on and as of June 1 on each year, beginning with June 1, 2015, the rates for collection service charges, as previously adjusted, shall be adjusted according to the change in the RRI for the immediately preceding calendar year, subject to Section 5 below; provided, that the adjustment in collection service charges shall not exceed four percent (4%) in any calendar year.

(D) The Refuse Rate Index described in section (C), above, will be a weighted index based on the following:

(1) The annual Consumer Price Index for Urban Wage Earners and Clerical Workers for the Portland-Salem Area, all items, not seasonally adjusted, or successor indices, which will have a weight of seventy-five percent (75%).

(2) The annual adjustments for actual disposal fees and yard wasted processing fees charged to franchisee, which will have a weight of fifteen percent (15%) and ten percent (10%), respectively.

(E) Franchisee or city may request other or additional adjustments in rates pursuant to the following criteria and procedures:

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

(2) The notice of proposed rates shall include the new proposed rates and a statement including relevant facts and/or dates justifying the proposed rate.

(3) Within 30 days following the written request for a rate change, the city administrator shall make specific findings of fact, giving due consideration to the following factors:

(a) Changes in cost of operation, comparative collection rates of other cities, cost of acquiring and replacing equipment, cost of providing for future, added or different service, and a reasonable operating margin of between eight to 12 percent, stated as a "return on revenue."

(b) Based upon the findings, the city administrator shall render a decision

recommending to the city council either that the request for a rate change be approved or denied, or that the rate change requested be approved in a different form.

(4) Within 60 days of the receipt of the city administrator's decision, findings of fact and other materials deemed necessary for a decision, the council shall act upon the proposed rate change. The council may accept, reject or modify the city administrator's decision and enact any resulting rate increase by resolution.

(F) Rates established by the council are fixed and the franchisee shall not charge more or less than the fixed rate except as provided in subsections (B)(2) and C of this section.

(G) 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 subsections (A) and (D)(3)(a) of this section.

(H) By resolution of the council, fees or charges imposed by a governmental body or agency and any increase in disposal fees charged to solid waste collectors shall be passed through to the customers of the franchisee on a proportional basis according to type or class of receptacle.

53.01.080 Billing.

(A) The franchisee may require advance payment for residential and multi-family residential service for up to two months in advance; in addition, the franchisee may bill one month in advance, for the current amount, an amount in arrears or any combination thereof. When service is terminated which was paid for in advance, the franchisee will refund a pro rata portion of the payment for any period in which service was not provided. When billed in advance, no rate adjustments shall be effective until the end of the advance billing. Accounts billed two months in advance shall not be considered delinquent until after 30 days from initial billing.

(B) The franchisee may charge at the time of or in advance of providing service for any customer who has not established credit with the franchisee. The franchisee may consider, in approving or disapproving credit, credit information used in the normal course of business practice by other businesses.

(C) Prior to providing service to any person, firm or corporation not previously having service in the city, the franchisee is hereby authorized to require payment of an amount equal to two months' service from the customer as a deposit against service to be provided by the franchisee. After 12 consecutive months of currently paid service, the franchisee shall refund, without interest, the deposit to the customer.

53.01.090 Prohibitions and limitations.

No person shall:

- (A) Provide service or offer to provide service without first having obtained a franchise from the city.
- (B) Accumulate, store, collect, transport, dispose of or resource recover solid wastes except in compliance with this code, other city codes, ORS Chapters 459 and 459A, all related to solid waste management and any rules or regulations or amendments promulgated under any of the foregoing.
- (C) Enter into a receptacle for the purpose of compacting the contents of the receptacle.
- (D) Remove a receptacle from the location where the receptacle was placed for collection, unless the person is authorized to do so by the generator.
- (E) Remove the lid from any solid waste or recycling receptacle and remove, disturb, collect, compact or scatter solid waste or recyclable materials placed in such receptacle or deposit solid waste into such receptacle, unless the person is authorized to do so by the generator.

53.01.100 Exemptions.

- (A) Nothing in this code requires a franchise for the following businesses or practices:
 - (1) Transportation of solid waste by a person (generated or produced by such person) to a disposal site, resource recovery site or market so long as such person complies with this code, other city regulations and ORS Chapters 459 and 459A relating to solid waste management and regulations promulgated under any of the foregoing. Except as otherwise provided in this subsection, in the case of a residential dwelling unit (whether individually owned, non-owner occupied or grouped through an association or cooperative of property owners) any waste generated or produced is owned by the individual owner or occupant and not by the landlord, property owner, cooperative or association or property administrator or agent of such person. Notwithstanding the foregoing, a person owning, managing or entitled to possession of the property may haul wastes unlawfully left by a tenant or occupant at the end of the lawful term of the tenancy or occupancy.
 - (2) Transporting, disposing of or resource recovering sewage sludge, septic tank pumpings and cesspool pumpings.
 - (3) Any person licensed as a motor vehicle wrecker under ORS 822.110, et seq., from collecting, transporting, disposing of or utilizing motor vehicles or motor vehicle parts.
 - (4) A contractor employed to demolish, construct or remodel a building or structure, including but not limited to land-clearing operations and construction wastes, when the

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wastes hauled by such contractor are hauled in vehicles owned by, under the control of or in the possession of the contractor and hauled by a contractor or contractor's employees as a regular part of their employment.

(5) The collection, transportation and reuse of repairable or cleanable discards by private charitable organizations regularly engaged in such business or activity, including but not limited to the Salvation Army, Goodwill Industries and similar organizations.

(6) The collection, transportation or redemption of beverage containers under ORS Chapter 459A, including and limited to that portion commonly known as the "Bottle Bill," together with other related statutes or regulations promulgated thereunder or under ORS Chapter 459A.

(7) A person that transports or disposes of solid waste accumulated or created as an incidental part of the regular carrying on of the business of a janitorial service, gardening or landscaping service, or rendering service. As used in this subsection, "janitorial service" does not include the collection and disposal of solid waste accumulated.

(8) The collection, transportation and reuse or recycling of totally source-separated materials or operation of a collection center for totally source-separated materials by a religious, charitable, benevolent or fraternal organization, which organization was not organized for nor is operated for any solid waste management purpose and which organization is using the activities for fundraising, including but not limited to Scouts, churches, service clubs, school-sponsored activities, and similar organizations or activities as determined by the city administrator.

(9) Recyclable material collection, handling, processing, transportation or marketing when the recyclable material is source-separated by the generator and is purchased from or exchanged by the generator for fair market value for recycling or reuse.

(B) Nothing in this code:

(1) Requires the franchisee to store, collect, transport, dispose of or resource recover any hazardous waste; provided, however, that the franchisee may engage in the management of hazardous wastes in compliance with all city, local, state and federal laws, rules or regulations.

(2) Requires the franchisee to service a receptacle that fails to meet the standards set out in FCC 53.01.170, if servicing such a receptacle would create a collection safety hazard for the franchisee's employees or equipment.

(3) Prohibits any governmental entity from accumulating, storing, collecting, transporting, disposing of or resource recovering solid waste generated from or by the

operations of that entity as long as the entity complies with the provisions of the FCC, ORS Chapters 459 and 459A dealing with solid waste management, and regulations promulgated under any of the foregoing.

(C) The city council may withdraw any other practice, business or activity by resolution of the council, after a public hearing thereon, and based upon written findings adopted by the council that the exemption is designed to carry out the purposes of FCC 53.01.020; that there is a need for the proposed service; that the franchisee cannot or will not provide the proposed service; that the applicant has the necessary equipment, personnel, finances and experience to provide the service; and, that the granting of the exception will not materially detriment or substantially impact service, consumer rates or the franchisee.

Prior to granting such an exemption, the city administrator shall give 30 days' prior written notice from date of mailing by certified mail, return receipt requested, to the franchisee of the public hearing and proposed basis of the exemption.

53.01.110 Franchisee obligations.

(A) The franchisee shall:

- (1) Furnish sufficient vehicles, receptacles, personnel, finances and scheduled days of collection in each area of the city as necessary to provide solid waste management service as required under this code; or subcontract with others to provide such service pursuant to this code; provided, however, that the franchisee shall remain responsible for performance and quality of the service required by this code. Should the franchisee utilize a subcontractor to perform any of the obligations imposed by this section, they too shall be subject to and comply with all provisions of this code.
- (2) Furnish the level and type of services provided on the effective date of the ordinance codified in this code together with any additional service(s) or change(s) therein as may be directed by the city council, including but not limited to recycling and reuse or waste reduction, and at rates established by the council. When emergency services are needed, the city administrator may direct the franchisee to provide special emergency services.
- (3) Except as provided in FCC 53.01.160 and for will-call collections, make residential collections no less often than once a week for putrescible materials.
- (4) Permit inspection by the city of the franchisee's facilities, equipment, books and personnel at reasonable times.
- (5) The franchisee shall inform all customers of the service requirements contained in FCC 53.01.170 and in any administrative rules promulgated thereunder.

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(6) The franchisee shall comply with all laws relating to solid waste management service.

(7) The franchisee shall be solely responsible for the resolution of disputes with customers unless a customer cannot meet the standards in FCC 53.01.170 and either the franchisee or the customer requests intervention by the city in the dispute.

(B) The franchisee shall provide the level of recycling and reuse service required by ORS Chapter 459A, and any waste reduction plan of Polk County as may now exist or come into existence during the term of the franchise or any extension thereof.

(1) The minimum level of recycling, reuse and waste reduction services which are a continuing responsibility of the franchisee are as follows:

(a) Provide curbside collection of recyclable materials for residential customers on a schedule approved by the city. This service shall be for recyclable materials on the DEQ list of principal recyclable materials. Any recyclable material placed for collection shall be prepared in accordance with city-approved instructions provided by the franchisee to their customers.

(b) Provide collection of recyclable materials from commercial, industrial, institutional, governmental and multi-family residential sources at the frequency required by the Waste Reduction Plan of Polk County, or as may be otherwise directed by the city.

(c) Provide notice to potential recycling and reuse sources, provide quarterly notices to customers as required by ORS Chapter 459A, and sponsor educational promotional activities to increase public participation in recycling.

(d) Provide such additional recycling or reuse service as directed by the council when the council finds that said service is required by the city, Polk County or other watershed area, including the state.

(C) The city and franchisee agree that:

(1) Pursuant to ORS Chapter 459A, the net cost of any required or permitted recycling as well as the cost of any notice, educational or promotional service shall be considered as a cost of doing business, and as part of the rate base, to be considered in all future rate adjustments. When there is a significant net cost increase for recycling or providing educational/promotional services that has not previously been included in the rate base, it may be considered by the franchisee as an additional, unanticipated cost and the franchisee may apply to the city for a supplemental rate increase.

(2) The franchisee may subcontract all or a portion of any waste reduction program or activity; however, the franchisee would remain primarily liable for the performance and quality of all said subcontracted services. Any subcontractor shall comply with all provisions of this code.

(D) The franchisee shall:

(1) Resource recover or dispose of collected wastes in compliance with applicable city, county and state statutes, including ORS Chapters 459 and 459A, as well as regulations promulgated under any of the above. All collected wastes which are not resource recovered shall be delivered to a DEQ-approved disposal site.

(2) Not later than 10 days prior to the effective date of the ordinance codified in this code, file with the city recorder a written acceptance of the franchise set out in FCC 53.01.040.

(E) City Service.

(1) The franchisee shall provide collection services to property owned, controlled or operated by the city at no cost to the city, including parks and bus stops.

(2) All services provided the city (including the operating costs associated with provision of park and bus stop collection services) shall be considered a cost of doing business and part of the rate base to be considered in future rate adjustments. The franchisee shall provide documentation supporting said operating costs to the city.

(3) The franchisee shall provide collection and disposal service for the annual spring clean event at no cost to the city and provide a report to the city of materials collected and disposed.

(F) The scope of the services and affected properties identified in subsection (E) of this section shall be agreed to by the franchisee and the city in writing with a copy thereof kept for public inspection in the office of the city recorder.

53.01.120 Subcontracts.

The franchisee may subcontract to provide a portion of required service(s) when the franchisee either does not have the necessary equipment or service capability. Such a subcontract shall not relieve the franchisee from its primary responsibility to provide and maintain service in compliance with the franchise and this code. In addition, the subcontractor shall comply with all provisions of the code and franchise.

53.01.130 Transfer of the franchise.

Any transfer or assignment of the franchise or a stock transfer that would change the controlling interest shall not become effective until submitted to and approved by the city council. Any transfer of the franchise shall be granted by the council if the applicant for the transfer provides a letter of consent from the current franchisee and applicant demonstrates to the city council's satisfaction that:

(A) The applicant has the available resources (including but not limited to vehicles, equipment, facilities and personnel) sufficient to meet the standards of service established by this code.

(B) The person has sufficient experience to ensure compliance with this code.

(C) The person has in force, or provides a letter of intent for, liability insurance in the amounts and for the coverage required by this code. Upon award of the transfer, the applicant shall provide the city with certificate(s) of insurance evidencing the coverage and amounts prior to the effective date of the transfer.

53.01.140 Suspension, modification or termination.

(A) Failure to comply with a written notice to provide service(s) required by this code, or otherwise comply with the code after written notice from the city to do so, is grounds for modification(s), termination or suspension of the franchise.

(1) After written notice is given, the franchisee shall have 10 days from the date of the notice to comply, request a public hearing before the council, or request an extension for compliance. The council shall grant said extension if the franchisee shows good cause.

(2) In the event the franchisee or the city administrator requests a hearing, the franchisee shall be given 20 days' prior notice for 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 or documentary evidence to the council. The council's findings shall be conclusive; provided, however, that such action may be judicially reviewed by way of ORS 34.010, et seq.

(4) If the franchisee fails to comply with the written notice or with the council's order after the public hearing, the franchise may be suspended, modified or terminated.

(B) In the event the council finds an immediate health or safety danger to the public, it may take action to alleviate such condition(s) within the time specified in a notice to the franchisee prior to a public hearing on said action.

53.01.150 Business recycling.

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(A) All businesses required to have a city of Falls City business license shall recycle as follows:

- (1) Businesses shall source separate from the waste stream all paper, cardboard, glass/plastic bottles or jars, and aluminum/tin cans;
- (2) Businesses and business recycling service customers shall provide recycling containers for internal maintenance or work areas where recyclable materials may be collected, stored, or both; and
- (3) Businesses and business recycling service customers shall post accurate signs where recyclable materials are collected, stored, or both that identify the materials that the business must source separate and that provide recycling instructions.

(B) Exemptions.

- (1) This section does not apply to a business operated from their home. A residence is the place where a person lives.
- (2) A business may seek an exemption from the requirements in subsection (A) of this section, if:
 - (a) The business provides access to the city or designated agent for a site visit; and
 - (b) The city or designated agent determines during the site visit that the business cannot comply with the business recycling requirement because of space or economic restrictions or other extenuating circumstances.

(C) To assist businesses in compliance with this section, the city or designated agent shall:

- (1) Notify businesses of the business recycling requirement at the time application is made for a business license;
- (2) Provide businesses with education and technical assistance to assist with meeting the requirements of this section; and
- (3) The city's business license procedures shall include provisions requiring that the business shall certify that they have complied with the requirements of this section upon signing the business license application and the business shall also certify upon renewal of the business license that they have complied with the requirements of this section.

(D) A business that does not comply with the business recycling requirement may receive a written notice of noncompliance. The notice shall describe:

- (1) The violation;

- (2) How the business or business recycling service customer can cure the violation within the time specified in the notice; and
- (3) An offer of assistance with compliance.

(E) A business or business recycling service customer that does not cure the violation within the time specified in the notice of noncompliance may receive a written citation. The citation shall provide:

- (1) An additional opportunity to cure the violation within the time specified on the citation; and
- (2) Notification to the business or business recycling service customer that it may be subject to a fine.

(F) A business or business recycling service customer that does not cure the violation within the time specified in the notice of noncompliance may be subject to a fine.

53.01.160 Termination of service.

The franchisee shall not terminate or otherwise interrupt service to all or any portion of its customer base unless:

- (A) Street or road access is blocked and there is no alternative route; provided, that the franchisee shall restore service not later than 24 hours after street or road access is reopened.
- (B) Weather conditions render service unduly hazardous to the franchisee's employees and/or equipment, or such termination/interruption is caused by accidents or casualties caused by an act of God, a public enemy or a vandal.
- (C) The customer does not comply with the service standards of FCC 53.01.170.
- (D) The customer's billing is delinquent 60 days from and after the date of the billing.

53.01.170 Public responsibilities.

(A) Preparation of Solid Waste.

- (1) Solid waste shall be drained of surplus liquid and placed in a leak-proof receptacle. No liquid waste or semi-solid waste shall be directly placed in a receptacle.
- (2) Pet feces, sharp objects such as broken glass and knives and any other solid waste with the potential of causing injury or disease shall be securely wrapped in a manner to prevent exposure or injury to the public or to the franchisee's employees.

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- (3) Ashes shall be allowed to cool and be securely wrapped or bagged before depositing in any receptacle.
- (4) No hazardous waste shall be put into any receptacle placed for collection or disposal by the franchisee.
- (5) When materials, customer abuse, fire or vandalism causes excessive wear or damage to a receptacle provided by the franchisee, the cost of repair or replacement may be charged to the customer.
- (6) Areas around the receptacles shall be free of accumulated waste. The franchisee shall periodically maintain receptacles supplied by the franchisee, if maintenance is needed.
- (7) Every generator shall remove or have removed all putrescible waste at least every 7 days. More frequent removal may be required where the facility, activity or use involves public health. All wastes shall be removed at sufficient frequency as to prevent health hazards, nuisances or pollution.

(B) Solid Waste Receptacles.

- (1) Receptacles for mechanical collection shall be provided the generator by the franchisee unless otherwise authorized by the franchisee.
- (2) Except for drop boxes, receptacles shall be equipped with lids sufficient to keep out water and prevent disturbance by animals and entry by pets; shall be kept closed except when being filled, emptied or cleaned; and shall be kept in a clean, leak-proof and reasonable sanitary condition by the generator. Except for drop boxes, receptacles shall not be filled so that the lid cannot be securely closed. If such a receptacle is overfilled, an additional disposal fee may be charged.
- (3) Solid waste placed in receptacles not designed for emptying by mechanical means shall not exceed 60 pounds, including the receptacle and its contents. The receptacle shall have tapered sides, a bail or two handles on opposite sides, a close-fitting lid with handle, not exceed 32 gallons in capacity and be watertight in construction. They shall be made of metal or other rigid material that will not crack or break in freezing weather, are rodent-resistant and easily cleanable.
- (4) Receptacles known as “carts” designed for emptying by mechanical means shall not exceed a weight of 180 pounds for 90- to 95-gallon receptacles, 120 pounds for 60- to 65-gallon receptacles, 60 pounds for 32- to 35-gallon receptacles and 40 pounds for 20-gallon receptacles, including the container and contents.
- (5) A stationary compactor or other container for commercial or industrial use shall not

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exceed the safe loading or design limits for the operation of the collection vehicles; nor shall the weight put the collector over the weight limit for the loaded vehicle. The collector shall furnish the customer with information concerning limitations on his equipment, upon request. If the weight of a container exceeds 250 pounds (loose), an additional disposal fee may be charged.

(6) No person shall install a stationary compactor for collection of solid wastes unless the franchisee has been notified, has the equipment to handle the solid waste and the compactor complies with all applicable federal and state laws and regulations.

(7) If the contents of a receptacle are compacted, either mechanically or manually, the compactor rate will be charged.

(8) Sunken refuse cans or containers shall not be serviced unless they are placed above ground by the customers for service.

(C) Placement of Receptacles for Collection.

(1) Receptacles containing solid waste, recyclable materials or yard debris shall be kept or placed for convenient and safe access for collection, and (except as provided in this subsection) shall not be kept upon the street, sidewalk or other public place unless first approved by the city.

(2) All carts designed for mechanical collection shall be placed at the curb or roadside by the generator prior to collection time.

(3) Placement of receptacles for collection is limited to a time period of 24 hours prior to pickup and 24 hours after pickup.

(4) Receptacles shall be placed so that no part of the receptacle may be more than three feet from the curb or edge of the street. Placement shall be made so receptacles are within manageable reach if standing in the street at or next to the curb or roadside line.

(5) The generator shall provide safe access to the pickup point so as not to jeopardize the franchisee's (or subcontractor's) employees or equipment, pedestrians, mailboxes, bicyclists or the motoring public.

(6) Receptacles shall be placed for collection outside any locked, latched, bolted or hooked enclosure. Access must not require the collector to pass under low-hanging obstructions such as eaves, tree branches, clotheslines or electrical wires which obstruct safe passage to and from receptacles.

(7) No person shall block service access to a commercial container that is one cubic yard capacity, or a larger drop box or roll-off box or other similar receptacle for solid waste or

recycling collection. Customers using containers shall provide a location so as to meet standards of the Consumer Products Safety Commission and the city's design review requirements.

(8) Solid waste service customers shall place items not intended for pickup at least five feet from any solid waste can or container.

53.01.180 Violations.

(A) Violations of the prohibited behavior listed in FCC 53.01.090 are subject to general penalty provisions of the Falls City Code.

(B) No person shall provide nor offer to provide solid waste management service in the city of Falls City unless they are exempted under FCC 53.01.100 or unless they are the franchisee to whom this franchise is granted.

53.01.190 Enforcement.

(A) The city may enforce the provisions of this code by administrative, civil or criminal remedies or any combination as necessary to obtain compliance with this code. The city council shall take such legislative action as is necessary to support the code and the franchise granted thereunder.

(B) The franchisee may enforce payment or protect its rights granted by the terms of the franchise by civil action.

(C) The city administrator shall enforce the provisions of this code. The city administrator or his designate may enter any affected premises at all reasonable times to determine compliance with the provisions of this code. Failure on the part of a customer to cooperate and allow inspection by the city shall relieve the franchisee from provision of service.

53.01.200 Insurance requirements.

(A) Insurance. The franchisee shall maintain general commercial liability, business interruption and automobile insurance policies in such forms and with such companies as shall be approved by the city administrator. The insurance policies shall name the city, its elected and appointed officials, officers, agents and volunteers as additional insureds. The policies shall be primary and provide single limit general liability coverage of not less than \$2,000,000 and separate automobile coverage of \$1,000,000 or the limit of liability contained in ORS 30.260 to 30.300, whichever is greater. Certificates of insurance shall provide the city with not less than 30 days' written notice of cancellation or material change to each policy.

(B) Indemnification. The franchisee's rights as franchise holder are conditioned on the franchisee's indemnifying, defending and saving harmless the city, its council, employees, agents and insurers against any liability or damage which may arise or occur as the result of the

franchisee's performance under the terms of this code.

