REEDSPORT

MUNICIPAL CODE 2001

A Codification of the General Ordinances of the City of Reedsport, Oregon

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Beginning with Supp. No. 12, Supplemented by Municipal Code Corporation

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municode
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P.O. Box 2235 Tallahassee, FL 32316

PREFACE

The Reedsport, Oregon Municipal Code, has been kept current by regular supplementation by Matthew Bender & Company, Inc., its successor in interest.

Beginning with Supplement No. 12, Municode will be keeping this code current by regular supplementation.

During original codification, the ordinances were compiled, edited and indexed by the editorial staff of Book Publishing Company under the direction of Jim Hough, city manager and Marcia J. Bell, assistant to the city manager.

The code is organized by subject matter under an expandable three-factor decimal numbering system which is designed to facilitate supplementation without disturbing the numbering of existing provisions. Each section number designates, in sequence, the numbers of the Title, chapter, and section. Thus, Section 2.12.040 is Section .040, located in Chapter 2.12 of Title 2. In most instances, sections are numbered by tens (.010, .020, .030, etc.), leaving nine vacant positions between original sections to accommodate future provisions. Similarly, chapters and titles are numbered to provide for internal expansion.

In parentheses following each section is a legislative history identifying the specific sources for the provisions of that section. This legislative history is complemented by an ordinance disposition table, following the text of the code, listing by number all ordinances, their subjects, and where they appear in the codification; and beginning with Supplement No. 12, legislation can be tracked using the "Code Comparative Table and Disposition List."

A subject-matter index, with complete cross-referencing, locates specific code provisions by individual section numbers.

This supplement brings the Code up to date through Ordinance No. 2022-1196, passed August 1, 2022.

Municode
1700 Capital Circle SW
Tallahassee, FL 32310
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SUPPLEMENT HISTORY TABLE

The table below allows users of this Code to quickly and accurately determine what ordinances have been considered for codification in each supplement. Ordinances that are of a general and permanent nature are codified in the Code and are considered "Included." Ordinances that are not of a general and permanent nature are not codified in the Code and are considered "Omitted."

Ord. No.	Included/Omitted	Supp. No.
2017-1163	Included	26
2017-1164	Omitted	26
2018-1165	Omitted	26
2018-1166	Included	26
2018-1167	Omitted	26
2019-1169	Included	27
2019-1170	Included	27
2019-1171	Included	27
2019-1172	Included	27
2019-1173	Included	27
2019-1175	Omitted	27
2020-1176	Included	27
2020-1177	Included	28
2020-1178	Included	28
2020-1179	Included	28
2020-1181	Included	28
2020-1182	Included	28
2020-1184	Omitted	28
2021-1186	Included	28
2021-1187	Included	28
2019-1174	Included	29
2021-1188	Included	29
2021-1189	Included	29
2021-1190	Included	29
2021-1191	Omitted	29
2021-1192	Included	29
2021-1193	Omitted	29
2016-1154	Included	30
2016-1157	Included	30
2022-1194	Included	30
2022-1195	Included	30
2022-1196	Omitted	30

TABLE OF CONTENTS

HOW TO USE YOUR CODE

This code is organized to make the laws of the city as accessible as possible to city officials, city employees and private citizens. Please take a moment to familiarize yourself with some of the important elements of this code.

Numbering System.

The numbering system is the backbone of a Code of Ordinances; Municipal Code Corporation uses a unique and versatile numbering structure that allows for easy expansion and amendment of this Code. It is based on three tiers, beginning with title, then chapter, and ending with section. Each part is represented in the code section number. For example, Section 2.04.010 is Section .010, in Chapter 2.04 of Title 2.

Title.

A title is a broad category under which ordinances on a related subject are compiled. This code contains about 15 to 20 titles. For example, the first title is Title 1, General Provisions, which may contain ordinances about the general penalty, code adoption and definitions. The titles in this code are separated by tabbed divider pages for quick reference. Some titles are Reserved for later use.

Chapter.

Chapters deal with more specific subjects, and are often derived from one ordinance. All of the chapters on a related subject are grouped in one title. The chapters are numbered so that new chapters which should logically be placed near certain existing chapters can be added at a later time without renumbering existing material. For example, Chapter 2.06 can be added between 2.04 and Chapter 2.08.

Section.

Each section of the code contains substantive ordinance material. The sections are numbered by "tens" to allow for expansion of the code without renumbering.

Tables of Contents.

There are many tables of contents in this code to assist in locating specific information. At the beginning of the code is the main table of contents listing each title. In addition, each title and chapter has its own table of contents listing the chapters and sections, respectively.

Ordinance History Note.

At the end of each code section, you will find an "ordinance history note," which lists the underlying ordinances for that section. The ordinances are listed by number, section (if applicable) and year. (Example: (Ord. 272 § 1, 1992).)

Beginning with Supplement No. 12, a secondary ordinance history note will be appended to affected sections. Ordinance history notes will be amended with the most recent ordinance added to the end. These history notes can be cross referenced to the code comparative table and disposition list appearing at the back of the volume preceding the index.

Statutory References.

The statutory references direct the code user to those portions of the state statutes that are applicable to the laws of the municipality. As the statutes are revised, these references will be updated.

Ordinance List and Disposition Table.

To find a specific ordinance in the code, turn to the section called "Tables" for the Ordinance List and Disposition Table. This table tells you the status of every ordinance reviewed for inclusion in the code. The table is organized by ordinance number and provides a brief description and the disposition of the ordinance. If the ordinance is codified, the chapter (or chapters) will be indicated. (Example: (2.04, 6.12, 9.04).) If the ordinance is of a temporary nature or deals with subjects not normally codified, such as budgets, taxes, annexations or rezones, the disposition will be "(Special)." If the ordinance is for some reason omitted from the code, usually at the direction of the municipality, the disposition will be "(Not codified)." Other dispositions sometimes used are "(Tabled)," "(Pending)," "(Number Not Used)" or "(Missing)."

Beginning with Supplement No. 12, this table will be replaced with the "Code Comparative Table and Disposition List."

Code Comparative Table and Disposition List.

Beginning with Supplement No. 12, a Code Comparative Table and Disposition List has been added for use in tracking legislative history. Located in the back of this volume, this table is a chronological listing of each ordinance considered for codification. The Code Comparative Table and Disposition List specifies the ordinance number, adoption date, description of the ordinance and the disposition within the code of each ordinance. By use of the Code Comparative Table and Disposition List, the reader can locate any section of the code as supplemented, and any subsequent ordinance included herein.

Index.

If you are not certain where to look for a particular subject in this code, start with the index. This is an alphabetical multi-tier subject index which uses section numbers as the reference, and cross-references where necessary. Look for the main heading of the subject you need, then the appropriate subheadings:

BUSINESS LICENSE

See also BUSINESS TAX

Fee 5.04.030

Required when 5.04.010

The index will be updated as necessary when the code text is amended.

Instruction Sheet.

Each supplement to the new code will be accompanied by an Instruction Sheet. The Instruction Sheet will tell the code user the date of the most recent supplement and the last ordinance contained in that supplement. It will then list the pages that must be pulled from the code and the new pages that must be inserted. Following these instructions carefully will ensure that the code is kept accurate and current. Removed pages should be kept for future reference.

Page Numbers.

When originally published, the pages of this code were consecutively numbered. As of Supplement No. __, when new pages are inserted with amendments, the pages will follow a "Point Numbering System". (Example: 32, 32.1, 32.2, 32.2.1, 32.2.2., 33). Backs of pages that are blank will be left unnumbered but the number will be "reserved" for later use.

Electronic Submission.

In the interests of accuracy and speed, we encourage you to submit your ordinances electronically if at all possible. We can accept most any file format, including Word, WordPerfect or text files. We prefer Word, any version. You can send files to us as an e-mail attachment, by FTP, on a diskette or CD-ROM. Electronic files enable us not only to get you your code more quickly but also ensure that it is error-free. Our e-mail address is: ords@municode.com.

For hard copy, send two copies of all ordinances passed to:

Municipal Code Corporation
P.O. Box 2235
Tallahassee, FL 32316

Customer Service.

If you have any questions about this code or our services, please contact Municipal Code Corporation at 1-800-262-2633 or:

Municipal Code Corporation
1700 Capital Circle SW
Tallahassee, FL 32310

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BUSINESS LICENSE
See also BUSINESS TAX
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Insertion Guide.

Each supplement to the new code will be accompanied by an Insertion Guide. This guide will tell the code user the date of the most recent supplement and the last ordinance contained in that supplement. It will then list the pages that must be pulled from the code and the new pages that must be inserted. Following these instructions carefully will assure that the code is kept accurate and current.

Page Numbers.

When originally published, this code was numbered with consecutive page numbers. As it is amended, new material may require the insertion of new pages that are numbered with hyphens. (Example: 31, 32, 32-1.) Backs of pages that are blank (in codes that are printed double-sided) are left unnumbered but the number is "reserved" for later use.

If you have any questions about this code or our services, please contact your editor at 1-800-446-3410 or your customer care representative at 1-866-501-5155, or write to us at the following address:

LexisNexis Municipal Codes
Matthew Bender & Company, Inc.
701 East Water Street
Charlottesville, VA 22902

II. DRAFTING AND SENDING YOUR ORDINANCES TO LEXISNEXIS

In drawing up ordinances, it is important to designate *in the ordinance text* what specific portions of the code are affected. The history note in parentheses at the end of each code section documents those ordinance(s) underlying the section being changed. Clearly indicate whether the ordinance adds, amends, repeals and replaces, or simply repeals the affected section.

The title of an ordinance and any introductory language appearing before the ordaining clause has no legal effect. The title (or the summary words appearing with it) may state that the ordinance repeals (or amends or adds) certain provisions, but in order for these changes to be effective, the intended repeal, amendment or addition *must* be set out following the ordaining clause. If you have any questions as to the proper placement of a new provision, please contact us.

When Amending Existing Code Material.

Amend the code section specifically. The underlying ordinance section may also be included.

Examples:

§ 3.04.020 of the _____ Municipal Code is amended to read as follows:

§ 3 of Ord. 319 and § 3.04.020 of the _____ Municipal Code are amended to read as follows:

If only a portion of a section is being amended, designate the specific portion:

Example:

§ 3.04.050(A)(2) of the _____ Municipal Code is amended to read as follows:

When Repealing Existing Code Material.

When repealing material, designate the specific portion of the code to be repealed. Include the underlying ordinance section if you wish; however, we consider *both* code section and underlying ordinance to be repealed whether you mention the underlying ordinance or not.

Examples:

§ 3.04.020 of the _____ Municipal Code is repealed.

§ 3 of Ord. 319 and § 3.04.020 of the _____ Municipal Code are repealed.

Subsection B of § 3.04.030 of the _____ Municipal Code is repealed.

When Adding New Material to Code.

When new provisions are to be added to the code, determine where the material would best fit within the subject matter of the existing section, chapter or title. If there is no existing section, chapter or title, you should assign a new section, chapter or title number. Our expandable decimal numbering system is designed to allow for the incorporation of new material without disturbing the numbering system of existing material.

The following language is sufficient to locate new material in the code:

Examples:

Subsection D is added to § 5.10.040 of the _____ Municipal Code, to read as follows:
§ 5.10.033 is added to the _____ Municipal Code, to read as follows:
Chapter 12.07 is added to the _____ Municipal Code, to read as follows:

Formatting.

For every page please create a footer which contains: the ordinance no., attachment/exhibit no. (if any) and the page number. Don't use shadow bars, borders or other highlighting. It helps if you can format the ordinance as much like the codebook page as possible.

Electronic Submission.

In the interests of accuracy and speed, we encourage you to submit your ordinances electronically if at all possible. We can accept most any file format, including Word, WordPerfect or text files. If you have a choice, we prefer Word, any version. You can send files to us as an e-mail attachment, by FTP, on a diskette or CD-ROM. Electronic files enable us not only to get you your code quicker but also ensure that it is error-free. Our e-mail address is: **ordinances@lexisnexis.com**.

For hard copy, send *two* copies of all ordinances passed to:

LexisNexis Municipal Codes
Matthew Bender & Company, Inc.
701 East Water Street
Charlottesville, VA 22902

Our editorial staff is always willing to provide assistance should there be any difficulty in amending the code. Please call your editor at 1-800-446-3410 or your customer care representative at 1-866-501-5155.

CHARTER

CITY OF REEDSPORT

CHARTER OF 2006

Chapters:

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CITY OF REEDSPORT
CHARTER OF 2006

PREAMBLE

We, the people of the City of Reedsport, Douglas County, State of Oregon, in order to avail ourselves of self-determination in municipal affairs to the fullest extent now or hereafter possible under the Constitutions and laws of the United States of America and the State of Oregon, through this Charter confer upon the City of Reedsport the following powers, subject it to the following restrictions, prescribe for it the following procedures and governmental structure, and repeal all previous Charter provisions of the City of Reedsport and enact this Home Rule Charter.

Be it enacted by the people of the City of Reedsport, Douglas County, State of Oregon:

CHAPTER I
Name and Boundaries

Section 1. Title of Enactment. This enactment may be referred to as the City of Reedsport Charter of 2006, amended. (Election of 11-2-2010)

Section 2. Name of City. The Municipality of Reedsport, Douglas County, State of Oregon, shall continue to be a municipal corporation with the name City of Reedsport.

Section 3. Boundaries. The City shall include all territory encompassed by its boundaries as they now exist or hereafter are modified by voters, by the Council, or by any other agency with legal power to modify them. At least two certified copies of this Charter shall be kept in the office of the City Recorder at City Hall and an accurate, up-to-date description of the boundaries shall be maintained in each office. The copies and descriptions shall be available for public inspection at any time during regular office hours of the Recorder.

CHAPTER II
Powers

Section 4. Powers of the City. The City shall have all powers which the Constitutions, statutes, and common law of the United States of America and of the State of Oregon expressly or by implication grant or allow municipalities as fully as though this Charter specifically enumerated each of those powers.

Section 5. Construction of Charter. In this Charter no mention of a particular power shall be construed to be exclusive or to restrict the scope of the powers which the City would have if the particular power were not mentioned. The Charter shall be liberally construed to the end that the City may have all powers necessary or convenient for the conduct of its municipal affairs, including all powers that cities may assume pursuant to state laws and to the municipal home rule provisions of the Constitution of the State of Oregon. As used herein, the singular shall include the plural and the plural the singular, the masculine and neuter shall each include the masculine and feminine and neuter, as the content requires.

Section 6. Distribution of Powers. The Oregon Constitution reserves initiative and referendum powers as to all municipal legislation to City voters. This Charter vests all other City powers in the Council except as the Charter otherwise provides. The Council has legislative, administrative and quasijudicial authority. The Council exercises legislative authority by ordinance, ad-

ministrative authority by resolution, and quasi-judicial authority by order. The Council may not delegate its authority to adopt ordinances.

CHAPTER III
Form of Government

Section 7. Council. The Council consists of a Mayor and six Councilors nominated and elected from the City at large.

Section 8. Numbered Positions. Councilors shall be assigned numbered positions one through six and serve a term of four years. Three Councilors are elected at each biennial general election. At the general election occurring in 2008 and every fourth year thereafter, Councilors for Positions 1, 2 and 3 shall be elected. At the general election occurring in 2010 and every fourth year thereafter, Councilors for Positions 4, 5 and 6 shall be elected.

Section 9. Mayor. At each biennial general election a Mayor shall be elected for a term of two years. The Mayor serves as the political head of the City Government.

Section 10. Other Officers of the City. Additional officers of the City shall be a City Recorder, a City Attorney, a City Manager, and at the discretion of the Council, a Municipal Judge and whatever other officers the Council deems necessary. The Municipal Judge, the City Attorney, and the City Manager shall be appointed by the Council and be responsible to it. Other additional officers shall be appointed by and responsible to the City Manager. The Council, as needs dictate, may appoint one or more pro tem Municipal Judges to serve such term as the Council provides.

So long as the City of Reedsport shall have a volunteer fire department, and the Fire Chief is not a full time City employee, said department shall elect its own Fire Chief, otherwise, the Fire Chief shall be appointed by the City Manager.

Section 11. Salaries. The compensation for the services of each City officer and employee classification shall be the amount fixed by the Council as part of its approval of the annual City budget. No Council member, however, shall receive compensation for serving in that capacity.

CHAPTER IV
Council

Section 12. Meetings. The Council shall hold a regular meeting at least once each month in the City at a time and at a place which it designates. It shall adopt rules for the government of its members and proceedings. A special meeting of the Council may be called by the Mayor or at the request of three Councilors by giving notice thereof as required by state law.

Section 13. Quorum. A majority of members of the Council shall constitute a quorum for its business, but a smaller number may meet and compel the attendance of absent members in a manner provided by ordinance.

Section 14. Journal. The Council shall cause a journal of its proceedings to be kept. The ayes and nays upon any question before it shall be taken by name and a record of the vote entered in the journal.

Section 15. Proceedings to be Public. No action by the Council shall have legal effect unless the motion for the action and the vote by which it is disposed of takes place at proceedings open to the public.

Section 16. Mayor's Functions at Council Meetings. The Mayor shall preside over the Council and its deliberations. The Mayor

shall have a vote on all questions before it and shall have authority to preserve order, enforce the rules of the Council, and determine the order of business under the rules of the Council and shall co-sign all orders on the treasury with the City Recorder.

Section 17. President of the Council. At its first meeting after this Charter takes effect and thereafter at its first meeting of each odd-numbered year the Council, by ballot, shall elect a president from its membership. In the Mayor's absence from a Council meeting, the president shall preside. Whenever the Mayor is unable to perform the functions of the office, the president shall act as Mayor, shall have all the powers of the Mayor, including the authority to co-sign all orders on the treasury with the City Recorder.

Whenever the Council shall find a need to authorize a member of the Council to act as Mayor in the absence of the Mayor and the president of the Council, it may by motion authorize one additional member in addition to the Mayor and the president to act as Mayor, to have all the powers of the Mayor, including the authority to co-sign all orders on the treasury with the City Recorder, so long as the motion specifies a definite, fixed time period during which the authority is to continue.

Section 18. Vote Required. Except as this Charter otherwise provides, the concurrence of a majority of the members of the Council at a Council meeting shall be necessary to decide any question before the Council.

CHAPTER V
Powers and Duties of Officers

Section 19. Mayor. The Mayor shall appoint the committees provided by the rules of the Council. The Mayor shall sign all approved records of the proceedings of the Council. The Mayor shall have no veto power and shall sign all ordinances passed by the Council. After the Council approves a bond of a City officer or a bond for a license, contract, or proposal, the Mayor shall endorse the bond.

Section 20. City Manager. The following provisions shall apply to the office of the City Manager:

(a) **Qualifications.** The City Manager shall be the administrative head of the government of the City. The City Manager shall be chosen by the Council without regard to political considerations and solely with reference to executive and administrative qualifications. The City Manager need not be a resident of the City or of the State at the time of appointment but must after appointment become and remain a legal resident of the City within a time frame specified by the Council. Before taking office, the City Manager shall give a bond or insurance in such amount and type and with such surety as may be approved by the Council. The premiums on such bond or insurance shall be paid by the City.

(b) **Term.** The City Manager shall be appointed at will for such time as the Council in its sole discretion shall deem appropriate and may be removed by an affirmative vote of not less than four members of the Council.

(c) **Powers and Duties.** The powers and duties of the City Manager shall be as follows:

(1) The entire time of the City Manager shall be devoted to the discharge of official duties, attending all meetings of the Council unless excused therefrom by the Council or the Mayor, keeping the Council advised at all times of the affairs and needs of the City, and making reports annually, or

more frequently if requested by the Council, of all the affairs and departments of the City.

(2) The City Manager shall see that all ordinances are enforced and that the provisions of all franchises, leases, contracts, permits, and privileges granted by the City are observed.

(3) The City Manager shall appoint all other appointive officers and employees of the City, except the Municipal Judge and the City Attorney, and shall have general supervision and control over them and their work, with power to transfer employees from one department to another. The City Manager shall supervise the departments to the end of obtaining the utmost efficiency in each of them. The City Manager shall have no control, however, over the Council or over the judicial activities of the Municipal Judge.

(4) The City Manager shall supervise City contracts and purchases.

(5) The City Manager shall be responsible for preparing and submitting to the budget committee the annual budget estimates and such reports as that body requests.

(6) The City Manager shall supervise the operation of all public utilities owned and operated by the City and shall have general supervision over all City property.

(7) In the absence of the City Recorder, the City Manager shall have the power to co-sign all orders on the treasury with the Mayor, the acting Mayor or other authorized representative of the Council.

(d) **Seats at Council Meetings.** The City Manager and such other officers as the Council designates shall be entitled to sit with the Council, but shall have no vote on questions before it. The City Manager may take part in all Council discussions.

(e) **City Manager Pro Tem.** In case of the Manager's absence from the City, temporary disability to act as City Manager, discharge by the Council, or resignation, the Council shall appoint a City Manager Pro Tem who shall possess the powers and duties of the City Manager. No City Manager Pro Tem may appoint or remove a City officer or employee, except with the approval of five members of the Council. No City Manager Pro Tem shall hold the position continuously for more than six months without approval of City Council for another term of six months.

(f) **Interference in Administrative Affairs.** No Council member may directly or indirectly, by suggestion or otherwise, attempt to influence or coerce the City Manager or a candidate for the office of City Manager in the appointment or removal of any City employee, or in administrative decisions regarding City property or contracts. Violation of this prohibition is grounds for removal from office by a majority of the Council after a public hearing. In council meetings, Councilors may discuss or suggest anything with the City Manager relating to City business.

(g) **Ineligible Persons.** No person related to the City Manager or the spouse or domestic partner of the City Manager by consanguinity or affinity within the third degree, nor the spouse or domestic partner, shall hold any elective office, be a member of the City Budget Committee or City Planning Commission or be employed by the City.

Section 21. Municipal Court and Judge.

(a) A majority of the Council may appoint and remove a Municipal Judge. A Municipal Judge will hold court in the City at such place as the Council directs. The Court will be known as the Municipal Court.

(b) All proceedings of this Court will conform to state laws governing justices of the peace and justice courts.

(c) All areas within the City and areas outside the City as permitted by state law are within the territorial jurisdiction of the Court.

(d) The Municipal Court has jurisdiction over every offense created by City ordinance. The Court may enforce forfeitures and other penalties created by such ordinances. The Court also has jurisdiction under state law unless limited by City ordinance.

(e) The Municipal Judge may:

(1) Render judgments and impose sanctions on persons and property;

(2) Order the arrest of anyone accused of an offense against the City;

(3) Commit to jail or admit to bail anyone accused of a City offense;

(4) Issue and compel obedience to subpoenas;

(5) Compel witnesses to appear and testify and jurors to serve for trials before the Court;

(6) Penalize contempt of Court;

(7) Issue processes necessary to enforce judgments and orders of the Court;

(8) Issue search warrants; and

(9) Perform other judicial and quasi-judicial functions assigned by ordinance.

(f) The Council may appoint and may remove Municipal Judges pro tem.

(g) The Council may transfer some or all of the functions of the Municipal Court to an appropriate state court.

Section 22. City Recorder. The City Recorder shall serve ex officio as Clerk of the Council, attend all its meetings unless excused therefrom by the City Manager, keep an accurate record of its proceedings in a book provided for that purpose, and shall co-sign all orders on the treasury with the Mayor.

CHAPTER VI
Elections

Section 23. Qualifications of Elective Officers.

(a) No person shall be eligible for an elective office of the City unless at the time of that person's election or appointment that person is a qualified elector within the meaning of the Constitution of the State of Oregon; has resided in the City continuously during the twelve months immediately preceding the election or appointment and continues to reside in the City. No person who is an employee of the City of Reedsport shall be eligible to serve as a member of the City Council.

(b) Neither the Mayor nor a Councilor may be employed by the City.

(c) The Council shall be final judge of the qualifications and election of its own members subject, however, to review by a Court of competent jurisdiction.

Section 24. Regular Elections. Regular City elections shall be held at the same times and places as biennial general State of Oregon elections, and shall be conducted in accordance with applicable State of Oregon election laws.

Section 25. Special Elections. Special elections shall be held as provided by the Council and shall be conducted in accordance with applicable State of Oregon election laws.

Section 26. Regulation of Elections. City elections must conform to state law except as this Charter or Ordinances provide otherwise. All elections for City offices must be nonpartisan.

Section 27. Canvass of Returns. In all elections, the State of Oregon laws governing the canvassing, filing and certification of returns shall apply.

Section 28. Tie Votes. In the event of a tie vote for candidates for an elective office, the successful candidate shall be determined by a public drawing of lots as follows: Each candidate shall alternately draw numbers from a pool of numbers consecutively numbered from one (1) to an integer equal to ten times the number of candidates so tied, until such pool is exhausted. The candidate having the highest sum of the numbers shall be the successful candidate. The first candidate to draw shall be determined in alphabetical order by last name, then by first name and middle name, if necessary.

Section 29. Commencement of Terms of Office. The term of an officer elected at a general election begins at the first council meeting of the year immediately after the election, and continues until the successor qualifies and assumes the office.

Section 30. Oath of Office. The Mayor and each Councilor must swear or affirm to faithfully perform the duties of the office and support the Constitutions and laws of the United States and Oregon and the Ordinances, Resolutions and Orders of the City.

Section 31. Nominations. Any person qualified, as provided in Section 23, hereof, may be nominated for an elective City position.

No person may be a candidate at a single election for more than one City elective office, nor hold more than one City elective office. No Councilor may be a candidate midway through their term for another position as Councilor, without resigning their current elected position at the time they file as a candidate.

The nomination shall be by a petition that specifies the office sought and shall be on approved candidate filing forms. The petition shall be signed by not fewer than 25 electors of the City of Reedsport.

No person may be a candidate at a single election for both Mayor and City Councilor.

CHAPTER VII
Vacancies in Office

Section 32. What Creates Vacancy. An office shall be deemed vacant upon the incumbent's death; adjudicated incompetence; the conviction of a felony; other offense pertaining to the office including but not limited to improper release of Executive Session material; unlawful destruction of public records; resignation; recall from office; ceasing to possess the qualifications for the office; upon the failure of the person elected or appointed to the office to qualify therefore within ten days after the time for the term of office to commence; failure to file an annual Statement of Economic Interest with the Oregon Government Standards and Practices Commission; or in the case of a Mayor or Councilor, upon his or her absence from meetings of the Council for 45 days without consent of the Council; and upon a declaration by the Council of the vacancy.

Section 33. Filling of Vacancies. Vacancies in elective offices in the City shall be filled through appointment by a majority of the incumbent members of the Council, if the unexpired term is greater than six months. The appointee's term of office shall begin immediately upon appointment and shall continue until the next general election when the position shall be open for election to the remaining unexpired term of the person last elected thereto. During the temporary disability of any officer, as determined in the sole discretion of the City

Council, or during the temporary absence from the City for any cause, the office may be filled pro tem in the manner provided for filling vacancies in the office permanently.

CHAPTER VIII
Ordinances, Resolutions and Orders

Section 34. Mode of Enactment.

(a) An Ordinance, of the Council shall, before being put upon its final passage, be read fully and distinctly in open Council meeting and shall receive the affirmative votes of a majority of all Council members present.

(b) The reading may be by title only (a) if no Council member present at the meeting requests to have the Ordinance read in full or (b) if a copy of the Ordinance is provided for each Council member and three copies are provided for public inspection in the office of the City Recorder not later than one week before the meeting at which the Ordinance is to be voted upon and notice of their availability is given forthwith upon the filing, by (i) written notice posted at the City Hall and two other places in the City or (ii) advertisement in a newspaper of general circulation in the City. An Ordinance enacted after being read by title alone may have no legal effect if it differs substantially from its terms as it was thus filed prior to such reading, unless each section incorporating such a difference is read fully and distinctly in open Council meeting as finally amended prior to being approved by Council.

(c) Upon the enactment of an Ordinance the City Recorder shall sign it with the date of its passage and the printed name of the City Recorder and title of office, and the Mayor shall sign it with the date of the signature, the printed name of the Mayor and the title of the office.
(Election of 11-2-2010)

Section 35. When Ordinances Take Effect; Review of Ordinances. An Ordinance enacted by the Council shall take effect on the thirtieth day after its enactment. When the Council deems it advisable, however, an Ordinance may provide a later time for it to take effect, and in case of an emergency, it may take effect immediately. The Council shall by Ordinance provide for the regular review of all Ordinances of the City.
(Election of 11-2-2010)

Section 36. Legislative Authority; Enacting Clause for Ordinances. The Council will normally exercise its legislative authority by approving Ordinances. The enacting clause of all Ordinances hereafter enacted shall be "The City of Reedsport Ordains as follows:".

Section 37. Administrative Authority; Resolutions; Enacting Clause for Resolutions. The Council will normally exercise its administrative authority by approving Resolutions. The approving clause for Resolutions may state "The City of Reedsport Resolves as follows:".

Section 38. Quasi-Judicial Authority; Orders; Enacting Clause for Orders. The Council will normally exercise its quasi-judicial authority by approving orders. The approving clause for orders may state "The City of Reedsport Orders as follows:".

CHAPTER IX
Public Improvements

Section 39. Condemnation. Any necessity of taking property for the City by condemnation shall be determined by the Council and declared by a Resolution or Ordinance of the Council describing the property and stating the uses to which it shall be devoted.