53.01.210 Rules and regulations.

The city may propose and prepare rules and regulations pertaining to this code. The rules and regulations shall be in writing and be maintained for inspection in the office of the city recorder. All rules and regulations promulgated under the authority of this section (and amendments thereto) shall be forwarded to the franchisee, who shall have not less than 30 days to respond in writing to such rules and regulations. If the franchisee has objections or revisions to the proposed rules, the franchisee shall meet and confer with the city administrator regarding the franchisee's concerns. If the concerns are not resolved through consultation with the city, then the city shall forward the proposed rule, with the franchisee's comments, to the city council for its consideration. The franchisee may request that the city council hold a public hearing on a proposed rule. The council may approve the proposed rule as submitted, modify the rule, or reject the rule. The city shall enact all rules by written order.

53.01.220 Amendments.

The city or the franchisee may propose amendments to this code. Proposed amendments shall be in writing and shall be delivered to the city and the franchisee. The city council shall hold a public hearing on the proposed amendments. The franchisee shall be given at least 30 days' written notice of such hearing. The city council may, after a public hearing, adopt the amendments. The franchise shall be amended upon acceptance of the amendments by franchisee. The franchisee shall accept any amendment which is necessary to conform the franchise requirements to new or modified requirements imposed upon the city by an outside regulatory agency. If there is a financial impact to the franchisee as a result, such impact shall be considered as a cost of doing business to the franchisee and may be included as part of the rate base subject to documentation of said cost being provided the city.

53.01.230 Appeals.

(A) Any determination by the franchisee may be appealed to the city administrator within 15 days. Appeal must be filed in writing with the city recorder.

(B) Any determination by the city administrator pursuant to this code may be appealed to the city council within 15 days. Appeal must be filed in writing with the city recorder.

53.01.240 Severability.

Any judicial determination that any portion(s) of this code are unconstitutional or otherwise invalid shall not invalidate other provisions of this code.

(Ord. 533-2013, passed July 11, 2013)

TITLE VII: TRAFFIC CODE

Chapter	70. GENERAL TRAFFIC AND PARKING REGULATIONS
	71. TRAFFIC SCHEDULES
	72. PARKING SCHEDULES

CHAPTER 70: GENERAL TRAFFIC AND PARKING REGULATIONS

Section	
70.01	Adoption of Oregon Vehicle Code
70.02	Local vehicle tax
70.03	Method of parking
70.04	Driving in reverse
70.05	Maximum speed in parks and cemetery
70.06	Bicycles
70.99	Penalty

Cross-reference:

Parking Schedules, see Ch. 72

Traffic Schedules, see Ch. 71

§ 70.01 ADOPTION OF OREGON VEHICLE CODE.

(A) A violation of a provision in O.R.S. Chapters 801 through 826 inclusive, as now constituted, shall be an offense against the city.

(B) The penalty for violation of a provision of this section that is identical to a state statute containing a lesser penalty is limited to the penalty prescribed by state law. (Ord. 97-466, passed 10-6-1997; Ord. 99-474, passed 10-25-1999; Ord. 504, passed 1-28-2002) Penalty, see § 70.99

§ 70.02 LOCAL VEHICLE TAX.

(A) *Local option vehicle license fee adopted.* The city hereby exercises its option to levy an annual tax of \$5 on each registered vehicle as provided in HB 1979 adopted by the state legislature at its 1971 session.

(B) *Request to county.* The Board of County Commissioners is requested, under the provisions of § 12 of HB 1979, to forthwith levy the tax provided by division (A) above. (Ord. 341, passed 7-12-1971)

§ 70.03 METHOD OF PARKING.

(A) The operator of any motor vehicle within the city, when parking the vehicle on a public street, shall park and locate the vehicle along the right-hand side of the street as determined from the position of the driver of the vehicle when it is being operated, parallel with the curb line of the street, and as close thereto as practicable, provided that the parking shall be diagonal to the curb line where the same has been heretofore designated on North Main Street.

(B) Notwithstanding the provisions of division (A) above, vehicles may be backed into the curb line or otherwise parked where the same can be done in safety, for the purpose of actually loading or unloading cargo, for the time that is necessary therefor, unless otherwise directed by a police officer.

(Ord. 328, passed 1-5-1970) Penalty, see § 70.99

§ 70.04 DRIVING IN REVERSE.

No person shall, while driving or operating a motor vehicle in reverse, enter into the intersection of any city streets at which access to the intersection is controlled on either or all of the intersecting streets by a stop sign or signs.

(Ord. 310, passed 8-1-1966) Penalty, see § 70.99

§ 70.05 MAXIMUM SPEED IN PARKS AND CEMETERY.

No person shall operate a motor vehicle on lots in, upon, or through the property of the city parks or the city cemetery at a speed in excess of ten mph.

(Ord. 297, passed 7-13-1964) Penalty, see § 70.99

§ 70.06 BICYCLES.

(A) No person shall ride or operate any bicycle upon any street, alley, or public place within the corporate limits of the city during the period from one-half hour after sunset to one-half hour before sunrise, or at any time when fog or other atmospheric conditions render the operation of the bicycle dangerous to traffic or the use of the streets, or at any time when there is not sufficient light to render clearly discernible any person on the streets a distance of at least 200 feet in front of the bicycle, unless equipped with a headlight affixed to the bicycle and also a reflex mirror or lighted lamp on the rear of the bicycle exhibiting a red light visible under like conditions from a distance of at least 200 feet to the rear of the bicycle.

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(B) No person shall operate or ride any bicycle upon any street, alley, or public place in the city with anyone on the handlebars or in front of the person propelling and guiding the bicycle.

(C) No person, while riding or operating a bicycle on any street, alley, or public place in the city, shall hold on to any other moving bicycle.

(D) No person shall ride or operate any bicycle on any sidewalk in the city; provided that the carrier of newspapers, while making delivery of the papers, may ride and operate a bicycle upon any sidewalk outside the fire limits of the city as long as the bicycle shall be operated in a careful and prudent manner.

(E) Every person riding or operating a bicycle on any street, alley, or public place in the city shall keep the bicycle on the extreme right of the traffic lane, and it shall be unlawful for two or more operators of bicycles to travel abreast, except during the act of passing another bicycle, on any street, alley, or public place in the city, or to operate the bicycles on traffic lanes otherwise than in single file.

(F) Any person riding or operating a bicycle on any street, alley, or public place in the city shall be subject to all the laws of the state and the ordinances of the city applicable to the drivers of vehicles, except the provisions thereof that by their very nature can have no application. Bicycle riders must observe stop street regulations.

(G) No person shall engage in any stunt riding upon any street, alley, or public place in the city. It shall be unlawful for any person or persons to engage or cause to run or be engaged in any bicycle race on any street, alley, or public place within the corporate limits of the city, except under permit from and under supervision of the City Marshal.

(H) The City Council may, if deemed necessary, specify certain parking areas in the downtown district for the exclusive use of bicycles, and when the areas are designated it shall be unlawful to park bicycles except in the areas.

(Ord. 199, passed 12-6-1937) Penalty, see § 70.99

§ 70.99 PENALTY.

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

(B) *Section 70.01.* Except as otherwise provided, any person violating a provision of § 70.01 shall, on conviction thereof, be punished by imprisonment not to exceed 100 days or by a fine not to exceed \$500, or both; provided, however, that any offense against the city which can be prosecuted as a misdemeanor under § 70.01 shall be treated by the court hearing the offense as a violation with a fine not to exceed \$500, unless a misdemeanor complaint is prepared and served by the City or District Attorney.

(C) *Section 70.03(A).* Any person convicted of violating § 70.03(A) shall be subject to a fine of not to exceed \$50, or by imprisonment in the City Jail for a period of not to exceed ten days, or both.

(D) *Section 70.04.* Any person violating § 70.04 shall, upon conviction thereof, be punished by a fine not to exceed \$50.

(E) *Section 70.05.* Any person convicted of violating the provisions of § 70.05 shall be punished by a fine not to exceed \$100, or by imprisonment in the City Jail for a term not to exceed 20 days, or both.

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(F) *Section 70.06.* Any person who shall violate any of the provisions of § 70.06 shall be deemed guilty of a misdemeanor, and upon conviction thereof in the City Police Court, shall be punished by a fine of not more than \$25 or by imprisonment in the City Jail one day for each \$2 of the fine. The City Auditor and Police Judge may, either in lieu of or in addition to the fine and imprisonment, prohibit the operation upon the streets, alleys, and public places of the city, for a period not to exceed 30 days, of the bicycle so used in the violation, in which event the bicycle, so used in the violation, shall be impounded with the City Auditor and Police Judge or the City Marshal, and retained for the period that the operation thereof is prohibited.

(G) *Chapter 71, Schedule III.* Any person convicted of violating any of the provisions of Chapter 71, Schedule III, shall be punished by a fine not to exceed the sum of \$100, or by imprisonment in the City Jail for a term not to exceed 30 days.

(H) *Chapter 72, Schedule IV.* Any person convicted of violating any of the provisions of Chapter 72, Schedule IV, shall be punished by a fine not to exceed the sum of \$100, or by imprisonment in the City Jail for a term not to exceed 30 days.

(I) *Chapter 72, Schedule V.* Any person convicted of violating any of the provisions of Chapter 72, Schedule V, shall be punished by a fine not to exceed \$50, or by imprisonment in the City Jail not exceeding ten days.

(Ord. 199, passed 12-6-1937; Ord. 277, passed 4-3-1961; Ord. 297, passed 7-13-1964; Ord. 310, passed 8-1-1966; Ord. 322, passed 11-4-1968; Ord. 328, passed 1-5-1970; Ord. 97-466, passed 10-6-1997; Ord. 99-474, passed 10-25-1999)

CHAPTER 71: TRAFFIC SCHEDULES

Schedule

- I. Stop and yield intersections
- II. Speed limits
- III. Pedestrian crosswalks

SCHEDULE I. STOP AND YIELD INTERSECTIONS.

<i>Driver operating motor vehicle on</i>	<i>Shall</i>	<i>At intersection with</i>	<i>Ord. No.</i>	<i>Date Passed</i>	<i>Penalty</i>
Alder Street	Stop and yield right-of-way	Fairoaks Street	343	8-2-1971	Not more than \$100 or 10-days' imprisonment, or both
Alder Street	Stop and yield right-of-way	Prospect Street	356	8-22-1972	Not more than \$50
Alley between Clark and Lewis	Stop	Clark Street	294	5-5-1964	Not more than \$50

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<i>Driver operating motor vehicle on</i>	<i>Shall</i>	<i>At intersection with</i>	<i>Ord. No.</i>	<i>Date Passed</i>	<i>Penalty</i>
Streets and north of Estelle Road (easterly direction)					
Any street	Stop	North Main Street	267	8-3-1959	Not more than \$100 or 30-days' imprisonment
Any street, except Socialist Valley Road	Stop	Mitchell Street	267	8-3-1959	Not more than \$100 or 30-days' imprisonment
Boundary Street	Yield right-of-way	Fairoaks Street	356	8-22-1972	Not more than \$50
Bridge Street (northerly direction)	Yield right-of-way	South Main Street to all traffic making right turns onto Bridge Street	363	8-5-1974	Not more than \$100 or 20-days' imprisonment, or both
Cameron Street	Stop and yield right-of-way	Parry Road	356	8-22-1972	Not more than \$50
Chamberlain Street	Stop and yield right-of-way	Bridge Street	356	8-22-1972	Not more than \$50
Dayton Street	Yield right-of-way	Mill Street	356	8-22-1972	Not more than \$50
Ellis Street	Stop and yield right-of-way	Fairoaks Street	356	8-22-1972	Not more than \$50
Fairoaks Street	Stop and yield right-of-way	Ellis Street, provided that a right turn shall be permitted without stopping	356	8-22-1972	Not more than \$50
Fairoaks Street	Stop and yield right-of-way	Fifth Street	500	10-8-2001	Not more than \$50
Fourth Street (southerly direction)	Stop	North Main Street	267	8-3-1959	Not more than \$100 or 30-days' imprisonment

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<i>Driver operating motor vehicle on</i>	<i>Shall</i>	<i>At intersection with</i>	<i>Ord. No.</i>	<i>Date Passed</i>	<i>Penalty</i>
Harrington Street	Stop	Parry Road	280	3-5-1962	Not more than \$50
Hopkins Street	Stop and yield right-of-way	Bridge Street	356	8-22-1972	Not more than \$50
Lewis Street	Stop	Lombard Street	294	5-5-1964	Not more than \$50
Lombard Street	Stop and yield right-of-way	Central Boulevard	384	11-7-1977	Not more than \$50
Lombard Street	Stop and yield right-of-way	First Avenue	384	11-7-1977	Not more than \$50
Mitchell Street	Stop	Bridge Street	279	11-6-1961	Not more than \$50
Montgomery Street	Stop and yield right-of-way	South Main Street	343	8-2-1971	Not more than \$100 or 10-days' imprisonment, or both
New Bridge Street	Not u-turn	North Main Street	267	8-3-1959	Not more than \$100 or 30-days' imprisonment
New Bridge Street (northeasterly direction)	Stop	North Main Street	267	8-3-1959	Not more than \$100 or 30-days' imprisonment
Pine Street	Stop and yield right-of-way	Fifth Street	356	8-22-1972	Not more than \$50
Prospect Street	Stop	Fifth Street	309	7-11-1966	Not more than \$50
Seventh Street	Stop and yield right-of-way	Mitchell Street	356	8-22-1972	Not more than \$50
Socialist Valley Road (southeasterly direction)	Yield right-of-way	Mitchell Street	267	8-3-1959	Not more than \$100 or 30-days' imprisonment
South Main Street	Stop and	Bridge Street,	363	8-5-1974	Not more than

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<i>Driver operating motor vehicle on</i>	<i>Shall</i>	<i>At intersection with</i>	<i>Ord. No.</i>	<i>Date Passed</i>	<i>Penalty</i>
(westerly direction)	yield right-of-way	provided that a right turn shall be permitted without stopping			\$100 or 20-days' imprisonment, or both
Terrace Street	Stop and yield right-of-way	Bridge Street	356	8-22-1972	Not more than \$50
Terrace Street	Stop	Montgomery Street	302	2-1-1965	Not more than \$50
Terrace Street	Stop and yield right-of-way	Parry Road	356	8-22-1972	Not more than \$50
Wood Street	Stop and yield right-of-way	Fairoaks Street	343	8-2-1971	Not more than \$100 or 10-days' imprisonment, or both
Mitchell Street	Yield right-of way	Black Rock Road	528-2011	12-12-2011	
<p>NOTES TO TABLE: The Chief of Police is authorized and directed to place the necessary traffic signs in the appropriate locations to carry out these provisions.</p>					

SCHEDULE II. SPEED LIMITS.

<i>Roadway</i>	<i>Portion of Roadway</i>	<i>Speed Limit</i>	<i>Ord. No.</i>	<i>Date Passed</i>	<i>Penalty</i>
Bridge Street	Between North Main Street and the southerly right-of-way of South Main Street	20 mph	322	11-4-1968	Not more than \$50 or 10-days' imprisonment
Bridge Street	Between South Main Street and Chamberlain Street	30 mph	322	11-4-1968	Not more than \$50 or 10-days' imprisonment
Chamberlain Street	Between Bridge Street and Valsetz Road	30 mph	322	11-4-1968	Not more than \$50 or 10-days' imprisonment

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<i>Roadway</i>	<i>Portion of Roadway</i>	<i>Speed Limit</i>	<i>Ord. No.</i>	<i>Date Passed</i>	<i>Penalty</i>
Mitchell Street	Between Fifth Street and a point which is 100 feet west of Tenth Street	30 mph	322	11-4-1968	Not more than \$50 or 10-days' imprisonment
North Main Street	Between Dayton Street and Fifth Street	20 mph	322	11-4-1968	Not more than \$50 or 10-days' imprisonment
North Main Street	Between Dayton Street and the easterly city limits	30 mph	322	11-4-1968	Not more than \$50 or 10-days' imprisonment
Sheldon Street	Between East Avenue and the city limits	25 mph	399	7-7-1980	Not more than \$100
Valsetz Road	Lying within city limits	30 mph	322	11-4-1968	Not more than \$50 or 10-days' imprisonment

NOTES TO TABLE:

The Chief of Police is authorized and directed to place the necessary traffic signs in the appropriate locations to carry out these provisions.

SCHEDULE III. PEDESTRIAN CROSSWALKS.

(A) A driver of a vehicle shall stop and yield the right-of-way to a pedestrian crossing the roadway within any marked crosswalk or within any unmarked crosswalk at an intersection within the city, if the pedestrian is on the half of the roadway on and along which the vehicle is traveling or is approaching the half from the other half of the roadway so closely as to be in danger; but in proceeding to cross, or in crossing, the roadway, the pedestrian shall not leave a curb or other place of safety suddenly and move into the path of a vehicle which is so close that it is impossible for the driver to yield.

(B) Crosswalks for pedestrians are hereby established across the following streets at the places herein designated:

- (1) Across North Main Street at its point of intersection with Fourth Street;
- (2) Across North Main Street at its point of intersection with Third Street;
- (3) Across North Main Street at its point of intersection with Ellis Street;
- (4) Across North Main Street at its point of intersection with Boundary Street;
- (5) Across Dayton Street at its point of intersection with the south line of North Main Street;
- (6) Across New Bridge Street at its point of intersection with the south line of North Main Street;

- (7) Across North Main Street at its point of intersection with Dayton Street;
 (8) Across Third Street at its point of intersection with the south line of North Main Street;
 (9) Across North Main Street at a point of equal distance between Third Street and New Bridge Street; and
 (10) Across North Main Street between Boundary Street and Ellis Street, opposite the entrance of the City High School.
 (Ord. 267, passed 8-3-1959; Ord. 277, passed 4-3-1961) Penalty, see § 70.99

CHAPTER 72: PARKING SCHEDULES

Section

- I. Parking prohibited
- II. Diagonal parking
- III. Parallel parking
- IV. Overnight parking prohibited
- V. Loading zones

SCHEDULE I. PARKING PROHIBITED.

<i>Roadway</i>	<i>Location</i>	<i>Ord. No.</i>	<i>Date Passed</i>	<i>Penalty</i>
Bridge Street (eastern portion)	Two-hour parking limit, beginning 20 feet north from the intersection of Bridge Street and South Main Street	289	11-4-1963	Not more than \$100 or 30-days' imprisonment
North Main Street	Between Boundary Street and Ellis Street in excess of 12 hours between 8:00 p.m. and 8:00 a.m.	290	1-6-1964	Not more than \$25 or 5-days' imprisonment
North Main Street (southern portion)	Between Boundary Street and Ellis Street, except while person is in or about the City High School	290	1-6-1964	Not more than \$25 or 5-days' imprisonment
Third Street (western portion)	Between North Main Street and Mill Street	329A	2-2-1970	Not more than \$50 or 10-days' imprisonment, or both
North Main Street	From a point 70 ft east of the terminus of the sidewalk at the east side of the intersection with 4 th Street and continuing east	527-2011	12-12-2011	

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<i>Roadway</i>	<i>Location</i>	<i>Ord. No.</i>	<i>Date Passed</i>	<i>Penalty</i>
	therefrom a distance of 31 feet.			

NOTES TO TABLE:

The Chief of Police is authorized and directed to place the necessary parking signs in the appropriate locations to carry out these provisions.

SCHEDULE II. DIAGONAL PARKING.

<i>Roadway</i>	<i>Location</i>	<i>Ord. No.</i>	<i>Date Passed</i>	<i>Penalty</i>
North Main Street (northern portion)	Commencing 110 feet east of the east line of Third Street and extending east therefrom for 70 feet	334	2-8-1971	Not more than \$50 or 10-days' imprisonment, or both
North Main Street (northern portion)	From the Fire Hall to Third Street, limited to 30 minutes	267	8-3-1959	Not more than \$100 or 30-days' imprisonment
North Main Street (southern portion)	From a point on the south curb line of North Main Street where the same is intersected by a line drawn along the western boundary of Boundary Street as extended to and across North Main Street, to a point 94 feet westerly therefrom	337	3-8-1971	Not more than \$50 or 10-days' imprisonment, or both
North Main Street (southern portion)	Commencing at a point 109 feet westerly from the south curb line of North Main Street to a point 141 feet west of the point of beginning	337	3-8-1971	Not more than \$50 or 10-days' imprisonment, or both
North Main Street (southern portion)	Commencing at a point 158 feet westerly of the south curb line of North Main Street thence westerly a distance of 55 feet	337	3-8-1971	Not more than \$50 or 10-days' imprisonment, or both

NOTES TO TABLE:

The Chief of Police is authorized and directed to place the necessary parking signs in the appropriate locations to carry out these provisions.

SCHEDULE III. PARALLEL PARKING.

<i>Roadway</i>	<i>Location</i>	<i>Ord. No.</i>	<i>Date Passed</i>	<i>Penalty</i>
North Main Street	In front of post office, for 10-minute limit	267	8-3-1959	Not more than \$100 or 30-days' imprisonment
North Main Street (northern portion)	Commencing 14 feet east of the east line of Third Street and extending east therefrom 20 feet	334	2-8-1971	Not more than \$50 or 10-days' imprisonment, or both
North Main Street (northern portion)	From point of intersection with Fourth Street and running easterly 4 car lengths	267	8-3-1959	Not more than \$100 or 30-days' imprisonment
North Main Street (southern portion)	From easterly line of Old Bridge Street to westerly line of New Bridge Street	289	11-4-1963	Not more than \$100 or 30-days' imprisonment
<p>NOTES TO TABLE: The Chief of Police is authorized and directed to place the necessary parking signs in the appropriate locations to carry out these provisions.</p>				

SCHEDULE IV. OVERNIGHT PARKING PROHIBITED.

Overnight parking shall be prohibited within the business district on the streets of the city.
 (Ord. 267, passed 8-3-1959) Penalty, see § 70.99

SCHEDULE V. LOADING ZONES.

It shall be unlawful to park any motor vehicle, truck, or trailer on that portion of the easterly one-half of Third Street commencing at a point 32 feet south of the south curb line on North Main Street and running thence south a distance of 20 feet, except for the purpose of loading or unloading cargo or passengers from the vehicle, truck, or trailer. In any event, the parking shall not exceed 15 minutes in duration, except as to vehicles used by the Post Office Department. The area shall be designated as a "loading zone," and the Chief of Police is directed to post appropriate signs adjacent to the area.
 (Ord. 322, passed 11-4-1968) Penalty, see § 70.99

TITLE IX: GENERAL REGULATIONS

Chapter

- 90. NUISANCES
- 91. STREETS AND SIDEWALKS
- 92. CEMETERIES
- 93. FIRE PREVENTION AND PROTECTION

CHAPTER 90: NUISANCES

Section

- 90.01 Adoption by reference

§ 90.01 ADOPTION BY REFERENCE.

(Ord. 06-512, passed 7-5-2006; Ord. 07-516, passed 7-2-2007; Ord. 08-519, passed 5-12-2008)

Section 1. DEFINITIONS. Except where the context indicates otherwise, the singular number includes the plural and the masculine gender includes the feminine, and the following mean:

“Abandoned Vehicle”. Any vehicle that is inoperative damaged, junked, partially or completely dismantled, or used for storage purposes.

“At Large”. A dog or livestock inside the corporate limits of the city, off the premises of the keeper, and not under complete control by adequate leash. The definition includes, but is not limited to, any dog or livestock upon, or capable of reaching, any public right-of-way, except if the dog or livestock is on a leash in full and complete compliance with sections 4 to 13. Excepted from this definition are dogs in obedience or field training exercises under the direct supervision of a handler.

“Authorized Representative”. Officers and personnel named by City Council. Law enforcement officer or officers representing the city for purposes of ordinance enforcement and citations; for purposes of abatement proceedings as set forth in Sections 30 through 34 herein the term ‘chief of police’ shall also include any code enforcement officer as designated by the city, including but not limited to the city recorder/administrator, building official, fire marshal, county representative as determined the Council.

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“Building”. A permanent, four-sided, roofed structure built or used for the shelter or enclosure of persons, animals, chattels, or property of any kind.

“Camping Vehicle”. Either a vacation trailer or a self-propelled vehicle or structure equipped with wheels for highway use and that is intended for human occupancy and for vacation and recreational purposes, but not for residential purposes, and is equipped with plumbing, sink or toilet. (Ordinance 99-473, 10/25/1999)

“Child”. Any person less than 18 years of age.

“City”. The City of Falls City.

“Council”. The governing body of the city.

“Exotic animals.”

(1) Any lion, tiger, leopard, cheetah, ocelot or any other cat not indigenous to Oregon, except the species *Felis catus* (domestic cat);

(2) Any monkey, ape, gorilla or other non-human primate;

(3) Any wolf or any canine not indigenous to Oregon, except the species *Canis familiaris* (domestic dog); and

(4) Any bear, except the black bear (*Ursus americanus*).

“Livestock”. Includes but is not limited to cattle, sheep, horses, mules, miniature horses, goats, pygmy goats, ratite (such as ostrich, cassowary, emu, moa, etc.), or other animal, excluding swine, but including any furbearing animals bred and maintained commercially or otherwise on property or within pens, cages and hutches.

“Person”. A natural person, firm, partnership, association, or corporation

“Private Property”. A tax lot as recorded in the records of Polk County, Oregon regardless of the number of lots or record contained therein. (Ordinance 99-473, 10/25/1999)

“Property Owner” Property owner as recorded with the Polk County Assessor’s Office and the City utility department to determine the last known address.)

“Public place”. Any building, place or accommodation, whether publicly or privately owned, open and available to the general public.

“Recreational Vehicle”. A vehicle with or without motive power that is designed for human occupancy and to be used temporarily for recreational, seasonal or emergency purposes, including but not limited to camping vehicles.

“Storage”. Placement anywhere on private property outside of a legally existing enclosed structure for a period in excess of seventy-two (72) hours.

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“Vehicle”. Every device in, upon, or by that any person or property is or may be transported or drawn upon a public highway, except devices used exclusively upon stationary rails or tracks. The definition of a vehicle includes wheeled devices that do not require licensing by the State of Oregon.

“Wildlife.” Pursuant to ORS 496.004, wildlife includes, but is not limited to, amphibians, antelope, beaver, black bear, bobcat, cougar, coyote, deer, elk, fisher, marten, mink, moose, mountain goat, mountain sheep, muskrat, otter, raccoon, reptiles, red fox, silver fox, gray squirrel and gray fox.

Section 2. Any nuisance as described in this Ordinance may be classified as an imminent threat to the public health, safety or property of the residents of Falls City by the Council, and if such imminent threat is allowed to continue by the person or person in charge for a period of more than two (2) hours after notification by City staff for violation of this Ordinance, the person or person in charge shall be subject to the abatement procedure provided in Section 30 of this Ordinance.

ANIMALS, LIVESTOCK, AND BEES

Section 3. ANIMALS AFFLICTED WITH A COMMUNICABLE DISEASE. No person may permit an animal or bird owned or controlled by the person to be at large within the city if the animal or bird is afflicted with a communicable disease.

Section 4. ANIMALS DAMAGING PROPERTY

1. No person or person in charge shall permit any dog or livestock owned or controlled by them to cause damage or injury to gardens, flowerbeds, and other property belonging to another person.
2. No person or person in charge shall permit any dog or livestock to run at large.

Section 5. LIVESTOCK, POULTRY, AND BEES.

1. No person shall maintain a pigsty, slaughterhouse or tannery within the City, nor shall any person permit livestock owned by him or in his possession to run at large within the City of Falls City.
2. No person shall keep swine within the City, except that this Ordinance shall not apply to swine being transported for commercial purposes.
3. No person shall keep a stand or hive of bees in the City at a location within 150 feet of any street, alley, establishment, public building, private dwelling or barn; provided that this provision shall not apply to the dwelling, barn or other buildings of the person owning such bees.
4. No person may stake or picket a dog or livestock in or upon any of the streets, alleys, or public places of the city, or stake or picket any such animal so that it may go or graze

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upon the property of another, unless with the consent of the owner or occupant of such property.

5. No person may keep or maintain livestock within the city unless:
 - a. Such animals are kept on lots having an area of one acre or more of unencumbered land. Property is considered encumbered if the property contains a residential home, apartment or other human living quarters, or if existing or future sanitary sewer (septic) or septic drain fields are located within the property. The area allocated to livestock may contain a stable, barn, pen, or other accessory buildings or structures for raising and keeping of animals. Such structures shall set back at least 40 feet from the rear and side property lines, and 60 feet from the front property line;
 - b. The total number of such animals over six months of age to be kept or maintained shall not exceed four per acre. The total number of horses, cows and/or sheep on one parcel shall not exceed ten (10) total animals; and
 - c. Persons occupying property that adjoins the area whereon said animals are to be kept or maintained interpose no objection to the keeping or maintenance of such animals.

Section 6. ANIMAL-RELATED STRUCTURES. Animal-related structures must be maintained in a condition as to not create a nuisance for neighbors. No excessive odors, noise, piles of animal waste or other nuisance that deprives a neighbor, or other person, of residential livability, peace, and quiet are allowed. Proper sanitation shall be maintained in conformance with applicable health standards for all farm animals. Proper sanitation includes:

1. Not allowing animal waste to accumulate.
2. Not allowing animal waste to contaminate groundwater or drainage ways.
3. Taking the necessary steps to insure odors resulting from livestock is not detectable beyond the property line.
4. Storing all livestock food in metal or other rodent-proof containers.

Section 7. Chickens and other fowl, and rabbits may be maintained on any property containing at least one-quarter of an acre (10,890 square feet) as long as said animals are not for resale and are maintained in pens or cages at all times. No roosters are permitted at any time.

Section 8. FARM DELIVERIES. No hay or feed deliveries are allowed before 6:00 a.m. or after 9:00 p.m.

Section 9. CONTROL OF LIVESTOCK ANIMALS. All livestock must be fenced and under the control of the property owner or lessee at all times. All fencing must be maintained in a condition that keeps the livestock within the property.

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Section 10. EXPANSION OF PRE-EXISTING FARM USE PROHIBITED. Livestock on properties prior to the adoption of this Ordinance may continue but may not be replaced nor expanded except in conformance with the standards contained herein.

Section 11. REMOVAL OF ANIMAL CARCASSES. No person may permit any animal carcass owned by him or under his control to remain upon the public streets or places, or to be exposed on private property for a period of time longer than is reasonably necessary to remove or dispose of such carcass.

Section 12. RATS. No person owning or occupying any property within the city shall allow a condition to exist upon the property that condition attracts wild rats, gives wild rats access to food, or creates shelter accessible to wild rats. Such prohibited conditions shall include, but are not limited to the following:

- (1) Keeping of any animal so that feces, refuse, food or shelter associated with the keeping of the animal affords food or shelter to wild rats.
- (2) Allowing any accumulation of rubbish, trash, junk or other material that by reason of its decayed or unused condition affords shelter to wild rats.
- (3) Maintain vacant (unsecured) or damaged structures, including out-buildings, dwellings, (including manufactured homes) and recreational vehicles that may afford shelter to wild rats.

Section 13. WILDLIFE AND EXOTIC ANIMALS

- (1) No person shall keep any wildlife that is located within the city limits.
 3. No person shall keep any exotic animal that is located within the city limits.
 4. The provisions of subsection (1) and subsection (2) of Section 13 shall not apply to wildlife and exotic animals in a human environment under trained supervision for that a permit has been issued for a carnival, circus, or special event.
- (5) The provisions of subsection (1) and subsection (2) of Section 13 shall not apply to wildlife and exotic animals in a human environment located in facilities of the Falls City School District #57.

NUISANCES AFFECTING PUBLIC HEALTH.

Section 14. NUISANCES AFFECTING THE PUBLIC HEALTH. No person may permit or cause a nuisance affecting public health. The following are nuisances affecting the public health and may be abated as provided in this Ordinance:

- (1) Privies. An open vault or privy constructed and maintained within the city, except those privies used in connection with construction projects and constructed in accordance with Department of Environmental Quality regulations.
- (2) Debris or multiple recreational vehicles stored on private property. Accumulations of debris,

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rubbish, manure, or other refuse located on private property not removed within fifteen (15) days, or storage of more than one (1) recreational vehicle on private property. (Ordinance 99-473, 10/25/1999)

(3) Stagnant water. Any pool of water, that is without a proper inlet or outlet, that, if not controlled will be a breeding place for mosquitoes and other similar insect pests.

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

(5) Food. All decayed or unwholesome food that is offered for human consumption.

(6) Odor. Any premises that are in such a state or condition as to cause an offensive odor or that are in an unsanitary condition.

(7) Surface drainage. Any drainage of liquid waste from private premises.

(8) Recreational vehicles. Storage of any recreational vehicle that is not mobile or is not currently licensed, if required to be licensed by the Oregon Vehicle Code when operated on public highways; private property on that more than one (1) recreational vehicle is stored; or habitation in any recreational vehicle, on public or private property, without a permit as provided for in Ordinance No. 521, article 4, Section 8.110. (Ordinance 99-473, 10/25/1999)

(9) Unlicensed outdoor business. Private property on that is conducted any business or commercial activity outside of an enclosed, legally existing structure that is not licensed by the city, with the exception of a garage sale of three (3) days duration or less. Business license categories and fees may be changed by resolution of the council. (Ordinance 99-473, 10/25/1999)

NUISANCES AFFECTING PUBLIC SAFETY

Section 15. ABANDONED ICEBOXES. No person shall leave in any place accessible to children any abandoned, unattended, or discarded icebox, refrigerator, or similar container that has an airtight door with a lock, snap lock, or other mechanism that may not be released for opening from the inside, without first removing such lock or door from such lock or door from such icebox, refrigerator, or similar container.

Section 16. ATTRACTIVE NUISANCES.

(1) No Person or person in charge of any premises shall permit:

- a. Any unguarded machinery, equipment, or other devices on such premises that is attractive, dangerous, and accessible to children.
- b. Lumber, logs, or piling placed or stored on such property in a manner so as to be attractive, dangerous, and accessible to children.

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- c. Any open pit, quarry, cistern, or other excavation to remain open for an unreasonable length of time without erecting adequate safeguards or barriers to prevent such places from being used by children.

(2) The provisions of this section shall not apply to authorized construction projects, if during the course of construction reasonable safeguards are maintained to prevent injury or death to playing children.

Section 17. SNOW AND ICE REMOVAL. No person or person in charge of any property, improved or unimproved, abutting upon any public sidewalk shall permit:

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

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

Section 18. WEEDS AND NOXIOUS VEGETATION.

(1) Definitions. For purposes of this section the following definitions apply:

“Noxious vegetation” means:

- a. Poison oak;
 - b. Poison ivy;
 - c. Blackberry bushes that extend into public property or across a property line;
 - d. Vegetation that is:
 - a. A health hazard,
 - b. A fire hazard,
 - c. A traffic hazard because it impairs the view of a public thoroughfare or otherwise makes use of the thoroughfare hazardous;
 - e. Weeds or grass more than ten (10) inches high;
 - f. Weeds or grass going to seed;
 - g. Noxious vegetation does not include agricultural crop grown on property zoned for agricultural purposes, unless that crop is a health, traffic or fire hazard.
2. Noxious vegetation is declared to be a nuisance.

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3. **Owner Responsibility.** No owner or person in charge of property may allow noxious vegetation to be on the person's or her property or on the parking strip or sidewalk area abutting the property. It is the duty of an owner or person in charge of property to cut down or to destroy noxious vegetation.
4. **Notice to Abate.**

Upon determination by the Authorized Representative or their designee that noxious vegetation exists on any property, the Authorized Representative shall cause a notice to be mailed to the owner of the property. At a minimum, the city shall utilize the records of the Polk County Assessor and the city utility department to determine the last known address.

- a. The notice to abate shall contain:
 - a. A statement that noxious vegetation exists on the property;
 - b. A description of the real property, by street address or otherwise, on that or adjacent to that the noxious vegetation exists;
 - c. A direction to abate the noxious vegetation within seven (7) days from the date of the notice;
 - d. A statement that unless the vegetation is removed within seven days from the date of the letter the city will abate the nuisance and will charge the costs of abatement to the property owner;
 - e. A statement that the owner of the property may protest the abatement by giving notice to the Authorized Representative within five (5) days from the date of the notice.

An error in the name or address of the owner of the property shall not make the notice void if the error was caused by the owner or person in charge of the property failing to notify the city of their correct name and address. (At a minimum, the city shall utilize the records of the Polk County Assessor and the city utility department to determine the last known address.)

Abatement by the Owner:

- a. Within the time allowed in this section the owner of the property shall remove the noxious vegetation or show that no nuisance exists.
- b. The owner of property protesting that no noxious vegetation in fact exists shall file with the Authorized Representative a written statement that shall specify the basis for so protesting. Based upon a physical inspection of the property the Authorized Representative or designee shall make a written determination of whether or not the noxious vegetation exists. Should the Authorized Representative determine that the nuisance does exist, the owner or person in charge of the property may either abate the vegetation within five (5) days after notice of the Authorized Representative's decision or may appeal the decision to the City Council by filing a written notice of appeal with the City Recorder within five (5) days from the

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date of the decision. If the Council determines that noxious vegetation does in fact exist, the owner or person in charge of the property shall, within five (5) days after the council determination, abate the noxious vegetation.

a. Abatement by the City.

a. If the noxious vegetation has not been removed within the time permitted, the Authorized Representative shall cause the vegetation to be removed. The officer charged with abatement shall have the right to enter into or investigate or cause the removal of the noxious vegetation.

- a. The cost of abatement shall be charged at actual costs incurred by the city, including but not limited to costs of removal of the noxious vegetation, administrative costs and certified or registered letter mailing costs.

(f) Assessment of Costs. The Authorized Representative by registered or certified mail shall forward to the owner of the property a notice stating the total amount of the cost of abatement. At a minimum, the city shall utilize the records of the Polk County Assessor and the city utility department to determine the last known address.

If the owner of the property does not pay the costs of the abatement within thirty (30) days from the date of the notice of costs, the city may take whatever lawful means available to collect the costs.

Section 19. SCATTERING RUBBISH. No person shall throw, dump, or deposit upon any street, alley or other public place, any injurious or offensive substance or any kind of rubbish, trash, debris, refuse, or any substance that would mar the appearance, create a stench, detract from the cleanliness or safety of such public place, or would be likely to injure any animal, vehicle, or person traveling upon a public way.

Section 20. TREES.

1. No owner or person in charge of property that abuts upon any street or sidewalk may permit trees or bushes on his property, or on the parking strip adjacent thereto, to interfere with street or sidewalk traffic. It shall be the duty of an owner or person in charge of property that abuts upon a street or sidewalk to keep all trees and bushes on his premises and on the adjoining parking strip trimmed to a height of not less than eight (8) feet above the sidewalks and not less than ten (10) feet above the streets.
2. No owner or person in charge of property may allow to stand any dead or decaying tree that is a hazard to the public or to persons or property on or near the property.

Section 21. FENCES.

1. No person shall construct or maintain any barbed-wire fence or allow barbed wire to remain as a part of any fence along a sidewalk or public way, unless such wire is placed not less than six (6) inches below and on the property owner side, not exposed to the public and above the top of a board or picket fence that is not less than six (6) feet high.

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2. No person shall install, maintain, or operate a wire fence charged with electrical current along a street or sidewalk, or along the adjoining property line of another person.

Section 22. SURFACE WATERS, DRAINAGE.

1. No owner or person in charge of any building or structure shall suffer or permit rainwater, ice or snow to fall from any such building or a structure on to a street or public sidewalk or to flow across such sidewalk.
2. The owner or person in charge of property shall install and maintain in a proper state of repair adequate drainpipes or a drainage system so that any overflow water accumulating on the roof or about such building is not carried across or upon any sidewalk.

Section 23. ACCUMULATION OF OBJECTS. It is unlawful for any person to place, leave, store, dump or permit the accumulation on any open lot or other premises, any lumber, yard debris, boxes, barrels, bricks, stones, scrap metal, motor vehicle bodies or parts, or similar materials, rubbish or any articles of junk, that are not removed within fourteen (14) days and that affect the health, safety or welfare of the city. Excepted from this prohibition are construction materials for ongoing construction projects, neatly stacked firewood and compost piles consisting of vegetable matter.

NUISANCES AFFECTING THE PUBLIC PEACE

Section 24. RADIO AND TELEVISION INTERFERENCE.

(1) No person may operate or use an electrical, mechanical, or other device apparatus, instrument, or machine that causes reasonably preventable interference with radio or television reception, provided that the radio or television receiver interfered with is of good engineering design.

(2) This section does not apply to electrical and radio devices licensed, approved, and operated under the rules and regulations of the Federal Communications Commission.

Section 25. UNNECESSARY NOISE.

Standards and definitions.

A. Terminology and Standards. All terminology used in this chapter that is not defined below shall be in accordance with the Department of Environmental Quality (DEQ) Noise Control Regulations and noise emission standards outlined by Oregon Revised Statute (ORS) 467.030, and Oregon Administrative Rule (OAR) Chapter 340 Division 35.

B. Measurement of Sound Level.

1. Measurements shall be made with a calibrated sound level meter in good operating condition.

2. Persons conducting sound level measurements shall have received training in the techniques of sound measurement and the operation of sound measuring instruments from the

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Department of Environmental Quality or other competent body prior to engaging in any enforcement activity.

3. Procedures and tests required by this chapter and not specified herein shall be placed on file with the city recorder.

C. Definitions. As used in this chapter:

"Amplifying equipment" means public address systems, musical instruments, and other similar devices that are electronically amplified.

"City" means the city of Falls City, Oregon or the area within the territorial city limits of the city of Falls City, Oregon and such territory outside of this city over that the city has jurisdiction or control by virtue of ownership or any Constitutional or Charter provision, or any law.

"Commercial land use" includes land uses zoned commercial (C), historic commercial (HC) or any use of an office, service establishment, retail store, park, amusement or recreation facility, or other use of the same general type, whether publicly or privately owned.

"Construction" means any and all activity necessary or incidental to the erection, demolition, assembling, altering, installing, repair or equipping of buildings, roadways and utilities. It shall include land clearing, grading, excavating and filling before, during or following such activity.

"Continuous sound" means any steady sound with a deviation no greater than plus or minus two dBA of its mean, or total fluctuation of four dBA, during the period of observation when measured with a sound level meter set on fast response.

"Day time period" means seven a.m. until ten p.m. of the same day, local time.

"Domestic power tools" means any mechanically or electrically powered saw, drill, sander, grinder, lawn or garden tool, or similar device generally used out of doors in residential areas.

"Emergency work" means work made necessary to restore property to a safe condition following severe inclement weather and natural disasters, work required to restore public utilities or work required to protect persons or property from imminent exposure to danger.

"Industrial land use" includes land use zoned light industrial (LI), industrial (I), or any use of a warehouse, factory, mine, wholesale trade establishment or other use of the same general type, whether publicly or privately owned.

"Night time period" means ten p.m. of one day until seven a.m. the following day, local time.

"Noise sensitive areas" or "noise sensitive uses" includes property on that residential housing, apartment buildings, schools, churches, hospitals, and nursing homes are located.

"Off-road recreational vehicle" means any self-propelled land use vehicle designed for, or capable of traversing over natural terrain, including, but not limited to, racing vehicles, mini-bikes, motorcycles, go karts, and dune buggies, when operated off the public right-of-way for noncommercial purposes.

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"Persons" means a person, persons, firm, association, co-partnership, joint venture, corporation or any entity public or private in nature.

"Plainly audible" means unambiguously communicated sounds that disturb the comfort, repose or health of the listener. Plainly audible sounds include, but are not limited to, understandable musical rhythms, understandable spoken words, and vocal sounds other than speech that are distinguishable as raised or normal.

"Powered model vehicle" means any self-propelled airborne, waterborne, or land borne plane, vessel or vehicle, that is not designed to carry persons, including but not limited to any model airplane, boat, car, or rocket.

"Recreational park" means a facility open to the public for the operation of off-road recreational vehicles.

"Warning devices" means electronic devices used to protect persons or property from imminent danger including, but not limited to, fire alarms, civil defense warning systems, and safety alarms required by law. (Ord. 424 § 4 (part), 2002; Ord. 397 § 2, 1999)

Responsibility and authority.

A. Responsibility. The responsibility for enforcement of this chapter shall reside with the city council or their designee.

B. Authority. In order to implement this chapter and for the general purpose of sound abatement and control, the city council or their designee shall have in addition to any other authority vested with them, the following powers:

1. Planning: implement a noise control strategy in agreement with the city's zoning ordinance and comprehensive plan to:

A. Assure public and private enterprises do not adversely impact existing noise-sensitive properties and properties designated for noise sensitive use,

b. Prevent the encroachment of noise-sensitive uses into high impact areas such as industrial zones and those immediately adjacent to major highways or arterials that is incompatible for such uses by virtue of existing or projected noise impacts;

2. Inspections: upon presentation of proper credentials, enter and inspect any private property or place, and inspect any report or record at any reasonable time when granted permission by the owner, or by some other person with apparent authority to act for the owner. Such inspection may include administration of any necessary tests;

3. Issue summons: direct the authorized representative of the City to issue summons, notices of violation or other legal orders to any person who allegedly violates any provision of this chapter;

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4. Investigate violations: in accordance with all other provisions of this chapter, investigate and document violations and take necessary actions preparatory to enforcement. (Ord. 397 § 3, 1999)

8.04.040 Prohibited acts.

A. No person shall knowingly continue, cause or permit to be made or continued any excessive or unnecessary sounds that are listed in this section or Section 8.04.050.