Section 40. Improvements. The procedure for alterations, vacations, or abandonments or making a public improvement shall be governed by general Ordinance or, to the extent not so governed, by the applicable general laws of the State of Oregon.

Improvements needed at once due to an emergency shall be approved by a majority of a quorum of the Council.

If a local improvement district is proposed to be formed, before the Resolution adopting the district is voted upon and the property assessed, a written consent of the owners of property upon which a majority of the estimated cost of the improvement is proposed to be levied must be received by the Council. For the purpose of this section "owner" shall mean the record holder of legal title to the land, except that if there is a purchaser of the land according to a recorded land sale contract or according to a verified writing by the record holder of legal title to the land filed with the City Recorder, the said purchaser shall be deemed the "owner".

Section 41. Special Assessments. The procedure for levying, collecting, and enforcing the payment of special assessments for public improvements or other services to be charged against real property shall be governed by general ordinance.

CHAPTER X
Miscellaneous Provisions

Section 42. Public Contracts. Public contracts shall be in accordance with state law and Ordinances and Resolutions adopted by the City Council.

Section 43. Debt Limit. City indebtedness may not exceed debt limits imposed by state law. A Charter amendment is not required to authorize City indebtedness.

Section 44. Torts. The City's tort liability shall be limited as provided by the laws of the State of Oregon.

Section 45. Voter Approval. Any such ordinance, resolution or order approved by a majority of the council, which creates or increases any tax or public utility rates, shall not be effective unless ratified by a majority of the city's qualified electors who cast a ballot. Public utility rates for the purpose of this Section mean water, waste water, and storm water rates, as applicable.
(Election of May 21, 2013; Election of May 17, 2012; Election of November 3, 2015)

Section 46. Effect of Charter. All City of Reedsport ordinances, resolutions, rules, regulations, motions, rates, and fees in force and in effect at the time this City of Reedsport Charter of 2006 becomes effective shall thereafter remain in full force and effect until amended or repealed.

No contract right, privilege, license, obligation or liability, whether vested or contingent, shall be lost, discharged or impaired by the enactment of this City of Reedsport Charter of 2006.

All rights and property, both real and personal, including but not limited to all parks, public grounds and buildings now vested in or belonging to the City of Reedsport shall continue to be the rights and property of the City of Reedsport.

Any person holding an appointed or elected office or position of the City of Reedsport which is consistent with the provisions of this amended Charter shall continue in such office or position after the enactment of this amended Charter until the end of the term for which they shall have been elected or appointed, and until their successor shall have been elected or appointed and qualified subject to all applicable laws and regulations relating thereto.

All sections of any previous Charter or parts thereof pertaining to the issuance and sale of bonds and any sale of whose bonds remain outstanding or unissued shall remain in full force and effect after the enactment of this Charter.
(Election of May 17, 2012)

Section 47. Severability. The terms of this Charter are severable. If any provision is held invalid by a court, the invalidity does not affect any other part of the Charter.
(Election of May 17, 2012)

Section 48. Repeal. Except as otherwise provided in this Charter all of the provisions of all previous charters of the City of Reedsport are hereby repealed.
(Election of May 17, 2012)

Section 49. Time of Effect of Charter. This Charter shall take effect, if approved by the voters, as of 12:01 a.m., the 15th day after the Mayor of the City of Reedsport publishes or posts his Proclamation to that effect.
(Election of May 17, 2012)

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CHARTER COMPARATIVE TABLE

This is a chronological listing of the amendments to the Charter of Reedsport, Oregon.

Date of Election	Section		Section this Code
11- 2-2010			1, 34, 35
5-17-2012	1	Added	45
		Rnbd	45—48
		as	46—49
5-21-2013			45
11- 3-2015	1		45

CHARTER INDEX

Title 1

GENERAL PROVISIONS

Chapters:

Chapter 1.01

CODE ADOPTION

Sections:

1.01.010 Adoption.

There is hereby adopted the "Reedsport Municipal Code 2001," hereinafter referred to as the "Reedsport Municipal Code" or the "municipal code" or the "code," as compiled, edited and published by Book Publishing Company, in June, 2001. (Ord. 2001-1025 § 1)

1.01.020 Title—Citation—Reference.

This code shall be known as the "Reedsport Municipal Code" and it shall be sufficient to refer to said code as the "Reedsport Municipal Code" in any prosecution for the violation of any provision thereof, or in any proceeding at law or equity. It shall be sufficient to designate any ordinance adding to, amending, correcting or repealing all or any part or portion thereof as an addition to, amendment to, correction or repeal of the Reedsport Municipal Code. References may be made to the titles, chapters, sections and subsections of the Reedsport Municipal Code, and such references shall apply to those titles, chapters, sections or subsections as they appear in the code. (Ord. 2001-1025 § 2)

1.01.030 Reference applies to all amendments.

Whenever a reference is made to this code as the "Reedsport Municipal Code" or to any portion thereof, or to any ordinance of the city, codified herein, the reference shall apply to all amendments, corrections and additions heretofore, now or hereafter made. (Ord. 2001-1025 § 3)

1.01.040 Title, chapter, section and subsection headings.

Title, chapter, section and subsection headings contained herein shall not be deemed to govern, limit, modify or in any manner affect the scope, meaning or intent of the provisions of any title, chapter, section or subsection hereof. (Ord. 2001-1025 § 4)

1.01.050 Reference to specific ordinances.

The provisions of this code shall not in any manner affect matters of record which refer to, or are otherwise connected with, ordinances which are therein specifically designated by number or otherwise and which are included within the code, but such reference shall be construed to apply to the corresponding provisions contained within this code. (Ord. 2001-1025 § 5)

1.01.060 Ordinances passed prior to adoption of the code.

The last ordinance included in this code was Ordinance 2000-1020, passed on December 18, 2000. The following ordinances, passed subsequent to ordinance 2000-1020, but prior to adoption of this code, are hereby adopted and made a part of this code:

Ordinance 2000-1021. An ordinance providing rules, regulations and requirements relating to the collection and treatment of wastewater by the city; defining certain terms; fixing rates and user charges therefore; defining certain offenses in connection with the City Wastewater system; providing penalties for the violation thereof; and repealing Ordinance 99-463-P.

Ordinance 2001-1022. An ordinance establishing a process for electing to receive annual state revenue distributions.

Ordinance 2001-1023. An ordinance providing rules, regulations and requirements relating to the collection and treatment of wastewater by the city; defining certain terms; fixing rates and user charges therefore; defining certain offenses in connection with the city wastewater system; providing penalties for the violation thereof; and repealing Ordinance 2001-1021.

Ordinance 2001-1024. An ordinance establishing no-parking, time limit parking and loading zones on public streets and in public parking lots, and repealing ordinance 2000-1017. (Ord. 2001-1025 § 6)

1.01.070 Effect of code on past actions and obligations.

The adoption of this code does not affect prosecutions for ordinance violations committed prior to the effective date of this code, does not waive any fee or penalty due and unpaid on the effective date of this code, and does not affect the validity of any bond or cash deposit posted, filed or deposited pursuant to the requirements of any ordinance. (Ord. 2001-1025 § 7)

1.01.080 Constitutionality.

If any section, subsection, sentence, clause or phrase of this code is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this code. (Ord. 2001-1025 § 8)

Chapter 1.04

GENERAL PROVISIONS

Sections:

1.04.010 Definitions.

The following words and phrases, whenever used in the ordinances of the city of Reedsport, shall be construed as defined in this section unless from the context a different meaning is intended or unless a different meaning is specifically defined and more particularly directed to the use of such words or phrases:

"City" means the city of Reedsport or the area within the territorial limits of the city, and such territory outside the city over which the city has jurisdiction or control by virtue of any constitutional or statutory provision.

"Council" means the Reedsport City Council. "All its members" or "all Councilors" means the total number of Councilors holding office.

"County" means the county of Douglas.

"Law" denotes applicable federal law, the Constitution and statutes of the state of Oregon, the ordinances of the Council, the ordinances of the city, and when appropriate, any and all rules and regulations which may be promulgated thereunder.

"May" is permissive.

"Month" means a calendar month.

"Must" and "shall" are each mandatory.

"Oath" includes an affirmation or declaration 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."

"Owner," applied to a building or land, means and includes any part owner, joint owner, contract purchaser, tenant in common, joint tenant, tenant by the entirety, of the whole or a part of such building or land.

"Person" means and includes a natural person, joint venture, joint stock company, partnership, association, club, company, corporation, limited liability corporation, limited liability partnership, professional corporation, business, trust, organization, or the manager, lessee, agent, servant, officer or employee of any of them.

"Personal property" means and includes money, goods, chattels, things in action and evidences of debt.

"Preceding" and "following" mean next before and next after, respectively.

"Property" means and includes real and personal property.

"Real property" means and includes lands, tenements and hereditaments.

"Sidewalk" means that portion of a street between the curbline and the adjacent property line intended for the use of pedestrians or that area provided for the use of pedestrians by landowners whose real property abuts a street or roadway.

"State" means the state of Oregon.

"Street" means and includes all streets, highways, avenues, lanes, alleys, courts, places, squares, curbs or other public ways in the city

which have been or may hereafter be dedicated and open to public use, or such other public property so designated in any law of the state of Oregon.

"Tenant" and "occupant," applied to a building or land, means and includes any person who occupies the whole or a part of such building, or land, whether alone or with others.

"Written" means and includes printed, typewritten, mimeographed, multigraphed, facsimile (fax) or otherwise reproduced in permanent visible form.

"Year" means a calendar year. (Ord. 2000-1004 § 1)

1.04.020 Interpretation of language.

All words and phrases shall be construed according to the common and approved usage of the language, but technical words and phrases and such others as may have acquired a peculiar and appropriate meaning in the law shall be construed and understood according to such peculiar and appropriate meaning. (Ord. 2000-1004 § 2)

1.04.030 Grammatical interpretation.

The following grammatical rules shall apply in the ordinances of the city unless it is apparent from the context that a different construction is intended:

A. Gender. Each gender term used includes the masculine, and the feminine, and the neuter genders as the content requires.

B. Singular and Plural. The singular number includes the plural and the plural includes the singular, as the content requires.

C. Tenses. Words used in the present tense include the past and the future tenses and vice versa, unless manifestly inapplicable. (Ord. 2000-1004 § 3)

1.04.040 Acts by agents.

When an act is required by an ordinance, the same being such that it may be done as well by an agent as by the principal, such requirement shall be construed to include all such acts performed by an authorized agent. (Ord. 2000-1004 § 4)

1.04.050 Prohibited acts include causing and permitting.

Whenever, in the ordinances of the city, any act or omission is made unlawful, it shall include causing, allowing, permitting, aiding, abetting, suffering, or concealing the fact of such act or omission. (Ord. 2000-1004 § 5)

1.04.060 Computation of time.

Except when otherwise provided, the time within which an act is required to be done shall be computed by excluding the first day and including the last day, unless the last day is Sunday or a holiday, in which case it shall also be excluded. (Ord. 2000-1004 § 6)

1.04.070 Construction.

The provisions of the ordinances of the city, and all proceedings under them, are to be construed with a view to effect their objects and to promote justice. (Ord. 2000-1004 § 7)

1.04.080 Repeal shall not revive any ordinances.

The repeal of an ordinance shall not repeal the repealing clause of an ordinance or revive any ordinance which has been repealed thereby

unless specifically so provided in the ordinance. (Ord. 2000-1004 § 8)

Chapter 1.08

ORDINANCE NUMBERING

Sections:

1.08.010 Titling and numbering.

A. The titling and numbering system of ordinances and resolutions of the city of Reedsport shall be in the following format:

1. Ordinance year (year of adoption; four digits) - ordinance number (four digits, beginning with 1001 in the Year 2000 and increasing sequentially from the effective date of the ordinance codified in this section forward.)

2. Resolution year (year of adoption; four digits) - resolution number (three digits, beginning with 001 each calendar year and increasing sequentially throughout the year.)

3. Examples of new ordinances and resolutions passed in 2000:

a. Ordinance No. 2000-1001;

b. Resolution No. 2000-001.

B. Previous Ordinance and Resolution Titling and Numbering. All previous ordinances, including those amended by suffix letter, and resolutions shall comply with this titling and numbering system with regard to ordinance and resolution year. All previous ordinances or resolutions shall be referred to (as closely as possible) using this numbering system, though not required to be readopted in order to comply.
(Ord. 2000-1001 §§ 1, 2)

1.08.020 Regular review required.

A. The City Charter provides that the City Council shall by ordinance provide for the regular review of all ordinances and resolutions of the city.

B. All ordinances and resolutions shall be reviewed by the City Council as follows:

1. The review will be generally accomplished in numerical ordinance order, understanding that the first four digits of the ordinance number are the year in which it was adopted and are not therefore part of the numerical sequencing; and that the last digit of the ordinance number is the edition enacted for that ordinance number and is therefore not part of the numerical sequencing.

2. At least fifty (50) ordinances and fifty (50) resolutions will annually be presented to the City Council for review at a regular session, except that ordinances or resolutions which have been adopted or modified within ten (10) years of the effective date of the ordinance codified in this section will be deemed to have been reviewed and will not be presented to the City Council.

3. The City Council will determine if an ordinance or resolution so presented for review should be modified or repealed, at which time the modification or repeal will be accomplished or set for further study to be modified or repealed within three months of initial presentation for review.

4. On the tenth anniversary of the effective date of the ordinance codified in this section, and each tenth anniversary date thereafter, the review process addressed above will again be accomplished as if the effective date were revised to the anniversary date, and the review process would begin again for another ten (10) year cycle.
(Ord. 1997-759 §§ 1, 2)

Chapter 1.12

INITIATIVE AND REFERENDUM PROCEDURES*

Sections:

1.12.010 Establishment.

The initiative and referendum process is a method of direct democracy that allows any person to propose or amend charters or ordinances or to adopt or reject an ordinance or other legislative enactment passed by a local governing body.

If chief petitioners gather and submit the required number of signatures, the initiative or referendum is placed on the ballot for voters to adopt or reject.
(Ord. No. 2014-1130, 3-3-2014)

1.12.020 Manner and exercise.

Unless otherwise provided herein or by the City Charter, the procedures used for conducting an election on any measure to be referred to the voters through the initiative or referendum shall be those specified pursuant to ORS Chapter 250.
(Ord. No. 2014-1130, 3-3-2014)

1.12.030 Chief petitioners.

In Oregon any person, acting individually or on behalf of an organization, may be a chief petitioner. An initiative or referendum may have up to three (3) chief petitioners who are the individuals responsible for the preparation and organization of the petition all of which must be city electors.
(Ord. No. 2014-1130, 3-3-2014)

1.12.040 Filing of referendum petitions against ordinance.

Where referendum petitions shall be signed by the required number of legal voters against an ordinance passed by the Council, they shall be filed with the City Recorder within thirty (30) days after the passage and approval of the ordinance in question.
(Ord. No. 2014-1130, 3-3-2014)

1.12.050 Filing requirements, signatures for verification.

Before gathering the signatures necessary to place an initiative on the ballot, chief petitioners must file a prospective petition with the local elections official. No initiative petition may be accepted for signature verification more than six (6) months after the date of the City Elections Official certifies that petitions may be circulated
(Ord. No. 2014-1130, 3-3-2014)

1.12.060 Explanatory statement.

In all measures initiated or referred by petition in which there is a County voters' pamphlet, the City shall submit an explanatory statement for inclusion in said voters' pamphlet.
(Ord. No. 2014-1130, 3-3-2014)

*Editor's note—Ord. No. 2014-1130, adopted March 3, 2014, repealed and replaced ch. 1.12, §§ 1.12.010—1.12.120, in its entirety. Former ch. 1.12 pertained to similar subject matter and was derived from Ord. 1919-1 §§ 1—16; Ord. 1968-498 §§ 1, 2 and Ord. No. 2011-1106, adopted June 6, 2011.

1.12.070 Qualifications for signing petitions—Penalty for violation.

Legal voters of the City are qualified to sign a petition for the referendum or for the initiative for any measure which they are entitled to vote upon. Any person signing any name other than his own to a petition, or knowingly signing his name more than once for the same measure at one (1) election, who is not at the time of signing the same a legal voter of Reedsport, or any officer or other person violating any of the provisions of this chapter, shall upon conviction thereof be punished by a fine not exceeding five hundred dollars ($500.00) or by imprisonment in the city jail not exceeding six (6) months, or by both fine and imprisonment in the discretion of the municipal court.
(Ord. No. 2014-1130, 3-3-2014)

1.12.080 Measures proposed by Council.

A new charter or amendment to the charter of the city may be proposed and submitted to the legal voters thereof by resolution of the council without an initiative petition pursuant to ORS Chapter 250. No new charter or amendment to a charter shall be effective until it is approved by a majority of the votes cast thereon by the legal voters of the city.

The council may, by resolution, submit any proposed ordinance or measure and may refer any ordinance or measure to the voters for their approval or rejection without an initiative petition.
(Ord. No. 2014-1130, 3-3-2014)

Chapter 1.16

RIGHT OF ENTRY

Sections:

1.16.010 Entry.

Whenever any officer, agent or employee of the city is authorized to enter any residential property, building or premises, or the non-public portion of commercial property, hereinafter referred to as the "building" or "premises" for the purpose of making an inspection in order to enforce any ordinance or resolution of the city, the officer, agent or employee may enter such building or premises at all reasonable times to inspect the same; provided, that the officer, agent or employee shall effect entry in the manner provided in Section 1.16.020, except in emergency situations, or when consent of the person having charge or control of such building or premises has been otherwise obtained, or when a warrant authorizes such entry. Public portions of commercial buildings may be entered by an officer, agent or employee of the city for the purpose of conducting an inspection without complying with the provisions of Section 1.16.020.
(Ord. 2000-1002 § 1)

1.16.020 Procedure.

If the building or premises to be inspected is occupied, the authorized officer, agent or employee shall first present proper credentials and request entry; and if such building or premises is unoccupied, the officer, agent or employee shall first make a reasonable effort to locate the owner or other person having charge or control of the building or premises and request entry. If consent to such entry is not given, the authorized officer, agent or employee shall have recourse to every remedy provided by law to secure entry.
(Ord. 2000-1002 § 2)

1.16.030 Applicability.

This chapter shall be controlling over any other ordinance or part of an ordinance on the same subject, whether heretofore or hereafter adopted, unless such ordinance or part of an ordinance provides differently by an express reference to this chapter. It shall not be a violation of this chapter to refuse or fail to consent to an entry for inspection unless the request is pursuant to an emergency situation or a warrant authorizing such entry.
(Ord. 2000-1002 § 3)

1.16.040 Violation—Penalty.

Refusing entry by an officer, agent or employee of the city for inspection purpose during an emergency or when a warrant has been served and punishable as a Class C misdemeanor.
(Ord. 2000-1002 § 4)

Title 2

ADMINISTRATION

Chapters:

Chapter 2.04

CITY COUNCIL

Sections:

2.04.010 Meetings.

The regular meeting of the City Council shall be held in City Hall, 451 Winchester Avenue, on the first Monday of each month. If the first Monday of any month is recognized as a holiday by the state of Oregon, the meeting shall be held the following Monday. All regular meetings shall convene at an hour agreed upon by the Council on those said dates. The first item of business, following opening administration, visitor's agenda proceedings and approval of the minutes, shall be "approval of the agenda" at which time any member of the Council may move to add or remove agenda items. (Ord. 2007-1069 (part): Ord. 1998-252-C § 1)

2.04.020 Robert's Rules of Order.

Unless otherwise provided by ordinance, Council rules adopted after the effective date hereof, City Charter or statute, the rules contained in the current edition of Robert's Rules of Order Newly Revised shall govern the conduct of meetings of the City Council. (Ord. 2007-1069 (part): Ord. 1998-252-C § 2)

Chapter 2.08

PLANNING COMMISSION

Sections:

2.08.010 Establishment.

Pursuant to authority contained in the City Charter and state statutes, a Planning Commission of the city of Reedsport is established. Nothing shall change the status of any proceedings or pending matters now before the existing Planning Commission of the city, and all actions taken pursuant to this chapter shall be without prejudice as to any rights or permits acquired or granted by the existing Planning Commission. (Ord. 1998-275-D § 1)

2.08.020 Membership.

A. The Planning Commission shall consist of seven members to be appointed by the City Council.

B. The City Attorney and the City Engineer shall be nonvoting, ex officio members of the Planning Commission and may attend from time to time as the situation requires.

C. 1. Eligible voting members shall have been residents of the city for at least one year, except that two members may reside outside the city limits so long as: (a) they are residents with the city's urban growth boundary (UGB); or (b) in the case of only one member, if that person is a nonresident of the city's UGB but owns property within the city limits.

2. 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.

3. No more than two members shall be engaged in the same kind of occupation, business, trade or profession.

D. The terms of office shall be four years. There shall be no limitation on reappointments. All terms shall expire on December 31st, of the calendar year. Each position will contain a suffix, which delineates the residency status of the incumbent. Suffix "C" shall indicate a commissioner residing inside the Reedsport city limits. Suffix "O" shall delineate a commissioner residing outside the city limits. Should an incumbent change residency during his or her term, the suffix will be adjusted so long as the criteria for membership defined in subsection (C)(1) of this section is maintained.

Current Planning Commission terms shall be defined as follows:

1. Position 1 - (C) expires 12-31-2001 and every four years thereafter.

2. Position 2 - (C) expires 12-31-2000 and every four years thereafter.

3. Position 3 - (C) expires 12-31-2000 and every four years thereafter.

4. Position 4 - (C) expires 12-31-1999 and every four years thereafter.

5. Position 5 - (C) expires 12-31-1999 and every four years thereafter.

6. Position 6 - (C) expires 12-31-1998 and every four years thereafter.

7. Position 7 - (C) expires 12-31-1998 and every four years thereafter.

The current members of the Planning Commission serving at the time of the enactment of the ordinance codified in this chapter shall continue to serve the remainder of their terms.

E. A member may be removed by the City Council for misconduct or nonperformance of duty. A member who is absent from three consecutive meetings without an excuse approved by the Planning Commission or who has missed at least one-third of the meetings for any year is presumed to be in nonperformance of duty. The Planning Commission shall recommend to the Council that they declare the position vacant. Before making that decision, the Council shall afford the Commissioner the opportunity to be heard.

F. Any vacancy on such commission shall be filled for the unexpired term of the predecessor in the office upon appointment by the Mayor with the concurrence of the Council. (Ord. 1998-275-D § 2)

2.08.030 Presiding members.

A. At its first meeting of each year, the Commission shall elect a chair and vice-chair who shall have voting member status. The term of office shall be one year, although the officers shall hold office at the discretion of the Commission. Officers are eligible for re-election.

B. The vice-chair shall be the presiding officer in absence of the chair. (Ord. 1998-275-D § 3)

2.08.040 Compensation.

Members of the Planning Commission shall receive no compensation but shall be reimbursed for authorized expenses. The Commission shall keep an accurate record of all expenses of the Commission. (Ord. 1998-275-D § 4)

2.08.050 Quorum.

A majority of the number of members of the Planning Commission shall constitute a quorum. (Ord. 1998-275-D § 5)

2.08.060 Meeting.

The Planning Commission shall meet at least once a month. Meetings at other than regularly scheduled times may be announced at a prior meeting and thereby made a part of the record. A previously unannounced meeting may be called by the chair or at the request of three Commissioners for a time not to be earlier than twenty-four (24) hours after the notice is given. (Ord. 1998-275-D § 6)

2.08.070 Rules and regulations.

The Planning Commission may make and alter rules and regulations for its operations and procedures consistent with the laws of this state and with the City Charter and ordinances of the city, subject to review and approval by the City Council. (Ord. 1998-275-D § 7)

2.08.080 Powers and duties.

The Planning Commission shall function primarily as a comprehensive planning body by proposing policy and legislation to the City Council and by implementing regulations relating to the growth and development of the community. The Commission shall have the powers and duties which are now or may hereafter be assigned to it by Charter, ordinance, or resolutions of the city and by general laws of the state.

A. Except as otherwise provided by the City Council, the Planning Commission may:

1. Recommend and make suggestions to the Council and to other public authorities concerning:

a. The laying out, widening, extending and location of public thoroughfares, parking of vehicles, relief of traffic congestion,

b. Betterment of housing and sanitation conditions,

c. Establishment of districts for limiting the use, height, area and other characteristics of buildings and structures related to land development,

d. Protection and assurance of access to incident solar radiation, and

e. Protection and assurance of access to wind for potential future electrical general or mechanical application;

2. Recommend to the council and other public authorities plans for regulating the future growth, development and beautification of the city with respect to its public and private buildings and works, streets, parks, grounds and vacant lots, and plans consistent with future growth and development of the city in order to secure to the city and its inhabitants sanitation, proper service of public utilities and telecommunications utilities, including appropriate public incentives for overall energy conservation and harbor, shipping and transportation facilities;

3. Recommend to the council and other public authorities plans for promotion, development and regulation of industrial and economic needs of the community with respect to industrial pursuits;

4. Advertise the industrial advantages and opportunities of the city and availability of real estate within the city for industrial settlement;

5. Encourage industrial settlement within the city;

6. Make economic surveys of present and potential industrial needs of the city;

7. Study needs of local industries with a view to strengthening and developing them and stabilizing employment conditions;

8. Do and perform all other acts and things necessary or proper to carry out the provisions of ORS 227.010 to 227.170, 227.175 and 227.180;

9. Study and propose such measures as are advisable for promotion of the public interest, health, morals, safety, comfort, convenience and welfare of the city and of the area within six miles thereof;

10. Study and review all elements of the comprehensive plan and make recommendations to the City Council in order to comply with state law and to respond to changing circumstances;

11. Formulate, recommend and implement legislation, such as the Reedsport zoning ordinance, the Reedsport subdivision ordinance or any other ordinance, which implements the comprehensive plan; review these ordinances to assure compliance with the plan and state law;

12. Review and recommend detailed plans which relate to public facilities and services, housing, economic development, transportation, recreation, energy, conservation, and natural resources, for the betterment of community growth and assist in the development of funding sources for public projects in these subject areas;

13. Advance cooperative harmonious relationships with other planning groups, and public, semi-public, civic, and private planning and development activities;

14. Make and file with the City Recorder minutes of all meetings of the Commission.

B. For the purposes of this section:

1. "Incident solar radiation" means solar energy falling upon a given surface area.

2. "Wind" means the natural movement of air at an annual average speed measured at a height of ten meters of at least eight miles per hour. (Ord. 1998-275-D § 8)

Chapter 2.12

MUNICIPAL COURT

Sections:

2.12.010 Municipal Judge.

The office of Municipal Judge of the Municipal Court of the city, is created. (Ord. 1989-503-C § 1)

2.12.020 Pro-tempore Municipal Judge.

The office of Pro-tempore Municipal Judge of the Municipal Court of the city, is created. The Council shall establish a list of persons authorized to serve as the Municipal Judge Pro-tempore by resolution, which shall be updated from time to time, and those persons so chosen by the Council shall serve at the pleasure of the Council. The City Manager, or the Manager's designee, is authorized to choose one of those persons named in the resolution, as the need arises and for the period of time necessary, to serve in that capacity. The officer shall act only when the Municipal Judge is unable to perform the Judge's duties by reason of absence from the city, illness, vacations or disqualification by reason of knowledge or relationship to the cause before the Court. The Pro-tempore Judge shall be compensated at a rate to be established in a resolution of the Council. (Ord. 1989-503-C § 2)

2.12.030 Qualifications of Municipal Judge and Pro-tempore Municipal Judge.

The holder of the office of Municipal Judge and Pro-tempore Municipal Judge shall be over the age of twenty-one (21) years. (Ord. 1989-503-C § 3)

2.12.040 Time for holding court.

Regular court sessions shall be held at such times as the Judge shall deem necessary to fully protect the rights of the persons charged with violations, infractions or crimes. (Ord. 1989-503-C § 4)

2.12.050 Jury trials.

Any person charged in the Municipal Court with a violation or crime for which there is a potential jail sentence shall have a right to trial by a jury of six persons. Demand for a jury trial shall be made upon entry of plea or within five days thereafter or jury trial is deemed waived. (Ord. 1989-503-C § 5)

2.12.060 Jury lists.

The jury shall be selected from the latest tax roll and registration book used by the last city election in the same manner in which juries are selected for circuit courts. (Ord. 1989-503-C § 6)

2.12.070 Selection of jury—Conduct of trial.

The selection of the jury and trials shall be conducted as herein provided and all matters not specifically provided for herein shall be governed by the applicable statute of the state of Oregon for Justice of the Peace courts. The rules of evidence shall be the same of in state courts and shall include applicable statutes of the state of Oregon regarding the introduction or admission of evidence. (Ord. 1989-503-C § 7)

2.12.080 Payment of jurors.

Jurors actually selected to serve as the jury shall receive compensation of ten dollars ($10.00) each for each day of service. (Ord. 1989-503-C § 8)

2.12.090 Power of the Judge.

The Judge shall have all inherent and statutory powers and duties of a Justice of the Peace within the jurisdictional limits of the city. The Chief of Police shall assist the Judge in the serving of subpoenas, notices of jury duty, and such other orders of the Court necessary for the proper conduct thereof.

The Judge may, by order, designate a member or members of the Police Department, or other persons, to act as a Clerk of the Court with authority to accept bail in accordance with a minimum bail schedule established by the Court.