B. The following acts are declared to create excessive and unnecessary sounds in violation of this chapter without regard to the maximum sound levels of Section 8.04.050:

1. Radios, Stereos, Boom boxes, Tape Players, Television Sets. The playing, using or operating of any radio, tape player, television set or stereo system including those installed in a vehicle in such a manner so as to be plainly audible at any time between ten p.m. and seven a.m. the following day, local time:

- a. Within a noise sensitive area of noise sensitive use that is not the source of the sound; or
- b. At a distance of one hundred (100) feet or more from the source of the sound.

2. Revving Engines. Operating any motor vehicle engine above idling speed off the public right-of-way so as to create excessive or unnecessary sounds within a noise sensitive area.

3. Compression Braking Devices. Using compression brakes, commonly referred to as "jake brakes," on any motor vehicle except to avoid imminent danger or persons or property.

4. Exhausts. Discharging into the open air the exhaust of any steam engine, internal combustion engine, or any mechanical device operated by compressed air or steam without a muffler, or with a sound control device less effective than that provided on the original engine or mechanical device.

5. Idling Engines on Motor Vehicles. Idling more than fifteen (15) consecutive minutes between the hours of ten p.m. and seven a.m. the following day, local time, any motor vehicle with a gross vehicle weight rating (GVWR) of eight thousand (8,000) pounds or greater that exceeds fifty (50) dBA measured at the nearest occupied noise sensitive property.

6. Vehicle Tires. Squealing tires by excessive speed or acceleration on or off public right-of-way except when necessary to avoid imminent danger to person or property.

7. Motorcycles, Go-Karts, Dune Buggies. Operating motorcycles, go karts, dune buggies and other off-road recreational vehicles off the public right-of-way on property not designated as a recreational park.

8. Motorboats. Operating or permitting the operation of any motorboat within the city's jurisdictional boundaries in such manner as to exceed eighty-four (84) dBA at a distance of fifty (50) feet or more.

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9. Explosives. The discharge of fireworks and other explosive devices except as authorized by the City Council.

10. Tampering. The removal or rendering inoperative of any noise control device for purposes other than maintenance, repair, or replacement.

11. Animals. Owning, possessing or harboring any bird or other animal that barks, bays, cries, howls, or makes any other noise continuously for a period of ten minutes or more, other than for reasons of being provoked by a person trespassing or threatening to trespass.

12. Steam Whistles. Blowing any steam whistle attached to any stationary boiler, except to give notice of the time to begin or stop work.

13. Horns and Alarms. The sounding of a horn or signaling device on a vehicle on a street or public or private place, except as a necessary warning of danger.

14. Compressed Air Devices. The use of a mechanical device operated by compressed air, steam, or otherwise, unless the noise created is effectively muffled.

C. No person shall operate a motor vehicle on a public right-of-way unless it meets the noise emission standards promulgated by Oregon Revised Statute (ORS) 467.030 and Oregon Administrative Rule (OAR) Chapter 340, Division 35 that are adopted and incorporated by this reference. Copies of ORS 467.030 and OAR Chapter 340, Division 35 are on file in the office of the city recorder. (Ord. 424 § 4 (part), 2002; Ord. 397 § 4, 1999)

Maximum permissible sound levels.

A. No person shall cause or permit sound(s) to intrude onto the property of another person that exceed(s) the maximum permissible sound levels set forth below in this section.

B. The sound limitations established herein, as measured at or within the property boundary of the receiving land use, are as set forth in Table I and apply after any applicable adjustment, also provided for herein, are applied. When the sound limitations are exceeded, it shall constitute excessive and unnecessary sounds and shall be violations in their own right as well as being prima facie evidence of noise.

C. This section is violated if any of the following occur:

1. Any continuous sound that exceeds Table I for a cumulative total of greater than five minutes in any ten (10) minute period;

2. Any sound that exceeds Table I by five dBA for a cumulative total of greater than one minute, but less than five minutes in any ten (10) minute period;

3. Any sound that exceeds Table I by ten (10) dBA at any point in time.

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Table I

Table of Maximum Allowable Sound Levels (in DBA) in any Ten (10) Minute Period

Type of Received by Use

Type of Source by Use	Noise Sensitive		Commercial		Industrial	
	Day	Night	Day	Night	Day	Night
Noise sensitive	55	45	70	65	75	70
Commercial	55	50	70	65	75	70
Industrial	55	50	70	65	75	70

Exceptions

A. Exceptions. The following sounds are exempted from provisions of this chapter:

1. Sounds caused by the performance of emergency work, vehicles and/or equipment;
2. Aircraft operations in compliance with applicable federal laws or regulations;
3. Railroad activities as defined in Subpart A, Part 201 of Title 40, DFR of the Environmental Protection Agency’ s railroad emission standards, incorporated herein by reference;
4. Sounds produced by sound amplifying equipment at activities permitted by the city;
5. Sounds created by the tires or motor to propel or retard any vehicle on the public right-of-way in compliance with ORS 815.025 and OAR Chapter 340 Division 35, incorporated herein by reference;
6. Notwithstanding Section 8.04.050(C), sounds created by refuse pickup operations during the operations during the period of four a.m. to ten p.m. local time;
7. Sounds created by domestic power tools during the period of seven a.m. to ten p.m., local

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time, provided sound dissipation devices on tools are maintained in good repair;

8. Sounds made by warning devices operating continuously for three minutes or less;

9. Idling motor vehicles with a gross vehicle weight rating (GVWR) of eight thousand (8,000) pounds or greater between the hours of seven a.m. to ten p.m., local time provided they are equipped with an exhaust system that is in good working order and in constant operation;

10. Construction activities during the period of seven a.m. to six p.m. local time (seven a.m. to eight p.m. during summer months of June through August), provided equipment is maintained in good repair and equipped with sound dissipating devices in good working order.

Chapter additional to other law.

The provisions of this chapter shall be cumulative and nonexclusive and shall not affect any other claim, cause of action or remedy; nor unless specifically provided, shall it be deemed to repeal, amend or modify any law, ordinance, or regulation relating to noise or sound. The provision of this chapter shall be deemed additional to existing legislation and common law on such subject.

Penalties.

A violation of any provision of this chapter is a Class A infraction, punishable upon conviction by a fine of not more than five hundred dollars (\$500.00). Each and every day during that any provision of this chapter is violated shall constitute a separate offense.

The city council, acting in the name of the city, may maintain an action or proceeding in a court of competent jurisdiction to compel compliance with or restrain by injunction the violation of any provision of this chapter.

Section 26. NOTICES AND ADVERTISEMENTS.

1. No person may affix or cause to be distributed any placard, bill, advertisement, or poster upon real or personal property, public or private property, without first securing permission from the owner or person in control of the property. 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.
2. This section does not prohibit the distribution of advertising material during a parade or approved public gathering.
3. No person, either as principal or agent, may scatter, distribute or cause to be scattered or distributed on public or private property any placards, advertisements or other similar material.

Section 27. DISABLED, INOPERABLE, ABANDONED OR STOLEN VEHICLES:
VEHICLE PARTS.

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1. No person owning an inoperable vehicle that is located on private property owned or controlled by that same person shall allow that vehicle to be exposed to public view for longer than is reasonably necessary to repair or dispose of it, and in no event longer than thirty (30) days unless it is in connection with a business dealing with junk vehicles lawfully conducted within the city.
2. The term 'inoperable' vehicle, as used in this section, means a vehicle capable of being towed that:
 - a. Has been located for more than thirty (30) days on private property owned or controlled by the person with legal title to the vehicle; and
 - b. Has been extensively damaged, including, but not limited to, a broken window or windshield, missing wheels, tires, motor, or transmission; and
 - c. For the purpose of this section, a showing that the vehicle, if operated on a public highway or highway right-of-way of this state, would be in violation of three or more of the provisions of ORS chapters 815 and 816, is indirect evidence that the vehicle is inoperable.
 - d. For the purpose of this section, an inoperable vehicle shall not be considered exposed to public view if the vehicle is entirely covered..
 - e. Tagging of an inoperable vehicle shall be done in the same manner as for disabled, abandoned and stolen cars as provided in subsection (4) ~~(4)~~ herein; such tag shall constitute posting of notice of the purpose of abatement under section 29 herein. Only the owner of an inoperable vehicle as defined in this section is entitled to the abatement notice and appeal procedure set forth in sections 29 and 30 herein with respect to any violation of this section.
 - f. Not more than two covered inoperable vehicle may be located on private property owned or controlled by the person owning the vehicle, unless the owner has applied for and been granted by the council an exception for a 'classic' vehicle. For the purposes of this section, such classic vehicle shall be at least 20 years old and have significant intrinsic value over and above its salvage value. The council's decision may be made in conjunction with any protest to abatement. The decision by the council regarding a vehicle shall be final. If the decision is not in favor of the appellant, the vehicle in question shall be deemed 'disabled' ten (10) days after the decision. A vehicle registered with the Department of Motor Vehicles as an antique vehicle shall be deemed to be a classic vehicle for the purpose of this section. Not more than two covered classic vehicles may be stored on private property owned by the person owning the vehicles, unless such vehicles are stored in an area designated for classic vehicle storage after appropriate land use proceedings and public hearings. Any inoperable or classic vehicle, covered or uncovered, exceeding the number allowed under this subsection shall be deemed disabled.

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3. For the purpose of this section, a vehicle that would otherwise be defined as inoperable except that legal ownership cannot be established by the person owning or controlling the private property where it is located shall be deemed a 'disabled' vehicle subject to the provisions of ORS chapter 819 and subsection (4) herein.
4. It shall be unlawful for a disabled, abandoned or stolen vehicle to remain located on public or private property within city limits for more than 24 hours. Disabled, abandoned and stolen vehicles on public or private property may be tagged and towed after 24 hours by the chief of police pursuant to the provisions of ORS chapter 819, subject to the policies adopted by Resolution of the council, as may be amended from time to time. The hearing and appeal procedures contained in ORS chapter 819 and those policies shall be the only appeal procedures available for this violation; the abatement procedures in section 30 and 31 herein shall not apply to disabled, abandoned and stolen vehicles. Disabled vehicles shall be garaged or removed outside the city limits within 24 hours; changing the location of a disabled vehicle inside city limits shall not prevent the towing of such vehicle unless garaged. Any vehicle, that has been tagged two previous times within the same 14-day period, may be tagged and towed immediately upon the third violation in such 14-day period.
5. No person shall store partial vehicles, engines, transmissions, wheels, tires or other parts of vehicles on private property exposed to public view, whether or not covered. Such items located on public property, public streets, or public rights-of-way, whether or not developed or improved, may be abated by the city ten (10) days after an abatement notice is posted. Items of trash, junk or other debris, that are not vehicle parts, may be abated from such public property five (5) days after an abatement notice is posted. However, any items on such public property, that constitute an immediate health or safety hazard, may be summarily abated pursuant to Section 34 herein, including partial vehicles and vehicle parts.

Section 28. DECLARATION OF NUISANCE, GENERAL NUISANCE.

- (1) The acts, conditions, or objects specifically enumerated and defined in this Ordinance are declared to be public nuisances and such acts, conditions, or objects may be abated by any of the procedures set forth in Section 30 through Section 34 of this Ordinance.
- (2) In addition to those nuisances specifically enumerated within this Ordinance, every other thing, substance, or act that is determined by the council to be injurious or detrimental to the public health, safety, or welfare of the city is hereby declared to be a nuisance and may be abated as provided in this Ordinance.

ABATEMENT PROCEDURE

Section 29. ABATEMENT NOTICE.

- (1) Posting. Upon determination by the Council that a nuisance as defined in this or any other ordinance of the city exists, the council shall forthwith cause a notice to be posted on the premises where the nuisance exists, directing the owner or person in charge of the property to

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abate such nuisance.

(2) Notice to owner. At the time of posting, the Authorized Representative shall cause a copy of such notice to be forwarded by registered or certified mail, postage prepaid, to the owner or/and person in charge of the property at the last-known address of such owner or other person. At a minimum, the city shall utilize the records of the Polk County Assessor and the city utility department to determine the last known address.

(4) Notice – Contents. The notice to abate shall contain:

(a) A description of the real property, by street address or otherwise, on that such nuisance exists.

(b) A direction to abate the nuisance within ten (10) days from the date of the notice.

(c) A description of the nuisance.

(d) A statement that unless such nuisance is removed the city may abate the nuisance and the cost of abatement shall be a lien against the property.

(e) A statement that the owner or other person in charge of the property may protest the abatement by giving notice to the Authorized Representative within ten (10) days from the date of the notice.

(5) Certificate of Mailing and Posting. Upon completion of the posting and mailing, the person posting and mailing the notice shall execute and file a certificate stating the date and place of such mailing and posting.

(6) Sufficiency of Posted Notice. An error in the name or address of the owner or person in charge of the property or the use of a name other than that of the owner as listed with the Polk County Assessors Office and the City utility department to the address of record. shall not make the notice void and in such a case the posted notice shall be sufficient.

Section 30. ABATEMENT BY THE OWNER - Property Owner's Responsibility to Act.

(1) Within ten (10) days after the posting and mailing of the notice as provided in Section 29, the owner or person in charge of the property shall remove the nuisance or show that no nuisance exists.

(2) The owner or person in charge protesting that no nuisance exists shall file with the City Recorder a written statement that shall specify the basis for so protesting.

(3) The statement shall be referred to the council as a part of the council's regular agenda at the next succeeding meeting. At the time set for consideration of the abatement, the owner or other person may appear and be heard by the council and the council shall thereupon determine whether or not a nuisance in fact exists and such determination shall be entered in the official minutes of the council. Council determination shall be required only in those cases where a written statement has been filed as provided.

(4) If the council determines that a nuisance does in fact exist, the owner or other person shall

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within ten (10) days after such council determination abate such nuisance.

Section 31. ABATEMENT BY THE CITY.

- (1) If within the time allowed the owner or person in charge of the property has not abated the nuisance, the council may cause the nuisance to be abated.
- (2) The officer charged with abatement of such nuisance shall have the right at reasonable times to enter into or upon property to investigate or cause the removal of a nuisance.
- (3) The Authorized Representative shall keep an accurate record of the expense incurred by the city in abating the nuisance and shall include therein a charge of twenty (20) percent of the expense for administrative overhead.

Section 32. ASSESSMENT OF COSTS.

(1) The Authorized Representative, by registered or certified mail, postage prepaid, shall forward to the owner or person in charge of the property a notice stating:

- (a) The total cost of abatement including the administrative overhead.
- (b) That the cost as indicated will be assessed to and become a lien against the property unless paid thirty (30) days from the date of the notice.
- (c) That if the owner or person in charge of the property objects to the cost of the abatement as indicated, the objector may file a notice of objection with the Authorized Representative not more than ten (10) days from the date of the notice.

(2) Objections to Assessment. Upon the expiration of ten (10) days after the date of the notice, the council in the regular course of business shall hear and determine the objections to the costs to be assessed.

(3) City liens. If the costs of the abatement are not paid within thirty (30) days from the date of the notice, an assessment of the costs as stated or as determined by council shall be made by resolution and shall thereupon be entered in the docket of city liens and, upon such entry being made, shall constitute a lien upon the property from that the nuisance was removed or abated.

(4) Lien enforcement. The lien shall be enforced in the same manner as liens for street improvements are enforced, and shall bear interest at the rate allowed by law, or such lesser rate as the City Council may from time to time provide. Such interest shall commence to run from date of entry of the lien in the lien docket.

(5) Assessment error. An error in the name of the owner of the property as listed with the Polk County Assessors Office and the City's utility department, shall not void the assessment nor will a failure to receive the notice of the proposed assessment render the assessment void, but it shall remain a valid lien against the property.

(6) Recovery of Public Costs for On-site Assessment and Clean Up of Property Declared Public Health Nuisance.

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- (a) If, after service of notice of the Declaration of Public Health Nuisance, the property owner fails to arrange appropriate assessment and clean up, the Authorized Representative is authorized to proceed in a prompt manner to initiate the on-site assessment and clean up.
- (b) If the city is unable to locate the property owner within ten days of the Declaration of Public Health Nuisance, the city is authorized to proceed in a prompt manner to initiate the on-site assessment and clean up.
- (c) The city may abate the nuisance by removing the hazardous structure or building, or otherwise, according to Oregon Revised Statutes Chapter 475.
- (d) If the city abates the public health nuisance, in addition to any other legal remedy, the city shall be entitled to recover all costs plus an additional 25 percent of the costs for administration. The city may recover costs by civil action against the person or persons who own the property.

GENERAL

Section 33. SUMMARY ABATEMENT. The procedure provided by this ordinance is not exclusive but is in addition to procedure provided by other ordinances. The Authorized Representative or such other persons as the City Council may designate, may proceed to abate a health or other nuisance that unmistakably exists and from that there is imminent threat or danger to human life or property.

(1) The cost of such summary abatement shall be assessed against the owner of the real property on that the nuisance exists, shall be a lien against the real property and may be enforced and collected by the same procedures set forth in this Ordinance for abatement.

(2) Abatement Notice of Imminent Threat.

- a. Upon determination by the City Council that a nuisance resulting in an imminent threat to the public health, safety or property of the residents of Falls City as defined in this or any other Ordinance of the city exists, the Authorized Representative, or their designated representative, shall forthwith issue a citation to the property owner who, in the opinion of the Authorized Representative, are determined to be in violation of this Ordinance.
- b. At the time of issuing a citation as set forth above, the Authorized Representative shall contact the Mayor, and in their absence, the Council President, and discuss the issuance of any citation issued by the Authorized Agent, or the Council's designated representative under this Ordinance.
- c. The citation of nuisance resulting in an imminent threat to the public health, safety or property of the residents of Falls City shall contain:
 - a. Reference to the Section of this Ordinance being violated and a description of the imminent threat.

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- b. A description of the location upon that the violation occurred that may be a street address, a street name between intersecting streets, an approximate distance from a known point of reference, or otherwise, at or on that such imminent threat to the public health, safety or property of the residents of Falls City exists.
- c. The month, day, year and time of day of the citation.
- d. A direction to remove the imminent threat to the public health, safety or property of the residents of Falls City within two (2) hours from the time of issuance of the citation.
- e. A statement that unless such imminent threat to the public health, safety or property of the residents of Falls City is removed within two (2) hours after citation, the city will abate the nuisance and cost of abatement shall be a lien against the property.
- f. A statement that the person or person in charge may protest the citation and action by giving notice to the Authorized Representative within two (2) hours from the time of citation.

(d) An error in the name or address of the property owner as listed with the Polk County Assessors Office and the City's utility department, shall not make the citation void, and in such a case, the citation shall be deemed sufficient.

(3) Abatement by the Owner of Imminent Threat.

- (a) Within two (2) hours after citation as provided in Section 29, subsection (2), the property owner, as listed with the Polk County Assessors office and the City's utility department shall remove and abate the nuisance or protest that no nuisance exists.
- (b) The property owner violating this Ordinance shall file with the Authorized Representative a written statement that shall specify the basis for contending that no nuisance exists.
- (c) The statement shall be referred to the Authorized Representative during the first regular business day after receipt by the Authorized Representative, and the Authorized Representative shall advise the Mayor of such statement.
- (d) The Mayor shall refer the statement to the council at a special council meeting to be posted and held within three (3) regular business days of filing of the statement with the Authorized Representative. At the time set for the consideration of the abatement, such person or person in charge may appear and be heard by the council, and the council shall, based upon the evidence presented, thereupon confirm whether a nuisance resulting in an imminent threat to the public health, safety or property of the residents of Falls City in fact exists and such confirmation shall be entered in the official minutes of the council.
- (e) Upon council confirmation that a nuisance resulting in an imminent threat to the public health, safety or property of the residents of Falls City in fact exist, the person or person in charge, violating this Ordinance shall within two (2) hours after such council confirmation or

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two (2) hours after daylight of the next succeeding day, that ever is later, shall remove or abate such nuisance.

(4) Abatement by the City of Imminent Threat.

(a) If within the time fixed, as provided in this Ordinance, the property owner has not abated the nuisance resulting in an imminent threat to the public health, safety or property of the residents of Falls City, the common council shall cause the imminent threat to be abated.

(b) The Authorized Representative shall maintain an accurate record of the expense incurred by the city in abating the imminent threat and shall include therein an overhead charge of fifteen (15) percent of the total cost for administration.

(c) The total cost, including the administrative overhead, shall thereupon be assessed to property of the person or person in charge as they may own in the City, whether or not said property shall be in the location of the violation of this Ordinance or not, in accordance with procedures set forth in Section 32.

(d) If the person or person in charge does not own property in the City, the City shall file a civil action or suit to enforce the collection of the total cost, including the administrative overhead, as set forth in the resolution described in Section 33, in the appropriate court within Polk County.

Section 34. APPLICATION OF ORDINANCE. The procedure provided by this Ordinance is not exclusive but is in addition to procedures provided by other city ordinances.

Section 35. VIOLATION – PENALTIES. Violation of Sections 3 through 28 shall be punishable upon conviction by a fine not to exceed \$500.00 for a non-continuing violation and a fine of not more than \$1,000 for a continuing offense. Upon the Municipal Court Judge's judgment "Final Judgment" or the issuance of a "Default Judgment" for failure to request a hearing regarding an ordinance violation, additional fines may be assessed at a rate not to exceed \$1000.00 per day for each day an ordinance violation continues. Documentation of a continuing violation may consist of photographic and supplemental reports. The Municipal Court Judge shall have discretion to revise upward or downward to fines based on such factors as non-compliance, partial compliance or acceptance of a court ordered complainance agreement . A continuing offense and subsequent proposed fine "Notice of Intent to Assess a Penalty and Opportunity for a Hearing" may also result from failure to comply with a City Ordinance following the receipt of an official "Warning Letter".

(1) The penalties imposed by this Ordinance are not exclusive and are in addition to any other remedies available under city ordinance or state statute.

(2) The abatement of a nuisance in accordance with the procedure set forth in Section 30 of this Ordinance within ten (10) days after being cited for violation of this Ordinance as set forth in Section 29 of this Ordinance shall not constitute a penalty for a violation of this Ordinance, but may, based upon the determination by the court of jurisdiction, be in addition to any penalty imposed for the violation of the Ordinance.

(3) The abatement of a nuisance resulting in an imminent threat to the public health, safety or

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property of the residents of Falls City in accordance with the procedure set forth in Section 28, Subsection (3) of this Ordinance within two (2) hours after being cited for violation of this Ordinance as set forth in Section 28, Subsection (2) of this Ordinance, shall not constitute a penalty for a violation of this Ordinance, but may, based upon the determination by the court of jurisdiction, be in addition to any penalty imposed for the violation of the Ordinance.

4. A “Notice of Intent to Assess a Penalty and Opportunity for a Hearing” may be issued to violators of City Ordinance in lieu of a citation. Violators/Respondents will be given 21 days in which to request a hearing. The Municipal Court of Falls City will hear all cases in a timely manner. A “Final Judgment: will be issued detailing the court’s ruling and will be mailed to the Violator/Respondent. Should the Violator/Respondent fail to request a hearing within 21 days a “Final Judgment” will be issued as a “default and Final Judgment”.

5. All “Penalties/Fines” resulting from a final judgment or a “Default Final Judgment” will be due and payable to the City of Falls City, Oregon together with interest at 9% per annum.

6. NOTICE OF APPEAL RIGHTS: In accordance with ORS 221.359 whenever any person is convicted in the municipal court of any offense defined and made punishable by any city charter or ordinance, such person shall have the same right to appeal to the circuit court as pertains to justice courts. The appeal shall be taken and perfected in the manner provided by law for taking appeals from justice courts, except that in appeals taken under ORS 221.359 and ORS 221.360, 221.380, ORS 221.390. Any notice of appeal shall be served upon the City Attorney. (all appeals shall be filed within 30 days of the issuance of a “Final Judgment” or “Default Final Judgment”.

7. If unpaid, civil penalties will be recorded by the City Recorder in the Municipal Lien Docket and filed with Polk County, County Clerks’ office as a lien against property ten days after the statutory period.

8. All liens shall be enforced in the same manner as liens for street improvements.

9. An error in the name of the owner or 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 but it shall remain a valid lien against the property.

Section 36. SEPARATE VIOLATIONS.

(1) Each day’s violation of a provision of this ordinance constitutes a separate offense.

(2) The abatement of a nuisance is not a penalty for violating this ordinance but is an additional remedy. The imposition of a penalty does not relieve a person of the duty to abate a nuisance.

Section 37. SEVERABILITY. The sections and subsections of this ordinance are severable. It being the intent of the City Council to enact this Ordinance, notwithstanding any parts declared invalid or unconstitutional, if any section, subsection, paragraph, or provisions of this Ordinance is so declared unconstitutional or invalid by a court of competent jurisdiction, such decision shall not affect or invalidate the remaining portions of this Ordinance.

Section 38. EMERGENCY CLAUSE. Inasmuch as the provisions of this ordinance are necessary for the immediate preservation of the peace, health and safety of the citizens of Falls City, Oregon, an emergency is hereby declared to exist, and this ordinance and sections 4, 5, and 6 (as stated below) shall be in full force and effect immediately upon its passage by the City Council.

(Ord. 06-512, passed 7-5-2006; Ord. 07-516, passed 7-2-2007; Ord. 08-519, passed 5-12-2008)

CHAPTER 91: STREETS AND SIDEWALKS

Section

General Provisions

- 91.01 Public rights-of-way
- 91.02 Temporary closures
- 91.03 Street exhibitions, community events, and the like
- 91.04 Driveway culverts

Construction, Improvement, and Repair

- 91.15 Definitions
- 91.16 Initiating improvement
- 91.17 City Council action on report
- 91.18 Resolution of intent to create improvement district
- 91.19 Manner of doing work
- 91.20 Contents of notice of public hearing
- 91.21 Public hearing
- 91.22 Call for bids
- 91.23 Apportionment of costs
- 91.24 Notice of assessments
- 91.25 Installment payments
- 91.26 Lien records and foreclosure proceedings
- 91.27 Errors in assessment calculations
- 91.28 Deficit assessment
- 91.29 Rebates
- 91.30 Transfers
- 91.31 Abandonment of proceedings
- 91.32 Curative provisions
- 91.33 Reassessment

Cross-reference:

- Cemeteries, see Ch. 92*
- Land Usage, see Title XV*
- Public Works, see Title V*

GENERAL PROVISIONS

§ 91.01 PUBLIC RIGHTS-OF-WAY.

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

CITY. The City of Falls City, Oregon.

PERSON. Individual, corporation, association, firm, partnership, joint stock company, and similar entities.

PUBLIC RIGHTS-OF-WAY. Include, but are not limited to, streets, roads, highways, bridges, alleys, sidewalks, trails, paths, public easements, and all other public ways or areas, including subsurface and air space over these areas.

WITHIN THE CITY. Territory over which the city now has or acquires jurisdiction for the exercise of its powers.

(B) *Jurisdiction.* The city has jurisdiction and exercises regulatory control over all public rights-of-way within the city under the authority of the City Charter and state law.

(C) *Scope of regulatory control.* The city has jurisdiction and exercises regulatory control over each public right-of-way whether the city has a fee, easement, or other legal interest in the right-of-way. The city has jurisdiction and regulatory control over each right-of-way whether the legal interest in the right-of-way was obtained by grant, dedication, prescription, reservation, condemnation, annexation, foreclosure, or other means.

(D) *City permission requirement.* No person may occupy or encroach on a public right-of-way without the permission of the city. The city grants permission to use rights-of-way by franchises, licenses, and permits.

(E) *Obligations of the city.* The exercise of jurisdiction and regulatory control over a public right-of-way by the city is not official acceptance of the right-of-way, and does not obligate the city to maintain or repair any part of the right-of-way.

(Ord. 97-465, passed 4-7-1997)

§ 91.02 TEMPORARY CLOSURES.

(A) *Purpose and need.* As the road authority for all highways, roads, streets, and alleys within the city's boundaries, the City Council finds and considers necessary that travel and parking upon certain roads and streets be temporarily restricted during community events for the protection of pedestrians and that the temporary restrictions should be implemented by the placement of appropriate traffic-control devices.

(B) *Temporary restrictions/closures to be implemented by resolution.* The implementation of the authority stated in this section shall be by resolution adopted by the Council, which resolution shall plainly state those portions of roads, streets, and alleys to be restricted, together with the duration of those restrictions, and further direct placement of appropriate traffic-control devices.

(Ord. 94-458, passed 10-5-1994)

§ 91.03 STREET EXHIBITIONS, COMMUNITY EVENTS, AND THE LIKE.

(A) *Permission required for street exhibitions or community events.* It shall be unlawful for any person, firm, or organization to hold any street fair or carnival, or give any show or exhibition, including community events and celebrations, upon the streets, except upon permission granted by the Council.

(B) *Requirements for street exhibitions or community events.*

(1) In addition to any other requirements deemed necessary by the Council, no person, firm, or organization shall be granted permission to conduct, sponsor, or otherwise participate in a street exhibition or community event upon the streets, including, but not limited to, a street or sidewalk stand of any kind, a mobile device, or other such vehicle used for the sale of merchandise, unless the person shall meet the following requirements:

(a) Provide the city with documentary evidence from an insurance carrier of insurance against liability in an amount which shall be determined by the Council, and further showing the city as an additional insured under the policy;

(b) Agree to maintain a clear passageway for emergency vehicle movements;

(c) Provide adequate sanitation facilities;

(d) Provide the city with at least 48-hours' notice; and/or

(e) Provide the city a nonrefundable fee of \$25 per day.

(2) The person, firm, or organization granted permission to conduct, sponsor, or otherwise participate in a street exhibition or community event upon the streets shall be solely responsible for placement and removal of all signs and barricades. Provided, however, the placement and removal shall be at the direction and under the supervision of the Chief of Police.

(C) *Obstructions.*

(1) Except as provided in division (C)(3) below, it shall be unlawful for any person to place, park, leave, deposit, or maintain any structure, barricade, or other obstruction such as building material or merchandise, other than lawfully parked vehicles, on any arterial or collector street, or in the travel lanes of residential streets, without first notifying the Mayor, or his or her designee, and obtaining his or her written permission.

(2) The Mayor, or his or her designee, may impose any reasonable conditions on hours of use, duration of use, barricading, lighting, or other marking which he or she deems necessary to protect the safety of persons and property in the vicinity, and to provide for the expeditious movement of vehicular and pedestrian traffic around the obstruction.

(3) (a) No permission shall be required to place building material in the parking lanes of residential streets, provided appropriate barricading and lighting are placed to protect the safety of persons and property in the vicinity, and the material is removed and the street cleaned within 30 days of the placement.

(b) In no event shall the material extend more than eight feet from the curb line.

(c) The Mayor, or his or her designee, may grant extensions of time in his or her discretion, upon request.

(Ord. 93-452, passed 10-7-1992) Penalty, see § 10.99

§ 91.04 DRIVEWAY CULVERTS.

(A) From and after the effective date of this section, and subject to the limitations of division (B) below, all driveway culverts within the city must comply with the minimum requirements set forth in division (C) below.

(B) This section shall only be effective with respect to streets and driveways which are established, re-established, or improved after the effective date of this section.

(C) All driveway culverts to which this section is applicable shall be placed under the direction of the City Superintendent of Public Works and shall be a minimum of 12 inches in diameter and a minimum of 24 feet long, and shall be placed in the street along the drain lines existing at the time of placement.

(D) Violation of this section shall constitute a "public nuisance" pursuant to Chapter 90 and may be punished and/or abated in accordance with that chapter.

(Ord. 401, passed 4-6-1981) Penalty, see § 10.99

CONSTRUCTION, IMPROVEMENT, AND REPAIR

§ 91.15 DEFINITIONS.

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

IMPROVEMENT. The acquisition, alteration, change in the grade of, construction, establishment, installation, laying, laying out, opening, reconstruction, repair, or widening of any street, alley, avenue, sewer, drain, water main, sidewalk, curb, gutter, off-street motor vehicle parking facility, or the performance of any other public work for which an assessment may be made on the property benefitted thereby.

PROPERTY BENEFITTED. All property specifically benefitted by the improvement. The relative extent of the benefit shall be determined by any just and reasonable method of apportionment of the total cost of the improvement among the properties determined to be specially benefitted therefrom.

(Ord. 333, passed 2-8-1971)

§ 91.16 INITIATING IMPROVEMENT.

(A) Property owners who will be benefitted thereby may petition the City Council to make an improvement or the City Council may, on its own motion, initiate any improvement. Whenever the City Council determines that an improvement shall be made, regardless of whether the improvement was initiated by the petition of property owners or the motion of the Council, it shall direct the Superintendent of Public Works to cause a written report covering the improvement to be prepared and presented to the City Council.

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

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

(2) Plans, specifications, and estimates of the work to be done. Where the improvement is to be carried out in cooperation with any other governmental agency, the City Council may adopt the plans, specifications, and estimates of the agency;

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

(4) An estimate of the cost of the improvement to the property benefitted;

(5) A recommendation of 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 property benefitted thereby;

(6) The description and assessed value of each lot, parcel of land, or portion thereof, to be specially benefitted by the improvement, with the name or names of the owners thereof as shown by the latest assessment roll in the office of the County Assessor;

(7) A statement of unpaid city liens against the property to be assessed; and

(8) A description of all property or property interests which must be acquired to make the improvement and estimates of the costs to obtain the property or property interests. A copy of the completed report shall be filed in the office of the City Recorder/Administrator. (Ord. 333, passed 2-8-1971)

§ 91.17 CITY COUNCIL ACTION ON REPORT.

After the report has been filed, the City Council, by motion, may approve the report, modify and approve the report, require additional information about the improvement, or abandon the improvement. (Ord. 333, passed 2-8-1971)

§ 91.18 RESOLUTION OF INTENT TO CREATE IMPROVEMENT DISTRICT.

After approving the report, the City Council, by resolution, shall declare its intention to make the improvement, provide the manner and method of carrying out the improvement, and direct that the City Recorder/Administrator to:

(A) Give notice of the Council's intention to make the improvement by the posting of the notice in three public places within the city, one of which shall be at the City Hall, and one of which shall be in the immediate area of the proposed improvement. The notices shall be posted within five days of the date of the resolution, and an affidavit of the posting shall be filed in the Recorder/Administrator's office; and

(B) Mail a copy of the notice of the Council's intention to make the improvement to the owner or owners of property to be benefitted by the improvement, as shown by the latest assessment roll in the office of the County Assessor. The notice shall be mailed within five days from the date of the adoption of the resolution. (Ord. 333, passed 2-8-1971)

§ 91.19 MANNER OF DOING WORK.

The City 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 of those methods.

(Ord. 333, passed 2-8-1971)

§ 91.20 CONTENTS OF NOTICE OF PUBLIC HEARING.

The posted and published notice of the Council's intent to make the improvement shall contain the following information:

- (A) In general terms, the kind of improvement proposed to be made;
- (B) That the report relating to the improvement is on file in the office of the City Recorder/Administrator and open to public inspection;
- (C) A general description of the property to be benefitted by the improvement;
- (D) An estimate of the total cost of the improvement;
- (E) An estimate of the cost of the improvement to be assessed against the property to be benefitted thereby; and
- (F) The City Council will hold a public hearing on the question of making the improvement on a specified date and at a specified time, which shall be not earlier than 15 days from the date of the first publication and posting of the notice, at which objections and remonstrance's to the improvement will be heard.

(Ord. 333, passed 2-8-1971)

§ 91.21 PUBLIC HEARING.

The City Council, at the time specified in the notice, or at any other time as it may adjourn the meeting to, not exceeding, however, 60 days from and after the date set for the hearing, shall hear and determine all objections and remonstrance's which may be made by the persons to be affected by the improvement. Within 60 days after the conclusion of the hearing, the Council shall determine, by resolution, whether the proposed improvement or any part thereof shall or shall not be made and the time within which it shall be completed.

(Ord. 333, passed 2-8-1971)

§ 91.22 CALL FOR BIDS.

(A) If all or any part of the improvement is to be constructed by a contractor, the Council shall order the City Recorder/Administrator to advertise for bids for the construction for the time and in the manner as the Council shall specify.

(B) No contract shall be advertised for nor let until the Council has determined, by resolution, that the improvement shall be made.

(C) Any contract for the improvement, or any part thereof, shall be awarded to the lowest responsible bidder.

(D) The City Council may reject any or all bids when they are deemed unreasonable or unsatisfactory.

(E) If no bids are received, or if the bids received are rejected, the Council may, in its discretion, call for other bids as in the first instance, or change the manner in which the improvement shall be constructed.

(F) The City Council shall provide for bonding all contractors for the faithful performance of any contracts let under its authority, and the provisions thereof in case of default shall be enforced by action in the name of the city.
(Ord. 333, passed 2-8-1971)

§ 91.23 APPORTIONMENT OF COSTS.

(A) At any time after the passage of the resolution determining that the improvement or some part thereof shall be made, the Superintendent of Public Works shall ascertain, as nearly as possible, the cost of the improvement and report the cost to the City Council. The City Council shall proceed thereafter by ordinance to assess the various lots, parcels of land, or portions thereof specially benefitted by the improvement, with its share of the cost of the improvement, or so much thereof as the City Council shall determine to be appropriate. The City 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 the improvement district consistent with the benefits derived;

(2) Use any just and reasonable method of apportioning the sum to be assessed among the properties benefitted; and/or

(3) Authorize payment by the city of all or any part of the cost of the improvement when, in the opinion of the City Council, the topographical or physical conditions, unusual or excessive public travel, or other character of the work involved warrant only a partial payment or no payment of the costs of the improvement by the property benefitted. The proportion to be paid by the city shall represent a reasonable relation between the benefits derived by the property specially assessed and the benefits derived by the city as a whole.

(B) Nothing in this subchapter precludes the City Council from using other available means of financing improvements, including federal or state grants-in-aid, sewer, water, or other utility charges or fees, revenue bonds, general obligation bonds, or any other legal means of finance. If other means of financing improvements are used, the City Council, in its discretion, may levy special assessments according to the benefits derived to cover any remaining part of the costs of the improvement.

(Ord. 333, passed 2-8-1971)

§ 91.24 NOTICE OF ASSESSMENTS.

Within 30 days after the adoption of the assessment ordinance, the City Recorder/Administrator shall mail a notice of the assessment to the owner or owners of the assessed property as shown by the latest assessment roll in the office of the County Assessor, and shall publish notice of the assessment by posting the same in three public places in the city as provided in § 91.18(A), the posting to be done not later than 20 days after the date the assessment ordinance becomes effective. The notice of assessment shall recite the date the assessment ordinance became effective and state that if the owner of the property assessed fails

to make written application to pay the assessment in full within 30 days from the date the assessment ordinance became effective, interest will commence to run on the assessment and the property assessed will be subject to foreclosure. The notice shall set forth a description of the property assessed, the name of the owner or owners of the property, and the amount of each assessment.

(Ord. 333, passed 2-8-1971)

§ 91.25 INSTALLMENT PAYMENTS.

(A) The owner of property assessed for an improvement in the sum of \$25 or more, within ten days from the date of the posting of the notice of assessment, may make written application to the City Recorder/Administrator to pay the assessment in installments. The City Recorder/Administrator may approve the installment application, provided:

(1) The amount remaining unpaid upon the assessment with any unpaid balance of any previous assessments for an improvement against the same property does not exceed double the assessed valuation of the property, as shown by the last county tax roll; and

(2) The installment payment period does not exceed ten years.

(B) If the assessed valuation of the property, as shown by the last county tax roll, is insufficient to permit installment payments, the City Council, by motion, may authorize payments in any manner it determines to be fair and reasonable.

(Ord. 333, passed 2-8-1971)

§ 91.26 LIEN RECORDS AND FORECLOSURE PROCEEDINGS.

(A) After adoption of the assessment ordinance, the City Recorder/Administrator shall enter in the lien docket a statement of the amounts assessed upon each particular lot, parcel of land, or portion thereof, a description of the improvement, the names of the owner or owners thereof, and the date the assessment ordinance became effective. The amount entered in the lien docket becomes a lien and charge upon the particular lot, parcel of land, or portion thereof assessed for the improvement as of the date the assessment ordinance became effective. Interest shall be charged at the rate of 7% a year on the balance of the assessment which is unpaid after 30 days from the date the assessment ordinance became effective. All unpaid assessments and interest are a lien on each lot, parcel of land, or portion thereof, in favor of the city, and the liens have priority over all other liens and encumbrances whatsoever.

(B) In addition to the provisions set forth in this subchapter, the city may use any method authorized by law to enforce collection of delinquent liens. The liens shall be considered delinquent if not paid or placed on an installment basis within 30 days after entry on the lien docket. The city, at its option, may become a bidder for the property being offered at a foreclosure sale.

(C) If the owner neglects or refuses to pay an installment within one year of the due date thereof, the City Council may adopt a resolution declaring the whole sum, both principal and interest, owing on the assessment due and payable at once. The City Council may then proceed at once to collect the assessment, or any part thereof.

(Ord. 333, passed 2-8-1971)

§ 91.27 ERRORS IN ASSESSMENT CALCULATIONS.

Claimed errors in the calculation of assessments maybe reported to the City Recorder/Administrator, who shall determine whether there has or has not been an error in fact. If the City Recorder/Administrator finds that there has been an error in fact, he or she shall recommend to the City Council an amendment to the assessment ordinance to correct the error, and, upon enactment of the amendment, the City Recorder/Administrator shall make the necessary correction in the lien docket and send a correct notice of assessment by registered or certified mail. If he or she finds there has been no error in fact, he or she shall reject the claim. (Ord. 333, passed 2-8-1971)

§ 91.28 DEFICIT ASSESSMENT.

(A) If an assessment is made before the total cost of the improvement is ascertained and if the amount of the assessment is insufficient to pay the costs of the improvement, the City Council, by motion, may declare the deficit and prepare a proposed deficit assessment.

(B) The City Council shall set a time for hearing objections to the deficit assessment and direct the City Recorder/Administrator to publish and post notices of the hearing as provided in § 91.18(A).

(C) After the hearing, the City Council, by ordinance, shall make a just and equitable deficit assessment which shall be entered in the lien docket as provided by this code, and notices of the deficit assessment shall be posted and mailed and the collection of the assessment shall be made in accordance with procedure set forth in this subchapter for taking the initial assessment. (Ord. 333, passed 2-8-1971)

§ 91.29 REBATES.

If, upon completion of the improvement, the assessment previously levied on any property is more than sufficient to pay the costs of the improvement, the City Council must ascertain and declare the same by ordinance and, when so declared, the excess amounts must be entered on the lien docket as a credit upon the appropriate assessment. In the event that any assessment has been paid, the person who paid, or his or her legal representative, is entitled to repayment of the rebate credit, or the portion which exceeds the amount unpaid on the original assessment.

(Ord. 333, passed 2-8-1971)

§ 91.30 TRANSFERS.

When any deficit or surplus exists after completion of collection of all liens and payments of all liabilities involving an individual assessment roll, the City Council shall authorize the payment of any deficit from the General Fund and shall authorize the transfer of any surplus to the General Fund.

(Ord. 333, passed 2-8-1971)

§ 91.31 ABANDONMENT OF PROCEEDINGS.

The City Council has full power and authority to abandon and rescind proceedings for any improvement made under this code at any time prior to the final completion of the improvement. If liens have been assessed upon any property under this procedure, they shall be canceled, and any payments made on the assessments shall be refunded to the person paying them, or his or her assigns or legal representatives.
(Ord. 333, passed 2-8-1971)

§ 91.32 CURATIVE PROVISIONS.

(A) No improvement assessment is rendered invalid because of a failure of any report to contain all the information required by § 91.16, or because of an omission or deficit in the improvement resolution, the assessment ordinance, the lien docket, or notices to be published by posting and mailing, 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 specified herein, unless it appears that the assessment is unfair or unjust in its effect upon the person complaining.

(B) The City Council has the power and authority to remedy and correct all assessments determined by it to be unfair or unjust by suitable action or proceedings.
(Ord. 333, passed 2-8-1971)

§ 91.33 REASSESSMENT.

Whenever any assessment, deficit assessment, or reassessment for any improvement which has been made by the city is set aside, annulled, declared, or rendered void, or its enforcement restrained by any court of this state, or any federal court having jurisdiction, or when the City Council doubts the validity of the assessment, deficit assessment, or reassessment, or any part thereof, then the City Council may make a reassessment in the manner provided by the laws of the state.
(Ord. 333, passed 2-8-1971)

CHAPTER 92: CEMETERIES

Section

92.01 Generally

§ 92.01 GENERALLY.