The Judge shall be responsible for the keeping of such dockets and accounts as necessary to properly record all proceedings of the Municipal Court.

In criminal cases in Municipal Court the costs and disbursements shall be added to the fine, penalty, or sentence imposed in a sum not less than five dollars; provided, the Court, in its discretion in justifiable cases, may on behalf of the city, waive payment of all or part of the costs and disbursements in excess of five dollars so far as permitted by state statute. (Ord. 1989-503-C § 9)

2.12.100 Court costs.

All cases in which a complaint has been filed in the Municipal Court of the city of Reedsport and a civil compromise is entered into, there shall be charged and payable to Reedsport Municipal Court, as costs, a civil compromise fee in the amount of not less than one hundred twenty five and no/100 dollars, ($125.00) nor more than two hundred fifty and no/100 dollars ($250.00). (Ord. 2002-1032: Ord. 1991-718)

Chapter 2.16

REVENUE AND FINANCE

Sections:

Article 1. Funds

2.16.010 Interfund loans.

The City Financial Officer is authorized to make loans between the various funds that have been authorized by the City Council, so long as the fund being loaned from does not attain a deficit balance as a result of the loan. (Ord. 1981-601 § 1)

2.16.020 Footpath and bicycle trail reserve fund.

A footpath and bicycle trail reserve fund is established which shall be used to accumulate one percent of the State Highway Fund moneys received each year. Money from any one year may be accumulated for a period not to exceed ten (10) years. Money from this fund shall be spent only for footpaths and bicycle trails, as is provided by law. (Ord. 1981-602)

2.16.030 Water pollution control capital replacement fund.

A water pollution control capital replacement fund is established. Money from this fund shall be spent only for replacement of the treatment work's equipment and equipment parts. (Ord. 1981-606)

2.16.040 Fire equipment fund.

A fire equipment fund is established to accumulate moneys designated for fire equipment. Money from this fund shall be spent only for fire equipment. (Ord. 1982-638)

Article 2. Public Contracts

2.16.050 Public contracts.

All public contracts for the City of Reedsport shall follow Oregon Revised Statutes 279A, 279B, 279C and the Attorney General's model rules. (Ord. 2008-1087 § 2)

Article 3. Transient Room Tax

2.16.140 Definitions.

For purposes of this article, the following definitions shall apply:

"Accrual accounting" means a system of accounting in which the operator enters the rent due from a transient into the record when the rent is earned, whether or not it is paid.

"Cash accounting" means a system of accounting in which the operator does not enter the rent due from a transient into the record until the rent is paid.

"Motel" means a part of a structure that is occupied or designed for occupancy by transients for lodging or sleeping, including a hotel, inn, tourist home or house, bed and breakfast room, motel, studio hotel, bachelor hotel, lodging house, roaming house, apartment house, dormitory, public or private club, space in a mobilehome park or trailer park or recreational vehicle park, or other similar structure.

"Occupancy" means use or possession of, or the right to use or possess, a room in a motel or space in a mobilehome park, trailer park or recreational vehicle park for lodging or sleeping.

"Operator" means a person who is the proprietor of a motel in any capaCity. When an operator's functions are performed through a managing agent of a type other than an employee, the managing agent shall also be considered an operator. For purposes of this article, compliance by either the operator or the managing agent shall be considered compliance by both.

"Person" means an individual, firm, partnership, joint venture, association, social club, fraternal organization, fraternity, sorority, public or private dormitory, joint stock company, corporation, estate, trust,

business trust, receiver, trustee, syndicate, or other group or combination acting as a unit.

"Rent" means gross rent, exclusive of other services.

"Tax" means either the tax payable by the transient or the aggregate amount of taxes due from an operator during the period for which the operator is required to report collections.

"Tax Administrator" means the City Recorder of the City of Reedsport.

"Transient" means an individual who occupies or is entitled by reason of payment of rent to occupy space in motel for a period of twenty-seven (27) consecutive days or less, counting portions of days as full days. The day a transient checks out of a motel shall not be included in determining the twenty-seven (27) day period if the transient is not charged rent for that day. A person occupying space in a motel shall be considered a transient until a period of twenty-seven (27) days has expired unless there is an agreement in writing between the operator and the occupant providing for a longer period of occupancy or the tenant actually extends occupancy more than twenty-seven (27) consecutive days. (Ord. 1991-649-D § 1)

2.16.150 Tax imposed.

A transient shall pay a tax in the amount of nine and one-half percent (9.5%) of the rent charged for the privilege of occupancy in a motel in the City during the effective dates of the section. The tax constitutes a debt owed by the transient to the City, and the debt is extinguished only when the tax is remitted to the operator or the City. The transient shall pay the tax to the operator at the time rent is paid. The operator shall enter the tax into the record when rent is collected if the operator keeps records on the cash accounting basis and when earned if the operator keeps records on the accrual accounting basis. If the rent is paid in installments, a proportionate share of the tax shall be paid by the transient to the operator with each installment. In all cases, rent paid or charged for occupancy shall exclude amounts received for the sale of goods, services or commodities, other than the furnishing of rooms, accommodations, and parking space in mobile home parks, trailer parks or recreational vehicle parks.

Should Douglas County of the State of Oregon enact a transient room tax, as such, or in the form of a sales tax, the City and owners shall work together to try to reach an agreement with the county or state or both to get the county or state or both to give a credit against their tax an amount equal to the amount due and payable to City under this agreement. If an agreement cannot be reached, then the City will give credit against its transient room tax, due and payable after the effective date of the new county or state law, in an amount equal to the amount due and payable to the county or state or both, or an amount equal to five-sevenths of the City tax, whichever is the lesser amount. (Ord. 1991-649-D § 2; Ord. No. 2022-1195, 2-7-2022)

2.16.160 Rules for collection of tax by operator.

A. Every operator renting space for lodging, moorage or sleeping, the occupancy of which is not exempted under the terms of Section 2.16.180, shall collect a tax from the occupant. The tax collected or accrued constitutes a debt owed by the operator to the City.

B. In cases of credit or deferred payment of rent, the payment of tax to the operator may be deferred until the rent is paid, and the operator shall not be liable for the tax until credits are paid or deferred payments are made.

C. The Tax Administrator shall enforce this article and may adopt rules and regulations necessary for enforcement.

D. For rent collected on portions of a dollar, fractions of a penny of tax shall not be remitted. (Ord. 1991-649-D § 3)

2.16.170 Operator's duties.

An operator shall collect the tax when the rent is collected from the transient. The amount of tax shall be stated separately in the operator's records and on the receipt given by the operator. An operator shall not advertise that the tax will not be added to the rent, that a portion of it will be assumed or absorbed by the operator, or that a portion will be refunded. (Ord. 1991-649-D § 4)

2.16.180 Exemptions.

The tax shall not be imposed on:

A. An occupant staying for more than twenty-seven (27) consecutive days;

B. An occupant whose rent is less than five dollars ($5.00) per day;

C. A person who rents a private home, vacation cabin or similar facility from an owner who personally rents the facility incidentally to the owner's personal use;

D. Any occupant whose rent is paid for a hospital room or to a medical clinic, convalescent home, or home for aged people. (Ord. 1991-649-D § 5)

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2.16.190 Operator's registration form.

A. An operator of a motel shall register with the Tax Administrator, on a form provided by the administrator, within fifteen (15) days after beginning business or within thirty (30) calendar days after passage of the ordinance codified in this article.

B. The registration shall include:

1. The name under which the operator transacts or intends to transact business;

2. The location of the place or places of business;

3. Any other information the Tax Administrator may require to facilitate collection of the tax;

4. The signature of the operator.

C. Failure to register does not relieve the operator from collecting the tax or a person from paying the tax. (Ord. 1991-649-D § 6)

2.16.200 Certificate of authority.

A. The Tax Administrator shall issue without charge a certificate of authority to the registrant within ten (10) days after registration.

B. Certificates are nonassignable and nontransferable and shall be surrendered immediately to the Tax Administrator on cessation of business at the location named or when the business is sold or transferred.

C. Each certificate shall state the place of business to which it applies and shall be prominently displayed so as to come to the notice readily of all occupants or persons seeking occupancy therein.

D. The certificate shall state:

1. The name of the operator;

2. The address of the motel;

3. The date when the certificate was issued;

4. "This Transient Occupancy Registration Certificate signifies that the person named on the certificate has fulfilled the requirements of the Transient Room Tax Ordinance of the City of Reedsport by registering with the tax administrator for the purpose of collecting the room tax imposed by the City and remitting the tax to the tax administrator." (Ord. 1991-649-D § 7)

2.16.210 Collections, returns and payments.

A. The taxes collected by an operator are payable to the Tax Administrator on a quarterly basis on the fifteenth day of the following month for the preceding three months and are delinquent on the last day of the month in which they are due. The initial return may be for less than the three months preceding the due date. The quarters are:

1. First quarter: January, February, March.

2. Second quarter: April, May, June.

3. Third quarter: July, August, September.

4. Fourth quarter: October, November, December.

B. A return showing tax collections for the preceding quarter shall be filed with the Tax Administrator, in a form prescribed by the Tax Administrator, before the sixteenth day of the month following each collection quarter.

C. The operator may withhold five percent of the tax to cover the expense of collecting and remitting the tax.

D. Returns shall show the amount of tax collected or due for the related period. The Tax Administrator may require returns to show the total rentals on which the tax was collected or is due, gross receipts of the operator for the period, a detailed explanation of any

discrepancy between the amounts and the amount of rentals exempt.

E. The operator shall deliver the return and the tax due to the Tax Administrator's office. If the return is mailed, the postmark shall be considered the date of delivery for determining delinquencies.

F. For good cause, the Tax Administrator may extend the time for filing a return or paying the tax for not more than one month. Further extension may be granted only by the City Council. An operator to whom an extension is granted shall pay interest at the rate of one percent per month. If a return is not filed and if the tax and interest due are not paid by the end of the extension granted, the interest shall become a part of the tax for computation of penalties prescribed in Section 2.16.220.

G. The Tax Administrator may require returns and payment of the taxes for other than quarterly periods in individual cases to ensure payment or to facilitate collection by the city. (Ord. 1991-649-D § 8)

2.16.220 Delinquency penalties.

A. An operator who has not been granted an extension of time for remittance of tax due and who fails to remit the tax prior to delinquency shall pay a penalty of twelve (12) percent of the tax due in addition to the tax.

B. If the Tax Administrator determines that nonpayment of remittance is due to fraud or intent to evade the tax, a penalty of twenty-five (25) percent of the tax shall be added to the penalty stated in subsection A of this section.

C. In addition to the penalties imposed by this section, an operator who fails to remit the required tax shall pay interest at the rate of one percent per month, without proration for portions of a month, on the tax and penalties due, from the date on which the tax first became delinquent until paid.

D. An operator who fails to remit the tax within the required time may petition the City Council for waiver and refund of the penalty or a portion of it. The City Council may, if good cause is shown, direct a refund of the penalty or a portion of it. (Ord. 1991-649-D § 9)

2.16.230 Deficiency determination.

A. In making a determination that the returns are incorrect, the Tax Administrator may determine the amount required to be paid on the basis of the facts contained in the return or on the basis of any other information.

B. Deficiency determination may be made on the amount due for one or more than one period. The determined amount shall be payable immediately on service of notice, after which the determined amount is delinquent. Penalties on deficiencies shall be applied as provided in Section 2.16.220.

C. In making a determination, the Tax Administrator may offset overpayments that have been made against a deficiency for a subsequent period or against penalties and interest on the deficiency. The interest on the deficiency shall be computed as provided in Section 2.16.220. (Ord. 1991-649-D § 10)

2.16.240 Redemption petition.

A determination becomes payable immediately on receipt of notice and becomes final within twenty (20) days after the tax administrator has given notice. However, the operator may petition for redemption and refund by filing a petition before the determination becomes final. (Ord. 1991-649-D § 11)

2.16.250 Fraud—Refusal to collect—Evasion.

A. If an operator fails or refuses to collect the tax, make the report, or remit the tax, or makes a fraudulent return or otherwise wilfully attempts to evade the tax payment, the Tax Administrator shall obtain facts and information on which to base an estimate of the tax due. After determining the tax due and the interest and penalties, the Tax Administrator shall give notice of the amount due.

B. Determination and notice shall be made and mailed within three years after discovery of fraud, intent to evade, failure or refusal to collect the taxes, or failure to file a return. The determination becomes payable immediately on receipt of notice and becomes final twenty (20) days after the Tax Administrator has given notice.

C. The operator may petition for redemption and refund if the petition is filed before the determination becomes final. (Ord. 1991-649-D § 12)

2.16.260 Notice of determination.

A. The Tax Administrator shall give the operator a written notice of the determination. If notice is mailed it shall be addressed to the operator at the address that appears on the records of the Tax Administrator, and service is complete when the notice is deposited in the post office.

B. Except in the case of fraud or intent to evade the tax, a deficiency determination shall be made and notice mailed within three years after the last day of the month following the close of the quarterly period for which the determination has been made or within three years after the return is filed, whichever is later. (Ord. 1991-649-D § 13)

2.16.270 Operator delay.

If the Tax Administrator believes that collection of the tax will be jeopardized by delay, or if a determination will be jeopardized by delay, the Tax Administrator shall determine the tax to be collected and note facts concerning the delay on the determination. The determined amount is payable immediately after service of notice. After payment has been made, the operator may petition for redemption and refund of the determination if the petition is filed within twenty (20) days from the date of service of notice by the Tax Administrator. (Ord. 1991-649-D § 14)

2.16.280 Redetermination.

A. An operator against whom a determination is made under Section 2.16.230, or a person directly interested, may petition for a redetermination, redemption and refund within the time required in Section 2.16.270. If a petition for redetermination and refund is not filed within the time required, the determination is final on expiration of the allowable time.

B. If a petition for redetermination and refund is filed within the allowable period, the Tax Administrator shall reconsider the determination and, if the operator requested a hearing in the petition, shall grant the hearing and give the operator twenty (20) days notice of the time and place of the hearing. The Tax Administrator may continue the hearing if necessary.

C. The Tax Administrator may change the amount of the determination as a result of the hearing. If an increase is determined, the increase is payable immediately after the hearing.

D. The decision of the Tax Administrator on a petition for redetermination becomes final twenty (20) days after service of notice on the petitioner unless appeal of the decision is filed with the City Council within twenty (20) days after notice is served.

E. A petition for redetermination or an appeal is not effective unless the operator has complied with the payment provisions. (Ord. 1991-649-D § 15)

2.16.290 Security for collection of tax.

A. The Tax Administrator for cause may require an operator to deposit security in the form of cash, bond, or other security. The amount of security shall be fixed by the Tax Administrator and shall be not greater than twice the operator's estimated average quarterly liability for the period for which the operator files returns or five thousand dollars ($5,000.00), whichever amount is less.

B. Within three years after the tax becomes payable or within three years after a determination becomes final, the Tax Administrator may bring an action in the name of the city in the courts of this state, another state, or the United States to collect the amount delinquent, penalties, interest and costs of collection including reasonable attorney's fees for trial or appeal. (Ord. 1991-649-D § 16)

2.16.300 Refunds by city to operator.

When the tax, penalty or interest has been paid more than once or has been erroneously or illegally collected or received by the Tax Administrator, it may be refunded if a written verified claim stating the specific reason for the claim shall be filed within three years from the date of payment. The claim shall be submitted on forms provided by the Tax Administrator. If the claim is approved, the excess amount may be refunded to the operator or it may be credited to an amount payable by the operator and any balance refunded. Credit shall be given for taxes paid on unpaid rent. The city's sole liability shall be the refund of any amounts not properly collected. (Ord. 1991-649-D § 17)

2.16.310 Refunds by city to transient.

If the tax has been collected by the operator and deposited with the Tax Administrator and it is later determined that the tax was erroneously or illegally collected or received by the Tax Administrator, it may be refunded to the transient if a written verified claim stating the specific reason for the claim is filed with the Tax Administrator within three years from the date of payment. (Ord. 1991-649-D § 18)

2.16.320 Refunds by operator to transient.

If the tax has been collected by the operator and it is later determined that the transient occupied the hotel for a period exceeding twenty-seven (27) days without interruption, the operator shall refund the tax to the transient. The operator shall account for the collection and refund to the Tax Administrator. If the operator has remitted the tax prior to refund or credit to the transient, the operator shall be entitled to a corresponding refund. (Ord. 1991-649-D § 19)

2.16.330 Records required from operators.

Every operator shall keep complete and accurate guest records, accounting books, and records of room rentals for a period of three years and six months. (Ord. 1991-649-D § 20)

2.16.340 Examination of records.

During normal business hours and after notifying the operator, the Tax Administrator may examine books, papers, and accounting records related to room rentals to verify the accuracy of a return or, if no return is made, to determine the amount to be paid. (Ord. 1991-649-D § 21)

2.16.350 Confidentiality.

The Tax Administrator or a person having an administrative or clerical duty under the provisions of this article shall not make known in any manner the business affairs, operations, or information obtained by an investigation of records and equipment of a person required to file a return or pay a transient occupancy tax or a person visited or examined in the discharge of official duty; or the amount or source of income, profits, losses or expenditures contained in a statement or application; or permit a statement or application, or a copy of either, or a book containing an abstract or particulars to be seen or examined by any person. However, nothing in this section shall be construed to prevent:

A. Disclosure to or examination of records and equipment by a City official, employee or agent for collecting taxes for the purpose of administering or enforcing the provisions or collecting the taxes imposed by this article.

B. Disclosure, after filing a written request, to the taxpayer, receiver, trustees, executors, administrators, assignees and guarantors, if directly interested, or information concerning tax paid, unpaid tax, amount of tax required to be collected, or interest and penalties. However, the City Attorney shall approve each disclosure, and the Tax Administrator may refuse to make a disclosure referred to in this subsection when, in the Tax Administrator's opinion, the public interest would suffer;

C. Disclosure of names and addresses of persons making returns;

D. Disclosure of general statistics regarding taxes collected or business done in the City. (Ord. 1991-649-D § 22)

2.16.360 Disposition and use of transient room tax funds.

All revenues received by the City from the tax imposed prior to July 1, 2003, shall be deposited into the general fund, and spent in the following manner:

A. Five-sevenths of the tax:

Ninety (90) percent tourism promotion;

Ten (10) percent City administration.

B. Two-sevenths of the tax:

One hundred (100) percent design, construction, and operation of the Umpqua Discovery Center and its supporting grounds and public works infrastructure.

All revenues received by the City from any increase in the previously established transient room tax imposed after July 1, 2003, shall be deposited in the general fund, and spent by the City in accordance with ORS 320.350. (Ord. 1991-649-D § 23; Ord. No. 2022-1195, 2-7-2022)

2.16.370 Appeals to the Council.

A person aggrieved by a decision of the tax administrator may appeal to the City Council. (Ord. 1991-649-D § 24)

2.16.380 Violations—Penalties.

Violation of this article is punishable by a fine in the amount not to exceed one thousand dollars ($1,000.00) and/or imprisonment for a period not to exceed one year for each violation hereof. (Ord. 1991-649-D § 25)

Article 4. Assessments for Public Improvements

2.16.390 Definition of terms.

Whenever the term "owner" is used in this article in relation to the ownership of real property, such term shall be held to mean the record holder of the legal title to the land in question, except that if there is a purchaser of the land whose interest therein is evidenced by a recorded contract for the sale thereof, or by a written, verified statement by the record holder of the legal title to the land duly filed with the Recorder of the City, then such purchaser shall also be deemed the "owner." Whenever the term "City Engineer" is used in this article, such term shall be held to refer to the duly appointed incumbent of the office of City Engineer, if such an office shall exist and be then occupied. If such office shall not exist or shall be vacant, the Council shall designate an engineer or firm of engineers in connection with any proposed improvement, in which event the term "City Engineer" shall be held to refer to the engineer or firm of engineers so designated. As used in Section 38, Chapter IX of the City Charter of 1996, and as used in this article, the terms "property upon which a majority of the estimated cost of the improvement is proposed to be levied" means property affected by an improvement which will bear the majority of the costs to be assessed according to the method of assessment set forth in the Council-approved Engineer's report and which method or basis is specified in any notice of the proposed improvement. (Ord. 1998-409-B § 1)

2.16.400 Declaration of intention—Report from City Engineer—Recommendations.

Whenever the Council shall decide to make street, sewer, sidewalk, or other public improvements to be paid for in whole or in part by special assessments according to benefits, the Council shall by motion declare its intention to initiate such improvement and direct the City Engineer to make a survey and written report of such project and file the same with the City Recorder within the time set forth by the Council in the motion.

Such report shall contain:

A. A plat or map showing the general nature, location, and extent of the proposed improvements and the lands to be assessed to pay all or any part of the costs thereof;

B. An estimate of the probable cost of the improvement including legal, administrative and engineering costs attributable thereto;

C. A recommendation as to the method of assessment to be used to arrive at a fair apportionment of the whole or any portion of the cost of the improvement to the property specially benefited, which recommendation shall be in accord with the provisions of Section 2.16.470;

D. An estimate of the unit cost of the improvement to the specially benefited properties derived from applying the recommended assessment method to the estimated cost of the improvement;

E. A description of the location and assessed value of each lot, tract, or parcel of land, or portion thereof, to be specially benefited by the improvement, with the names of the record owners thereof, and, when readily available, the names of other owners thereof as herein defined;

F. A statement showing outstanding assessments against property to be assessed;

G. Any other information required by the Council;

H. If the City Council proceeds on its own motion to seek the improvements, a fee in the amount of three hundred dollars ($300.00) shall be added to the cost of the project if the project is approved.

If the City Council proceeds on the petition of any individual, group of individuals, corporation, partnership, or other entity, to seek the improvements, said individual, group of individuals, corporation, partnership, or other entity, must deposit, at the time they submit the petition, a nonrefundable fee in the amount of three hundred dollars ($300.00) for the preparation of the Engineer's report. (Ord. 1998-409-B § 2)

2.16.410 Council consideration of Engineer's report.

After the City Engineer's report has been filed with the City Recorder, the Council shall consider the report. The Council may approve the report as submitted, or may amend and approve the report as amended. The Council may direct the City Engineer to furnish the Council with a further report or information or, on the basis of the Engineer's report, the Council may by motion record its intention to abandon the improvement. (Ord. 1998-409-B § 3)

2.16.420 Notice of hearing on Council-approved Engineer's report.

After the Council has approved the Engineer's report as submitted or as amended by the Council:

A. It shall direct the City Recorder to cause to be published forthwith once each week for two successive weeks in a newspaper of general circulation, printed and published in Reedsport, Oregon, a notice stating;

1. That the report, or amended report, of the City Engineer as approved by the Council, is on file in the City Recorder's office, subject to examination, giving the date, no earlier than ten (10) days immediately following the first publication of notice, when any objections thereto will be considered by the Council at a public hearing;

2. That written consent or written remonstrances may be filed concerning the proposed improvement at the office of the City Recorder not later than the scheduled time for the Council hearing on the proposed improvement;

3. Except for improvements unanimously declared by the Council to be needed at once because of an emergency, that there must be presented a valid consent to the improvements of the owners of the property affected by such improvement which will bear a majority of the costs to be assessed according to the method of assessment set forth in the Council-approved Engineer's report and which method or basis shall be specified in the notice;

4. A description of the boundaries of the district to be specially benefited by the improvement, giving the names of the record owners thereof as defined herein;

5. The estimated total cost of the improvement which is to be paid for by special assessment of benefited property;

6. The City Engineer's estimated unit cost of the improvement to the specially benefited property clearly indicating that this is an estimate and not an assessment.

B. It shall also direct the City Recorder to send forthwith by certified mail the same notice, at his last known address, to each record owner and, when readily know, to each owner, as defined herein, of property to be specially benefited by the proposed improvement. (Ord. 1998-409-B § 4)

2.16.430 Hearing.

At the aforesaid hearing the Council shall first determine if written consents to the proposed improvements have been filed by the owners of the property affected which will bear a majority of the costs to be assessed. If such consents have been filed the Council shall hear from the owners of property in the proposed improvement district any oral objections to the proposed improvement and shall consider any written remonstrances thereto. The Council shall then hear from the owners of property in the proposed improvement district any oral comments in favor of the proposed improvement district and shall consider any written comments from owners in favor of the project. Except for improvements unanimously declared by the Council to be needed at once because of an emergency, no approval of the project shall take place unless written consents to the proposed improvements have been filed by the owners of the property affected which will bear a majority of the costs to be assessed. (Ord. 1998-409-B § 5)

2.16.440 Manner of doing work—Contracts—Bids—Bonds.

The Council shall provide by resolution the time and manner of doing the work of such improvement, and may provide for the city to do the work, or it may award the work on contract. The contract shall be let to the lowest responsible bidder; provided, that the Council shall have the right to reject all bids when they are deemed unreasonable or unsatisfactory. The Council shall provide for taking security by bond for the faithful performance of any contract let under its authority, and the provision thereof, in case of default, shall be enforced by action in the name of the city of Reedsport. (Ord. 1998-409-B § 6)

2.16.450 Special hearing when low bid substantially exceeds Engineer's estimate.

If the Council finds upon opening bids for the work of such improvement that the lowest responsible bid substantially exceeds the Engineer's estimate, it may, in its discretion, hold a special hearing of objections to proceeding with the improvement on the basis of such bid and may direct the City Recorder to publish reasonable notice thereof in a newspaper of general circulation, printed and published in Reedsport.

The city shall not be required to hold such a special meeting if it is able to work with the lowest responsible bidder to arrive at savings which would bring the project within ten (10) percent of the Engineer's estimate. (Ord. 1998-409-B § 7)

2.16.460 Assessment ordinance.

When the Council, after the aforesaid hearing or hearings, shall determine to proceed with the improvement, it shall pass an ordinance assessing the various lots, parcels, and tracts of property specially benefited thereby with their apportioned share of the cost of the improvement; but the passage of such an assessment ordinance may be delayed until the contract for the work is let or the improvement

completed and the total cost thereof determined, if the Council shall desire to avoid deficit assessments or rebates, or for any other reasons deemed sufficient by the Council. (Ord. 1998-409-B § 8)

2.16.470 Method of assessment and alternative methods of financing.

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

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

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

C. Authorize payment by the city of all or any part of the cost of any such improvement when in the opinion of the Council, on account of topographical or physical conditions, unusual or excessive public travel, or other character of the work involved, or when the Council otherwise believes the situation warrants it, provided the method selected creates a reasonable relation between the benefits derived by the property specially assessed and the benefits derived by the city as a whole.

Nothing herein contained shall preclude the Council from using other available means of financing improvements, including federal or state grants-in-aid, sewer services, or other types of service charges, revenue bond, general obligation bond, or other legal means of finance. In the event any of such other means of finance are used, the Council may, in its discretion, levy special assessments hereunder according to benefits to cover any part of the costs of the improvements not covered by such means. (Ord. 1998-409-B § 9)

2.16.480 Appeal.

Any person feeling aggrieved by assessments made as herein provided may, within twenty (20) days from the passage of the ordinance levying the assessment by the Council, appeal therefrom to the Circuit Court of the state of Oregon for Douglas County. Such appeal and the requirements and formalities thereof shall be heard, governed, and determined, and the judgement thereon rendered and enforced so far as is practical in the manner provided for appeals from reassessments contained in Sections 223.405 to 223.485, Oregon Revised Statutes, as now or hereafter amended. The result of such appeal shall be final and conclusive determination of the matter of such assessment, except with respect to the city's right of reassessment as provided herein. (Ord. 1998-409-B § 10)

2.16.490 Lien recording—Interest—Foreclosure.

After the ordinance levying assessments has been passed, the City Recorder shall enter in the docket of city liens a statement of the respective amounts assessed upon each particular lot, tract, or parcel of land with the names of the record owners thereof, and, so far as readily known, the names of the owners thereof as defined herein. Upon such entry in the lien docket, the amount so entered shall be a lien and charged upon the respective lots, tracts, and parcels of land against which the same are placed. Such liens shall be first and prior to all other liens or encumbrances thereon whatsoever insofar as the laws of the state of

Oregon allow. Interest shall be charged at an annual rate to be established by the Council in the assessment ordinance. The interest to be on all amounts not paid within thirty (30) days from the date of such entry, or entry corrected pursuant to Section 2.16.500 until paid. The city may proceed to foreclose or enforce any lien to which it shall be entitled pursuant to the provisions of this article at any time after thirty (30) days from the date on which the assessment, or assessment corrected pursuant to Section 2.16.500, was entered in the lien docket, in the manner provided for the foreclosure or enforcement of liens by the general laws of the state. (Ord. 1998-409-B § 11)

2.16.500 Notice of assessment bonding.

If the council deems it appropriate and so orders by resolution, within ten (10) days after the ordinance levying assessments has been passed, the City Recorder shall send by certified mail, to his last known address, a notice of assessment to the owner who may make application to bond such assessment pursuant to the provision of Section 223.205 to and including 223.295, Oregon Revised Statutes, which is known as the Bancroft Bonding Act, together with amendments or future amendments thereof. (Ord. 1998-409-B § 12)

2.16.510 Errors in assessment calculations.

Claimed errors in the calculation of assessments shall be called to the attention of the City Recorder prior to any payment on account thereof. The City Recorder shall determine whether there is an error in fact. If he shall find that there is an error in fact, he shall recommend to the Council an amendment to the assessment ordinance to correct the error. Upon the enactment of such an amendment by the Council, the City Recorder shall make the necessary correction in the docket of city liens and send by certified mail to the last known address of the owner a corrected notice of the assessment. (Ord. 1998-409-B § 13)

2.16.520 Deficit assessment.

If assessment is made before the total costs of the improvement are known, and it be found that the amount assessed is insufficient to defray the expenses of the improvement, the Council may by motion declare such deficit and prepare a proposed deficit assessment and shall direct the City Recorder to publish reasonable notice thereof in a newspaper of general circulation, printed and published in Reedsport. The Council upon such hearing shall make a just and equitable deficit assessment by ordinance. Such deficit assessment shall be consolidated with the assessment in the lien docket in accordance with the provision of Section 2.16.490. Thereafter, the provisions of Sections 2.16.500 and 2.16.510 shall be applicable with regard to such deficit assessment. (Ord. 1998-409-B § 14)

2.16.530 Rebate.

If upon the completion of the project it is found that any sum theretofore assessed therefor upon any property is more than sufficient to pay the cost thereof, the Council must ascertain and declare the same by ordinance, and when so declared, it must be entered in the docket of city liens as a credit upon the appropriate assessment. If any such assessment has been paid, the person who paid

the same, or his legal representative, shall be entitled to the payment of any portion of the rebate credit which exceeds the assessment, by a warrant on the City Treasury. (Ord. 1998-409-B § 15)

2.16.540 Abandonment of proceedings.

The Council shall have full power and authority to abandon and rescind proceedings for improvements hereunder at any time prior to the final consummation of such proceedings, and if liens have been assessed upon any property under this procedure, they shall be canceled, and any payments made thereon shall be refunded to the payor, his assigns, or legal representatives. (Ord. 1998-409-B § 16)

2.16.550 Curative provisions.

No improvement assessment shall be invalid by reason of a failure to give, in any report, in the proposed assessment, in the assessment ordinance or ordinances, in the lien docket, or elsewhere in the proceedings, the name of the owner of any lot, tract, or parcel of land or part thereof, or the name of any person having a lien upon or interest in such property, or by reason of any error, mistake, delay, omission, irregularity, or by other act, jurisdictional or otherwise, in any of the proceedings or steps hereinabove specified, unless it appears that the assessment as made, insofar as it affects the person complaining, is unfair and unjust, and the Council shall power and authority to remedy and correct all such matters by suitable action and proceedings. (Ord. 1998-409-B § 17)

2.16.560 Reassessment.

Whenever an assessment, deficit assessment, or reassessment for any improvement which has been or may be hereunder made by the city has been or shall be hereafter set aside, annulled, declared or rendered void, or its enforcement refuted by any court of this state or any federal court having jurisdiction thereof, whether directly or by virtue of any decision of such court; or when the Council shall be in doubt as to the validity of such assessment, deficit assessment, or reassessment; such reassessment shall be made in the manner provided by Sections 223.405 to 223.485, Oregon Revised Statutes, as now or hereafter amended. (Ord. 1998-409-B § 18)

Article 5. Disposition of Property

2.16.570 Custody of property.

Whenever any personal property other than motor vehicles is taken into the custody of any department by reason of seizure, abandonment or for any other reason, the personal property shall be turned over to and held by the Police Department at the expense and risk of the owner or person lawfully entitled to possession thereof. (Ord. 1975-530 § 1)

2.16.580 Surrender to true owner.

Within sixty (60) days after such property is taken into possession, except when confiscated or held as evidence, the owner or person lawfully entitled to possession may reclaim the same upon application to the Police Department, submission of satisfactory proof of ownership or right to possession, and payment of charges and expenses, if any, incurred in the storage, preservation and custody of the property. (Ord. 1975-530 § 2)

2.16.590 Sale procedure.

A. At any time after the sixty (60) day period, the Chief of Police shall sell at public auction any unclaimed property and any property which has been confiscated and not ordered destroyed, except such property held as evidence in any legal or court proceeding. Notice of such sale shall be given once by publication in a newspaper of general circulation in the city at least ten (10) days before the date of sale, giving the time and place of sale and generally describing the property to be sold.

B. All sales of such property shall be for cash to the highest and best bidder; provided, however, that any person appearing at or prior to such sale and proving ownership or right of possession thereto shall be entitled to reclaim the property upon the payment of the charges and expenses incurred by the city in the storage, preservation and custody of the property and a proportionate share of the costs of advertising the same for sale.

C. If no bids are entered for the property or if the highest bid entered is less than the costs incurred by the city, the Chief of Police may enter a bid on behalf of the city in an amount equal to such costs. If bid in by the city, the property shall become the property of the city as compensation for the costs incurred, or if no use or value to the city shall be disposed of in such manner as the City Manager directs.

D. The proceeds of a sale shall be first applied to payment of the cost of the sale and the expense incurred in the preservation, storage and custody of the property, and the balance, if any, shall be credited to the general fund of the city.

E. The sale shall be without the right of redemption. (Ord. 1975-530 § 3)

2.16.600 Certificate of title.

At the time of the payment of the purchase price, the Chief of Police shall execute a certificate of sale in duplicate, the original to be delivered to the purchaser and a copy to be kept on file in the office of the Finance Director, which certificate shall contain the date of sale, the consideration paid, a brief description of the property and a stipulation that the city does not warrant the condition of title is for any reason invalid. The certificate of sale shall be in substantially the following form:

CERTIFICATE OF SALE

This is to certify that under the provisions of Ordinance No. 530 and pursuant to due notice of time and place of sale, I did on the ____ day of _____, 20___, sell at public auction to _____ for the sum of $_____ cash, he being the highest and best bidder, and that being the highest and best sum bid therefor, the following described personal property, to-wit:

and in consideration of the payment of the said sum of $_____, receipt whereof is hereby acknowledged, I have this day delivered to said purchaser the foregoing property. Dated this _____ day of _____, 20___.

_____

Chief of Police for the City of Reedsport

Note: The City of Reedsport assumes no responsibility as to condition of title of the above described property. In case this sale shall for any reason be invalid, the liability of the city is limited to return of the purchase price.

(Ord. 1975-530 § 4)

2.16.610 Dangerous or perishable property.

Any property coming into the possession of the Chief of Police which he determines to be dangerous or perishable may be disposed of immediately, without notice, in such manner as he determines to be in the public interest. (Ord. 1975-530 § 5)

2.16.620 Scope.

This article shall apply to all personal property, except motor vehicles, now or hereafter in custody of the city. (Ord. 1975-530 § 6)

Article 6. Claims Against the City

2.16.630 Purpose.

The purpose of this article is to enable persons with legitimate and legal claims for compensation because of city regulations that may have caused a reduction in the value of private real property to present those claims and to have those claims processed a prompt, open, thorough process, consistent with the Oregon Constitution and Oregon law. (Ord. 2000-1018 § 1)

2.16.640 Definitions.

For the purpose of this article the following terms, phrases, words and their derivations shall have the meaning given in this section. When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular number and words in the singular number include the plural number. Words not defined in this chapter shall be given the meaning intended in Article 18, Section 1 of the Oregon Constitution, or as those words may be subsequently defined by statute. If not defined there, the words shall be given their common and ordinary meaning.

"Affected property" means the private real property claimed to be reduced in value because of a regulation and includes contiguous units of property under the same ownership and any structure built or sited on the property, aggregate and other removable minerals, and any forest product or other crop grown on the property.

"Affiliated owner" means any entity, business, association, partnership, corporation, limited liability company, limited liability partnership which share ownership, control, lease or management of more than twenty-five (25) percent ownership or leasehold interest in the property.

"Appraisal" means an appraisal by an appraiser licensed by the Appraiser Certification and Licensure Board of the state of Oregon.

"City Manager" means the Reedsport City Manager or his or her designee.

"City Recorder" means the Reedsport City Manager or his or her designee.

"Exempt regulation" means

1. A regulation which imposes regulation required under federal law, to the minimum extent required by federal law;

2. A regulation prohibiting the use of a property for the purpose of selling pornography, performing nude dancing, selling

alcoholic beverages or other controlled substances, or operating a casino or gaming parlor; or

3. A regulation governing historically and commonly recognized nuisance laws, including Reedsport Ordinance No. 494-F, as amended from time to time, and the criminal laws of Oregon and the city of Reedsport.

"Property" means any real property and any structure built or sited on the property, aggregate and other removable minerals, and any forest product or other crop grown on the property.

"Property owner" means a person with recorded interest in property, including co-owners, holders of less than fee simple interests, leasehold owners, and security interest holders.

"Reduction in value" means a reduction in the fair market value of the property before and after application of the regulation, and shall include the net cost to the landowner of an affirmative obligation to protect, provide, or preserve wildlife habitat, natural areas, wetlands, ecosystems, scenery, open space, historical, archaeological or cultural resources, or low income housing.

"Regulation" means any law, rule, ordinance, resolution, goal, or other enforceable enactment of the city.

"Restriction on use" means a restriction that restricts the type, but not extent, of the use of property. (Ord. 2000-1018 § 2)

2.16.650 Notice of claim.

A. No claim arising from the 2000 Amendment to Article I, Section 18 (Measure 7) shall be considered a claim unless notice of claim is filed as required by this section.

B. Notice of claim must be a written communication from a claimant filed with the City Recorder and must include:

1. Name, address and telephone number of person filing the claim;

2. Names and addresses of all property owners and all persons who hold a security interest in the affected property;

3. Legal description and street address of affected property including contiguous units of property under the same ownership;

4. Preliminary title report, dated not more than thirty (30) days from the date the claim is filed, from a title insurance company licensed in Oregon;

5. Description of, and citation to, regulation adopted, applied or enforced on the affected property causing a reduction in value:

a. Date regulation was adopted, applied or enforced on the affected property,

b. Date property owner or owners obtained title to property or became contract purchasers of record;

6. Description of the use that has been restricted by the regulation described in subsection(B)(5)of this section;

7. Amount the affected property has been reduced in value because of the restriction;

8. Statements explaining why the regulation is not an exempt regulation;

9. A written appraisal by an appraiser certified or licensed under ORS Ch. 674 that provides an opinion of the difference in the fair market value of the affected property before and after application of the regulation. If more than one regulation is being used by the claimant as the basis for the claim, then the appraisal shall set forth how each regulation affects the value of the real property and whether there is a different valuation if only one or a combination of those regulations are

imposed and what those various valuations consist of and how they affect the overall property value;

10. Any exempt regulations, known to the claimant, that may apply to the affected property, whether or not those exempt regulations affect the fair market value;

11. A statement explaining how the regulation restricts the use of the affected property and why the regulation has the effect of reducing the value of the property upon which the restriction is imposed;

12. A statement of the effect a release of the regulation on the property would have on the potential development of the property, stating the greatest degree of development that would be permitted if the identified regulation were released from the property;

13. A statement of the relief sought by the claimant;

14. A copy of the site plan and drawings related to the use of the property in a readable/legible 8 1/2 by 11 inch format for inclusion in the application record.

C. A notice of claim must be accompanied by a fee to be paid in advance of acceptance for filing to cover the costs of completeness review and application processing. This fee shall be established by resolution of the Council. The application fee shall be refunded if the city or an appellate body determines that just compensation should be paid. (Ord. 2000-1018 § 3)

2.16.660 Application, completeness, completeness review and tolling of ninety-day action requirement.

A. A notice of claim shall be submitted for review upon forms established by the City Recorder. A notice of claim shall consist of all materials required by this article. A notice of claim will not be accepted for filing until found to be complete by the City Recorder after all notice of claim materials required by this article have been submitted.

B. The City Recorder shall conduct a completeness review within fifteen (15) days after submittal of the proposed notice of claim and shall advise the applicant, in writing, of any material remaining to be submitted. The applicant shall submit the material needed for completeness within thirty (30) days of the written notice that material remains to be submitted. If the applicant fails to provide the materials necessary to make the notice of claim complete within thirty (30) days the notice of claim shall not be accepted for filing.

C. The ninety (90) day period for action by the city specified in Article 1, Section 18 of the Constitution of Oregon shall begin on the date the City Recorder deems the notice of claim complete and accepts it for filing. The City Recorder shall note the date of completeness and filing in writing upon the notice of claim. (Ord. 2000-1018 § 4)

2.16.670 Process of review of notice of claim.

A. The City Manager shall have the duty to assess any notice of claim and make a recommendation to the City Council on the disposition of the notice of claim.

B. Before the City Manager may make a recommendation on a notice of claim the City Manager shall provide notice of the notice of claim in accordance with the provisions of subsections F and G of this section.

C. Any person may present written comments to the City Manager that address the

notice of claim. The comments must be received by the City Manager within fourteen (14) calendar days from the date on the notice. The applicant shall have an additional seven calendar days to respond to any written comments received by the City Manager.

D. The City Manager or the City Manager's designee shall hold a public hearing before the Planning Commission on the notice of claim: if requested by the applicant in the initial written notice of claim; or if requested by another person entitled to notice under subsection F of this section provided that person makes the request within seven days from the date on the notice. If the applicant requests a hearing the initial notice under subsections F and G of this section shall provide information on the date, time and location of the hearing. If a hearing is requested by other persons entitled to notice a new notice shall be issued to the remaining persons entitled to notice giving the date, time and location of the hearing.

E. The City Manager shall make a recommendation to the City Council based on all of the information presented. The recommendation to the City Council may include establishing any relevant conditions for compensation, should compensation be recommended.

F. Notice of the notice of claim shall be by mailed notice provided to the applicant and to owners of record of property on the most recent property tax assessment roll where such property is located within three hundred (300) feet of the property which is the subject of the notice. Additional mailed notice sent to Oregon Department of Land Conservation and Development, Oregon Department of Justice, 1000 Friends of Oregon, Oregonians in Action, and such other as the city shall designate by Council resolution.

G. The notice under subsection F of this section shall:

1. Explain the nature of the application and the compensation sought and the regulation that causes the compensation to be alleged to be due;

2. Set forth the street address or other easily understood geographical reference to the subject property;

3. State the date written comments are due or, if a hearing has been requested, the date, time and location of the hearing;

4. Include the name of a city representative to contact and the telephone number where additional information may be obtained;

5. State that a copy of the application and all documents submitted by the applicant are available for inspection at no cost and that copies will be provided at reasonable cost; and

6. Include a general explanation of the requirements for submission of written comments or, if a hearing is to be held, the requirements for submission of testimony and evidence and the procedure for conduct of hearings.

H. The City Manager may, in the Manager's discretion, retain the services of an appraiser to appraise the property and the notice of claim, for the purposes of determining whether or not the cited regulation has had the effect of reducing the fair market value of the property and for other purposes relevant to the application.

I. If a hearing is conducted:

1. All documents or evidence relied upon by the applicant shall be submitted to the City Manager or the City Manager's designee as a part of the application. Persons other than the applicant may submit documents or evidence at the hearing.

2. Any staff report used at the hearing shall be available at least seven days prior to the hearing.

3. When the City Manager or City Manager's designee, or City Council reopens a record to admit new evidence or testimony, any person may raise new issues which relate to the new evidence, testimony or criteria for decision-making which apply to the matter at issue.

4. The failure of a person entitled to notice to receive notice as provided in this section shall not invalidate such proceedings if the local government can demonstrate by affidavit that such notice was given. The notice provisions of this section shall not restrict the giving of notice by other means, including posting, newspaper publication, radio and television.

J. Within ten (10) days from the date of the close of the period for written comments or the conclusion of the hearing if one is requested, the City Manager shall make a recommendation to the City Council as to whether compensation shall be paid, the amount of compensation to be paid, and whether one or more specifically articulated regulations are to be waived as to the property for which compensation was sought.

1. A copy of the City Manager's recommendation and date, time and place of the City Council meeting at which the recommendation will be reviewed shall be sent, via first class mail, not less than seven days before the City Council meeting to the applicant and to each party which provided written comments and/or participated in the Manager's hearing provided the party provided a mailing address to the City Manager as part of the review or hearing process.

K. Review by the City Council. Review by the City Council shall be on the record of the City Manager's review or hearing before the Planning Commission and all documents or evidence relied on before the City Council shall have been submitted as part of Manager's review or hearing. Any staff report by the City Manager used at the City Council review shall be available at least four days prior to the City Council meeting. The City Council shall allow written and/or oral arguments based on the record of the City Manager's review or hearing before the Planning Commission to be made by the applicant and any party entitled to receive notice of the City Council review.

L. The burden of proof of any material element shall be upon the applicant for all matters required to be shown that the property owner is entitled to just compensation, and shall be upon the city to show that the regulation is exempt from the obligation for compensation. The burden of proof standard shall be by clear and convincing evidence.

M. This article shall be interpreted in a manner consistent with Article I, Section 18 of the Constitution of Oregon as amended by Ballot Measure 7, passed November 7, 2000 and implementing Oregon Statutes or regulations as interpreted by Oregon courts. When not inconsistent in the terms hereof ORS Chapter 35 Eminent Domain Procedure shall be used as a guide in implementing this article.

N. The City Council shall, by majority vote of those present and voting, determine whether compensation is granted, the amount of compensation, whether any exceptions to the requirement for compensation apply or whether the regulation should be deemed not to apply to the applicant's property. Not less than seven days after the City Council meeting a copy of the City Council decision shall be sent, via first

class mail, to the applicant and to each party which participated in the City Manager or City Council review process provided the party provided a mailing address to the city as part of the review process. (Ord. 2000-1018 § 5)

2.16.680 Conditions of approval, revocation of decision and transfer of approval rights.

A. The City Council may establish any relevant conditions of approval of compensation, should compensation be granted.

B. Failure to comply with any condition for compensation is grounds for revocation of the approval of the notice of claim and grounds for recovering any compensation paid.

C. In the event an applicant, or the applicant's successor in interest, fails to fully comply with all conditions of approval or otherwise does not comply fully with the city's approval, the city may institute a revocation or modification proceeding under this article.

D. Unless otherwise stated in the city's decision, any claim approved under this article runs with the property and is transferred with ownership of the property. Any conditions, time limits or other restrictions imposed with a claim approval will bind all subsequent owners of the property for which the claim was granted. (Ord. 2000-1018 § 6)

2.16.690 Ex parte contacts—Conflict of interest and bias.

The following rules govern any challenges to the recommending City Manager's or City Councilor's participation in review/recommendation or hearing of applications for compensation:

A. Any factual information obtained by the recommending City Manager or a City Councilor outside of information provided by city staff and outside of the context of formal written comments or hearing will be deemed an ex parte contact. Prior to the close of the record the recommending City Manager or a City Councilor that has obtained any material factual information through an ex parte contact must declare the content of that contact and allow any interested party to rebut the substance of that contact. This rule does not apply to contacts between city staff and the recommending City Manager or a City Councilor.

B. Whenever the recommending City Manager, or City Manager's designee, or a City Councilor, or any member of their immediate family or household, has a financial interest in the outcome of a particular compensation matter that recommending City Manager or City Councilor must not participate in the deliberation or decision on that matter.

C. All decisions in compensation matters must be fair, impartial and based on the applicable review standards and the evidence in the record. Any recommending City Manager or City Councilor who is unable to render a decision on this basis in any matter must refrain from participating in the deliberation or decision on that matter. (Ord. 2000-1018 § 7)

2.16.700 Attorney fees on delayed compensation.

If a claim for compensation under Section 18, Article I, of the Oregon Constitution and this article is denied or not fully paid within ninety (90) days of the date of filing, applicant's reasonable attorney fees and expenses necessary to collect the compensation will be added as additional compensation provided compensation is awarded to applicant.

If a claim for compensation under Section 18, Article I, of the Oregon Constitution and this article is denied or not fully paid within ninety (90) days of the date of filing, applicant's reasonable attorney fees and expenses necessary to collect the compensation will be added as additional compensation provided compensation is awarded to applicant. If a claim for compensation under Article 1, Section 18 of the Constitution of Oregon and this article is denied or not fully paid within ninety (90) days of the date of filing, and the applicant commences suit or action to collect compensation, if the City is the prevailing party in such action, then City shall be entitled to any sum which a court, including any appellate court, may adjudge reasonable as attorney's fees. In the event the prevailing party is represented by "in-house" counsel, the prevailing party shall nevertheless be entitled to recover reasonable attorney fees based upon the reasonable time incurred and the attorney fee rates and charges reasonably and generally accepted in Gresham, Oregon for the type of legal services performed. (Ord. 2000-1018 § 8)

2.16.710 Availability of funds to pay claims.

Compensation can only be paid based on the availability and appropriation of funds for this purpose. (Ord. 2000-1018 § 9)

Article 7. Vertical Housing Development Zone Program

2.16.800 Definitions.

For the purposes of this article, the following definitions shall apply:

"Certified Project" or "project" means a multi-story development within a VHDZ that the City certifies as a vertical housing development project qualifying for a vertical housing partial property tax exemption under this chapter based on a proposal and description from a project applicant that conforms to City requirements.

"County Assessor" means the Douglas County Assessor.

"City" means the City of Reedsport.

"City Planner" means the independent contract charged with community development or other designee authorized to act on behalf of the City planner for purposes of the program.

"Project Applicant" means an owner of property within a VHDZ, who applies in a manner consistent with this chapter, to have any or all such property approved by the City as a certified project.

"Rehabilitation" means repair or replacement of improvements, including fixtures, or land developments, the cost of which equals at least twenty (20) percent of the real market value of the improvements or land developments being repaired or replaced.

"Vertical housing development project" or "project" means the construction or rehabilitation of a multiple-story building, or a group of buildings, including at least one (1) multiple-story building, so that a portion of the project may be dedicated to residential uses and a portion of the project may be dedicated for use as nonresidential areas.

"Vertical housing development zone" or "VHDZ" or "zone" means an area that has been and remains designated by the City as a vertical housing development zone or an area that was officially designated by the Housing and Community Services Department for the State of Oregon as a vertical housing development zone and which remains so designated. (Ord. No. 2021-1188, 6-7-2021)

2.16.810 Purpose, objectives and duration.

A. Chapter 2.16.800, Article 7 is adopted to carry out the provisions of ORS

307.841 to 307.867. The purpose of this program is to encourage construction or rehabilitation of eligible properties in order to increase the availability of suitable housing and to revitalize the designated development zone.

1. In accordance with ORS 307.844 (Zone designation) the City wishes to designate the Urban Growth Boundary as a vertical housing development zone and hereby incorporates the requirements set forth in ORS 307.841 to 307.867 into the Reedsport Municipal Code.

2. The City shall accept, review and certify applications for eligible properties within the vertical housing development zone in accordance with ORS 307.857 (Application for exemption) and shall certify or deny based on the requirements described in ORS 307.858 (Project certification requirements).

a. The City may require the applicant/owner to pay an administrative fee to cover the City's actual and anticipated costs of reviewing and monitoring the project.

3. The City shall for the first tax year (as of the assessment date) a vertical housing development project is occupied or ready for occupancy following certification under ORS 307.857 (Application for exemption), and for the next nine consecutive tax years the property shall be partially exempt from ad valorem property taxes in accordance with ORS 307.864 (Partial property tax exemption).

4. The City Planner or designee is responsible for the implementation, administration and enforcement of this chapter. The City Planner may adopt such policies, fees and procedures as are necessary to efficiently and effectively carry out that responsibility, consistent with the provisions of this chapter.

B. This chapter is not meant to interfere with the direct administration of property tax assessments by the County Assessor and does not supersede administrative rules of the Oregon Department of Revenue in OAR chapter 150 pertaining to the valuation of property for purposes of property tax assessments, including as adopted or amended in the future.

C. Any VHDZ within the City designated by the Housing and Community Services Department for the State of Oregon prior to adoption of this chapter shall sunset on July 1, 2022 unless extended by resolution of the Reedsport City Council.

D. The program shall sunset on January 1, 2026 unless extended under the authority of state law.

E. The termination of a VHDZ nor the termination of the program under this Chapter affects the tax exemption under ORS 307.864 of any property of a vertical housing development project that was certified prior to termination of the zone or the program and that continues to qualify for the exemption at the time of the termination. The property tax exemption will apply to a vertical housing development project for a maximum of ten (10) years under this chapter. (Ord. No. 2021-1188, 6-7-2021)

2.16.820 Waiver.

A. The City may waive or modify any requirements of this chapter unless such waiver or modification would violate applicable federal or state statutes or regulations.

B. The sections, subsections, paragraphs and clauses of this ordinance are severable. The invalidity of one (1) section, subsection, paragraph, or clause shall not affect the validity of the remaining sections, subsections, paragraphs and clauses, of this chapter nor the Reedsport Municipal Code. (Ord. No. 2021-1188, 6-7-2021)

Article 8. Motor Vehicle Fuel Tax*

2.16.830 Definitions.

For the purpose of this section the following definitions shall apply:

"Dealer" means any person who: (1) Imports or causes to be imported motor vehicle fuel for sale, use or distribution in the City, but "dealer" does not include any person who imports into the City motor vehicle fuel in quantities of five hundred (500) gallons or less purchased from a supplier who is licensed as a dealer hereunder if that dealer assumes liability for the payment of the applicable license tax to the City; or (2) Produces, refines, manufactures or compounds motor vehicle fuels in the City for use, distribution or sale in the City; or (3) Acquires in the City for sale, use or distribution in the City motor vehicle fuels with respect to which there has been no City license tax previously incurred.

"Distribution" means, in addition to its ordinary meaning, the delivery of motor vehicle fuel by a dealer to any service station or into any tank, storage facility or series of tanks or storage facilities connected by pipelines, from which motor vehicle fuel is withdrawn directly for sale or for delivery into the fuel tanks of motor vehicles whether or not the service station, tank or storage facility is owned, operated or controlled by the dealer.

"Highway" means every way, thoroughfare, and place of whatever nature, open for use of the public for the purpose of vehicular travel.

"Motor vehicle" means all vehicles, engines, or machines, movable or immovable, operated or propelled by the use of motor vehicle fuel that operates on highways, roadways, and streets.

"Motor vehicle fuel" includes gasoline, diesel, mogas, methanol and any other flammable or combustible gas or liquid, by whatever name such gasoline, diesel, mogas, methanol, gas or liquid is known or sold, usable as fuel for the operation of motor vehicles, except gas, diesel, mogas, methanol or liquid, the chief use of which, as determined by the Tax Administrator, is for purposes other than the propulsion of motor vehicles upon the highways roadways and streets.

"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.

"Service station" means any place operated for the purpose of retailing and delivering motor vehicle fuel into the fuel tanks of motor vehicles.

"Tax Administrator" means the City Manager, the City Manager's designee, or any person or entity with whom the City Manager contracts to perform those duties.

"Weight receipt" means a receipt issued by the Oregon Department of Transportation, stating the combined weight of each self-propelled or motor driven vehicle. (Ord. No. 2016-1154, § 1, 2-1-2016)

2.16.840 Tax imposed.

The following applies to taxes imposed. A business license tax is hereby imposed on every dealer. The tax imposed shall be paid monthly to the tax administrator. The tax administrator is authorized to exercise all supervisory and administrative powers with

*Editor's note—Ord. No. 2016-1154, § 1, adopted February 1, 2016, set out provisions intended for use as Article 7, §§ 2.16.830—2.16.950. Inasmuch as there were already provisions so designated, said article has been codified herein as Article 8, §§ 2.16.830—2.16.1060, at the discretion of the editor.

regard to the enforcement, collection, and administration of the business license tax, including all powers specified in ORS sections 319.010—319.430.

A. The City Manager or designee is responsible for administering this section.

B. The City Manager may enter into an agreement with the Oregon Department of Transportation or other entity an authorized agent for the implementation of certain sections of this article. (Ord. No. 2016-1154, § 1, 2-1-2016; Ord. No. 2016-1157, § 1, 7-11-2016)

2.16.850 Amount and payment.

In addition to any fees or taxes otherwise provided for by law, every dealer engaging in the City in the sale, use or distribution of motor vehicle fuel, shall:

A. Not later than the twenty-fifth (25th) day of each month specified in B.1. contained herein, render a statement to the tax administrator on forms prescribed, prepared and furnished by the tax administrator of all motor vehicle fuel sold, used or distributed by him/her in the City as well as all such fuel sold, used or distributed in the City by a purchaser thereof upon which sale, use or distribution the dealer has assumed liability for the applicable license tax during the preceding calendar month.

B. Pay a license tax computed on the basis of:

1. Beginning May 1st and ending October 31st of each year, three cents per gallon of such motor vehicle fuel so sold, used, or distributed as shown by such statement in the manner and within the time provided in this code.

2. On or before May 1st of each year, the license tax computed pursuant to Section 2.16.850(B)(1) may be increased or decreased after a public hearing, a vote of approval by the City Council and voter approval as set out in section 45 of the Reedsport City Charter, as applicable.

2.16.860 License requirements.

No dealer shall sell, use, or distribute any motor vehicle fuel until he/she has secured a dealer's business license as required herein.

License applications and issuance.

A. Every person, before becoming a dealer or who is a dealer in motor vehicle fuel in the City after the enactment of this section, shall make application to the tax administrator for a license authorizing such person to engage in business as a dealer.

B. Applications for the business license shall be made on forms prescribed, prepared, and furnished by the tax administrator.