- (A) The city cemeteries policy, dated 9-25-2000 and attached as Exhibit B to the ordinance codified in this section, is adopted.
- (B) All funds received from the sale of plots will be distributed as follows:
 - (1) Fifty percent for the operations and maintenance of city cemeteries; and
 - (2) Fifty percent for future land acquisition for city cemeteries.

(Ord. 488, passed 10-9-2000)

Cross-reference:

Cemetery Advisory Board, see § 32.02

CHAPTER 93: FIRE PREVENTION AND PROTECTION

Section

- 93.01 Open burning
- 93.02 Use of fire equipment

- 93.99 Penalty

§ 93.01 OPEN BURNING.

(A) No trash, grass, brush, or waste material of any kind shall be openly burned within the city in an unguarded manner and without the attendance of some competent person in actual attendance at the burning, and in control thereof.

(B) During any season when a burning permit is required, no person shall openly burn any trash, grass, brush, or waste material of any kind without first obtaining a permit from the Fire Chief for the burning, as herein prescribed.

(C) Each person desiring to openly burn any material herein referred to shall first apply for and receive from the Fire Chief a permit for the fire, the issuance of which shall be discretionary with the Fire Chief with due regard to existing fire hazards. The Fire Chief shall make any rules and regulations for burning with a permit as he or she shall deem appropriate. Each person obtaining a permit shall be given notice of the rules and regulations under which the permit is issued, and any violations of the regulations shall be deemed a violation of this section.

(D) The Fire Chief shall establish the seasons during which a permit shall be necessary and may delegate the function of issuing permits hereby imposed upon him or her to any city official as he or she may designate. The Fire Chief may waive the requirement of obtaining a permit during nonhazardous seasons.

(E) The Chief of the Fire Department may, at all reasonable hours, enter any building, except a private dwelling, for the purpose of providing for fire prevention and protection in connection with hazardous materials, processes, and situations. Upon finding any fire hazards existing, he or she may require the removal or correction of the hazards. Any person failing to take the measures as may be required in order to eliminate a fire hazard within 30 days after he or she is served with a written notice by the Fire Chief, containing a detailed statement of the corrections to be made, shall be deemed in violation of this section and, upon conviction, punished as herein provided.

(F) The Fire Chief is hereby appointed as a Deputy City Marshal for the purpose of enforcing this section and other fire protection ordinances and, in connection therewith, shall have all the powers and obligations incidental thereto, including the power and authority of the City Marshal to make and affect arrests.

(Ord. 285, passed 11-5-1962) Penalty, see § 93.99

§ 93.02 USE OF FIRE EQUIPMENT.

(A) No person shall deface, molest, or injure any property now belonging to or hereafter to be owned by the city.

(B) The bell now in place on the tower located on Block T in the First Addition to the city, or any bell hereafter to be placed in this tower by order of the City Council, shall be known as the fire bell. No person shall turn in a false fire alarm, nor shall any person ring the fire bell except in case of actual fire and when necessary to protect from fire public or private property within the city, provided, however, that the Marshal shall ring the fire bell as a curfew bell as provided by ordinance and the Fire Chief appointed by the City Council, or the Captain of a fire company working under the supervision of the Fire Chief, may ring the fire bell when necessary to call out a fire company for drill; nor shall anything in this section be considered to interfere with the performance of any duty by the Water Superintendent or other city official of the city.

(C) No person shall molest, injure, tamper with, misplace, or destroy any fire hose, hose carts, ladders, or other property belonging to the city. No person shall use or remove from the house or place where the same is kept any part of the fire apparatus belonging to the city or to any fire company of the city without the consent of the Fire Chief or Captain of a fire company of the city.

(D) No person shall drive a dray, car, cart, wagon, or other vehicle over an unprotected fire hose. No person shall willfully fail or refuse to aid in extinguishing a fire or in saving or protecting property exposed to danger, when ordered to do so by the Fire Chief or Captain of a fire company, and in case of fire shall use the fire apparatus of the city only with the consent of or under the supervision of the officers.

(E) Any person violating any of the provisions of this section or any part thereof may be arrested by the City Marshal, Fire Chief, or Captain of any fire company of the city, either with or without a writ of arrest, and it shall be the duty of the officers to see that the provisions of this section are strictly enforced.

(Ord. 101, passed 4-1-1912) Penalty, see § 93.99

§ 93.99 PENALTY.

(A) Any person who violates any of the provisions of § 93.01 shall, upon conviction, be punished by a fine not to exceed \$100, or by a period of imprisonment in the City Jail not to exceed 20 days.

(B) Any person violating the provisions of § 93.02 or any part thereof shall, upon conviction thereof, in the Police Court of the city be deemed guilty of a misdemeanor and shall be fined in a sum not less than \$5 nor more than \$100 or be imprisoned in the City Jail not less than two days nor more than 50 days, or by both the fine and imprisonment.

(Ord. 101, passed 4-1-1912; Ord. 285, passed 11-5-1962)

TITLE XI: BUSINESS REGULATIONS

Chapter

110. BUSINESS LICENSING

CHAPTER 110: BUSINESS LICENSING

Section

110.01	Definitions
110.02	License required
110.03	Applications
110.04	License issuance
110.05	License restrictions
110.06	No license issued for prohibited conduct
110.07	Revocation
110.08	Refusal of license; right to appeal
110.09	Prompt application required
110.10	Business subject to franchise agreement
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.

BUSINESS. Any trade, occupation, profession, or business, either temporary or permanent, carried on for profit.

PERSON. Any natural person, partnership, association, or corporation.

TEMPORARY BUSINESS. A business which is expected to be conducted continuously for a period of not more than 90 days and a total of not more than 180 days within a fiscal year, with a break of at least 30 days in between periods of operation. An application for a **TEMPORARY BUSINESS** license shall be required for each period of operation, but shall not require Council approval for the first two periods of operation within a fiscal year; each additional **TEMPORARY BUSINESS** license within a fiscal year shall be reviewed and approved by Council prior to a license being issued. Permanent business licenses shall be reviewed and approved by Council prior to a license being issued to a business only for the first time.

(Ord. 347, passed 1-3-1972; Ord. 502, passed 1-28-2002)

§ 110.02 LICENSE REQUIRED.

No person shall engage in or carry on any business as hereinafter set forth unless he or she shall have applied for and been issued a license and paid the fee as herein prescribed. (Ord. 347, passed 1-3-1972) Penalty, see § 110.99

§ 110.03 APPLICATIONS.

All applications for business licenses shall be made with the City Recorder/Administrator on forms prescribed for the purpose by the City Recorder/Administrator. The application shall be accompanied by a fee in an amount as set by resolution of the Council, as may be amended from time to time. (Ord. 347, passed 1-3-1972; Ord. 502, passed 1-28-2002) Penalty, see § 110.99

§ 110.04 LICENSE ISSUANCE.

All licenses shall be issued on an annual basis and shall be due July 1 of each year. (Ord. 347, passed 1-3-1972)

§ 110.05 LICENSE RESTRICTIONS.

No business license shall be assignable by the licensee. No licensee shall, except with permission of the City Council, conduct any business at any place other than as designated in the license. All licenses shall be prominently displayed upon the licensed premises. (Ord. 347, passed 1-3-1972) Penalty, see § 110.99

§ 110.06 NO LICENSE ISSUED FOR PROHIBITED CONDUCT.

No license shall be issued to any business, the continuance or conduct of which would be in violation of any provision of any other ordinance of the city. (Ord. 347, passed 1-3-1972)

§ 110.07 REVOCATION.

Licenses may be revoked by the City Council upon failure of the licensee to comply with any of the provisions of this chapter or any other ordinance providing for the regulation of businesses herein required to be licensed, or for fraud or misrepresentations made in obtaining a license. Upon any such revocation, any prepaid license fee shall be forfeited. (Ord. 347, passed 1-3-1972)

§ 110.08 REFUSAL OF LICENSE; RIGHT TO APPEAL.

If the City Recorder/Administrator shall refuse to issue any license upon application, the applicant shall have a right of appeal to the City Council, and the Council shall determine the matter within 60 days of the notice of the appeal.
(Ord. 347, passed 1-3-1972)

§ 110.09 PROMPT APPLICATION REQUIRED.

Any person who shall not make prompt application for a license required by this chapter shall pay a penalty as follows.

- (A) If the application shall be more than ten days but less than 30-days' delinquent, the penalty shall be 25% of the license fee.
- (B) If the application shall be more than 30 days but less than 60-days' delinquent, the penalty shall be 50% of the license fee.
- (C) If the application shall be more than 60 days but less than 90-days' delinquent, the penalty shall be 100% of the license fee.
- (D) If the applicant shall be more than 90-days' delinquent, the City Recorder/Administrator shall refer the application to the City Council for final decision.
(Ord. 347, passed 1-3-1972)

§ 110.10 BUSINESS SUBJECT TO FRANCHISE AGREEMENT.

No business conducted within the city, subject to the terms of a franchise ordinance and agreement, shall be subject to the provisions of this chapter.
(Ord. 347, passed 1-3-1972)

§ 110.99 PENALTY.

- (A) Any person violating any provision of this chapter for which no specific penalty is prescribed shall be subject to § 10.99.
- (B) Any person violating the provisions of §§ 110.02, 110.03, or 110.05 shall, upon conviction, be subject to a fine not to exceed \$500. After the ninetieth day of delinquency as set forth in § 110.09, each separate day shall constitute an offense under § 110.02.
(Ord. 347, passed 1-3-1972)

TITLE XIII: GENERAL OFFENSES

Chapter

130. GENERAL OFFENSES

CHAPTER 130: GENERAL OFFENSES

Section

General Provisions

- 130.001 Adoption of the Oregon Criminal Code
- 130.002 Soliciting to violate this chapter
- 130.003 Attempt to commit offense

Disorderly Conduct and Related Offenses

- 130.015 Assault
- 130.016 Menacing
- 130.017 Recklessly endangering another person
- 130.018 Disorderly conduct
- 130.019 Public intoxication and drinking
- 130.020 Loitering
- 130.021 Abuse of venerated objects

Weapons and Fireworks

- 130.035 Concealed weapons
- 130.036 Discharge of weapons
- 130.037 Fireworks

Offenses Related to Property

- 130.050 Trespass
- 130.051 Violating privacy of another
- 130.052 Mischief
- 130.053 Public park hours
- 130.054 Removal or destruction of trees or shrubs

Minors

- 130.065 Children confined in vehicles
- 130.066 Curfew

Obstructing Governmental Administration

- 130.080 Unsworn falsification
- 130.081 Obstructing governmental administration; generally
- 130.082 Tampering with public records
- 130.083 Resisting or refusing to aid officer
- 130.084 Escape
- 130.085 Police and fire communications

Miscellaneous Offenses

- 130.100 Cruelty to animals
- 130.101 Animals running at large
- 130.102 Livestock running at large

- 130.999 Penalty

GENERAL PROVISIONS

§ 130.001 ADOPTION OF THE OREGON CRIMINAL CODE.

A violation of a provision in O.R.S. Chapters 161 through 169 inclusive, as now constituted, shall be an offense against the city.
(Ord. 366, passed 3-3-1975; Ord. 97-467, passed 10-6-1997; Ord. 99-475, passed 10-25-1999; Ord. 503, passed 1-28-2002)

§ 130.002 SOLICITING TO VIOLATE THIS CHAPTER.

No person shall solicit, employ, or engage another, or confederate with another, to violate a provision of this chapter.
(Ord. 366, passed 3-3-1975) Penalty, see § 130.999

§ 130.003 ATTEMPT TO COMMIT OFFENSE.

A person who shall attempt to commit any of the offenses mentioned in this chapter or any other ordinance of the city, but who for any reason is prevented from consummating the act, shall be deemed guilty of an offense.
(Ord. 366, passed 3-3-1975) Penalty, see § 130.999

DISORDERLY CONDUCT AND RELATED OFFENSES

§ 130.015 ASSAULT.

No person shall intentionally, knowingly, or recklessly cause physical injury to another.
(Ord. 366, passed 3-3-1975) Penalty, see § 130.999

§ 130.016 MENACING.

No person shall by word or conduct intentionally attempt to place another person in fear of imminent serious physical injury.
(Ord. 366, passed 3-3-1975) Penalty, see § 130.999

§ 130.017 RECKLESSLY ENDANGERING ANOTHER PERSON.

No person shall recklessly engage in conduct which creates a substantial risk of serious physical injury to another person.
(Ord. 366, passed 3-3-1975) Penalty, see § 130.999

§ 130.018 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) Make unreasonable noise;
 - (C) Use abusive or obscene language, or make an obscene gesture, in a public place;
 - (D) Disturb any lawful assembly of persons without lawful authority;
 - (E) Obstruct vehicular or pedestrian traffic in or on a public way or public place;
 - (F) Congregate with other persons in a public place and refuse to comply with a lawful order of the police to disperse;
 - (G) Initiate or circulate a report, knowing it to be false, concerning an alleged or impending fire, explosion, crime, catastrophe, or other emergency; and/or
 - (H) Create a hazardous or physically offensive condition by any act which he or she is not licensed or privileged to do.
- (Ord. 366, passed 3-3-1975) Penalty, see § 130.999

§ 130.019 PUBLIC INTOXICATION AND DRINKING.

No person shall create, while in a state of intoxication, any disturbance of the public in any public or private business or place.
(Ord. 366, passed 3-3-1975) Penalty, see § 130.999

§ 130.020 LOITERING.

- No person shall:
- (A) Loiter in or near a school building or grounds, not having any reason or relationship involving custody of or responsibility for a student, or, upon inquiry by a peace officer or school official, not having a specific, legitimate reason for being there; and/or
 - (B) 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. 366, passed 3-3-1975) Penalty, see § 130.999

§ 130.021 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) For the purpose of this section, the following definition shall apply unless the context clearly indicates or requires a different meaning.

ABUSE. To deface, damage, defile, or otherwise physically mistreat in a manner likely to outrage public sensibilities.

(Ord. 366, passed 3-3-1975) Penalty, see § 130.999

Cross-reference:

Administration, see Title III

Disorderly conduct, see § 130.018

Offenses Related to Property, see §§ 130.050 through 130.054

WEAPONS AND FIREWORKS

§ 130.035 CONCEALED WEAPONS.

No person other than a peace officer or person licensed pursuant to O.R.S. 166.291, as now or hereafter amended, shall carry concealed on or about his or her person, or within any vehicle which is under his or her control or direction, any pistol, revolver, other firearm, knife (other than an ordinary pocketknife with a blade less than three and one-half inches long), dirk, dagger, stiletto, metal knuckles, or weapon the use of which could inflict injury upon a person or property.

(Ord. 366, passed 3-3-1975) Penalty, see § 130.999

§ 130.036 DISCHARGE OF WEAPONS.

Except at firing ranges approved by the Chief of Police, 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 weapons which propel a projectile by use gunpowder or other explosive, jet, or rocket propulsion.

(Ord. 366, passed 3-3-1975) Penalty, see § 130.999

§ 130.037 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, 480.140(1), 480.150, and 480.170. (Ord. 366, passed 3-3-1975)

OFFENSES RELATED TO PROPERTY

§ 130.050 TRESPASS.

No person shall enter or remain unlawfully in or upon premises.
(Ord. 366, passed 3-3-1975) Penalty, see § 130.999

§ 130.051 VIOLATING PRIVACY OF ANOTHER.

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. 366, passed 3-3-1975) Penalty, see § 130.999

§ 130.052 MISCHIEF.

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 ground to believe he or she has the right, tamper, interfere with, or damage property of another.
(Ord. 366, passed 3-3-1975) Penalty, see § 130.999

§ 130.053 PUBLIC PARK HOURS.

(A) No person shall go upon or be in any city park between the period of dusk to dawn the following day.

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

DAWN. Thirty minutes before official sunrise.

DUSK. Thirty minutes after official sunset.

OFFICIAL SUNSET and **OFFICIAL SUNRISE.** Those times as established for civil aviation at the Independence, Oregon, State Airport.

(C) This provision shall not apply to public employees or public officials while carrying out, or on their way to or from, their official duties, or persons or groups to whom a park use permit has been issued by the city. Permit requirements and fees for use of city parks and for consumption of alcoholic beverages in city parks shall be set by resolution of the Council, as may be amended from time to time. The existing lease with the Epworth League for use of the Upper Park shall constitute a permit for park use for the purposes of this section.
(Ord. 366, passed 3-3-1975; Ord. 99-475, passed 10-25-1999) Penalty, see § 130.999

§ 130.054 REMOVAL OR DESTRUCTION OF TREES OR SHRUBS.

It shall be unlawful for any person, company, or corporation to in any manner cut, or otherwise mutilate, injure, or destroy, any ornamental tree, shrub, vine, bush, flower, or other plant growing in any public park, street, alley, park strip, or thoroughfare within the corporate limits of the city, without first having obtained the permission therefor from the Street Committee of the city.

(Ord. 366, passed 3-3-1975) Penalty, see § 130.999

MINORS

§ 130.065 CHILDREN CONFINED IN VEHICLES.

(A) No person who has under his or her control or guidance a child under eight years of age shall lock or confine, or leave the child unattended, or permit the child to be locked or confined, or left unattended, in a vehicle for a term of time longer than 15 consecutive minutes.

(B) It shall be lawful and the duty of a police officer or other peace officer, finding a child confined in violation of terms of this section, to enter the vehicle and remove the child, using any force as is reasonably necessary to effect an entrance to the vehicle where the child may be confined, in order to remove the child.

(Ord. 366, passed 3-3-1975) Penalty, see § 130.999

§ 130.066 CURFEW.

(A) No person under the age of 18 years shall be in or upon any public street, highway, park, alley, or other public place within the city, between the hours of 9:00 p.m. and 5:00 a.m. of each day during the months of October, November, December, January, February, March, and April of each year, and between the hours of 10:00 p.m. and 5:00 a.m. of each day during the months of May, June, July, August, and September of each year.

(B) The provisions of this section shall not apply to any person who is accompanied by a parent, guardian, or other person 21 years of age or over, who is authorized by the parent or by law to have the care and custody of the person, or to any such person who is then engaged in a lawful pursuit or activity which requires his or her presence in the public place during the hours specified in this section.

(Ord. 366, passed 3-3-1975) Penalty, see § 130.999

OBSTRUCTING GOVERNMENTAL ADMINISTRATION

§ 130.080 UNSWORN FALSIFICATION.

No person shall knowingly make any false written statement to a public servant in connection with an application for any benefit.

(Ord. 366, passed 3-3-1975) Penalty, see § 130.999

§ 130.081 OBSTRUCTING GOVERNMENTAL ADMINISTRATION; GENERALLY.

(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. 366, passed 3-3-1975) Penalty, see § 130.999

§ 130.082 TAMPERING WITH PUBLIC RECORDS.

No person shall, without lawful authority, knowingly destroy, mutilate, conceal, remove, make a false entry in, or falsely alter any public record.

(Ord. 366, passed 3-3-1975) Penalty, see § 130.999

§ 130.083 RESISTING OR REFUSING TO AID OFFICER.

(A) No person shall resist any peace officer acting in the performance of his or her duties; or, when requested to do so, refuse to assist any such officer in the discharge of his or her duties, or by any means whatsoever, hinder, delay, or obstruct any such officer acting in the performance of his or her duties.

(B) For the purpose of this section, the following definition shall apply unless the context clearly indicates or requires a different meaning.

RESIST. Refers to the ordinary meaning of that 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. 366, passed 3-3-1975) Penalty, see § 130.999

§ 130.084 ESCAPE.

(A) No person shall:

(1) Knowingly escape or attempt to escape from official detention; and/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. 366, passed 3-3-1975) Penalty, see § 130.999

§ 130.085 POLICE AND FIRE COMMUNICATIONS.

No person shall operate any generator or electromagnetic wave or cause a disturbance of the magnitude as to interfere with the proper functioning of any Police or Fire Department radio communication system.
(Ord. 366, passed 3-3-1975) Penalty, see § 130.999

MISCELLANEOUS OFFENSES

§ 130.100 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;
and/or
(3) Kill, without legal privilege, any animal under the custody or control of another.
(B) As used in this section, *ANIMAL* includes birds.
(Ord. 366, passed 3-3-1975) Penalty, see § 130.999

§ 130.101 ANIMALS RUNNING AT LARGE.

It shall be unlawful to permit any dog to run at large within the corporate limits of the city, except insofar as the dog is visibly restrained of freedom as by a leash or similar device not exceeding eight feet and in the control of the owner or another, upon public property, or by other means of restraint visibly designed to restrain the dog upon the property of the owner or person charged with its maintenance.
(Ord. 366, passed 3-3-1975) Penalty, see § 130.999

§ 130.102 LIVESTOCK RUNNING AT LARGE.

It shall be unlawful for the owner or person in possession of any class of livestock to permit the stock to run at large within the corporate limits of the city.
(Ord. 366, passed 3-3-1975) Penalty, see § 130.999

§ 130.999 PENALTY.

(A) A violation of this chapter shall be punishable by a fine not to exceed \$500, or by imprisonment not to exceed six months, or by both.

(B) Each violation of a separate provision of this chapter shall constitute a separate offense, and each day that a violation of this chapter is committed or permitted to continue shall constitute a separate offense.

(C) The penalty for violation of a provision of this chapter that is identical to a state statute containing a lesser penalty is limited to the penalty prescribed by state law; provided, however, that any offense against the city which can be prosecuted as a misdemeanor under this section shall be treated by the court hearing the offense as a violation with a fine not to exceed \$500, unless a misdemeanor complaint is prepared and served by the City or District Attorney. (Ord. 366, passed 3-3-1975; Ord. 97-467, passed 10-6-1997; Ord. 99-475, passed 10-25-1999)

TITLE XV: LAND USAGE

Chapter

- 150. FLOOD DAMAGE PREVENTION
- 151. BUILDING REGULATIONS
- 152. SUBDIVISION REGULATIONS
- 153. COMPREHENSIVE PLAN
- 154. ZONING AND DEVELOPMENT CODE

CHAPTER 150: FLOOD DAMAGE PREVENTION

Section

General Provisions

- 150.01 Statutory authorization
- 150.02 Statement of purpose
- 150.03 Definitions
- 150.04 Lands to which this chapter applies
- 150.05 Basis for establishing the areas of special flood hazard

Administration

- 150.20 Establishment of development permit
- 150.21 Designation of the City Council
- 150.22 Duties and responsibilities of the City Council

Provisions for Flood Hazard Reduction

- 150.35 General standards
- 150.36 Specific standards
- 150.37 Floodways

GENERAL PROVISIONS

§ 150.01 STATUTORY AUTHORIZATION.