C. Applications shall be accompanied by a duly acknowledged certificate containing:

1. The business name under which the applicant transacts business.

2. The address of applicant's principal place of business and location of distributing stations within the City.

3. The name and address of the managing agent, the names and addresses of the several persons constituting the firm or partnership or, if a corporation, the name under which the corporation is authorized to transact business and the names and addresses of its principal officers and registered agent, as well as primary transport carrier.

D. If an application for a dealer for a business license is complete and accepted for filing, the tax administrator shall issue to the dealer a license in such form as the tax administrator may prescribe to transact business in the City. A license issued hereunder is not assignable and is valid only for the dealer in whose name it is issued.

E. The tax administrator shall retain all completed applications with an alphabetical index thereof, together with a record of all licensed dealers. (Ord. No. 2016-1154, § 1, 2-1-2016)

2.16.870 Failure to secure license.

A. If a dealer sells, distributes, or uses any motor vehicle fuel without first filing the certificate and obtaining the license required by Section 2.16.860 of this article, the license tax on all motor vehicle fuel sold, distributed, or used by that dealer shall be immediately due and payable.

B. The tax administrator shall proceed forthwith to determine, from as many available sources as the tax administrator determines reasonable, the amount of tax due, shall assess the dealer for the tax in the amount found due, together with a penalty of one hundred (100) percent of the tax, and shall make its certificate of such assessment and penalty. In any suit or proceeding to collect the tax or penalty or both, the certificate shall be prima facie evidence that the dealer therein named is indebted to the City in the amount of the tax and penalty stated.

C. Any tax or penalty assessed pursuant to this section may be collected in the manner prescribed in this article with reference to delinquency in payment of the fee or by an action at law.

D. In the event any suit or action is instituted to enforce this section, if the City is the prevailing party, the City shall be entitled to recover from the person sued reasonable attorney's fees at trial or upon appeal of such suit or action, in addition to all other sums provided by law. (Ord. No. 2016-1154, § 1, 2-1-2016)

2.16.880 Revocation of license.

The City or its authorized agent shall revoke the license of any dealer refusing or neglecting to comply with any provision of this article. The City or its authorized agent shall mail by certified mail addressed to such dealer or at his last known address appearing on the files, a notice of intention to cancel. The notice shall give the reason for the cancellation. The cancellation shall become effective without further notice if within ten (10) days from the mailing of the notice the dealer or fuel-handler has not made good its default or delinquency. (Ord. No. 2016-1154, § 1, 2-1-2016)

2.16.890 Cancellation of license.

A. The tax administrator may, upon written request of a dealer, cancel a license issued to that dealer. The tax administrator shall, upon approving the dealer's request for cancellation, set a date not later than 30 days after receipt of the written request, after which the license shall no longer be effective.

B. The tax administrator may, after thirty (30) days' notice has been mailed to the last known address of the dealer, cancel the license of dealer upon finding that the dealer is no longer engaged in the business of a dealer. (Ord. No. 2016-1154, § 1, 2-1-2016)

2.16.900 Remedies cumulative.

The remedies provided in this article are cumulative. No action taken pursuant to those sections shall relieve any person from the penalty provisions of this code. (Ord. No. 2016-1154, § 1, 2-1-2016)

2.16.910 Payment of tax and delinquency.

A. The business license tax imposed by this Article shall be paid to the tax administrator on or before the twenty-fifth (25th) day of each month.

B. Except as provided in subsections (C) and (E) of this section, if payment of

the license tax is not paid as required by subsection (A) of this section, a penalty of one percent of such license tax shall be assessed and be immediately due and payable.

C. Except as provided in subsection (E) of this section, if the payment of the tax and penalty, if any, is not made on or before the first day of the next month following that month in which payment is due, a further penalty of ten (10) percent of the tax shall be assessed. Said penalty shall be in addition to the penalty provided for in subsection (B) of this section and shall be immediately due and payable.

D. If the license tax imposed by this article is not paid as required by subsection (A) of this section, interest shall be charged at the rate of .0329 percent per day until the tax, interest and penalties have been paid in full.

E. Penalties imposed by this section shall not apply if a penalty has been assessed and paid pursuant to Section 2.16.870. The tax administrator may for good cause shown waive any penalties assessed under this section.

F. If any person fails to pay the license tax, interest, or any penalty provided for by this section, the tax, interest, and/or penalty shall be collected from that person for the use of the City. The tax administrator shall commence and prosecute to final determination in any court of competent jurisdiction an action at law to collect the same.

G. In the event any suit or action is instituted to collect the business license tax, interest, or any penalty provided for by this section, if the City is the prevailing party, the City shall be entitled to recover from the person sued reasonable attorney's fees at trial or upon appeal of such suit or action, in addition to all other sums provided by law. (Ord. No. 2016-1154, § 1, 2-1-2016)

2.16.920 Monthly statement of dealer.

Every dealer in motor vehicle fuel shall provide to the tax administrator on or before the twenty-fifth (25th) day of each month, on forms prescribed, prepared, and furnished by the tax administrator, a statement of the number of gallons of motor vehicle fuel sold, distributed, or used by the dealer during the preceding calendar month. The statement shall be signed by the dealer or the dealer's agent. (Ord. No. 2016-1154, § 1, 2-1-2016)

2.16.930 Failure to file monthly statement.

If a dealer fails to file any statement required by Section 2.16.920, the tax administrator shall proceed forthwith to determine from as many available sources as the tax administrator determines reasonable the amount of motor vehicle fuel sold distributed or used by such dealer for the period unreported, and such determination shall in any proceeding be prima facie evidence of the amount of fuel sold, distributed or used. The tax administrator shall immediately assess the dealer for the license tax upon the amount determined, adding thereto a penalty of ten (10) percent of the tax. The penalty shall be cumulative to other penalties provided in this code. (Ord. No. 2016-1154, § 1, 2-1-2016)

2.16.940 Billing purchasers.

Dealers in motor vehicle fuel shall render bills to all purchasers of motor vehicle fuel. The bills shall separately state and describe the different products sold or shipped thereunder and shall be serially numbered except where other sales invoice controls acceptable to the tax administrator are maintained. (Ord. No. 2016-1154, § 1, 2-1-2016)

2.16.950 Failure to provide invoice or delivery tag.

No person shall receive and accept motor vehicle fuel from any dealer, or pay for the same, or sell or offer the motor vehicle fuel for sale, unless the motor vehicle fuel is accompanied by an invoice or delivery tag showing the date upon which motor vehicle fuel was delivered, purchased or sold and the name of the dealer in motor vehicle fuel. (Ord. No. 2016-1154, § 1, 2-1-2016)

2.16.960 Transporting motor vehicle fuel in bulk.

Every person operating any conveyance for the purpose of hauling, transporting or delivering motor vehicle fuel in bulk shall, before entering upon the public highways of the City with such conveyance, have and possess during the entire time of the hauling or transporting of such motor vehicle fuel, an invoice, bill of sale or other written statement showing the number of gallons, the true name and address of the seller or consignor, and the true name and address of the buyer or consignee, if any, of the same.

The person hauling such motor vehicle fuel shall, at the request of any officer authorized by law to inquire into or investigate such matters, produce, and offer for inspection the invoice, bill of sale or other statement.

Exemption of export fuel.

A. The license tax imposed by Section 2.16.730 shall not be imposed on motor vehicle fuel:

1. Exported from the City by a dealer; or

2. Sold by a dealer for export by the purchaser to an area or areas outside the City in containers other than the fuel tank of a motor vehicle, but every dealer shall be required to report such exports and sales to the City in such detail as may be required.

B. In support of any exemption from business license taxes claimed under this section other than in the case of stock transfers or deliveries in the dealer's own equipment, every dealer must execute and file with the tax administrator an export certificate in such form as shall be prescribed, prepared and furnished by the tax administrator, containing a statement, made by some person having actual knowledge of the fact of such exportation, that the motor vehicle fuel has been exported from the City, and giving such details with reference to such shipment as the tax administrator may require. The tax administrator may demand of any dealer such additional data as is deemed necessary in support of any such certificate, and failure to supply such data will constitute a waiver of all right to exemption claimed by virtue of such certificate. The tax administrator may, in a case where the tax administrator believes no useful purpose would be served by filing of an export certificate, waive the filing of the certificate.

C. Any motor vehicle fuel carried from the City in the fuel tank of a motor vehicle shall not be considered as exported from the City.

D. No person shall, through false statement, trick or device, or otherwise, obtain motor vehicle fuel for export as to which the City tax has not been paid and fail to export the same, or any portion thereof, or cause the motor vehicle fuel or any portion thereof not to be exported, or divert or cause to be diverted the motor vehicle fuel or any portion thereof to be used, distributed or sold in the City and fail to notify the tax administrator and the dealer from whom the motor vehicle fuel was originally purchased of his/her act.

E. No dealer or other person shall conspire with any person to withhold from ex-

port or divert from export or to return motor vehicle fuel to the City for sale or use so as to avoid any of the fees imposed herein.

F. In support of any exemption from taxes on account of sales of motor vehicle fuel for export by the purchaser, the dealer shall retain in his/her files for at least three years, an export certificate executed by the purchaser in such form and containing such information as is prescribed by the tax administrator. This certificate shall be prima facie evidence of the exportation of the motor vehicle fuel to which it applies only if accepted by the dealer in good faith. (Ord. No. 2016-1154, § 1, 2-1-2016)

2.16.970 Sales to Armed Forces exempted.

The license tax imposed by Section 2.16.840 shall not be imposed on any motor vehicle fuel sold to the Armed Forces of the United States, including the U. S. Coast Guard and the Oregon National Guard, for use in ships, aircraft or for export from the City; but every dealer shall be required to report such sales to the tax administrator in such detail as may be required. A certificate by an authorized officer of such armed forces shall be accepted by the dealer as sufficient proof that the sale is for the purpose specified in the certificate. (Ord. No. 2016-1154, § 1, 2-1-2016)

2.16.980 Fuel in vehicles coming into City not taxed.

Any person coming into the City in a motor vehicle may transport in the fuel tank of such vehicle, motor vehicle fuel for his/her own use only and for the purpose of operating such motor vehicle without securing a license or paying the tax provided in Section 2.16.840 or complying with any of the provisions imposed upon dealers herein, but if the motor vehicle fuel so brought into the City is removed from the fuel tank of the vehicle or used for any purpose other than the propulsion of the vehicle, the person so importing the fuel into the City shall be subject to all the provisions herein applying to dealers. (Ord. No. 2016-1154, § 1, 2-1-2016)

2.16.990 Refunds.

A. Refunds of tax on motor vehicle fuel will be made pursuant to any refund provisions of chapter 319 of the Oregon Revised Statutes, including but not limited to ORS 319.280 and 319.831. Claim forms for refunds may be obtained from the tax administrator's office.

B. A holder of a weight receipt that certifies to the City that the motor vehicle fuel upon which the tax was imposed will be used only for fueling vehicles subject to the state's weight-mile tax, may apply for a refund of 80 percent of the tax imposed by Section 2.16.840 on motor vehicle fuel purchased in bulk for distribution at the weight receipt holder's facility located within the City. This subsection applies only to motor vehicle fuel purchased by the weight receipt holder on or after July 1, 2016.

C. All claims for refund under subsection (B) of this section shall be filed within fifteen (15) months of the date that the fuel was purchased and may not be filed more frequently than quarterly. The minimum claim for refund filed under subsection (B) of this section shall be not less than twenty-five dollars ($25.00). (Ord. No. 2016-1154, § 1, 2-1-2016)

2.16.1000 Examinations and investigations.

The tax administrator, or duly authorized agents, may make any examination of accounts, records, stocks, facilities and equipment of dealers, service stations and other persons engaged in storing, selling or distributing motor vehicle fuel or other pe-

troleum product or products within this City, and such other investigations as it considers necessary in carrying out the provisions of this article If the examinations or investigations disclose that any reports of dealers or other persons theretofore filed with the tax administrator pursuant to the requirements herein, have shown incorrectly the amount of gallonage of motor vehicle fuel distributed or the tax accruing thereon, the tax administrator may make such changes in subsequent reports and payments of such dealers or other persons, or may make such refunds, as may be necessary to correct the errors disclosed by its examinations or investigation.

The dealer shall reimburse the City for the reasonable costs of the examination or investigation if the action discloses that the dealer paid ninety-five (95) percent or less of the tax owing for the period of the examination or investigation. In the event that such an 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 .0329 percent per day from the date the original tax payment was due. (Ord. No. 2016-1154, § 1, 2-1-2016)

2.16.1010 Limitation on credit for or refund of overpayment and on assessment of additional tax.

A. Except as otherwise provided in this code, any credit for erroneous overpayment of tax made by a dealer taken on a subsequent return or any claim for refund of tax erroneously overpaid filed by a dealer must be so taken or filed within three years after the date on which the overpayment was made to the City.

B. Except in the case of a fraudulent report or neglect to make a report, every notice of additional tax proposed to be assessed under this code shall be served on dealers within three years from the date upon which such additional taxes become due and shall be subject to penalty as provided in Section 2.16.910. (Ord. No. 2016-1154, § 1, 2-1-2016)

2.16.1020 Examining books and accounts of carrier of motor vehicle fuel.

The tax administrator or duly authorized agents of the tax administrator may at any time during normal business hours examine the books and accounts of any carrier of motor vehicle fuel operating within the City for the purpose of enforcing the provisions of this code. (Ord. No. 2016-1154, § 1, 2-1-2016)

2.16.1030 Records to be kept by dealers.

Every dealer in motor vehicle fuel shall keep a record for three years in such form as may be prescribed by the tax administrator of all purchases, receipts, sales, and distribution of motor vehicle fuel. The records shall include copies of all invoices or bills of all such sales and shall at all times during the business hours of the day be subject to inspection by the tax administrator or authorized officers or agents of the tax administrator. (Ord. No. 2016-1154, § 1, 2-1-2016)

2.16.1040 Records to be kept three years.

Every dealer shall maintain and keep, for a period of three years, all records of motor vehicle fuel used, sold, and distributed within the City by such dealer, together with stock records, invoices, bills of lading and other pertinent papers as may be required by the tax administrator. In the event such records are not kept within the state, the dealer shall reimburse the tax administrator for all travel, lodging, and related expenses incurred by the tax adminis-

trator in examining such records. The amount of such expenses shall be assessed in addition to the tax imposed by Section 2.16.840. (Ord. No. 2016-1154, § 1, 2-1-2016)

2.16.1050 Use of tax revenues.

A. For the purpose of this section, net revenue shall mean the revenue from the tax and penalties imposed under this chapter remaining after providing for the cost of administration and any refunds and credits authorized herein.

B. The net revenue shall be used exclusively for services and materials associated with the design, construction, reconstruction, improvement, traffic enforcement and repair of roads, streets, bike and pedestrian pathways, other multi-modal transportation systems and flood control facilities that protect such systems for which the City owns, operates and maintains, desires to own, operate or maintain, is contractually or legally obligated to operate and maintain, or for which the City has accepted responsibility under intergovernmental agreement. Net revenues shall be not used for City administration costs, City fuel tax administration costs or City personnel costs unless such costs are directly tied to qualifying specific projects. Specific projects that are fully or partially funded with revenues received under this chapter shall be identified and approved by the City Council as a part of the City's annual budget process. (Ord. No. 2016-1154, § 1, 2-1-2016)

2.16.1060 When tax shall take effect.

The tax imposed pursuant to Section 7.16.840 shall take effect July 1, 2016, and only after the tax administrator has developed the necessary forms and documents to administer the tax. The tax administrator shall declare when the tax shall take effect and give not less than fifteen (15) days' notice of the date before the tax may take effect. The tax administrator's decision as to the effective date of the tax and the type of notice to provide shall be final and not subject to preview. (Ord. No. 2016-1154, § 1, 2-1-2016)

Chapter 2.20

PERSONNEL SYSTEM

Sections:

2.20.010 Short title.

The title of this chapter shall be "the personnel ordinance of the City of Reedsport." (Ord. 1977-548 § 1)

2.20.020 Purpose.

This chapter is adopted to establish an equitable and uniform procedure for dealing with personnel matters; to attract to municipal service and to retain the best and most competent persons available; to assure that appointments and promotions of employees will be based on merit and fitness; and to provide a reasonable degree of job security and qualified employees. (Ord. 1977-548 § 2)

2.20.030 Adoption and amendment of rules.

Personnel rules shall be adopted and amended by resolution of the Common Council. The rules shall provide means to recruit, select, develop and maintain an effective and responsive work force, and shall include policies and procedures for employee hiring and advancement, training and career development, job classification, salary administration, retirement, fringe benefits, discipline, discharge and other related activities. All appointments and promotions shall be made in accordance with the personnel rules without regard to sex, race, color, age, religion or political affiliation; and furthermore, shall be based on merit and fitness. (Ord. 1977-548 § 3)

2.20.040 Administration of the rules.

The City Manager shall be responsible for:

A. Administering all of the provisions of this chapter and the personnel rules and resolutions not specifically reserved to the Common Council, or limited by the City Charter;

B. Preparing or causing to be prepared and recommending to the Common Council resolutions for personnel rules, as well as revisions and amendments thereto. (Ord. 1977-548 § 4)

nate the Urban Growth Boundary as a vertical housing development zone and hereby incorporates the requirements set forth in ORS 307.841 to 307.867 into the Reedsport Municipal Code.

2. The city shall accept, review and certify applications for eligible properties within the vertical housing development zone in accordance with ORS 307.857 (Application for exemption) and shall certify or deny based on the requirements described in ORS 307.858 (Project certification requirements).

a. The city may require the applicant/owner to pay an administrative fee to cover the city's actual and anticipated costs of reviewing and monitoring the project.

3. The city shall for the first tax year (as of the assessment date) a vertical housing development project is occupied or ready for occupancy following certification under ORS 307.857 (Application for exemption), and for the next nine consecutive tax years the property shall be partially exempt from ad valorem property taxes in accordance with ORS 307.864 (Partial property tax exemption).

4. The City Planner or designee is responsible for the implementation, administration and enforcement of this chapter. The City Planner may adopt such policies, fees and procedures as are necessary to efficiently and effectively carry out that responsibility, consistent with the provisions of this chapter.

B. This chapter is not meant to interfere with the direct administration of property tax assessments by the County Assessor and does not supersede administrative rules of the Oregon Department of Revenue in OAR chapter 150 pertaining to the valuation of property for purposes of property tax assessments, including as adopted or amended in the future.

C. Any VHDZ within the city designated by the Housing and Community Services Department for the State of Oregon prior to adoption of this chapter shall sunset on July 1, 2022 unless extended by resolution of the Reedsport City Council.

D. The program shall sunset on January 1, 2026 unless extended under the authority of state law.

E. The termination of a VHDZ nor the termination of the program under this Chapter affects the tax exemption under ORS 307.864 of any property of a vertical housing development project that was certified prior to termination of the zone or the program and that continues to qualify for the exemption at the time of the termination. The property tax exemption will apply to a vertical housing development project for a maximum of ten (10) years under this chapter.
(Ord. No. 2021-1188, 6-7-2021)

2.16.820 Waiver.

A. The city may waive or modify any requirements of this chapter unless such waiver or modification would violate applicable federal or state statutes or regulations.

B. The sections, subsections, paragraphs and clauses of this ordinance are severable. The invalidity of one (1) section, subsection, paragraph, or clause shall not affect the validity of the remaining sections, subsections, paragraphs and clauses, of this chapter nor the Reedsport Municipal Code.
(Ord. No. 2021-1188, 6-7-2021)

Chapter 2.24

PUBLIC RECORDS

Sections:

2.24.010 Storage.

The City Manager or his designee is authorized to have all papers, documents and records received in all city departments maintained and stored to insure an expeditious and orderly retention system. The City Manager or his designee may choose to retain such papers, documents and records through a technically accepted method, rather than the retention of the actual document itself. All records and documents to be stored shall be placed in transfer files or suitable containers that will insure the safekeeping of all documents and records, and each file or container shall be clearly marked as to the type of record and document contained therein, with the date of disposal, if any noted on each file or container. (Ord. 1999-554-A § 1)

2.24.020 Destruction of records.

Upon completion of each fiscal year and completion of an independent post-audit, the City Manager, or his designee, is authorized to cause to have examined all records proposed for disposal or destruction by each department. Following such examination, the person making such examination shall complete a certificate requesting authorization to destroy such records, accompanied by samplings of the type of records proposed for disposal or destruction. Records to be disposed of shall be destroyed by burning or in such other manner that the City Manager or his designee may direct. Certificate of the records authorized to be destroyed shall be filled out and maintained. (Ord. 1999-554-A § 2)

2.24.030 Schedule of records retention—Adopted by reference.

The schedule of records retention is set forth in the Archives Division of the Oregon Administrative Rules, Chapter 166 and the General Records Retention Schedule for the Cities of Oregon (Division 200), October 15, 2007 edition and all successive revisions, and by this reference made a part of this chapter, and shall govern the disposal of all files, documents, papers and records now on file in each department of the city. (Ord. 2008-1088: Ord. 1999-554-A § 3)

2.24.040 Forms.

A "Certificate of Records Authorized to be Destroyed - Authorization to Destroy Records" is set forth in Exhibit A, which is set out at the end of this section, and by this reference made a part of this chapter.

A "Certificate of Records Authorized to be Destroyed - Authorization to Amend Retention Method of Records" is set forth in Exhibit B, which is set out at the end of this section, and by this reference made a part of this chapter. (Ord. 1999-554-A §§ 4, 5)

Exhibit A

CERTIFICATE OF RECORDS AUTHORIZED TO BE DESTROYED

AUTHORIZATION TO DESTROY RECORDS

_____

Date

I hereby certify that I have personally examined, carefully, the following described records and documents of the _____Department of the City of Reedsport, Oregon, that have been retained in this department for a specified length of time as required by Ordinance #99-554-A of the City of Reedsport; and these original records are no longer of any particular value to the City of Reedsport.

RECORDS LISTING:

1. _____
2. _____
3. _____
4. _____
5. _____

_____

Signature

_____

Title

Authorized to be destroyed this ___ day of _____, 20 _____

_____

City Recorder

REVIEWED:

_____

City Manager

Exhibit B

CERTIFICATE OF RECORDS AUTHORIZED TO BE DESTROYED

AUTHORIZATION TO AMEND RETENTION METHOD OF RECORDS

_____
Date

I hereby certify that I have personally examined, carefully, the following described records and documents of the _____Department of the City of Reedsport, Oregon, that have been retained in this department for a specified length of time as required by Ordinance #99-554-A of the City of Reedsport; and these original records are no longer need to be maintained in hard copy, printed form.

RECORDS LISTING:

1. _____
2. _____
3. _____
4. _____
5. _____

_____
Signature

_____
Title

Authorized for transfer, original records to technically accepted recording system, and destruction of original records, this _____day of _____, 20 _____.

_____
City Recorder

REVIEWED:

_____
City Manager

Chapter 2.28

CITIZENS ADVISORY COMMITTEE FOR COMMUNITY DEVELOPMENT

Sections:

2.28.010 Citizen participation plan—Adopted by reference.

The citizen participation plan as revised and dated February 11, 1980 marked Exhibit A and set out in an appendix following this chapter is adopted and made a part of this chapter by reference. (Ord. 1980-580-A § 1)

2.28.020 Committee created.

There is created a Citizens Advisory Committee for Community Development for Reedsport, Oregon, consisting of seven members appointed by the Mayor at the first regular Council meeting of each calendar year or as soon as possible thereafter. Members shall be appointed for a term of one year and may be reappointed. Members shall be residents of the city representing all areas of the city including low and moderate income and minorities. Any vacancy which may occur on the Committee shall be filled for the unexpired term by appointment by the Mayor. (Ord. 1980-580-A § 2)

2.28.030 Meetings.

The Committee shall meet as necessary to perform its duties as specified in this chapter and the citizen participation plan. (Ord. 1980-580-A § 3)

2.28.040 Powers and duties.

The Committee shall have the power and duty to:

A. In cooperation with other city committees, boards and commissions, formulate and recommend policy to the Council on housing and community revitalization issues; and emphasis on older, declining or lower income neighborhoods;

B. Recommend to the Planning Commission and City Council policies to provide for and conserve low and moderate income housing in the city;

C. Assist in the preparation of the annual city application requesting federal housing and community development funds and other funds relating to community development which may become available;

D. Monitor and evaluate planning, programming, implementation of community development activities;

E. Refer local housing discrimination complaints to the Civil Rights Division of the Oregon Bureau of Labor or other appropriate enforcement agencies as provided by Reedsport Ordinance No. 512.

It is the policy of the city that no one who sells, rents or leases a house, apartment or other real property within the city limits of Reedsport may discriminate on the basis of race, religion, sex, marital status, color, national origin, mental or physical handicap. (Ord. 1980-580-A § 4)

Appendix:

CITIZEN PARTICIPATION PLAN

I. PURPOSE

To involve a cross section of the citizens of Reedsport, Oregon in the development, implementation, monitoring and evaluation of the Community Development Block Grant Program.

II. OBJECTIVES

A. To develop a strategy to determine local needs, goals and priorities.

B. To make the public aware of the Community Development Block Grant Program.

C. To make the program responsive to the citizens.

D. To encourage citizen participation in the development of the program.

E. To obtain wide based community support.

III. DEVELOPMENT OF A CITIZEN PARTICIPATION PLAN

A. A rough draft of the Citizen Participation Plan shall be developed by the City Manager or his authorized representative.

B. Meeting held with the Citizens Advisory Committee for Community Development to fine-tune the Plan.

C. Publication of Plan in local newspaper of general circulation.

D. Compilation of suggestions received.

E. Publication of Final Plan shall be available in newspaper of general circulation and copies available at Reedsport Community Building.

IV. DEVELOPMENT OF BLOCK GRANT PROPOSAL

A. Public meetings will be held to familiarize Reedsport citizens and to involve targeted neighborhood residents.

1. Radio announcements of public meetings.

2. Letters to residents of targeted neighborhoods.

B. Public Hearings will be scheduled to inform the public of the following:

1. Amount of funds available.

2. Range of activities that may be undertaken.

3. Ineligible activities.

C. All meetings will be open to the public and a concerted effort to

notify about such meetings will be undertaken by the following:

1. Notice posted in the Tri-River-Trolley.

2. Paid newspaper ads.

3. Posted at Community Building.

D. Minutes will be kept of all meetings and available at the Community Building.

E. Two Public Hearings will be held to review and amend the Community Development Block Grant Application.

F. Minutes of the Public Hearings will be available at the Community Building.

V. CONTINUITY OF CITIZEN INVOLVEMENT

A. The Citizens Advisory Committee for Community Development will monitor and advise.

B. Evaluate the progress at each stage.

C. Act as a liaison between the private sector and city officials.

D. Technical assistance through staff will be available to Citizens Advisory Committee for Community Development.

SUMMARY OF CITIZENS PARTICIPATION PLAN

I. To involve Reedsport citizens in all stages of the Community Development Block Grant Program.

II. Citizen Participation Plan developed by city staff and Citizens Advisory Committee for Community Development.

III. Public Hearings will be held to allow citizens to review and amend Block Grant application.

IV. Technical assistance available to citizens by city staff.

LONG-RANGE CITIZEN PARTICIPATION PLAN

Effective September 1, 1978 through Implementation or superceded by a New Plan.

City of Reedsport, Oregon for projects proposed for funding through the U. S. Department of Housing and Urban Development Community Block Grant Program.

The City of Reedsport, by and through its Citizens Advisory Committee for Community Development, which includes residents from all areas of Reedsport, low-moderate incomes and minorities (female heads of households) reviewed the Citizen Participation Plan and comments were received.

THE CITIZEN PARTICIPATION PLAN

I. It is the intent of this Plan to insure that the citizens of Reedsport, Oregon, on a communitywide level, are given an adequate opportunity to participate in an advisory role in the planning, implementation, and assessment of the City's Community Development program.

II. Plan effective from September 1, 1978 until such time as all activities assisted by a grant from DHUD are completed or until it is superceded by a new Citizen Participation Plan.

III. Involvement of low- and moderate income persons, minorities (female heads of households), handicapped, elderly, and business community shall be encouraged with freedom of access for all interested persons.

IV. In instances where a community wide citizen advisory committee is involved, there shall be on that committee substantial representation of low and moderate income citizens and members of minority groups.

V. Efforts will be made to ensure continuity of involvement of citizens or citizens organizations throughout all stages of the Community Development program.

VI. Citizens will be provided adequate and timely information, so that they may be meaningfully involved in important decisions at various stages of the Community Development program.

VII. Citizens, particularly low- and moderate-income persons and residents of blighted neighborhoods, will be encouraged to submit their views and proposals regarding our Community Development program.

VIII. Citizens will be involved, in an advisory role, in the development of the Citizen Participation Plan, and in development of annual applications, including:

A. A 3-year Community Development Plan, including the identification of community development and housing needs, and the setting of priorities.

B. The Housing Assistance Plan, including the annual housing action program.

C. The annual Community Development Program.

D. Subsequent amendments and other changes to the above.

IX. Citizens will be involved, in an advisory role, in policy decisions regarding program implementation.

X. Citizens and citizen organizations will be given the opportunity to assess and submit comments on all aspects of the City's community development performance, including the performance of the City's contractors. They will also be

given the opportunity to assess projects and activities to determine whether objectives are achieved. These opportunities will be given at public meetings and hearings, as well as orally or in writing at any time directly to the City Manager. The City Manager will respond in writing within 15 working days to any comments received. The City's annual performance report will include copies of comments submitted by citizens, together with the City's assessment of such comments and a summary of any action taken in response to the comments.