(A) The state legislature has delegated the responsibility to local governmental units to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry.

(B) Therefore, the City Council does ordain as follows.
(Ord. 417, passed 5-4-1987)

§ 150.02 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 to:

- (A) Protect human life and health;
 - (B) Minimize the expenditure of public money and costly flood-control projects;
 - (C) Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
 - (D) Minimize prolonged business interruptions;
 - (E) 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 special flood hazard;
 - (F) 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;
 - (G) Ensure that potential buyers are notified that property is in an area of special flood hazard; and
 - (H) Ensure that those who occupy the areas of special flood hazard assume responsibility for their actions.
- (Ord. 417, passed 5-4-1987)

§ 150.03 DEFINITIONS.

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

AREA OF SPECIAL FLOOD HAZARD. The land in the flood plain within a community subject to a 1% or greater chance of flooding in any given year. Designation on maps always includes the letters "A" or "V."

BASE FLOOD. The flood having a 1% chance of being equaled or exceeded in any given year. Also referred to as the **100-YEAR FLOOD**. Designation on maps always includes the letters "A" or "V."

DEVELOPMENT. Any human-made 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.

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 hazard 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 one foot.

LOWEST FLOOR. The lowest floor of the lowest enclosed area (including basement). An unfinished or flood-resistant enclosure, usable solely for parking of vehicles, building access, or storage, in an area other than a basement area, is not considered a building's **LOWEST FLOOR**, provided that the enclosure is not built so as to render the structure in violation of the applicable nonelevation design requirements of this chapter found in § 150.36(B)(1)(b).

MANUFACTURED HOME. A structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. For flood plain management purposes, the term **MANUFACTURED HOME** also includes park trailers, travel trailers, and other similar vehicles placed on a site for greater than 180 consecutive days. For insurance purposes, the term **MANUFACTURED HOME** does not include park trailers, travel trailers, and other similar vehicles.

NEW CONSTRUCTION. Structures for which the **START OF CONSTRUCTION** commenced on or after the effective date of this chapter.

START OF CONSTRUCTION. Includes **SUBSTANTIAL IMPROVEMENT**, and means the date the building permit was issued, provided the actual **START OF CONSTRUCTION**, repair, reconstruction, placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation, or the placement of a manufactured home on a foundation. 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 foundation 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 part of the main structure.

STRUCTURE. A walled and roofed building, including a gas or liquid storage tank 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.

(Ord. 417, passed 5-4-1987)

§ 150.04 LANDS TO WHICH THIS CHAPTER APPLIES.

This chapter shall apply to all areas of special flood hazard within the jurisdiction of the city.

(Ord. 417, passed 5-4-1987)

§ 150.05 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 Falls City*, dated 12-1-1986, 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 City Hall.

(Ord. 417, passed 5-4-1987)

ADMINISTRATION

§ 150.20 ESTABLISHMENT OF DEVELOPMENT PERMIT.

A development permit shall be obtained before construction or development begins within any area of special flood hazard established in § 150.05. The permit shall be for all structures, including manufactured homes, as set forth in § 150.03, and for all development, including fill and other activities, also as set forth in § 150.03.

(Ord. 417, passed 5-4-1987) Penalty, see § 10.99

§ 150.21 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.

(Ord. 417, passed 5-4-1987)

§ 150.22 DUTIES AND RESPONSIBILITIES OF THE CITY COUNCIL.

Falls City, OR Code of Ordinances

(A) *Generally.* The duties of the City Council shall include, but not be limited to, the following.

(B) *Specifically.*

(1) *Permit review.* The City Council shall:

(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 § 150.37(B)(1) are met.

(2) *Use of other base flood data.* When base flood elevation data has not been provided in accordance with § 150.05, the City Council shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from a federal, state, or other source, in order to administer §§ 150.36 and 150.37.

(3) *Information to be obtained and maintained.* City Council shall:

(a) Where base flood elevation data is provided through the flood insurance study or required as in division (B)(2) above, obtain and record the actual elevation (in relation to mean sea level) of the lowest 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 seal level); and

2. Maintain the floodproofing certifications required in §§ 150.35 and 150.36.

(c) Maintain for public inspection all records pertaining to the provisions of this chapter.

(4) *Alteration of watercourses.* City Council shall:

(a) Notify adjacent communities and the Division of State Lands (LCDL), prior to any alteration or relocation of a watercourse, and submit evidence of the notification to the Federal Emergency Management Agency (FEMA); and

(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 FIRM boundaries.* City Council shall make interpretations, where needed, as to exact location of the boundaries of the areas of special flood hazard (e.g., 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. The appeals shall be granted consistent with the standards of § 60.6 of the rules and regulations of the National Flood Insurance Program (44 C.F.R. § 59-76).

(Ord. 417, passed 5-4-1987)

PROVISIONS FOR FLOOD HAZARD REDUCTION

§ 150.35 GENERAL STANDARDS.

(A) *Generally.* In all areas of special flood hazard, the following standards are required.

(B) *Specifically.*

(1) *Anchoring.*

(a) All new construction and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement of the structure.

(b) All manufactured homes must likewise be anchored to prevent flotation, collapse, or lateral movement, and shall be installed using methods and practices that minimize flood damage. Anchoring methods may include, but are not limited to, use of over-the-top or frame ties to ground anchors. (Reference FEMA's *Manufactured Home Installation in Flood Hazard Areas* guidebook for additional techniques).

(2) *Construction materials and methods.*

(a) All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.

(b) All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.

(c) Electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities shall be designed and/or otherwise elevated or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

(3) *Utilities.*

(a) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system.

(b) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into flood waters.

(c) On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

(4) *Subdivision proposals.*

(a) All subdivision proposals shall be consistent with the need to minimize flood damage.

(b) All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage.

(c) All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage.

(d) Where base flood elevation data has not been provided or is not available from another authoritative source, it shall be generated for subdivision proposals and other proposed developments which contain at least 50 lots or five acres, whichever is less.

(5) *Review of building permits.* Where elevation data is not available either through the flood insurance study or from another authoritative source, as set forth in §

150.22(B)(2), 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. Failure to elevate at least two feet above grade in these zones may result in higher insurance rates.
(Ord. 417, passed 5-4-1987) Penalty, see § 10.99

§ 150.36 SPECIFIC STANDARDS.

(A) *Generally.* In all areas of special flood hazard where base flood elevation data has been provided as set forth in §§ 150.05 or 150.22(B)(2), the following provisions are required.

(B) *Specifically.*

(1) *Residential construction.*

(a) New construction and substantial improvement of any residential structure shall have the lowest floor, including basement, elevated to or above base flood elevation.

(b) Fully enclosed areas below the lowest floor that are subject to flooding are prohibited, or shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of flood waters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or must meet or exceed the following minimum criteria.

1. A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided.

2. The bottom of all openings shall be no higher than one foot above grade.

3. Openings may be equipped with screens, louvers, or other coverings or devices, provided that they permit the automatic entry and exit of flood waters.

(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 substantial impermeable to the passage of water;

(b) Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy;

(c) Be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting provisions of this division (B)(2) based on their development and/or review of the structural design, specifications, and plans. The certifications shall be provided to the official as set forth in § 150.22(B)(3)(b);

(d) Nonresidential structures that are elevated, not floodproofed, must meet the same standards for space below the lowest floor as described in division (B)(1)(b) above; and/or

(e) Applicants floodproofing nonresidential buildings shall be notified that flood insurance premiums will be based on rates that are one foot below the floodproofed level (e.g., a building constructed to the base flood level will be rated as one foot below that level).

(3) *Manufactured homes.* All manufactured homes to be placed or substantially improved within Zones A1-30, AH, and AE shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is at or above the base flood elevation and be securely anchored to an adequately anchored foundation system in accordance with the provisions of § 150.35(B)(1)(b).

(Ord. 417, passed 5-4-1987) Penalty, see § 10.99

§ 150.37 FLOODWAYS.

(A) Located within areas of special flood hazard established in § 150.05 are areas designated as floodways.

(B) Since the floodway is an extremely hazardous area due to the velocity of flood waters 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; and

(2) If division (B)(1) above is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of this subchapter.

(Ord. 417, passed 5-4-1987) Penalty, see § 10.99

CHAPTER 151: BUILDING REGULATIONS

Section

151.01	Standards applicable to buildings
151.02	City code administration
151.03	Local interpretation
151.04	Unsafe buildings
151.05	Board of Appeals
151.06	Violations
151.99	Penalty
Appendix A:	Building Permit Fee Schedule

§ 151.01 STANDARDS APPLICABLE TO BUILDINGS.

In addition to compliance with this chapter and other ordinances of the city, building and related activities shall comply with provisions of each of the specialty codes making up the State Building Code adopted by the Director of the State Department of Commerce and the Fire and Life Safety Code adopted by the State Fire Marshal, as these codes were constituted on 7-1-1974, and thereafter. No person shall conduct building or related activities without compliance with these standards.

(Ord. 364, passed 9-9-1974) Penalty, see § 151.99

§ 151.02 CITY CODE ADMINISTRATION.

The city shall provide for the administration of a plan checking, building permit, and inspection program for the structural, mechanical, and plumbing work on one- and two-family dwellings and related structures, but not for electrical work or work on other types of buildings.

(Ord. 364, passed 9-9-1974)

§ 151.03 LOCAL INTERPRETATION.

In addition to the provisions of § 106 of the Structural Specialty Code and similar provisions of other specialty codes, the Building Official may approve a material or a method of construction not specifically prescribed by this chapter, provided he or she finds that the proposed design is satisfactory and that the material, method, or work offered is for the purpose intended at least the equivalent of that specifically prescribed by this chapter in quality, effectiveness, fire-resistance, durability, safety, and energy conservation, and that the Director of the Department of Commerce has not issued a report disapproving the material or method for the purpose. The Building Official may refer the proposed design to the City Board of Appeals as provided in § 204(a) of the Structural Specialty Code, and a person affected by a ruling of the Building Official may appeal the ruling to the Board of Appeals within 30 days of the date of the ruling. The provisions of this section shall not be interpreted to preclude a person from requesting a ruling from the Director of the Department of Commerce prior to submitting an application to the city for a permit or after withdrawing a previously submitted application.

(Ord. 364, passed 9-9-1974)

§ 151.04 UNSAFE BUILDINGS.

The law referred to in § 203 of the Structural Specialty Code is the ordinance of this city providing for the abatement of building nuisances.

(Ord. 364, passed 9-9-1974)

§ 151.05 BOARD OF APPEALS.

For application in this city, § 204, Subsection (a), of the Structural Specialty Code and § 203, Subsection (a), of the Mechanical Specialty Code, and similar provisions of other specialty codes, are replaced with the following:

(A) "In order to determine the suitability of alternate materials and methods of construction and to provide for reasonable interpretations of the provisions of standards applicable to building and related activities, including but not limited to the structural, mechanical, and plumbing specialty codes, administered through this city, there is created a Board of Appeals consisting of five voting members who are qualified by experience and training to pass upon matters pertaining to building and related activities. The Building Official shall be an ex officio nonvoting member and shall act as Secretary of the Board."; and

(B) "The Board of Appeals shall be appointed by the Mayor and hold office at his pleasure. The Board shall adopt reasonable rules and regulations for conducting its investigations and shall render all decisions and findings in writing to the Building Official with a duplicate copy to the appellant. The Administrator of the State Building Codes Division shall be furnished with copies of decisions interpreting state building code requirements."

(Ord. 364, passed 9-9-1974)

§ 151.06 VIOLATIONS.

It shall be unlawful for any person, firm, or corporation to erect, construct, enlarge, alter, repair, move, improve, remove, convert, demolish, equip, use, occupy, or maintain any building or structure in the city, or cause the same to be done, contrary to or in violation of any of the provisions of this chapter.

(Ord. 364, passed 9-9-1974) Penalty, see § 151.99

§ 151.99 PENALTY.

Any person, firm, or corporation violating any of the provisions of this chapter shall be deemed guilty of an offense, and each such person shall be deemed guilty of an offense for each and every day or portion thereof during which any violation of any of the provisions of this chapter is committed, continued, or permitted, and, upon conviction of any such violation, the persons shall be punished by a fine of not more than \$500 or by imprisonment for not more than 180 days, or by both the fine and imprisonment.

(Ord. 364, passed 9-9-1974)

APPENDIX A: BUILDING PERMIT FEE SCHEDULE

The fees to be charged and collected by the city for the issuance of building permits pursuant to Chapter 151 shall be based upon the valuation of the proposed building or improvement, and upon a schedule as follows:

<i>Valuation of Building or Improvement</i>	<i>Fee to Be Charged</i>
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<i>Valuation of Building or Improvement</i>	<i>Fee to Be Charged</i>
\$300 to \$2,000	\$5, plus \$1 for each \$100 or fraction thereof over \$501
\$2,001 to \$25,000	\$23, plus \$3 for each \$1,000 or fraction thereof over \$2,001
\$25,001 to \$50,000	\$91.50, plus \$2.50 per thousand or fraction thereof over \$25,001
\$50,001 to \$100,000	\$153, plus \$1.50 per thousand or fraction thereof over \$50,001
\$100,001 and over	\$228, plus \$1 for each thousand or fraction thereof over \$100,001
NOTES TO TABLE: This fee schedule shall be effective retroactively to 7-1-1974.	

(Ord. 365, passed 3-3-1975)

CHAPTER 152: SUBDIVISION REGULATIONS

Section

General Provisions

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Blocks and Lots

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GENERAL PROVISIONS

§ 152.01 SHORT TITLE.

This chapter may be cited as the "Subdivision Ordinance of Falls City, Oregon."
(Ord. 348, passed 3-20-1972)

§ 152.02 DEFINITIONS.

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

ALLEY. A public way or thoroughfare not more than 20 feet wide, providing a secondary means of access to private property.

BLOCK. A parcel of land bounded by three or more streets in a subdivision.

BUILDING LINES. The lines indicated on the subdivision plat or otherwise described, limiting the area upon which structures may be erected.

COUNCIL. The City Council of the City of Falls City.

CORNER LOT. A lot or portion thereof situated at the intersection of two or more streets.

CURB LINE. The line indicating the edge of the vehicular roadway within the overall right-of-way.

EASEMENT. The grant of a right of use across or through a block or tract.

LOT. A parcel or tract of land occupied, or to be occupied, by a building or unit group of buildings, and accessory buildings, together with any yards or open spaces as are required by this chapter, and having a frontage upon a street.

OWNER. The owner of record of real property, as shown on the latest tax rolls of the county or by the deed records of the county, or a person who is purchasing a parcel of property under a written contract of sale.

PERSON. Unless the context indicates otherwise, includes an individual, partnership, corporation, both public and private, association, or club.

PLAT. Includes a final map, diagram, drawing, replat, or other writing containing all the descriptions, locations, specifications, dedications, provisions, and information concerning a subdivision.

RESERVE BLOCK. A strip of land, usually one foot in width, extending across the end of a street or alley and terminating at the boundary of a subdivision, or a strip of land between a dedicated street of less than full width and adjacent acreage, in either case, reserved or held for future street extension or widening.

STREET. A right-of-way which provides access to adjacent properties for vehicular, pedestrian, public utilities, and other uses. The term **STREET** shall include designations such as highway, thoroughfare, parkway, throughway, road, avenue, boulevard, lane, court, place, or other terms.

SUBDIVIDER. Any individual, firm, or group who undertakes the subdivision of a parcel of land for the purpose of transfer of ownership or development and including changes in street or lot lines.

SUBDIVISION. As applied to these regulations, the term means to partition a parcel of land into four or more parcels for the purpose of transfer of ownership or buildings development, either immediate or future, when the parcel exists as a unit or contiguous units under a single ownership as shown on the tax roll for the year preceding the partitioning.
(Ord. 348, passed 3-20-1972)

§ 152.03 PURPOSE.

(A) In their interpretation and application, the provisions of this chapter shall be held to be the minimum requirements adopted for the public health, safety, and welfare.

(B) To protect the people, among other purposes, these provisions are intended to provide for a permanently wholesome community environment, adequate municipal services, and safe streets, for accomplishing, among other things, the following objectives:

- (1) Better living conditions within new subdivisions;
- (2) Areas which may be economically developed;
- (3) Simplification and definiteness of land descriptions;
- (4) Establishment and development of streets, utilities, and public areas; and
- (5) Stabilization of property values in the subdivision and adjacent areas.

(Ord. 348, passed 3-20-1972)

§ 152.04 EXCEPTIONS TO SUBDIVISION REGULATIONS.

(A) *Authorization.* The Council may authorize a variance of any requirements set forth in these standards.

(B) *Basic considerations for a variance.* The basic reason for granting a variance will be proof that:

- (1) Special conditions or circumstances peculiar to the property under consideration make a variance necessary;

(2) The variance is necessary for the proper development of the subdivision and the preservation of property rights and values; and/or

(3) The variance will not at present or hereafter be detrimental to the public welfare or injurious to other properties adjacent to or in the vicinity of the proposed subdivision.

(C) *Consideration for variance.* Consideration for a variance from these regulations shall be based upon a written statement by the subdivider in which is given complete details of conditions and reasons why a specific variance should be granted. A request for a variance from these regulations shall be filed with the Council prior to presentation of the final plat for approval. No variance will be considered after a plat has been recorded.

(Ord. 348, passed 3-20-1972)

§ 152.05 AREA INVOLVED.

This chapter shall be applicable to all lands inside the corporate limits of the city.
(Ord. 348, passed 3-20-1972)

§ 152.06 FEES.

Each person who shall file an application for the approval of a subdivision shall pay, at the time of the filing, a fee of \$5 to the City Recorder/Administrator.

(Ord. 348, passed 3-20-1972)

PROCEDURES

§ 152.20 SUBDIVISION OF AREAS INTO FOUR OR MORE LOTS.

(A) *Generally.* When it is proposed to subdivide land into four or more parcels (or to record the plat of the subdivision containing less than four parcels), the applicant shall file one reproducible copy of the preliminary plan for the proposed subdivision with the City Council at least 30 days prior to the date that it is to be considered by the Council. Preliminary plans shall include the following information and data.

(B) *Name of subdivision.* The name of any proposed subdivision shall not be the same as or similar to any name used on a recorded plat or subdivision in either the city or the county.

(C) *Vicinity map.* The vicinity map showing all subdivisions, roads or road reservations, acreage property lines with dimensions, streams, public buildings and areas, and any other pertinent information that will assist in consideration of the proposed subdivision. The vicinity map shall extend at least 800 feet from the proposed subdivision.

(D) *Subdivision plan.* The preliminary plan of the proposed subdivision shall be on a scale of one inch equals 200 feet, or on a larger scale if desired, and show information and data as follows:

- (1) A legal description of the boundaries of the proposed subdivision;

- (2) The location of all existing or proposed roads within or on the boundary of the proposed subdivision;
 - (3) Lot layout with approximate dimensions;
 - (4) The land use zoning in and adjacent to the proposed subdivision shall be shown on the preliminary plats;
 - (5) An outline of proposed deed restrictions or covenants, if any, shall be indicated;
 - (6) The location of all buildings within the proposed subdivision and their present uses. Those to remain shall be indicated;
 - (7) The location, size, and use of all contemplated and existing public areas within the proposed subdivision, and a description of the adaptability of the area for uses contemplated. Areas for public use approved by the Council shall be dedicated for that use and indicated on the final plat before recording;
 - (8) The location and kind of public utilities in or adjacent to the proposed subdivision. If possible, the locations should be shown on the vicinity map;
 - (9) Location of any drainage ways or easements in or adjacent to the proposed subdivision;
 - (10) Topography within and adjacent to the proposed subdivision, if considered necessary by the Council; and
 - (11) North point, scale, and date:
 - (a) The names and addresses of all land owners within the proposed subdivision, the subdivider if other than the owners, and the engineer or surveyor responsible for laying out the subdivision;
 - (b) Water supply;
 - (c) A brief statement regarding contemplated sewage disposal for the subdivision; and
 - (d) If, upon investigation by the Council, it is found that additional information is necessary, it shall be furnished by the subdivider.
- (Ord. 348, passed 3-20-1972) Penalty, see § 10.99

§ 152.21 ACTION ON FINAL PLATS READY FOR RECORDING.

(A) A subdivision plat, when ready for final approval prior to recording, shall be substantially in accord with the approved preliminary plan. Before approval by the Council, the final plat shall be approved and signed by all persons set out in the dedication, the mortgagees, if any, and the County Surveyor, and the signature and the seal of the registered professional engineer or registered land surveyor responsible for the laying out of the subdivision. All signatures must be with black India ink. The final plat, when presented for approval by the Council, shall be accompanied by an exact duplicate copy, or a photostat copy large enough to be easily compared with the original. The final plat may contain all or only a portion of the approved preliminary plan. After the final plat has been filed with the Council, it shall review the final plat and compare it with the approved preliminary plan to ascertain whether the final plan coincides substantially to the approved preliminary plan and with the Council approval of the preliminary plat which may have been made. The County Surveyor shall examine the plat for accuracy and completeness and he or she may collect any fees as are provided by state law

for the review. When the final plat has been reviewed and is in substantial conformity, the Council shall so certify and the Mayor of the city may then sign the plat. If the final plat is not in full conformance, it shall be submitted to the Council for further action. When submitted to the Council for review, approval of the final plat shall be by majority of those present. In the absence of the Mayor, his or her duties and powers with respect to the action on final plats shall be vested in the President of the Council.

(B) The subdivider shall, without delay, submit the final plat for signatures of other public officials required by law. The approval of the final plat shall be null and void if the plat is not recorded within 30 days after the date of the last required signature has been obtained. (Ord. 348, passed 3-20-1972)

§ 152.22 TIME LIMIT FOR THE RECORDING OF A PLAT.

Unless the final plat is recorded by the first day of the seventh month after the date of final approval by the Council, it shall be resubmitted to the Council which may require changes or alterations deemed necessary because of changed conditions within the general area of the subdivision.

(Ord. 348, passed 3-20-1972)

§ 152.23 A PORTION OF THE SUBDIVISION MAY BE RECORDED.

If desired by the subdivider, a portion of an approved plat may be recorded with the approval of the Council.

(Ord. 348, passed 3-20-1972)

§ 152.24 COPIES OF RECORDED PLATS TO BE FURNISHED.

Within six days after the recording of a subdivision, the owner or his or her representative shall furnish the Council a print made from the reproduction of the recorded plat.

(Ord. 348, passed 3-20-1972)

REGULATIONS

§ 152.35 STREETS AND HIGHWAYS.