XI. The submission of views and proposals by citizens, especially low- and moderate-income persons and residents of blighted neighborhoods, regarding the Community Development program will be encouraged, not only at formal public hearings, but additionally as follows:

A. Directly to the City Manager during the planning period, prior to public hearings on the application.

B. To communitywide citizen organizations.

C. At any neighborhood and other meetings scheduled by the City prior to formal public hearings.

The City will respond promptly to all proposals submitted to it by citizens, stating in that response the reasons for the action taken by the City on the citizen's proposal. Written responses will be made to written proposals, within 15 working days.

XII. At the time the City of Reedsport begins planning for each program year, the following information will be provided to its citizens:

A. The total amount of CDBG funds available to the City for community development and housing activities, including planning and administrative activities.

B. The range of activities that may be undertaken with these funds and the kind of activities previously funded to the city.

C. The processes to be followed in drawing up and approving the local application and the schedule of meetings and hearings.

D. The role of citizens in the program.

E. The most recent audit, HUD annual performance report, the previous year's application and letter of approval, as well as any other informational documents requested.

XIII. PUBLIC HEARINGS AND NOTICES. Information will be provided to the Citizens at meetings and hearings held to obtain citizen views and to respond to citizen proposals and questions at convenient times and locations to permit broad participation, particularly by low and moderate income persons and by residents of blighted neighborhoods.

Full participation by handicapped persons will be made possible at the hearings.

Prior to submission of the application to A-95 clearinghouses, an additional public hearing will be held to obtain the citizens views on the proposed application.

A performance hearing will be held 30 to 60 days prior to the start of planning for each subsequent program year, in order to review program progress and performance.

Ten days prior notice of each public hearing and meeting will be given by publication in easily readable type in the nonlegal section of a paper of general circulation. Such notices shall indicate the date, time, place and procedures of the hearings and topics to be considered. Press releases will also be forwarded to the local radio station.

Further publicity will be given to the hearings by distributing notices to such known groups and representatives of senior groups and representatives of low- and moderate-income groups; handicapped organizations and service organizations.

Minutes of all public meetings and hearings will be taken and shall be available for public review in the Community Building.

XIV. When the application is submitted to HUD upon completion of the clearing-house reviews, the City will publish a notice in the local paper stating that the application has been submitted and is available to interested parties upon request. This notice will also contain a description of the requirements on citizen objections to applications, as established by HUD.

XV. Copies of the Citizen Participation Plan, the proposed and approved application, and the annual performance report will be made available at no charge at locations convenient for persons affected by the program and accessible to the handicapped.

PROCESS FOR SELECTING SPECIFIC PROJECTS

I. Announcement of Community Development Funds
II. Citizens Advisory Committee for Community Development Involvement
III. Public Hearings
IV. Recommendations from Public Hearings
V. Compilation of Pre-Applications
VI. Pre-Application Submitted to DHUD

Chapter 2.32

RESERVED*

*Editor's note—Ord. No. 2019-1170, adopted Jan. 14, 2019, disbanded the Reedsport Public Library which had been previously codified in Ch. 2.32, §§ 2.32.010—2.32.090, and had been established by Ordinance No. 2017-1162, §§ 1—9, adopted May 1, 2017. The operation of the public library has been transferred to the Lower Umpqua Library District.

a term of office, the governing body shall appoint a new member for the unexpired term.

C. Members of the board shall receive no compensation for their services, but may be reimbursed for expenses incurred in the performance of their duties as authorized by the City Manager.
(Ord. No. 2017-1162, § 3, 5-1-2017)

2.32.040 Board organization.

A. At the first meeting of each new calendar year, the Library Board shall elect a chairperson, co-chairperson and secretary from its members.

B. The secretary shall keep the record of all board actions.

C. The board may establish and amend rules and regulations for its government and procedure consistent with the laws of the State of Oregon and with the charter, ordinances, resolutions, and regulations of the City.

D. The board shall meet on a regular schedule and in no case less than quarterly.
(Ord. No. 2017-1162, § 4, 5-1-2017)

2.32.050 Library Board general powers.

The Library Board shall be an advisory board and shall have no executive or administrative powers of authority, and this Chapter shall not be construed as depriving elected or appointed officials of the City of any power they may have under the laws of the state or the charter of the City. The board shall have powers and duties as follows:

A. The Library Board shall assist in the interview process of selecting and appointing Library personnel. The City Manager, as the fiscal and internal administrative agent for the library shall have primary responsibility for library personnel, including recruitment, selection, classification and pay, and supervision.

B. The Library Board shall make recommendation to the City Council about rules and policies for the efficient and effective operation of the library, its services and programs.

C. The Library Board shall assist the City Finance Director in the preparation of the annual Library budget.

D. The Library Board shall make recommendations for acceptance, use, or expenditure of any real or personal property or funds donated to the library under Section 2.32.050, or make recommendation for the purchase, control, or disposal, of real and personal property necessary for the purposes of the library.

E. The Library Board shall review and recommend to the City Council terms for contracts and working relationships with private and public agencies regarding library services.

F. The Library Board shall prepare and send an annual report to the State Library and to the City Council on a form provided by the State Library.

G. The Library Board shall develop and recommend to the City Council long-range plans for library service, consistent with City priorities and with state, regional and national goals for libraries.
(Ord. No. 2017-1162, § 5, 5-1-2017)

2.32.060 Acceptance of gifts for Library purposes.

Gifts of any real or personal property or funds donated to the library and accepted by the governing body shall be administered in accordance with each gift's terms, and all property or funds shall be held in the name of the City.
(Ord. No. 2017-1162, § 6, 5-1-2017)

2.32.070 Internal administrative policies and procedures.

The City Manager shall be the fiscal and internal administrative agent for the

Reedsport Public Library and the library shall operate in conformance with City administrative procedures including those pertaining to the following:

A. Personnel, including recruitment, selection, classification and pay for library personnel.

B. Receipt, disbursement, and accounting for monies.

C. Maintenance of general books, cost accounting records and other financial documents.

D. Budget administration.

E. Operation and maintenance of equipment and buildings.

(Ord. No. 2017-1162, § 7, 5-1-2017)

2.32.080 Prohibited actions and penalties.

A. It shall be unlawful for any person to willfully or maliciously detain any library materials belonging to the Public Library for thirty (30) days after notice in writing from the Library that the library material is past due. The notice shall bear upon its face a copy of ORS section 357.975 and 357.990.

B. Violation for willful detention of library materials is punishable upon conviction by a fine of not less than one hundred thirty dollars ($130.00) nor more than two thousand dollars ($2,000.00). Such conviction and payment of the fine shall not be construed to constitute payment for library materials, nor shall a person convicted under this section be thereby relieved of any obligation to return such material to the library.

(Ord. No. 2017-1162, § 8, 5-1-2017)

2.32.090 Severability.

If any portion of this Chapter is for any reason held invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions of this Chapter.

(Ord. No. 2017-1162, § 9, 5-1-2017)

Title 3

PUBLIC UTILITIES

Chapters:

Chapter 3.04

WATER SYSTEM

Sections:

Article 1. Use of Water

Article 2. Furnishing and Sale of Water—Rates and Charges

Article 1. Use of Water

3.04.010 Definitions.

For the purpose of this article, the following terms, words, phrases and their derivations shall have the meanings set forth in this section. When not inconsistent with the context, the words used in the present tense include the past tense, the words in the plural number include the singular number and words in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

"City" is the city of Reedsport.

"Operation and maintenance" means all activities, goods, and services which are necessary to maintain the proper capacity and performance of the treatment and distribution works for which such works were designed and constructed. The term "operation and maintenance" includes replacement as defined hereinafter.

"Person" is any individual, a registered owner of property, firm, partnership, association, corporation, the United States of America, municipal corporation and/or subdivision of the state of Oregon, Douglas County, company or other organizations of any kind.

"Public treatment works" means a treatment works owned and operated by a public authority.

"Replacement" means acquisition and installation of equipment, accessories, or appurtenances, which are necessary during the service life of the treatment and distribution works to maintain the capacity and performance for which such works were designed and constructed.

"Service area" means all the area served by the treatment and distribution works and for which there is one uniform user charge system.

"Treatment works" means all facilities for pumping, treating, and distributing water. "Treatment system" and "water system" shall be equivalent terms for "treatment works."

"User" means every person using any part of the public treatment works of the City of Reedsport. "User" includes, but is not limited to, the description of "persons."

"User Charge" means the periodic charges levied on all users of the public treatment works, and shall cover each user's proportionate share of the cost of operation, maintenance, debt service, and reserves for capital replacement.

"Water" is water from the city water supply system.

"Water treatment plant" means an arrangement of devices and structures used for treating and disinfecting water. (Ord. 2002-1029 (part): Ord. 1977-547 § 1)

3.04.020 Application of regulations.

The provisions of this article shall apply to all persons using water, both in and outside the city, regardless of whether any person using water shall have an express or implied contract for water service with the city. (Ord. 1977-547 § 2)

3.04.030 Declaration of water emergency.

A. The City Council shall have the power to declare a water emergency within the city water system.

B. The Council shall make such determination by resolution after a study of

water sources available to the system at the time of each emergency.

C. If the Council finds that the amount of water available and the probable use of water or the probable drawing thereon from the city system makes it necessary that there be a conservation of water to protect the health, safety and welfare of the users of water, it is empowered to declare a water emergency and thereafter by resolution shall put in effect such water using prohibitions as are in the judgment of the Council necessary to relieve the emergency situation existing at the time of the declaration of emergency. (Ord. 1977-547 § 3)

3.04.040 Notification of water emergency and prohibitions.

A. The Council shall cause each declaration of emergency made by it pursuant to this article to be publicly announced by means of radio broadcast from a radio station with its normal operating range covering the city's water system area and shall cause such declaration to be further announced in a newspaper of general circulation within the area. Each announcement shall prescribe the action taken by the Council, including the time it became or will become effective, and shall specify the particular use or uses of water that will be prohibited.

B. Whenever the Council shall find that conditions which gave rise to the water prohibition in effect pursuant to the resolution no longer exists, they shall declare the prohibition terminated in whole or in part in the manner prescribed by this article, effective immediately upon the passage of such a resolution.

C. The Council shall make or cause to be made a record of each time and date when any declaration is announced to the public in accordance with this section, and this includes a notice of termination both in whole or in part.

D. During the period of an emergency as declared by the City Council, any use of water for purposes prohibited by the resolution of the City Council passed pursuant hereto, shall be a violation of this article. (Ord. 1977-547 § 4)

3.04.050 Use during general fire alarm.

No person shall use water for irrigation during the period when a general alarm fire is in progress within the city. (Ord. 1977-547 § 5(A))

3.04.060 Exception to maintain sanitation, health and safety.

The City Manager, after written notice to the City Council, shall have the authority to permit a reasonable use of water in any case necessary to maintain adequate health, safety and sanitation standards. (Ord. 1977-547 § 5(B))

3.04.070 Waste of water.

Water must not be allowed to run to waste through any faucet or fixture or kept running any time longer than is actually necessary. (Ord. 1977-547 § 6)

3.04.080 Discontinuation of use.

Any police officer or other employee of the city may enter upon the premises of any person for purposes of shutting off or reducing the flow of water being used on the premises

contrary to the provisions of this article and any resolution adopted pursuant to this article. (Ord. 1977-547 § 7)

3.04.090 Violations—Penalties.

A. If it is determined by the City Manager that a user failed to abide by this article or resolution passed pursuant thereto, the user, on the first occasion, shall be given a written warning notice by personal service.

If, within a six month period from the date of the written warning notice, a city official, based on his personal investigation, has reasonable grounds to believe that a user has committed a second or subsequent act in violation of this article or resolution passed pursuant thereto, the city official shall issue a citation to the user for the violation. The user shall then have the right to protest the violation to the City Manager. The citation shall set forth the date, time and place for the user to protest. Unless so protested, the user shall be deemed to have violated this article or resolution passed pursuant thereto. If the user fails to protest or is found by the City Manager to have committed the violation, the user shall:

1. Pay forthwith an extra use charge of twenty-five dollars ($25.00) for each and every violation in addition to the regular monthly water charge;

2. Pay for the cost of installing a water meter upon user's premises and the user from that time on shall pay a metered rate for his water on a basis set by the city; and/or

3. Have water service to the premises or to a future premises discontinued or curtailed.

Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such hereunder. A written notice of the City Manager's decision shall be served personally on the user.

B. A person/user may within ten (10) days of the receipt of the City Manager's decision file a request to be heard appealing the decision to the City Council. The action of the City Council, upon hearing said appeal, shall be final. The burden at the hearing shall rest on the City Manager by a preponderance of the evidence. The Council, in the hearing, is not bound by strict rules of evidence which apply to criminal or civil trials.

C. Where a violation of this article or resolution passed pursuant thereto has occurred, and, after an investigation, the user responsible for the violation cannot be readily determined, then the warning notice and/or citation hereinabove referred to shall be directed to the person or persons who are listed with the city for water billing and assessment purposes for the premises where the violation took place, and the person or persons shall be placed in the position of the violating user, with all his rights and liabilities.

D. Where more than one person/user is found to be in violation of this article or resolution passed pursuant thereto at one premises, they shall be considered to be jointly and severably liable for any single violation. (Ord. 1977-547 § 8)

Article 2. Furnishing and Sale of Water—Rates and Charges

3.04.100 Equivalent residential unit defined.

"Equivalent residential unit" (ERU) means a unit of water which incurs the same costs for operation and maintenance as the average volume of domestic water consumed by a single-family residence in the water works service area. In the city, one ERU shall be equivalent to fifty (50) cubic feet per day of water. (Ord. 1999-317-K § 1)

3.04.110 Charges to be levied.

User charges shall be levied on all users of the public water works, which shall cover the cost of operation and maintenance, debt service, capital replacement, and other administrative costs of such water works. The user charge system shall distribute these costs in proportion to each user's contribution to the water demand of the water works. (Ord. 1999-317-K § 2)

3.04.120 User classes to be established—Water meters allowed upon request.

A. There shall be established classes of users such that all members of a class consume approximately the same volume of water per residence, facility, seat, or other appropriate unit.

B. There shall be assigned to each user class a number of equivalent residential units (ERU) for each appropriate unit, and this number of ERU shall represent the ratio of the costs incurred by the consumption of the unit to the costs incurred by the consumption of the average single-family residence.

C. Any water user within or without the city may, at any time, request the installation of a water meter on their water service line. The city will install the proper size meter and will bill the actual costs of installation to the water user.

User(s) in single family residences who earn at or below the federal annual Very Low Income Level as established by the U. S. Department of Housing and Urban Development (HUD), may request installation of a properly sized water meter at the residence. The city will install the meter so long as the owner of the real property signs a lien document prepared by the city to provide for reimbursement to the city for actual costs of installation of the water meter. The lien shall be in the form set forth in Exhibit A of the ordinance codified in this section. The lien shall be due and payable upon the sale of the residence or transfer of interest therein.

This program shall be effective as of July 1, 2001, and upon installation of a meter the first three months of full water metered service shall be used as the measure of previous water service retroactively to the effective date of the program in determining if water fee credit shall be payable to the VLID Water Program user. Under no circumstances shall the VLID Water Program User be required to retroactively pay fees in excess of actual cost factor user charges. The VLID Water Program shall cease to exist on May 28, 2002, unless specifically extended by ordinance, and no applications will be accepted after May 28, 2002.

An application form, approved by resolution of the Council, shall be filed prior to the installation of any meter under the VLID Water Program with the City Recorder by any person wishing to apply for the VLID

Water Program. The City Recorder will review all applications to determine if the applicant qualifies as users with very low income.

Single-family residences in which the user(s) earn at or below the federal annual Very Low Income Level, for a particular calendar year, may request installation of the proper size water meter, which will be installed and a lien upon the property will be established to reimburse for actual costs of installation to the water user. This installation program shall be referred to as the "Very Low Income Discount (VLID) Water Program." This program shall be effective as of July 1, 2001, and upon installation of a meter the first three months of full water metered service shall be used as the measure of previous water service retroactively to the effective date of the program in determining if water fee credit shall be payable to the VLID Water Program user. Under no circumstances shall the VLID Water Program user be required to retroactively pay fees in excess of actual cost factor user charges. The VLID Water Program shall cease to exist on May 28, 2002, unless specifically extended by ordinance, and no applications will be accepted after the cessation date enumerated or extended.

After installation of a water meter, all future water bills to the user, regular or VLID Water Program, will be based on the actual amount of water used according to the rate schedule in Section 3.04.340.

Once installed on a service line, a water meter may not be removed except by authorization of the Reedsport City Council. (Ord. 2002-1029 (part): Ord. 1999-317-K §§ 3, 4)

3.04.130 Incorrect class assignment—Procedure.

A. Should any user believe that the user has been incorrectly assigned to a particular user class or incorrectly assigned a number of ERU's, that user may apply for review of the user's charge as provided in Section 3.04.310.

B. Should the City Engineer determine that a user is incorrectly assigned to a user class or incorrectly assigned a number of ERU's, the City Engineer shall reassign that user and shall notify that user of such reassignment. (Ord. 1999-317-K §§ 5, 6))

3.04.140 Records.

Records of all assigned ERU's, and any assigned water consumption to user and user classes forming the basis of the ERU, shall be kept on file with the City Recorder and shall be open for public inspection. (Ord. 1999-317-K § 7)

3.04.150 ERU's to be located on established water lines.

All ERU's, as set forth in this article, shall apply to consumers located on the established water lines, both within and outside the corporate limits of the city. If a proposed consumer's premises are located other than on the established water line, an additional charge may be made, based on the extra investment which the city must make to render the service to the consumer; or the consumer may be required to construct a water main extension per Section 3.04.350. (Ord. 1999-317-K § 8)

3.04.160 Temporary service.

Temporary service, if provided by the city, will be furnished at the cost of construction, connection, and usage.
(Ord. 1999-317-K § 9)

3.04.170 City's right of refusal.

The city may refuse to connect any premises to its water lines or refuse to deliver water to any consumer if by so doing it will, in the opinion to the City Council, endanger the efficiency of the city's service to existing consumers.
(Ord. 1999-317-K § 10)

3.04.180 Application for water by contractors.

Contractors may, for building purposes, make application for water and the city shall set a rate upon such application providing payment is made by the contractor of cost of construction and connection of water line. Wherever, in the judgment of the City Manager or the City Council, it may be necessary to protect the City from possible loss, a deposit may be required sufficient to cover the value of not more than three months' use of water, to be returned when the use of water is discontinued and all current charges paid.
(Ord. 1999-317-K § 11)

3.04.190 Application for water by user.

Application for the use of water must be made by the user of the real property or the user's agent on forms to be furnished at the office of the City Recorder, and the application must state fully and truly all the purposes for which the water may be required. The applicant must agree to conform to all rules and regulations of the city as a condition for the use of water. Each application must include a security deposit in an amount equal to the cost of two months water service to the property. If the owner of the property voluntarily agrees to sign a collateral agreement accepting responsibility for payment of water service, the security deposit may be reduced to the cost of one month of service. The security deposit will be returned to the payer at the end of two years providing that the payer has resided at the same address for those two years and providing the account is current. When the account is paid to date and closed out, the security deposit will be returned to the payer. No person supplied with water from the city mains shall be entitled to use it for any other purpose than those stated on the application, or to supply in any way any other person, persons, firm or corporation.
(Ord. 1999-317-K § 12)

3.04.200 Service pipe and tap installation.

Where an original application for a service pipe and tap to a main has been filed with and approved by the city, and the charge therefor has been paid, the tap to a main shall be made and a stop cock shall be placed at or near the property line, and same shall be installed and maintained by the city and kept within its exclusive ownership and control. The service pipe inside of the property lines shall be kept in repair by the owner or occupant of the premises, who shall be wholly responsible for all damages resulting from breaks or failures in said service line. On all new installations, a separate stop and waste cock shall be installed by the property owner on the premises in such a location that it will be easily accessible to the user.
(Ord. 1999-317-K § 13)

3.04.210 New service or service enlargement—Water meter requirements.

All new residential, commercial or industrial accounts and those requiring en-

3.04.260 Collateral agreement required when.

Owners of properties containing more than one dwelling unit or one business where service is not provided by a master water meter shall sign a collateral agreement with the city, upon notification by the city, or shall provide a city accessible, lockable, water shutoff to each dwelling unit or business within sixty (60) days after notice by the city.
(Ord. 1999-317-K § 19)

3.04.270 Discontinuance of service.

Should a consumer desire to discontinue the use of all water for a period of one month or more because of vacancy of premises or other cause, written notice must be given in advance and payment made in full to date of filing such notice at the office of the City Recorder. Water will then be turned off for a fee of ten dollars ($10.00) and reconnected for a fee of ten dollars ($10.00). Such fees are based upon actual cost to provide this service. Extraordinary circumstances will be considered on an individual basis by the City Manager and the Public Works Director. Notice must be given in writing by owners or agents when buildings or premises are vacated, as no allowance under claims of vacancy will be allowed unless the water department is properly notified in advance and the water shut off.
(Ord. 1999-317-K § 20)

3.04.280 Verification of vacancy by city.

The city shall have the right to enter the premises to verify the vacancy. Should such inspection reveal that the claimed vacancy is occupied, the city may terminate water service to the entire premises and not provide further service until such time as the owner installs a city-approved water meter at the owner's sole expense. At its option, in lieu of service termination, the city may install a water meter and bill the cost to the property owner.
(Ord. 1999-317-K § 21)

3.04.290 Continuous water service not required of city during street grading or other improvements.

The city will not be required to furnish continuous water service to a consumer during the progress of street grading or public improvement which necessitates the removal, raising, lowering or repairing of the city's pipes or mains.
(Ord. 1999-317-K § 22)

3.04.300 Responsibility, payment, delinquencies and penalties.

A. The person who is served by the water system shall be responsible for payment of the water user charge for that property.

B. The users of the water system shall be billed on a monthly basis for services in the previous month in accordance with the ERU and rate schedules as set forth in Sections 3.04.320 and 3.04.340.

C. Water user charges shall be due and payable to the City Recorder no later than the last day of the current month for the previous month's service.

D. Water user charges levied in accordance with this article shall be a debt due to the city. If this debt is not paid within thirty (30) days after it shall be due and payable, it shall be deemed delinquent and may be recovered by civil action in the name of the city against the user and also the property owner if the owner has signed a collateral agreement with the city.

E. Interest at the rate of one and one-half percent per month on any balance remaining unpaid by the last day of the current month shall accrue on all accounts.

This amount shall be added to the account and shall accrue interest in the same manner.

F. In the event of failure to pay water charges after they have become delinquent, the city shall have the right to remove or close water connections and enter upon the property for accomplishing such purposes. The expense of such discontinuance, removal or closing, as well as the expense of restoring service shall be a debt due to the city and may be recovered by civil action in the name of the city against the user and the property owner if the property owner has signed a collateral agreement with the city.

G. After the water is shut off, it shall remain off until the delinquent user pays to the City Recorder all arrears of water rent, plus twenty dollars ($20.00), after which the Public Works Superintendent is authorized to resume service to the consumer. This charge is based upon actual cost to provide this service.

H. Any water user who has or leaves a delinquent bill at one address will not be granted water service at any other address until that delinquent bill is paid along with any on/off charges due at both addresses.

I. All charges are payable at the office of the City Recorder and may be paid in advance for any period deemed reasonable by the city.
(Ord. 1999-317-K § 23)

3.04.310 Appeals.

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

B. Review of the request shall be made first by the City Engineer whose decision can then be appealed to the City Council which shall determine if it is substantiated or not, including recommending further study of the matter by the City Engineer or other registered professional engineer.

C. If the request for review is determined to be substantiated, the user charges for that user shall be recomputed based on the approved revised consumption data and the new charges thus recomputed shall be applicable retroactively up to six months.
(Ord. 1999-317-K § 24)

3.04.320 Water user charges.

The water user charges are established for the following user classes:

User Class	Equivalent Residential Units	Unit
Apartment	0.60	per unit
Bar and tavern w/o kitchen	2.00	per establishment
Bar and tavern with kitchen	2.00	per establishment
Barber and beauty shop	1.00	per establishment
Bowling alley	0.15	per lane
Bakery	3.00	per establishment
Cafe and restaurant	3.00	per establishment
Car wash	1.50	per bay
Church without kitchen	1.00	per establishment

User Class	Equivalent Residential Units	Unit
Church with kitchen	1.50	per establishment
Club	2.00	per establishment
Hospital	0.30	per bed
Hotel and motel	0.30	per unit
Ice cream parlor	1.50	per establishment
Institution with permanent residents	0.40	per resident
Institution with temporary residents	0.40	per resident
Laundry - coin operated	0.25	per machine
Laundry - commercial	0.10	per lb. capacity
Mortuary	1.50	per establishment
Museum and visitor center	1.00	per establishment
Office and small business (1—5 employees)	1.00	per establishment
Office and business (6—10 employees)	2.00	per establishment
Office and business (11+ employees)	Open Class	
Open class	As determined by the Public Utilities Superintendent, but not less than 1.00	
RV parks (transitory)	0.25	per space
School - elementary school	0.02	per capita
junior high (middle)	0.03	per capita
high school	0.04	per capita
Service station (gasoline station)	1.50	per establishment
Single-family residence	1.00	per unit
Supermarket without butcher shop	1.00	per establishment
Supermarket with butcher shop	3.00	per establishment
Theater	0.02	per seat
Trailer park (permanent)	0.60	per unit
Union hall	2.00	per establishment

Any user which cannot be classified by virtue of the consumption of the user's water in any of the above user classes shall be

considered a special user. Such user shall be placed in the Open Class and shall be assigned the appropriate ERU value.
(Ord. 2002-1029 (part): Ord. 1999-317-K §§ 25, 26)

3.04.330 Cost factor to calculate user charge.

The user charge shall be calculated by multiplying the monthly total number of ERU for each user by a constant cost factor. This cost factor shall be set as follows:

Effective July 1, 2006:

A. Twenty-eight dollars and seventy-five cents ($28.75) inside the city limits of Reedsport;

B. Thirty-five dollars and ninety-five cents ($35.95) outside the city limits of Reedsport.

No further increases in the cost factor shall occur until such time as it is revised by the Reedsport City Council. At such time the cost factor is revised, any increase or decrease in the cost factor inside the city limits shall be matched by a similar increase or decrease, plus twenty-five (25) percent, outside the city

limits. The twenty-five (25) percent surcharge being justified as the extra cost of providing service outside of the city limits. (Ord. 2006-1063 (part): Ord. 2002-1029 (part): Ord. 1999-317-K § 27)

3.04.340 User charge for users with water meters.

The user charge for those users having a water meter shall be calculated by using the following charts:

Effective July 1, 2006:		
First	300 cu. ft.	$16.00
Next	1,700 cu. ft.	1.06 per 100 cu. ft.
Next	18,000 cu. ft.	1.03 per 100 cu. ft.
Next	20,000 cu. ft.	0.72 per 100 cu. ft.
All over	40,000 cu. ft.	0.56 per 100 cu. ft.

Water users outside of the corporate limits of the city having a water meter, shall pay the above rates plus a twenty-five (25) percent surcharge. The twenty-five (25) percent surcharge being justified as the extra cost of providing service outside of the city limits. (Ord. 2006-1063 (part): Ord. 2002-1029 (part): Ord. 1999-317-K § 28)

3.04.344 Readiness to serve charge.

A. The city must maintain the water distribution, transmission, and production systems to ensure availability of a reliable water supply. Even when water is turned off at a particular address, the distribution, transmission, and production systems must continue to provide service, including water for fire fighting purposes.

B. To ensure that all users participate proportionally in the costs of water service provision, a "readiness to serve charge" shall be levied on all properties where there exists a structure with no current active water account. The readiness to serve charge is set at sixteen dollars ($16.00) per month.

C. Water users outside of the corporate limits of the city shall pay the above rates plus a twenty-five (25) percent surcharge. The twenty-five (25) percent surcharge being justified as the extra cost of providing service outside of the city limits. (Ord. 2006-1063 (part): Ord. 2002-1029 (part))

3.04.347 SOS voluntary donation program.

A. In order to assist very low-income citizens with water user charges, there is established the SOS voluntary donation program. Water users who desire to donate any amount of money to assist very low income citizens with water user charges may add that amount to the monthly water bill charge and the donation will be used to assist needy citizens.

B. The City Recorder will place a donation space on each water bill and will forward that amount to the Lower Umpqua Ministerial Association (or, in the event that the Lower Umpqua Ministerial Association is not operating, to another faith-based organization) for distribution to very low income citizens. The Lower Umpqua Ministerial Association will report disbursements to the City Recorder. (Ord. 2002-1029 (part))

3.04.350 Water main extensions.

A. All properties not currently served by a water main shall be required, upon development, to extend a water main of sufficient size to serve the particular development's needs, up to and including the limits of the property being developed.

B. Any existing property now currently utilizing water service which, by a change in use or expansion of facilities, requires more water than the existing main can provide, shall

be required to extend a water main of sufficient size, as in subsection A of this section, from the nearest point of adequate size.

C. Any water main extensions so required shall be done at the developer's sole expense.

D. The minimum size for water main extensions shall be eight inches unless another size is allowed or requested in writing by the City Engineer.

E. The city may, if desired, require a developer to install a larger main than is needed for a particular development. In such a case the city will reimburse the developer for the difference in cost of materials from the size required by the city versus the size needed by the developer. (Ord. 1999-317-K § 29)

3.04.360 Misuse and waste of water.

Water shall not be misused or wasted. Misuse and waste shall be defined as the excessive consumption of water to no beneficial use such as, but not limited to:

A. Known leaks in service lines or plumbing not repaired within forty-eight (48) hours after discovery;

B. Use of heat exchangers utilizing water to waste as the heating or cooling medium without a metered service;

C. Continuous landscape irrigation in excess of ten (10) hours;

D. Continuous flow from an untended water source, such as a hose left running;

E. Any other waste through misuse as determined by the Reedsport City Engineer. (Ord. 1999-317-K § 30)

3.04.370 Discontinuation of use.

Any police officer or other employee of the city may enter upon the premises of any person for the purposes of shutting off or reducing the flow of water being used on the premises contrary to the provisions of this article and any resolution adopted pursuant to this article. (Ord. 1999-317-K § 31)

3.04.380 Violations—Penalties.

A. If it is determined by the City Manager that a user failed to abide by this article or resolution passed pursuant thereto, the user, on the first occasion, shall be given a written warning by personal service.

If, within a six month period from the date of the said written warning notice, a city official, based on his personal investigation, has reasonable grounds to believe that a user has committed a second or subsequent act in violation of this article or resolution passed pursuant thereto, the City Official shall issue a citation to the user for the violation. The user shall then have the right to protest the violation to the City Manager. The citation shall set forth the date, time and place for the user to protest. Unless so protested, the user shall be deemed to have violated this article or resolution passed pursuant thereto. If the user fails to protest or is found by the City Manager to have committed the violation, the user shall:

1. Pay forthwith an extra use charge of twenty-five dollars ($25.00) for each and

every violation in addition to the regular monthly water charge;

2. Pay for the cost of installing a water meter upon user's premises and said user from that time on shall pay a metered rate for his water on a basis set by the city; and/or

3. Have water service to the premises or to a future premises discontinued or curtailed; as the City Manager shall determine is appropriate.

Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such hereunder. A written notice of the City Manager's decision shall be served personally on the user.

B. A person/user may within ten (10) days of the receipt of the City Manager's decision file a request to be heard appealing the decision to the City Council. The action of the City Council, upon hearing the appeal, shall be final. The burden at the hearing shall rest on the City Manager by a preponderance of the evidence. The Council, in the hearing, is not bound by strict rules of evidence, which apply, to criminal or civil trials.

C. Where a violation of this article or resolution passed pursuant thereto has occurred, and, after an investigation, the user responsible for the violation cannot be readily determined, then the warning notice and/or citation hereinabove referred to shall be directed to the person or persons who are listed with the city for water billing and assessment purposes for the premises where the violation took place, and the person or persons shall be placed in the position of the violating user, with all his rights and liabilities.

D. Where more than one person/user is found to be in violation of this article or resolution passed pursuant thereto at one premises, they shall be considered to be jointly and severably liable for any single violation. (Ord. 1999-317-K § 32)

Chapter 3.08

WASTEWATER SERVICE SYSTEM

Sections:

3.08.010 Definitions.

Unless the context specifically indicates otherwise, the meaning of terms used in this chapter shall be as follows:

"BOD" (denoting biochemical oxygen demand) means the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five days at twenty (20) degrees Celsius, expressed in milligrams per liter.

"Building drain" means that part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste, and other drainage pipes inside the walls of the building and conveys it to the building sewers, beginning five feet (1.5 meters) outside the inner face of the building walls.

"Building sewer" means the extension from the building drain to the public sewer or other place of disposal.

"Combined sewer" means a sewer receiving both surface runoff and sewage.

"Garbage" means solid wastes from the domestic and commercial preparation, cooking, and dispensing of food, and from the handling, storage and sale of produce.

"Industrial wastes" means any nongovernmental, nonresidential user of a publicly owned treatment works which discharges more than the equivalent of twenty-five thousand (25,000) gallons per day (gpd) of sanitary wastes and which is identified in the Standard Industrial Classification Manual, 1972, Office of Management and Budget, as amended and supplemented under one of the following divisions:

1. Division A: Agriculture, Forestry and Fishing.
2. Division B: Mining.
3. Division D: Manufacturing.
4. Division E: Transportation, Communications, Electric, Gas and Sanitary Services.
5. Division I: Services.

In determining the amount of a user's discharge for purposes of industrial cost recovery, the grantee may exclude domestic wastes or discharges from sanitary conveniences.

"Natural outlet" means any outlet into a watercourse, pond, ditch, lake, or other body of surface or ground water.

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

"Properly shredded garbage" means the wastes from the preparation, cooking and dispensing of food that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-half inch (1.27 centimeters) in any dimension.

"Public sewer" means a sewer in which all owners of abutting properties have equal rights, and is controlled by public authority.

"Sanitary sewer" means a sewer which carries sewage and to which storm, surface, and groundwaters are not intentionally admitted.

"Sewage" means a combination of the water-carried wastes from residences, business buildings, institutions, and industrial establishments, together with such ground, surface and stormwaters as may be present.

"Sewage treatment plant" means any arrangement of devices and structures used for treating sewage.

"Sewage works" means all facilities for collecting, pumping, treating, and disposing of sewage.

"Sewer" means a pipe or conduit for carrying sewage.

"Slug" means 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 fifteen (15) minutes more than five times the average twenty-four (24) hour concentration or flows during normal operation.

"Storm drain" (sometimes termed "storm sewer") means a sewer which carries storm and surface waters and drainage, but excludes sewage and industrial wastes, other than unpolluted cooling water.

"Superintendent" means the Public Works Director of the city or his authorized deputy, agent or representative.

"Suspended solids" means solids that either float on the surface of, or are in suspension in water, sewage, or other liquids, and which are removable by laboratory filtering.

"Wastewater" means water that has been used, including water-carried wastes from residences, business buildings, institutions, and industrial establishments. Sewage, in its commonly accepted term, is "wastewater."

"Watercourse" means a channel in which a flow of water occurs, either continuously or intermittently. (Ord. 2002-1030 (part): Ord. 1980-579 Art. I)

3.08.020 Use of public sewers required.

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

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

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

D. The owner of all houses, buildings or properties used for human occupancy, employment, recreation, or other purposes, situated within the city and abutting on any street, alley or right-of-way in which there is now located or may in the future be located a public sanitary or combined sewer of the city, is required at his expense to install suitable toilet facilities therein, and to connect such facilities directly with the proper public sewer in accordance with the provisions of this chapter, within ninety (90) days after the date

of official notice to do so; provided, that the public sewer is within one hundred (100) feet (30.5 meters) of the property line. (Ord. 1980-579 Art. II)

3.08.030 Private sewage disposal.

A. Where a public sanitary or combined sewer is not available under the provision of Section 3.08.020(D), the building sewer shall be connected to a private sewage disposal system complying with the provisions of the regulations and permit requirements of the Oregon Department of Environmental Quality.

B. The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times in accordance with the regulations and permit requirements of the Oregon Department of Environmental Quality, at no expense to the city.

C. When a public sewer becomes available as provided in Section 3.08.020(D), the building sewer shall be connected to the sewer within sixty (60) days and the private sewage disposal system shall be cleaned of sludge and filled with suitable material and then abandoned. (Ord. 1980-579 Art. III)

3.08.040 Building sewers and connection.

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

B. There shall be two classes of building sewer permits: (1) for residential and commercial service; and (2) for service to establishments producing industrial wastes. In either case, the owner or his agent shall make application on a special form furnished by the city. The permit application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the Superintendent. A permit and inspection fee of thirty-five dollars ($35.00) for a residential or commercial building sewer permit and fifty dollars ($50.00) for an industrial building sewer permit shall be paid to the city at the time the application is filed.

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

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

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

F. The size, slope, alignment, materials of construction of a building sewer, and the methods to be used in excavating, placing of the pipe, jointing, testing and back-filling the trench, shall all conform to the requirements of the building and plumbing code or other applicable rules and regulations of the city. In the absence of code provisions or in amplification thereof, the materials and procedures set forth in appropriate

specifications of the A.S.T.M. and W.P.C.F. Manual of Practice No. 9 shall apply.

G. 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 such building drain shall be lifted by an approved means and discharged to the building sewer.

H. 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 a public sanitary sewer.

I. The connection of the building sewer into the public sewer shall conform to the requirements of the building and plumbing code or other applicable rules and regulations of the city, or the procedures set forth in appropriate specifications of the A.S.T.M. and the W.P.C.F. Manual of Practice No. 9. All such connections shall be made gastight and watertight. Any deviation from the prescribed procedures and materials must be approved by the Superintendent before installation.

J. The applicant for the building sewer permit shall notify the Superintendent when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the Superintendent or his representative.

K. All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the city. (Ord. 1980-579 Art. IV)

3.08.050 Use of the public sewer.

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

B. Stormwater and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as combined sewers or storm sewers, or to a natural outlet approved by the Superintendent. Industrial cooling water or unpolluted process waters may be discharged, on approval of the Superintendent, to a storm sewer, combined sewer, or natural outlet.

C. 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 or CN in the wastes as discharged to the public sewer;

3. Any waters or wastes having a pH lower than (5.5) or having any other corrosive property capable of causing damage or hazard

to structures, equipment and personnel of the sewage works;

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

D. No person shall discharge or cause to be discharged the following described substances, materials, waters or wastes if it appears likely in the opinion of the Superintendent that such wastes can harm either the sewers, sewage treatment process, or equipment, have an adverse effect on the receiving stream, or can otherwise endanger life, limb, public property, or constitute a nuisance. In forming his opinion as to the acceptability of these wastes, the Superintendent will give consideration to such factors as to quantities of subject wastes in relation to flows and velocities in the sewers, materials of construction of the sewers, nature of the sewage treatment process, capacity of the sewage treatment plan, 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 one hundred fifty (150) degrees Fahrenheit (sixty-five (65) degrees Celsius);

2. Any water or waste containing fats, gas, grease, or oils, whether emulsified or not, in excess of one hundred (100) mg/l or containing substances which may solidify or become viscous at temperatures between thirty-two (32) and one hundred fifty (150) degrees Fahrenheit (zero and sixty-five (65) degrees Celsius);

3. Any garbage that has not been properly shredded. The installation and operation of any garbage grinder equipped with a motor of three-fourths horsepower (0.76 hp metric) or greater shall be subject to the review and approval of the Superintendent;

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

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

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

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

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

9. Materials which exert or cause:

a. Unusual concentrations of inert suspended solids (such as, but not limited to, 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 such quantities as to constitute a significant load on the sewage treatment works,

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

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

E. 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 subsection D of this section, which in the judgment of the Superintendent, may have a deleterious effect upon the sewage works, processes, equipment, or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the Superintendent may:

1. Reject the wastes;

2. Require pretreatment to an acceptable condition for discharge to the public sewers;

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

4. Require payment to cover the added cost of handling and treating the wastes not covered by existing taxes or sewer charges under the provisions of subsection J of this section.

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

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

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

H. When required by the Superintendent, the owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable control manhole together with such necessary meters and other appurtenances in the building sewer to facilitate observation, sampling and measurement of the wastes. Such manhole, when required, shall be accessibly and safely located, and shall be constructed in accordance with plans approved by the Superintendent. The manhole shall be installed by the owner at his expense, and shall be maintained by him so as to be safe and accessible at all times.

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

J. No statement contained in this section shall be construed as preventing any special agreement or arrangement between the city and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the city for treatment, subject to payment therefore, by the industrial concern. (Ord. 1980-579 Art. V)

3.08.060 Industrial cost recovery.

A. All industrial users shall be required to pay that portion of the federal assistance grant under PL 92-500 allocable to the treatment of waste from such users.

B. The system for industrial cost recovery shall be implemented and maintained according to the following requirements:

1. Each year during the industrial cost recovery period, each industrial user of the treatment works shall pay its share of the total federal grant amount divided by the recovery period.

2. The industrial cost recovery period shall be equal to thirty (30) years or the useful life of the treatment works, whichever is less.

3. Payments shall be made by industrial users no less often than annually. The first payment by an industrial user shall be made not later than one year after such user begins use of the treatment works.

4. An industrial user's share shall be based on all factors which significantly influence the cost of the treatment works, such as strength, volume and flow rate characteristics. As a minimum, an industry's share shall be based on its flow versus treatment works capacity except in unusual cases.

5. An industrial user's share shall be adjusted when there is a substantial change in the strength, volume or flow rate characteristics of the user's wastes, or if there is an expansion or upgrading of the treatment works.

6. An industrial user's share shall not include any portion of the federal grant amount allocable to unused or unreserved capacity.

7. An industrial user's share shall include any firm commitment to the city of increased use by such user.

8. An industrial user's share shall not include an interest component.

C. This requirement applies only to those features of wastewater treatment and

transportation facilities which have been constructed with federal assistance administered by the U.S. Environmental Protection Agency under PL 92-500. (Ord. 1980-579 Art. VI)

3.08.070 Protection from damage.

No unauthorized person shall maliciously, wilfuly or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance or equipment which is a part of the sewage works. Any person violating this provision shall be subject to immediate arrest under charge of disorderly conduct. (Ord. 1980-579 Art. VII)

3.08.080 Powers and authority of inspectors.

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

B. While performing the necessary work on private properties referred to in subsection A of this section, the Superintendent or duly authorized employees of the city shall observe all safety rules applicable to the premises established by the company and the company shall be held harmless for injury or death to city employees and the city shall indemnify the company against loss or damage to its property by city employees and against liability claims and demands for personal injury or property damage asserted against the company and growing out of the gauging and sampling operation, except as such may be caused by negligence or failure of the company to maintain safe conditions as required by Section 3.08.050(H).

C. The Superintendent and other duly authorized employees of the city bearing proper credentials and identification shall be permitted to enter all private properties through which the city holds a duly negotiated easement for the purposes of, but not limited to, inspection, observation, measurement, sampling, repair and maintenance of any portion of the sewage works lying within the easement. All entry and subsequent work, if any, on the easement, shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved. (Ord. 1980-579 Art. VIII)

3.08.090 Violations—Penalties.

A. Any person found to be violating any provision of this chapter except Section 3.08.070 shall be served by the city with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations.

B. Any person who shall continue any violation beyond the time limit provided for in subsection A of this section, shall be guilty of a misdemeanor, and on conviction thereof shall be fined in the amount not exceeding

two hundred dollars ($200.00) for each violation. Each day in which any such violation shall continue shall be deemed a separate offense.

C. Any person violating any of the provisions of this chapter shall become liable to the city for any expense, loss or damage occasioned the city by reason of such violation. (Ord. 1980-579 Art. IX)

Chapter 3.12

WASTEWATER USER CHARGES

Sections:

3.12.010 Definitions.

"BOD" (biochemical oxygen demand) means the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five days at twenty (20) degrees Celsius, expressed in milligrams per liter.

"Collection system" means the system of public sewers to be operated by the city designed for the collection of sanitary sewage.

"Commercial user" means any premises used for commercial or business purposes, which is not an industrial user as defined in this chapter.

"Domestic waste" means any wastewater emanating from dwellings or from domestic activities, which are performed outside the home in lieu of a home activity directly by or for private citizens.

"Equivalent residential unit" (ERU) means a unit of wastewater which incurs the same costs for operation and maintenance as the average volume of domestic wastes discharged from a single-family residence in the treatment works service area. In the city, one ERU shall be equivalent to six hundred twenty five (625) cubic feet per month of wastewater with domestic strength. The volume attributed to an ERU where a user discharges wastes of strength significantly different from average domestic waste strength shall be adjusted appropriately to account for the difference in the costs of treating such wastes according to the rate schedule in Section 3.12.020.

"Industrial user" means any non-governmental nonresidential user of a publicly owned treatment works which discharges more than the equivalent of twenty-five thousand (25,000) gallons per day (gpd) of sanitary wastes and which is identified in the Standard Industrial Classification Manual, 1972, Office of Management and Budget, as amended and supplemented under one of the following divisions:

1. Division A: Agriculture, Forestry and Fishing.
2. Division B: Mining.
3. Division D: Manufacturing.
4. Division E: Transportation, Communication, Electric, Gas and Sanitary Services.
5. Division I: Services.

In determining the amount of a user's discharge for purposes of industrial cost recovery, the city may exclude domestic wastes or discharges from sanitary conveniences.

"Industrial waste" means that portion of the wastewater emanating from an industrial user which is not domestic waste or waste from sanitary conveniences.

"Operation and maintenance" means all activities, goods and services which are necessary to maintain the property capacity and performance of the treatment works for which such works were designed and constructed. The term "operation and maintenance" includes replacement as defined hereinafter.

"Public treatment works" means a treatment works owned and operated by a public authority.

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

"Service area" means all the area served by the treatment works and for which there is one uniform user charge system.

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

"Sewage treatment plant" means an arrangement of devices and structures used for treating sewage.

"Suspended solids" means solids that either float on the surface or are in suspension in water, sewage, or other liquids, and which are removable by laboratory filtering.

"Treatment works" means all facilities for collecting, pumping, treating, and disposing of sewage. "Treatment system" and "sewerage system" shall be equivalent terms for "treatment works."

"User" means every person using any part of the public treatment works of the city.

"User charge" means the periodic charges levied on all users of the public treatment works, and shall cover each user's proportionate share of the cost of operation, maintenance, debt service, and reserves for capital replacement.

"Wastewater" means water that has been used, including water-carried wastes from residences, business buildings, institutions, and industrial establishments. Sewage, in its commonly accepted term, is "wastewater."

(Ord. No. 2010-1103, § I, 12-6-2010; Ord. 2002-1030 (part): Ord. 2001-1023 Art. I)

3.12.020 Wastewater user charges.

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

B. There shall be established classes of users such that all members of a class discharge approximately the same volume and strength of wastewater per residence, facility, seat, or other appropriate unit.

C. There shall be assigned to each user class a number of equivalent residential units (ERU's) for each appropriate unit, and this number of ERU's shall represent the ratio of the costs incurred by the wastes from the unit to the costs incurred by the wastes from the average single-family residence.

Any sewer user within the city may, at any time, request the installation of a water meter on their water service line. The city will install the proper size meter and will bill the actual costs of installation to the water user.

After installation of the water meter, all future sewer bills to the user will be based on the actual amount of water used according to the rate schedule in subsection I of this section, unless a portion of the user's wastewater volume is generated by non-city water sources.

Once installed on a service line, a water meter may not be removed except by authorization of the Reedsport City Council.

D. Should any user believe that the user has been incorrectly assigned to a particular user class or incorrectly assigned a num-

ber of ERU's, that user may apply for review of the user charge as provided in Section 3.12.030.

E. Should the City Engineer determine that a user is incorrectly assigned to a user class or incorrectly assigned a number of ERU's, the City Engineer shall reassign that user and shall notify that user of such reassignment.

F. Records of all assigned rates and any assigned wastewater volumes and strengths to user and user classes, as well as the wastewater characteristics forming the basis of the ERU shall be kept on file with the City Recorder and shall be open for public inspection.

G. The wastewater user charges are hereby established for the following user classes:

User Class	Equivalent Residential Units	Unit
Apartment	0.60	per unit
Bar and tavern without kitchen	2.00	per establishment
Bar and tavern with kitchen	2.00	per establishment
Barber and beauty shop	1.00	per establishment
Bowling alley	0.15	per lane
Bakery	3.00	per establishment
Cafe and restaurant	3.00	per establishment
Car wash	1.50	per bay
Church without kitchen	1.00	per establishment
Church with kitchen	1.50	per establishment
Club	2.00	per establishment
Hospital	0.30	per bed
Hotel and motel	0.30	per unit
Ice cream parlors	1.50	per establishment
Institution with permanent residents	0.40	per resident
Institution with temporary residents	0.40	per resident
Laundry - coin operated	0.25	per machine
Laundry - commercial	0.10	per lb. capacity
Mortuary	1.50	per establishment
Museum and visitor center	1.00	per establishment
Office and small business (1—5 employees)	1.00	per establishment
Office and business (6—10 employees)	2.00	per establishment

User Class	Equivalent Residential Units	Unit
Office and business (11+ employees)	Open Class	
Open class	As determined by the Public Utilities Superintendent, but not less than 1.0	
RV parks (transitory)	0.25	per space
School - elementary school	0.02	per capita
junior high (middle)	0.03	per capita
high school	0.04	per capita
Service station (gasoline station)	1.50	per establishment
Single-family residence	1.00	per unit
Supermarket without butcher shop	1.00	per establishment
Supermarket with butcher shop	3.00	per establishment
Theater	0.02	per seat
Trailer park - permanent	0.60	per unit
Union hall	2.00	per establishment

H. The user charge shall be calculated by multiplying the total number of ERU's for each user by a constant cost factor (CCF.) Effective January 1, 2010, this cost factor shall be set by city council resolution until such time as it is revised as provided for in Section 3.12.030.

I. The monthly user charge for users having a water meter shall be calculated by using the following formulas:

1. Residential User.

a. November through April:

Metered user charge/month is established as a base rate set by City Council Resolution and may be adjusted from time to time plus consumption using the following calculation:

= [constant cost factor (subsection H of this section)] × actual meter reading in cu. ft.

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625 cu. ft.

(where 625 cu. ft. equals the average single-family discharge of wastewater per month.)

b. May through October:

Metered user charge/mo. = Base rate set by City Council Resolution and may be adjusted from time to time plus the average of the monthly charges for the individual account from November through April (unoccupied periods will not be used for the average calculation) or will be the amount calculated under subsection (I)(1)(a), whichever is less. For metered accounts without a minimum of two (2) months (no less than sixty (60) days) of actual water consumption available by April 30 of each year, a default value of six hundred twenty-five (625) cu. ft. will be set as the maximum winter average. The default formula used will be as follows:

Base fee + [(constant cost factor × actual consumption or winter average)] ÷ 625 cu. ft.

2. Commercial and Industrial User.

a. January through December:

Metered user charge/month is established as a base rate set by City Council Resolution and may be adjusted from time to time plus consumption using the following calculation:

= [constant cost factor (subsection H of this section)] × actual meter reading in cu. ft.

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625 cu. ft.

(where 625 cu. ft. equals the average single-family discharge of wastewater per month.)

b. May through October: Any commercial or industrial user may request to use the residential user calculation formula for their metered user charge under all of the following conditions:

i. By written request to the Public Works Superintendent;

ii. The user must satisfactorily demonstrate that the particular wastewater discharge pattern does not have a significant seasonal variation in quantity or quality;

iii. The user must satisfactorily demonstrate that there is summer water use of a significant nature that does not impact the wastewater system.

J. Any user, which cannot be classified by virtue of the volume and/or strength of the user's wastewater in any of the above user classes, shall be considered a special user. Such user shall be placed in the open class and shall be assigned the appropriate wastewater volume.

K. Charges for dumping septic tank wastes at the city's sewage treatment plant shall be based on the total capacity of each truck tank. These charges shall cover costs of operation and maintenance of the treatment plant and any appropriate local capital costs allocable to the treatment of these wastes. The strengths of eighty-seven and one-half (87.50) pounds of BOD per load and three hundred fifty (350) pounds of suspended solids on the one thousand five hundred (1,500) gallon load shall be assigned to these wastes from which the following charges are derived: five cents per gallon.

L. The wastewater user charge shall begin on the first day of occupancy. A security deposit will be charged upon commencement of service in an amount equal to the cost of two months wastewater sewer service to the property. If the owner of the property voluntarily agrees to sign a collateral agreement accepting responsibility for payment of wastewater sewer service, the security deposit may be reduced to the cost of one month of service. The security deposit will be returned to the payor at the end of two years, providing that the payor has resided at the same address for those two years and providing that the account is current. When the account is paid to date and closed out the security deposit will be returned to the payor. Once the wastewater user charge has commenced, no credit shall be given for vacancy unless it can be demonstrated that water service to that property from any and all sources has been discontinued, at which time the user charge shall be reinstated as soon as water service to that property from any source has begun. If the date upon which the user charge is commenced or altered does not fall on the first day of a billing period, the rates shall be appropriately pro-rated.

M. A single user having more than one classification of use shall be charged the sum of the charges for those classifications. (Ord. No. 2013-1124, § I, 6-3-2013; Ord. No. 2010-1103, § II, 12-6-2010; Ord. No. 2009-1095, 5-4-2009; Ord. 2008-1092; Ord. 2008-1090; Ord. 2007-1071; Ord. 2005-1052; Ord. 2004-1045; Ord. 2003-1037; Ord. 2002-1033; Ord. 2002-1030; Ord. 2001-1023, Art. II)

3.12.030 Review and revision of rates.

The wastewater user charges established in Section 3.12.020 shall, as a minimum, be

reviewed annually and revised periodically to reflect actual costs of operations, maintenance, replacement, and financing of the treatment works and to maintain the acceptability of the user charges with respect to proportional distribution of the costs of operation and maintenance in proportion to each user's contribution to the total wastewater loading of the treatment works.
(Ord. 2001-1023 Art. III)

3.12.035 SOS voluntary donation program.

A. In order to assist very low income citizens with wastewater user charges, there is established the SOS voluntary donation program. Wastewater users who desire to donate any amount of money to assist very low income citizens with wastewater user charges may add that amount to the monthly wastewater bill charge and the donation will be used to assist needy citizens.

B. The City Recorder will place a donation space on each wastewater bill and will forward that amount to the Lower Umpqua Ministerial Association (or, in the event that the Lower Umpqua Ministerial Association is not operating, to another faith-based organization) for distribution to very low income citizens. The Lower Umpqua Ministerial Association will report disbursements annually to the City Recorder.
(Ord. 2002-1030 (part))

3.12.040 Responsibility, payment delinquencies, and penalties.

A. The person who uses the wastewater system shall be responsible for payment of the wastewater user charge for that property.

B. The users of the wastewater system shall be billed on a monthly basis for services in the previous month in accordance with the ERU and rate schedule as set forth in this chapter.

C. Wastewater user charges shall be due and payable to the City Recorder not later than the last day of the current month for the previous month's service.

D. Wastewater user charges levied in accordance with this chapter shall be a debt due to the city. If this debt is not paid within thirty (30) days after it shall be due and payable, it shall be deemed delinquent and may be recovered by civil action in the name of the city against the user and also the property owner if the owner has signed a collateral agreement with the city.

E. Interest at the rate of one and one-half percent per month on any balance remaining unpaid by the last day of the current month shall accrue on all accounts. This amount shall be added to the account and shall accrue interest in the same manner.

F. In the event of failure pay wastewater charges after they have become delinquent, the city shall have the right to remove or close wastewater connections and enter upon the property for accomplishing such purposes. The expense of such discontinuance, removal, or closing, as well as the expense of restoring service shall be a debt due to the city and may be recovered by civil action in the name of the city against the user and also the property owner if the owner has signed a collateral agreement with the city.

G. Wastewater service shall not be restored until all charges, including interest accrued and the expense of removal, closing, and restoration shall have been paid.
(Ord. 2001-1023 Art. IV)

3.12.050 Handling of funds.

A. Bills for wastewater user charges shall be mailed to the address specified in

the application for permit to make the connection unless or until a different user of the property is reported to the Department of Public Utilities.

B. All collections of wastewater user charges shall be made by the city by and through the Department of Public Utilities. Wastewater user charges shall be computed as provided in Section 3.12.020 and shall be payable as provided in Section 3.12.040.

C. The City Recorder is hereby directed to deposit in the water pollution control fund all of the gross revenues received from charges, rates, and penalties collected for the use of the wastewater system as herein provided.

D. The revenues thus deposited in the water pollution control fund shall be used exclusively for the operation, maintenance, and repair of the wastewater system; reasonable administration costs; expenses of collection of charges imposed by this chapter; payments of the principle and interest on any debts of the wastewater system of the city; and capital replacement.
(Ord. 2001-1023 Art. V)

3.12.060 Appeals.

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

B. Review of the request shall be made first to the City Engineer whose decision can then be appealed to the City Council which shall determine if it is substantiated or not, including recommending further study of the matter by the City Engineer or other registered professional engineer.

C. If the request for review is determined to be substantiated, the user charges for that user shall be recomputed based on the approved revised flow and/or strength data and the new charges thus recomputed shall be applicable retroactively up to six months.
(Ord. 2001-1023 Art. VI)

Chapter 3.16

BACKFLOW AND CROSS-CONNECTION CONTROL

Sections:

3.16.010 Purpose.

The purpose of this chapter is:

A. To protect the public potable water supply of Reedsport from the possibility of contamination or pollution by isolating within the customer's internal distribution system(s) or the customer's private water system(s) such contaminants or pollutants which could backflow into the public water system;

B. To promote the elimination or control of existing cross-connections, actual or potential, between the customer's in-plant potable water system(s) and nonpotable water systems, plumbing fixtures and industrial piping systems; and

C. To provide for the maintenance of a continuing program of cross-connection control which will systematically and effectively prevent the contamination or pollution of all potable water systems.