Streets, roads, or highways shall be in alignment with existing streets in the vicinity of the proposed subdivision, either by prolongation of existing centerlines or by connection with suitable curves, shall conform to the location, alignment, and width as indicated on any official map of streets and highways now or hereafter adopted by Falls City. Streets or roads should intersect at or as near right angles as practicable. These regulations may be modified where the

Council determines that the topography, or the small number of lots involved, or other unusual conditions, justify the modification.

(Ord. 348, passed 3-20-1972) Penalty, see § 10.99

§ 152.36 DEDICATION OF A RIGHT-OF-WAY.

If a parcel of land to be subdivided includes a portion of a right-of-way, highway, or road, the location of which has been determined, the subdivider shall dedicate the right-of-way for the purpose of use proposed.

(Ord. 348, passed 3-20-1972) Penalty, see § 10.99

§ 152.37 DEAD-END STREETS.

When it appears necessary to continue a street into a future subdivision or adjacent acreage, streets shall be platted to the boundary of a subdivision with a turnaround. In all other cases, dead-end streets shall have a turnaround with a radius of not less than 45 feet to the property line.

(Ord. 348, passed 3-20-1972) Penalty, see § 10.99

§ 152.38 RADIUS AT STREET INTERSECTIONS.

The property line radius at street intersections shall be governed by the interior angle at the intersection and will be based on the square root of the interior angle formed at the intersection of property lines which equals the radius in feet. The distance shall be increased to the next full foot above the figure established by the formula. The minimum angle of the intersection shall be 40 degrees. Sidewalks and curbs shall be laid out from the same radius point as the property line.

(Ord. 348, passed 3-20-1972) Penalty, see § 10.99

§ 152.39 STREET GRADES.

No street grade shall be in excess of 8% unless the Council finds that, because of topographic conditions, a steeper grade is necessary.

(Ord. 348, passed 3-20-1972) Penalty, see § 10.99

§ 152.40 RESERVE BLOCK.

Reserve blocks controlling the access to public ways, or which will not prove taxable for special improvements, may be required by the Council, but will not be approved unless the strips are necessary for the protection of the public welfare or of substantial property rights, or both, and in no case, unless the land comprising the strips is placed in the name of the city for disposal

and dedication for street or road purposes whenever the disposal or dedication has the approval of the Council. In no case shall a reserve block be platted along a right-of-way that is dedicated to the required full width.

(Ord. 348, passed 3-20-1972) Penalty, see § 10.99

§ 152.41 STREET WIDTHS.

(A) When an area within a subdivision is set aside for commercial uses or where probable future conditions warrant, the Council may require dedication of streets to a greater width than herein otherwise provided. The street right-of-way in or along the boundary of a subdivision shall have the following minimum width, except a boundary street may be half the width where it is apparent that the other half will be dedicated from adjacent properties:

<i>Type of Public Way</i>	<i>Right-of-Way Width</i>	<i>Curb to Curb Width</i>
Major streets or arterials	60 feet	40 feet
Collector streets	60 feet	40 feet
Minor streets	60 feet	40 feet
Cul-de-sacs 200 to 400 feet in length	50 feet	30 feet
Cul-de-sacs less than 200 feet in length	45 feet	30 feet
Turnarounds	45-foot radius	40-foot radius

(B) Dead-end streets which may in the future be extended shall have a right-of-way and pavement width that will conform to the development pattern when extended.

(Ord. 348, passed 3-20-1972) Penalty, see § 10.99

§ 152.42 ADDITIONAL RIGHT-OF-WAY WIDTHS.

Where topographical requirements necessitate either cuts or fills for the proper grading of the streets, additional right-of-way width may be required to allow all cut and fill slopes to be within the right-of-way.

(Ord. 348, passed 3-20-1972) Penalty, see § 10.99

§ 152.43 TWO-LEVEL STREETS.

Where it is determined that two-level streets best serve hillside tracts, the right-of-way shall be of sufficient width to provide on each level space for one sidewalk, a minimum width of 20 feet for pavement, curbs, and drainage facilities. Between the two street levels and out to the right-of-way lines, there shall be space for all cut and fill slopes.

(Ord. 348, passed 3-20-1972) Penalty, see § 10.99

§ 152.44 STREET IMPROVEMENTS.

(A) All street improvements, including pavement, curbs, sidewalks, and surface drainage, shall be in accord with the specifications and standards in the office of the City Recorder/Administrator.

(B) Subdivision plans shall not have final approval until the time as the Council, in its judgment, is satisfied that the following street improvements will be completed in accord with the specifications and standards set forth in this section:

- (1) Clearing and grading to full right-of-way limits;
- (2) Storm drainage facilities both within and outside of right-of-way limits;
- (3) Base materials and pavement for roadways, in place and compacted; and
- (4) Curb and gutter, and also portland cement sidewalks; the location and

width thereof shall be determined by the Council and, in making the determination, the Council shall take into consideration the topography of the land, the presence of improvements, trees, or other plantings, the type of street, and the location of sidewalks, if any, in adjacent areas or subdivisions.

(Ord. 348, passed 3-20-1972) Penalty, see § 10.99

BLOCKS AND LOTS

§ 152.55 SUBDIVISION BLOCKS.

Block lengths and widths shall be determined by the distance and alignment of existing blocks and streets adjacent to or in the general vicinity of a proposed subdivision, and by topography, adequate lot size, need for and direction of flow of through and local traffic. Blocks shall not exceed 1,200 feet between street lines unless the adjacent layout or special conditions justify greater length. Except where topographical or other physical features make it otherwise, block widths shall be not less than 200 or more than 400 feet.

(Ord. 348, passed 3-20-1972) Penalty, see § 10.99

§ 152.56 MIDBLOCK WALKS.

Where topographic or other conditions make necessary blocks of unusual length, the Council may require midblock pedestrian walks on a right-of-way at least six feet in width which shall be hard surfaced through the block and curb to curb, in order to provide easy access to schools, parks, or other community services.

(Ord. 348, passed 3-20-1972) Penalty, see § 10.99

§ 152.57 LOT SIZE.

All lots shall have a minimum area of 10,890 square feet and shall have a minimum front line width of at least 75 feet. In cul-de-sacs, the minimum lot line fronting the turnaround shall be 50 feet and in no cases shall the lot width be less than 60 feet at the building line. If

topography, drainage, or other conditions justify, the Council may require a greater area on any or all lots within a subdivision.

(Ord. 348, passed 3-20-1972) Penalty, see § 10.99

§ 152.58 CURVED FRONT LOT LINES.

When front lot lines are on a curve or arc, the front line distance shall be indicated on the final plat by bearing and chord distance.

(Ord. 348, passed 3-20-1972) Penalty, see § 10.99

§ 152.59 CORNER LOTS.

All corner lots should be at least 100 feet wide.

(Ord. 348, passed 3-20-1972) Penalty, see § 10.99

§ 152.60 LOT LINE.

Side lot lines shall be as close to right angles to the front street line as practicable.

Unless otherwise approved, rear lot lines shall be not less than one-half the width of the front lot lines.

(Ord. 348, passed 3-20-1972) Penalty, see § 10.99

§ 152.61 BUILDING LINES ALONG STREETS.

The final plat ready for recording shall indicate building lines on each block of a subdivision. Unless otherwise approved because of some unusual topographic or other conditions, minimum building lines shall be: 20 feet from the street property line for the entire length of a block facing on a street 60 feet or wider and also along the width of any block adjacent to a street having a width of 60 feet or more. When either the front or side line of a lot is adjacent to a street less than 60 feet in width, the building lines shall be not less than 50 feet from the centerline of the street. Whenever arterial or collector streets as shown on the official map project into or across a proposed subdivision, the building setback line for the streets shall apply if they are greater than herein specified.

(Ord. 348, passed 3-20-1972) Penalty, see § 10.99

§ 152.62 PUBLIC SURVEY MONUMENTS.

Any donation land claim section corner, or other official survey monument within or on the boundary of a proposed subdivision shall be accurately referenced to at least two monuments.

(Ord. 348, passed 3-20-1972) Penalty, see § 10.99

§ 152.63 WATER SUPPLY.

All lots shall be served from an established public water system.
(Ord. 348, passed 3-20-1972) Penalty, see § 10.99

CHAPTER 153: COMPREHENSIVE PLAN

Section

153.01 Adoption by reference

§ 153.01 ADOPTION BY REFERENCE.

(A) The comprehensive plan, the urban growth boundary, and the land use map set forth and contained in the document entitled *Falls City Comprehensive Plan*, be and they are hereby adopted as the comprehensive plan, urban growth boundary, and land use map of the city.

(B) No less than three copies of the document referred to in division (A) above shall be on file and available for public inspection and reproduction in the office of the City Recorder/Administrator at all times during normal business hours.

(Ord. 391, passed 5-8-1979; Ord. 393, passed 10-8-1979; Ord. 495, passed 7-30-2001; Ord. 496, passed 7-30-2001; Ord. 497, passed 7-30-2001; Ord. 5-03, passed 7-21-2003)

CHAPTER 154: ZONING AND DEVELOPMENT CODE

Section

154.01 Adoption by reference

§ 154.01 ADOPTION BY REFERENCE.

The City Council does hereby adopt the city zoning and development code, as set forth in Exhibit A of Ordinance 06-515.

(Ord. 06-515, passed 11-6-2006)

CHAPTER 155: STREET IMPROVEMENT PLAN

155.01 ADOPTION BY REFERENCE

The City Council does hereby adopt the Falls City Street Improvement Plan as set forth in Exhibit A of Ordinance 525-2010.
(Ord. 525-2010, passed 08-10-2010)

CHAPTER 156: TRANSPORTATION SYSTEM PLAN

156.01 ADOPTION BY REFERENCE

The City Council does hereby adopt the Falls City Transportation System Plan as set forth in Exhibit A of Ordinance 532-2013.
(Ord. 532-2013, passed 07-11-2013)

CHAPTER 157: WASTEWATER FACILITY PLAN

157.01 ADOPTION BY REFERENCE

The City Council does hereby adopt the Falls City Wastewater Facility Plan as set forth in Exhibit A of Ordinance 535-2014.
(Ord. 535-2014, passed 04-10-2014)

CHAPTER 158: WATER MASTER PLAN

The City Council does hereby adopt the Falls City Water Master Plan as set forth in Exhibit A of Ordinance 550-2017.
(Ord. 550-2017, passed 10/11/2017)

CHAPTER 159: PARKS MASTER PLAN

The City Council does hereby adopt the Falls City Parks Master Plan as set forth in Exhibit A of Ordinance 551-2017.
(Ord. 551-2017, passed 12/14/2017)

TABLE OF SPECIAL ORDINANCES

Table

- I. STREET VACATIONS**
- II. FRANCHISES**

III. ANNEXATIONS

IV. STREET ADDRESSES

TABLE I: STREET VACATIONS

<i>Ord. No.</i>	<i>Date Passed</i>	<i>Description</i>
80	7-21-1910	Vacates a certain part of Bridge Street
133	12-7-1915	Vacates certain streets in Hood View Addition
134	12-7-1915	Opens K Street
149	6-7-1917	Vacates a part of Eighth Street
150	8-6-1917	Vacates part of Ninth Street and Tenth Street
175	5-14-1923	Vacates part of Seventh Street
180	1-11-1926	Vacates portion of Pine Street
188	9-8-1930	Vacates portions of Mill Street, Boundary Street, and an alley
189	12-7-1931	Vacates a portion of Fair Oaks Street
192	6-6-1932	Vacates a portion of Prospect Avenue
217	3-5-1951	Vacates certain property
301	2-1-1965	Vacates certain alleys
327	9-9-1969	Vacates a portion of K Street
331	9-8-1970	Vacates various alleys
332	1-4-1971	Vacates the northern 25 feet of Bryant Street between Fifth Street and Sixth Street
358	12-6-1972	Vacates a portion of Tice Avenue and an alley
376	10-4-1976	Vacates a portion of alley
381	5-2-1977	Vacates a portion of Prospect Avenue between Sixth Street and Seventh Street
388	2-5-1979	Vacates a portion of Eight Street
404	5- -1983	Vacates a portion of Alan Street
96-463	9-16-1996	Vacates a portion of an alley
509	5-2-2005	Vacates a public right-of-way
07-517	7-2-2007	Vacates specified alleys
08-520	5-5-2008	Vacates a specified alley
522-2010	02-10-2010	Vacates a portion of Old County Road

TABLE II: FRANCHISES

<i>Ord. No.</i>	<i>Date Passed</i>	<i>Description</i>
17	3-11-1907	Telephone franchise
68	2-23-1910	Electric franchise

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<i>Ord. No.</i>	<i>Date Passed</i>	<i>Description</i>
144	12-5-1916	Electric franchise granted to Falls City Electric Light and Power Company
145	12-5-1916	Contract for franchise granted in Ord. 144
155	6-3-1918	Contract for franchise granted in Ord. 156
156	6-3-1918	Electric franchise granted to Falls City Electric Light and Power Company
159	7-7-1919	Amends Ord. 145
160	11-3-1919	Telephone franchise transfer
195	4-11-1932	Telephone franchise
209	8-1-1950	Electric franchise granted to Mountain States Power Company
329	4-6-1970	Electric franchise granted to Pacific Power and Light Company
353	4-10-1972	Telephone franchise granted to Pacific Northwest Bell Telephone Company
419	6-1-1987	Amends Ord. 353
426	6-4-1990	Electric franchise granted to PacificCorp
429	6-4-1990	Amends Ord. 419
94-455	3-7-1994	Cable television franchise
94-456	4-4-1994	Telephone franchise granted to US West Communications, Inc.
524-2010	04-27-2010	Electric Utility Franchise granted to PacificCorp
533-2013	07-13-2013	Solid Waste Franchise granted to Republic Services

TABLE III: ANNEXATIONS

<i>Ord. No.</i>	<i>Date Passed</i>	<i>Description</i>
169	1-16-1922	Annexation of certain tract of land
344	11-1-1971	Annexation of property

TABLE IV: STREET ADDRESSES

<i>Ord. No.</i>	<i>Date Passed</i>	<i>Description</i>
498	9-10-2001	Address and/or name change
501	11-26-2001	Address and/or name change
508	1-3-2005	Address and/or name change
510	5-2-2005	Address and/or name change
511	2-6-2006	Address and/or name change
06-514	10-16-2006	Address and/or name change
08-518	4-7-2008	Address and/or name change

<i>Ord. No.</i>	<i>Date Passed</i>	<i>Description</i>
529-2012	01-09-2012	New Address
531-2013	03-14-2013	New Address
542-2016	10-13-2016	New Address

PARALLEL REFERENCES

References to Oregon Revised Statutes

References to Ordinances

REFERENCES TO OREGON REVISED STATUTES

<i>O.R.S. Cite</i>	<i>Code Section</i>
10	33.02
10.010—10.125	33.02
10.061	33.02
161—169	130.001
166.291	130.035
454.225	50.27
480.110	130.037
480.120	130.037
480.140(1)	130.037
480.150	130.037
480.170	130.037
801—826	70.01

REFERENCES TO ORDINANCES

<i>Ord. No.</i>	<i>Date Passed</i>	<i>Code Section</i>
305	--	32.03
17	3-11-1907	TSO, Table II
51	10-19-1909	30.04
68	2-23-1910	TSO, Table II
80	7-21-1910	TSO, Table I
101	4-1-1912	93.02, 93.99
133	12-7-1915	TSO, Table I

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<i>Ord. No.</i>	<i>Date Passed</i>	<i>Code Section</i>
134	12-7-1915	TSO, Table I
144	12-5-1916	TSO, Table II
145	12-5-1916	TSO, Table II
149	6-7-1917	TSO, Table I
150	8-6-1917	TSO, Table I
155	6-3-1918	TSO, Table II
156	6-3-1918	TSO, Table II
159	7-7-1919	TSO, Table II
160	11-3-1919	TSO, Table II
169	1-16-1922	TSO, Table III
175	5-14-1923	TSO, Table I
180	1-11-1926	TSO, Table I
188	9-8-1930	TSO, Table I
189	12-7-1931	TSO, Table I
195	4-11-1932	TSO, Table II
192	6-6-1932	TSO, Table I
199	12-6-1937	70.06; 70.99
209	8-1-1950	TSO, Table II
214	1-2-1951	34.04
217	3-5-1951	TSO, Table I
254	9-9-1957	34.03
267	8-3-1959	Ch. 71, Sch. I and III; Ch. 72, Sch. II—IV
269	12-7-1959	33.02
277	4-3-1961	70.99; Ch. 71, Sch. III
279	11-6-1961	Ch. 71, Sch. I
280	3-5-1962	Ch. 71, Sch. I
284	11-5-1962	32.06
285	11-5-1962	93.01; 93.99
289	11-4-1963	Ch. 72, Sch. I and III
290	1-6-1964	Ch. 72, Sch. I
294	5-5-1964	Ch. 71, Sch. I
297	7-13-1964	70.05; 70.99
301	2-1-1965	TSO, Table I
302	2-1-1965	Ch. 71, Sch. I
309	7-11-1966	Ch. 71, Sch. I
310	8-1-1966	70.04; 70.99
322	11-4-1968	70.99; Ch. 71, Sch. II; Ch. 72, Sch. V
327	9-9-1969	TSO, Table I
328	1-5-1970	70.03; 70.99
329	4-6-1970	TSO, Table II
329A	2-2-1970	Ch. 72, Sch. I
331	9-8-1970	TSO, Table I
332	1-4-1971	TSO, Table I
333	2-8-1971	91.15—91.33
334	2-8-1971	Ch. 72, Sch. II and III

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<i>Ord. No.</i>	<i>Date Passed</i>	<i>Code Section</i>
337	3-8-1971	Ch. 72, Sch. II
341	7-12-1971	70.02
343	8-2-1971	Ch. 71, Sch. I
344	11-1-1971	TSO, Table III
347	1-3-1972	110.01—110.10; 110.99
351	2-21-1972	31.02
348	3-20-1972	152.01—152.06; 152.20—152.24; 152.35—152.44; 152.55—152.63
353	4-10-1972	TSO, Table II
356	8-22-1972	Ch. 71, Sch. I
358	12-6-1972	TSO, Table I
363	8-5-1974	Ch. 71, Sch. I
364	9-9-1974	151.01—151.06; 151.99
365	3-3-1975	Ch. 151, App. A
366	3-3-1975	130.001—130.003; 130.015—130.021; 130.035—130.037; 130.050—130.054; 130.065; 130.066; 130.080—130.085; 130.100—130.102; 130.999
371	12-1-1975	35.03
373	5-3-1976	30.02
376	10-4-1976	TSO, Table I
380	4-4-1977	35.02
381	5-2-1977	TSO, Table I
383	10-3-1977	32.05
384	11-7-1977	Ch. 71, Sch. I
387	12-4-1978	32.04
388	2-5-1979	TSO, Table I
391	5-8-1979	153.01
393	10-8-1979	153.01
395	5-5-1980	51.35
396	5-5-1980	35.01
399	7-7-1980	Ch. 71, Sch. II
401	4-6-1981	91.04
404	5- -1983	TSO, Table I
411	6-4-1985	50.25—50.29
414	7-1-1985	34.02
415	7-1-1985	34.01
417	5-4-1987	150.01—150.05; 150.20—150.22; 150.35—150.37
419	6-1-1987	TSO, Table II
420	10-5-1987	50.01—50.10; 50.99
426	6-4-1990	TSO, Table II
429	6-4-1990	TSO, Table II
93-452	10-7-1992	91.03
93-454	12-6-1993	32.03
94-455	3-7-1994	TSO, Table II
94-456	4-4-1994	TSO, Table II

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<i>Ord. No.</i>	<i>Date Passed</i>	<i>Code Section</i>
94-458	10-5-1994	91.02
94-459	11-15-1994	31.01
95-460	1-9-1995	32.01
96-463	9-16-1996	TSO, Table I
97-464	3-3-1997	52.01—52.09
97-465	4-7-1997	91.01
97-466	10-6-1997	70.01; 70.99
97-467	10-6-1997	130.001; 130.999
98-471	5-4-1998	51.01—51.20; 51.99
472-99	2-8-1999	30.02
99-474	10-25-1999	70.01; 70.99
99-475	10-25-1999	130.001; 130.053; 130.999
476	1-10-2000	52.01; 52.02
477	1-31-2000	51.05; 51.11
478	1-31-2000	31.01
481	4-24-2000	53.01
482	5-22-2000	31.01
484	6-13-2000	33.02
486	7-10-2000	33.01
487	10-9-2000	32.02
488	10-9-2000	92.01
492	4-9-2001	50.03
493	5-2-2001	51.09
494	7-30-2001	32.01
495	7-30-2001	153.01
496	7-30-2001	153.01
497	7-30-2001	153.01
498	9-10-2001	TSO, Table IV
499	9-24-2001	30.01
500	10-8-2001	Ch. 71, Sch. I
501	11-26-2001	TSO, Table IV
502	1-28-2002	110.01; 110.03
503	1-28-2002	130.001
504	1-28-2002	70.01
502-B	1-21-2003	50.03
5-03	7-21-2003	153.01
508	1-3-2005	TSO, Table IV
509	5-2-2005	TSO, Table I
510	5-2-2005	TSO, Table IV
511	2-6-2006	TSO, Table IV
06-512	7-5-2006	90.01
06-514	10-16-2006	TSO, Table IV
06-515	11-6-2006	154.01
07-516	7-2-2007	90.01
07-517	7-2-2007	TSO, Table I

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<i>Ord. No.</i>	<i>Date Passed</i>	<i>Code Section</i>
08-519	5-12-2008	90.01
08-518	4-7-2008	TSO, Table IV
08-520	5-5-2008	TSO, Table I
521-2009	11-2-2009	30.03
523-2010	3-9-2010	32
524-2010	4-13-10	TSO, Table II
525-2010	8-19-2010	155.01
526-2011	2-8-2011	32.02; 32.03
527-2011	12-12-2011	72.01
528-2011	12-12-2011	71.01
529-2012	1-13-2010	TSO, Table IV
530-2013	3-14-2013	32.01
531-2013	3-14-2013	TSO, Table IV
523-2013	7-11-2013	156.01
533-2013	7-11-2013	53.
534-2013	10-10-2013	Municipal Code
535-2014	4-10-2014	157.01
536-2014	6-12-2014	30.01
538-2014	7-10-2014	32.
539-2014	10-9-2014	34.06
540-2014	11-13-2014	31.01
541-2015	6-11-2015	34.12
542-2016	10-31-2016	TSO, Table IV
543-2017	03-09-2017	32.05.020
544-2017	07-13-2017	32.01, 32.01
549-2017	11-09-2017	10.
550-2017	10-11-2017	157.
551-2017	12-14-2017	32.02
554-2017	07-13-2017	32.01
559-2017	10-12-2017	10.19