(Ord. 1985-689 § 1.1)

3.16.020 Responsibility.

The Reedsport City Manager shall be responsible for the protection of the public potable water distribution system from contamination or pollution due to the backflow of contaminants or pollutants through the water service connection. If, in the judgment of the City Manager, an approved backflow prevention device is required at the customer's water service connection, or within the customer's private water system for the safety of the water system, the City Manager, or the City Manager's designated agent, shall give notice in writing to the customer to install such an approved backflow prevention device(s) at specific location(s) on the customer's premises. The customer shall immediately install such approved device(s) at the customer's own expense; and, failure, refusal or inability on the part of the customer to install, have tested and maintain the device(s) at the customer's own expense shall constitute a ground for discontinuing water service to the premises until such requirements have been satisfactorily met.

(Ord. 1985-689 § 1.2)

3.16.030 Definitions.

"Approved" means accepted by the City Manager as meeting an applicable specification stated or cited in this chapter, or as suitable for the proposed use.

"Auxiliary water supply" means any water supply on or available to the premises other than the city's approved public water supply. These auxiliary waters may include water from another purveyor's public potable water supply or any nature source(s) such as a well, spring, river, stream, harbor, etc., or "used waters" or "industrial fluids." These waters may be contaminated or polluted or they may be objectionable and constitute an unacceptable water source over which the water purveyor does not have sanitary control.

"Backflow" means the reversal of the normal flow of water caused by either back-pressure or back-siphonage.

"Backflow preventer" means a device or means designed to prevent backflow.

1. "Air-gap" means the unobstructed vertical distance through the free atmosphere between the lowest opening from any pipe or faucet supplying water to a tank, plumbing fixture, or other device and the flood level rim of the vessel. An approved air-gap shall be at least double the diameter of the supply pipe, measured vertically, above the top of the overflow rim of the vessel; and in no case less than one inch.

2. "Reduced pressure principle device" means an assembly of two independently acting approved check valves together with a hydraulically operating, mechanically independent pressure relief valve located between the check valves and at the same time below the first check valve. The unit shall include properly located test cocks and tightly closing shut-off valves at each end of the assembly. The entire assembly shall meet the design and performance specifications as determined by a laboratory and a field evaluation program resulting in an approval by a recognized and approved testing agency for backflow prevention assemblies. The assembly shall operate to maintain the pressure in the zone between the two check valves at an acceptable level less than the pressure on the public water supply side of the device. At cessation of normal flow the pressure between the two check valves shall be less than the pressure on the public water supply side of the device. In case of leakage of either of the check valves the differential relief valve shall operate to maintain the reduced pressure in the zone between the check valves by discharging to the atmosphere. When the inlet pressure is two pounds per square inch or less, the relief valve shall open to the atmosphere. To be approved these devices must be readily accessible for in-line testing and maintenance and be installed in a location where no part of the device will be submerged.

3. Double check valve assembly" means an assembly of two independently operating approved check valves with tightly closing shut-off valves on each end of the check valves, plus properly located test cocks for the testing of each check valve. The entire assembly shall meet the design and performance specifications as determined by a laboratory and field evaluation program resulting in an approval by a recognized and approved testing agency for backflow prevention assemblies. To be approved these devices must be readily accessible for in-line testing and maintenance.

"Back-pressure" means the flow of water or other liquids, mixtures or substances under pressure into the distribution pipes of a potable water supply system from any source or sources other than the intended source.

"Back-siphonage" means 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 pressure in the potable water supply system.

City Manager. The "City Manager" is in charge of the Water Department of the city and is vested with the authority and responsibility for the implementation of an effective cross-connection control program and for the enforcement of the provisions of this chapter.

"Contamination" means an impairment of the quality of the potable water by sewage, industrial fluids or waste liquids, compounds or other materials to a degree which creates an actual or potential hazard to the public health through poisoning or through the spread of disease.

"Cross-connection" means any physical connection or arrangement of piping or fixtures between two otherwise separate piping systems one of which contains potable water and the other nonpotable water or industrial fluids of questionable safety, through which, or because of which, backflow may occur into the potable water system. This would include any temporary connections, such as swing connections, removable sections, fourway plug valves, spools, dummy sections of pipe, swivel or change-over devices or sliding multiport tube.

"Cross-connections, controlled" means a connection between a potable water system and a nonpotable water system with an approved backflow prevention device properly installed and maintained so that it will continuously afford the protection commensurate with the degree of hazard.

"Cross-connection control by containment" means the installation of an approved backflow prevention device at the water service connection to any customer's premises where it is physically and economically unfeasible to find and permanently eliminate or control all actual or potential cross-connections within the customer's water system, or, it shall mean the installation of an approved backflow prevention device on the service line leading to and supplying a portion of a customer s water system where there are actual or potential cross-connections which cannot be effectively eliminated or controlled at the point of the cross-connection.

Hazard, Degree of. "Degree of hazard" is derived from an evaluation of the potential risk to public health and the adverse effect of the hazard upon the potable water system.

1. Hazard, Health. "Health hazard" means any condition, device or practice in the water supply system and its operation which could create, or in the judgment of the City Manager, may create a danger to the health and well-being of the water consumer.

2. Hazard, Plumbing. "Plumbing hazard" means a plumbing type cross-connection in a consumer's potable water system that has not been properly protected by an approved airgap or approved backflow prevention device.

3. Hazard, Pollutional. "Pollutional hazard" means an actual or potential threat to the physical properties of the water system or to the potability of the public or the consumer's potable water system but which would constitute a nuisance or be aesthetically objectionable or could cause damage to the system or its appurtenances, but would not be dangerous to health.

4. Hazard, System. "System hazard" means an actual or potential threat of severe damage to the physical properties of the public potable water system or the consumer's potable water system or of a pollution or contamination which would have a protracted effect on the quality of the potable water in the system.

"Industrial fluids system" means any system containing a fluid or solution which may be chemically, biologically or otherwise contaminated or polluted in a form or concentration such as would constitute a health, system, pollutional or plumbing hazard if introduced into an approved water supply.

This may include, but not be limited to: polluted or contaminated waters; all types of process waters and used waters originating from the public potable water system which may have deteriorated in sanitary quality; chemicals in fluid form; plating acids and alkalies, circulating cooling waters connected to an open cooling tower and/or cooling towers that are chemically or biologically treated or stabilized with toxic substances; contaminated natural waters such as from wells, springs, streams, rivers, bays, harbors, seas, irrigation canals or systems, etc.; oils, gases, glycerine, paraffins, caustic and acid solutions and other liquid and gaseous fluids used in industrial or other purposes or for firefighting purposes.

"Pollution" means the presence of any foreign substance (organic, inorganic or biological) in water which tends to degrade its quality so as to constitute a hazard or impair the usefulness or quality of the water to a degree which does not create an actual hazard to the public health but which does adversely and unreasonably affect such waters of domestic use.

Water, Nonpotable. "Nonpotable water" means water which is not safe for human consumption or which is of questionable potability.

Water, Potable. "Potable water" means any water which, according to recognized standards, is safe for human consumption.

"Water, service connection" means the terminal end of a service connection from the public potable water system, i.e., where the city loses jurisdiction and sanitary control over the water at its point of delivery to the customer's water system. If a meter is installed at the end of the service connection, then the service connection shall mean the downstream end of the meter. There should be no unprotected takeoffs from the service line ahead of any meter or backflow prevention device located at the point of delivery to the customer's water system. Service connection shall also include water service connection from a fire hydrant and all other temporary or emergency water service connections from the public potable water system.

Water, Used. "Used water" means any water supplied by the city from a public potable water system to a consumer's water system after it has passed through the point of delivery and is no longer under the sanitary control of the city. (Ord. 1985-689 § 2)

3.16.040 Requirements.

A. Water System.

1. The water system shall be considered as made up of two parts: the city system and the customer system.

2. City system shall consist of the source facilities and the distribution system; and shall include all those facilities of the water system under the complete control of the utility, up to the point where the customer's system begins.

3. The source facilities shall include all components of the facilities utilized in the production, treatment, storage and delivery of water to the distribution system.

4. The distribution system shall include the network of conduits used for the delivery of water from the source to the customer's system.

5. The customer's system shall include those parts of the facilities beyond the termination of the utility distribution system which are utilized in conveying utility-delivered domestic water to points of use and shall generally begin from the downstream

side of the water shutoff or meter serving the customer's property or, in the absence of either, at the property line.

B. Policy.

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

2. The customer's system should be open for inspection at all reasonable times to authorized representatives of the city to determine whether cross-connections or other structural or sanitary hazards, including violations of these regulations, exist. When such a condition becomes known, the City Manager shall deny or immediately discontinue service to the premises by providing for a physical break in the service line until the customer has corrected the condition(s) in conformance with state and city statutes relating to plumbing and water supplies and the regulation adopted pursuant thereto.

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

a. In the case of premises having an auxiliary water supply which is not or may not be of safe bacteriological or chemical quality and which is not acceptable as an additional source by the city, the public water system shall be protected against backflow from the premises by installing an approved backflow prevention device in the service line appropriate to the degree of hazard.

b. In the case of premises on which any industrial fluids or any other objectionable substance is handled in such a fashion as to create an actual or potential hazard to the public water system, the public system shall be protected against backflow from the premises by installing an approved backflow prevention device in the service line appropriate to the degree of hazard. This shall include the handling of process waters and waters originating from the utility system which have been subject to deterioration in quality.

c. In the case of premises having: (1) internal cross-connections that cannot be permanently corrected and controlled; or (2) intricate plumbing and piping arrangements or where entry to all portions of the premises is not readily accessible for inspection purposes, making it impracticable or impossible to ascertain whether or not dangerous cross-connections exist, the public water system shall be protected against backflow from the premises by installing an approved backflow prevention device in the service line.

4. The type of protective device required under subsection (B)(3)(a), (b) and (c) of this section shall depend upon the degree of hazard which exists as follows:

a. In the case of any premises where there is an auxiliary water supply as stated in subsection (B)(3)(a) of this section and it is not subject to any of the following rules, the public water system shall be protected by an

approved air-gap separation or an approved reduced pressure principle backflow prevention device.

b. In the case of any premises where there is water or substance that would be objectionable but not hazardous to health, if introduced into the public water system, the public water system shall be protected by an approved double check valve assembly.

c. In the case of any premises where there is any material dangerous to health which is handled in such a fashion as to create an actual or potential hazard to the public water system, the public water system shall be protected by an approved air-gap separation or an approved reduced pressure principle backflow prevention device. Examples of premises where these conditions will exist include sewage treatment plants, sewage pumping stations, chemical manufacturing plants, hospitals, mortuaries and plating plants.

d. In the case of any premises where there are uncontrolled cross-connections, either actual or potential, the public water system shall be protected by an approved air-gap separation or an approved reduced pressure principle backflow prevention device at the service connection.

e. In the case of any premises where, because of security requirements or other prohibitions or restrictions, it is impossible or impractical to make a complete in-plan cross-connection survey, the public water system shall be protected against backflow from the premises by either an approved air-gap separation or an approved reduced pressure principle backflow prevention device on each service to the premises.

5. Any backflow prevention device required herein shall be a model and size approved by the city. The term "approved backflow prevention device" shall mean a device that has been manufactured in full conformance with the standards established by the American Water Works Association entitled:

> AWWA C506-78 Standards for Reduced Pressure Principle and Double Check Valve Backflow Prevention Devices;

and, have met completely the laboratory and field performance specifications of the Foundation for Cross-Connection Control and Hydraulic Research of the University of Southern California established by Specifications of Backflow Prevention Devices #69-2 dated March 1969 or the most current issue.

The AWWA and FCCC&HR standards and specifications are adopted by the city. Final approval shall be evidenced by a certificate of approval issued by an approved testing laboratory certifying full compliance with the AWWA standards and FCCC&HR specifications.

The following testing laboratory is qualified by the city to test and certify backflow preventers:

> Foundation for Cross-Connection
> Control & Hydraulic Research
> University of Southern California
> University Park
> Los Angeles, California 90007

Testing laboratories other than the laboratory listed above will be added to an approved list as they are qualified by the city.

Backflow preventers which may be subjected to back pressure or back siphonage that have been fully tested and have been granted a certificate of approval by the qualified laboratory and are listed on the laboratory's current list of approved backflow prevention devices may be used without further test or qualification.

6. It shall be the duty of the customer-user at any premises where backflow prevention devices are installed to have certified inspections and operational tests made at least once per year. In those instances where the City Manager deems the hazard to be great enough the City Manager may require certified inspections at more frequent intervals. These inspections and tests shall be at the expense of the water user and shall be performed by the device manufacturer's representative, city personnel or by a certified tester approved by the Oregon State Health Division. It shall be the duty of the City Manager to see that these tests are made in a timely manner. The customer-user shall notify the City Manager in advance when the tests are to be undertaken so that the City Manager or the City Manager's representative may witness the tests if so desired. These devices shall be repaired, overhauled or replaced at the expense of the customer-user whenever the devices are found to be defective. Records of such tests, repairs and overhaul shall be kept and made available to the City Manager for review or copying.

7. At the customer's request the city will perform all tests and necessary repairs on a time and material basis.

8. All presently installed backflow prevention devices which do not meet the requirements of this section but were approved devices for the purposes described herein at the time of installation and which have been properly maintained, shall, except for the inspection and maintenance requirements under subsection (B)(6) of this section, be excluded from the requirements of these rules so long as the City Manager is assured that they will satisfactorily protect the utility system. Whenever the existing device is moved from the present location or requires more than minimum maintenance or when the City Manager finds that the maintenance constitutes a hazard to health, the unit shall be replaced by an approved backflow prevention device meeting the requirements of this section. (Ord. 1985-689 § 3)

3.16.050 Costs.

The costs incurred to install, test and maintain any device required under this chapter, and to disconnect or reconnect the customer to the city water system, shall be solely the customer's responsibility and the city can withhold water service to any customer until all costs owing to city have been paid in full. (Ord. 1985-689 § 4)

Chapter 3.20

UTILITIES SYSTEMS DEVELOPMENT CHARGE

Sections:

3.20.010 Purpose.

The purpose of the system development charge is to impose a portion of the cost of capital improvements for water and wastewater facilities upon those developments that create the need for or increase the demands on capital improvements. (Ord. 1991-539-C § 1)

3.20.020 Scope.

The system development charge imposed by this chapter is separate from and in addition to any applicable tax, assessment, charge or fee otherwise provided by law or imposed as a condition of development. (Ord. 1991-539-C § 2)

3.20.030 Definitions.

For purposes of this chapter:

"Capital improvements" means facilities or assets used for:

1. Water supply, treatment and distribution;
2. Wastewater collection, transmission, treatment and disposal.

"Development" means constructing a building, making a physical change in the use or appearance of a structure or land, dividing land into two or more parcels (including partitions and subdivisions), and creating or terminating a right of access.

"Improvement fee" means a fee for costs associated with capital improvements to be constructed after the date the fee is adopted pursuant to Section 3.20.040.

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

"Owner" means the owner or owners of record title or the purchase or purchasers under a recorded sales agreement, and other persons having an interest of record in the described real property.

"Parcel of land" means a lot, parcel, block or other trace of land that is occupied or may be occupied by a structure or structures or other use, and that includes the yards and other open spaces required under the zoning, subdivision, or other development ordinances.

"Qualified public improvements" means a capital improvement that is:

1. Required as a condition of residential development approval;
2. Identified in the plan adopted pursuant to Section 3.20.080; and

3. Not located on or contiguous to a parcel of land that is the subject of the residential development approval.

"Reimbursement fee" means a fee for costs associated with capital improvements constructed or under construction on the date the fee is adopted pursuant to Section 3.20.040.

"System development charge (SDC)" means a reimbursement fee, an improvement fee or a combination thereof assessed or collected at the time of increased usage of a capital improvement, at the time of issuance of a development permit or building permit, or at the time of connection to the capital improvement. "System development charge" includes that portion of a sewer or water system connection charge that is greater than the amount necessary to reimburse the city for its average cost of inspection and installing connections with water and sewer facilities. "System development charge" does not include fees assessed or collected as part of a local improvement district or a charge in lieu of a local improvement district assessment, or the cost of complying with requirements or conditions imposed by a land use decision. (Ord. 1991-539-C § 3)

3.20.040 System development charge established.

A. System development charges shall be established and may be revised by resolution of the council.

B. Unless otherwise exempted by the provisions of this chapter or other local or state law, a system development charge is imposed upon all parcels of land within the city, and upon all lands outside the boundary of the city that connect to or otherwise use the capital improvements of the city. (Ord. 1991-539-C § 4)

3.20.050 Methodology.

A. Methodology for the water system development charge has been established by the systems development study performed by Dyer Engineering in September 2006. According to the study the maximum allowable fee is four thousand three hundred thirty dollars ($4,330.00). The Reedsport City Council has established a fee of four thousand three hundred thirty dollars ($4,330.00) based on the study. This fee shall be reviewed periodically and revised as needed.

B. Methodology for the sewer system development charge has been established by the systems development study performed by Dyer Engineering in April 2004. According to the study the maximum allowable fee is four thousand one hundred forty-eight dollars ($4,148.00). The Reedsport City Council has established a fee of four thousand dollars ($4,000.00) based on the study. This fee shall be reviewed periodically and revised as needed.

C. Methodology for SDC Charges for Other than Single-Family Dwellings. The City Engineer shall calculate the SDC charges for all developments which do not fall into the single dwelling class. The rationale for the calculations shall be the relationship of the water-wastewater use of the development versus the typical water-wastewater use of a single-family dwelling.

The City Engineer shall use the latest equivalent residential unit schedules listed in the system development study as the basis of the calculations.

D. Methodology for the stormwater system development charge has been established by the systems development study performed by Dyer Engineering in September 2006. According to the study, the maximum allowable fee is eight hundred seventy-eight dollars ($878.00). The Reedsport City Council has

established a fee of eight hundred seventy-eight dollars ($878.00) based on the study. This fee shall be reviewed periodically and revised as needed.

E. Methodology for SDC charges for stormwater shall be based on the impervious area. A single-family dwelling equals one EDU regardless of lot size or impervious surface. All other developments including multifamily developments shall be figured on impervious surface. One EDU is equal to five thousand six hundred (5,600) square feet of impervious area. The following worksheet assessment shall be utilized to calculate the fee:

Storm Drainage EDU Assessment Worksheet for New Development

Assessment Item	Impervious Factor	Developed Area SF	Effective Imp. SF	Stormwater EDU
Single-family dwelling	N/A	N/A	N/A	1
Commercial, industrial, institutional including multifamily				
Highly impervious areas, roofs, pavement, sidewalks etc.	1.00			
Gravel parking/roadway/ storage	0.60			
Compacted dirt roadway/ parking/storage	0.50			
Lawns, landscaped areas	0.15			
Undeveloped areas	0			

(Ord. 2007-1068; Ord. 2006-1064; Ord. 2004-1047; Ord. 1991-539-C § 5)

3.20.060 Authorized expenditures.

A. Reimbursement fees shall be applied only to capital improvements associated with the systems for which the fees are assessed,

including expenditures relating to repayment of indebtedness.

B. 1. Improvement fees shall be spent only on capacity increasing capital improvements, including expenditures relating to repayment of future debt for the improvements. An increase in system capacity occurs if a capital improvement increases the level of performance or service provided by existing facilities or provides new facilities. The portion of the capital improvements funded by improvement fees must be related to demands created by development.

2. A capital improvement being funded wholly or in part from revenue derived from the improvement fee shall be included in the plan adopted by the city pursuant to Section 3.20.080.

C. Notwithstanding subsections A and B of this section, system development charge revenues may be expended on the direct costs of complying with the provisions of this chapter, including the costs of developing system development charge methodologies and providing an annual accounting of system development charge expenditures and the costs of enforcing this chapter including City Attorney fees and court costs. (Ord. 1991-539-C § 6)

3.20.070 Expenditure restrictions.

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

B. System development charges shall not be expended for costs of the operation or routine maintenance of capital improvements. (Ord. 1991-539-C § 7)

3.20.080 Improvement plan.

The Council shall adopt a plan that:

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

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

C. Describes the process for modifying the plan. (Ord. 1991-539-C § 8)

3.20.090 Collection of charge.

A. Any charges required to be paid to the city pursuant to this section may be deferred at the request of the property owner. In the event that the real property on which the fees have been deferred pursuant to this section is sold or conveyed or a final occupancy certificate is issued, the fees or charges deferred shall become immediately due and payable to the city of Reedsport. Sale or conveyance includes either actually selling, conveying or assigning any or all of the property or all of the owner's interest in the property.

System development charges are payable upon issuance of the following unless deferment is requested:

1. A building permit (a development permit);

2. A development permit for development not requiring the issuance of a building permit;

3. A permit to connect to the water system; or

4. A permit to connect to the sewer system.

B. If no building, development or connection permit is required, the system development charge is payable at the time the usage of the capital improvement is increased.

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

D. The Building Inspector shall collect the applicable system development charge, unless deferment is requested, when a per-

mit that allows building or development of a parcel is issued or when a connection to the water or sewer system of the city is made.

E. Unless deferment is requested, the Building Inspector shall not issue such permit or allow such connection until the charge has been paid in full, or until provision for installment payments has been made pursuant to Section 3.20.110, or unless an exemption is granted pursuant to Section 3.20.120.

F. If deferment is requested, the owner shall be required to execute a request for and a consent to an enforcement agreement in the amount of the charges deferred on each real property for which a deferral is requested. The request and consent shall be made on a form prepared by the Community Development Director who, upon receipt, shall file the enforcement agreement. Upon authorization of the deferral, a lien will be placed on the said real property at the Douglas County Clerk's office. Any standard recording and satisfaction of lien fees will be added to the cost of the original SDC charges. The enforcement agreement shall authorize the city of Reedsport to withhold setting a water meter on the property for which a deferral has been requested, or, if the property is already receiving water service, to remove the water meter pursuant to Section 3.04.300, and withhold service to their property until the deferred charges have been paid in full.
(Ord. No. 2010-1102, § I, 10-4-2010; Ord. 1991-539-C § 9)

3.20.100 Delinquent charges—Hearing.

A. When, for any reason, the system development charge has not been paid, the City Manager shall report to the Council the amount of the uncollected charge, the description of the real property to which the charge is attributable, the date upon which the charge was due, and the name of the owner.

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

C. At the hearing, the Council may accept, reject or modify the determination of the City Manager as set forth in the report. If the Council finds that a system development charge is unpaid and uncollected, it shall direct the City Manager to docket the unpaid and uncollected system development charge in the lien docket. Upon completion of the docketing, the city shall have a lien against the described land for the full amount of the unpaid charge, together with interest at the legal rate of ten (10) percent and with the city's actual cost of serving notice of the hearing on the owners. The lien shall be enforceable in the manner provided in ORS. Chapter 223. (Ord. 1991-539-C § 10)

3.20.110 Exemptions.

A. Structures and uses established and existing on or before the effective date of the ordinance codified in this chapter are exempt from a system development charge, except water and sewer charges, to the extent of the structure or use then existing and to the extent of the parcel of land as it is constituted on that date. Structures and uses not affected by this subsection shall pay the water or sewer charges pursuant to the terms of this chapter upon the receipt of a permit to connect to the water or sewer system.

B. Additions to single-family dwellings that do not constitute the addition of a dwelling unit, as defined by the State Uniform Building Code dated 1990, and subsequent revisions thereof, are exempt from all portions of the system development charge.

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

D. A project financed by city revenues is exempt from all portions of the system development charge. (Ord. 1991-539-C § 11)

3.20.120 Credits.

A. A system development charge shall be imposed when a change of use of a parcel or structure occurs, but credit shall be given for the computed system development charge to the extent that prior structures existed and services were established on or after the effective date of this ordinance. The credit so computed shall not exceed the calculated system development charge. No refund shall be made on account of such credit.

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

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

D. Credit shall not be transferable from one type of capital improvement to another. (Ord. 1991-539-C § 12)

3.20.130 Segregation and use of revenue.

A. All funds derived from a particular type of system development charge are to be segregated by accounting practices from all other funds of the city. That portion of the system development charge calculated and collected on account of a specific facility system shall be used for no purpose other than those set forth in Section 3.20.060.

B. The finance director shall provide the City Council with an annual accounting, based on the city's fiscal year, for system development charges showing the total amount of system development charge revenues collected for each type of facility and the projects funded from each account. (Ord. 1991-539-C § 13)

3.20.140 Appeal procedure.

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

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

C. After providing notice of seven days to the appellant, the Council shall conduct a hearing to determine whether the City Manager's decision or the expenditure is in accordance with this chapter and the provisions of ORS 223.297 to 223.314 and may affirm, modify or overrule the decisions. If the Council determines that there has been an improper expenditure of system development charge revenues, the Council shall direct that a sum equal to the misspent amount shall be deposited within one year to the credit of the account or fund from which it was spent.

D. A legal action challenging the methodology adopted by the Council pursuant to Section 3.20.050 shall not be filed later than sixty (60) days after the adoption of the ordinance codified in this chapter. (Ord. 1991-539-C § 14)

3.20.150 Prohibited connection.

No person may connect to the water or sewer systems of the city unless the appropriate system development charge has been paid, or an exemption applies. (Ord. 1991-539-C § 15)

3.20.160 Violation—Penalty.

Violation of Section 3.20.150 is punishable by a fine equal to an amount double the normal SDC connection fee plus double the normal monthly user fee for all months of use prior to payment of the penalty plus any expenses or damages incurred by city to remedy any problem caused by the user's failure to connect at the proper time or in the proper manner or both. (Ord. 1991-539-C § 16)

3.20.170 Construction.

The rules of statutory construction contained in ORS Chapter 174 are adopted and by this reference made a part of this chapter. (Ord. 1991-539-C § 17)

Chapter 3.24

SOLID WASTE MANAGEMENT

Sections:

3.24.010 Short title.

The ordinance codified in this chapter shall be known as the "Solid Waste Management Ordinance" and may be so cited and pleaded and shall be cited herein as "this chapter." (Ord. 1979-562 § 1)

3.24.020 Purpose, policy and scope.

A. It is declared to be the public policy of the city of Reedsport to regulate solid waste management to:

1. Insure safe, economical and comprehensive solid waste service, and to conserve energy and material resources;

2. Insure rates that are just, fair, reasonable and adequate to provide necessary public service and to prohibit rate preferences and other discriminatory practices;

3. Provide for technologically and economically feasible resource recovery by and through the franchisee.

B. Except for the franchisee under this chapter, no person shall:

1. Provide service for compensation or offer to provide or advertise for the performance of such service;

2. Perform service for compensation to any tenant, leasee, or owner or occupant of any real property of such person. (Ord. 1979-562 § 2)

3.24.030 Definitions.

"Compensation" means and includes:

1. Any type of consideration paid for service including, but not limited to rent, the proceeds from resource recovery and any direct or indirect provision for payment of money, goods, services or benefits by tenants, leasees, occupants or similar persons;

2. The exchange of service between persons; and

3. The flow of consideration from the person owning or possessing the solid waste to the person providing service or from the person providing service to the person owning or possessing the same.

"Council" means the City Council of the city of Reedsport.

"Franchisee" means the person granted the franchise by Section 3.24.040, or a subcontractor to such person.

"Person" means an individual, partnership, association, corporation, trust, firm, estate or other private legal entity.

"Resource recovery" means the process of obtaining useful material or energy resources from solid waste, including energy recovery, materials recovery, recycling or reuse of solid waste.

"Service" means collection, transportation or disposal of or resource recovery from solid waste and for facilities necessary or convenient to such service including, but not limited to, transfer stations, recycling centers or resource recovery facilities.

"Solid waste" means all putresible and non-putrescible waste, including but not limited to, garbage, rubbish, refuse, ashes, swill, waste paper and cardboard, grass clippings, compost, residential, commercial, industrial, demolition and construction wastes, discarded residential, commercial and industrial appliances, equipment and furniture, vehicle parts and vehicle tires, manure, vegetable or animal solid or semi-solid waste, dead animals and all other wastes not exempted by this definition. "Solid waste" does not include:

1. Hazardous waste as defined in ORS Chapter 459;

2. Sewer sludge and septic tank and cesspool pumping or chemical toilet waste;

3. Reusable beverage containers as defined in ORS 459.860.

"Solid waste management" means management of service.

"Waste" means material that is no longer usable by or that is no longer wanted by the source of the material, which material is to be disposed of or be resource-recovered by another person. However, the term "waste" shall not include any material which is the subject of a sales transaction by the source of the material for actual monetary consideration and involving materials for which a recognized market exists and which requires or involves no processing prior to such sale by the source. A payment of a merely nominal consideration to the source of material shall not exempt such material from the definition of the term "waste" if in fact the true consideration is merely the collection, transportation, conveyance or disposal of the waste materials. (Ord. 1979-562 § 3)

3.24.040 Exclusive franchise and exceptions.

There is granted to Horning Bros. Sanitary Service, an Oregon partnership, the exclusive right, privilege and franchise to provide service in collecting, transporting, and conveying solid waste within the city limits and for that purpose to utilize the streets and facilities of the city of Reedsport. Nothing in this franchise or this section or ordinance shall:

A. Prohibit any person from transporting solid waste he produces himself to an authorized disposal site or resource recovery facility. Solid waste produced by a tenant, licensee, occupant or similar person is produced by such person, not the landlord or property owner;

B. Prohibit any person from contracting with a state or federal agency to provide service to such agency; provided, however, such person shall apply for a franchise for that service only and shall comply with all applicable requirements imposed on the franchisee under this chapter with the exception of rates or terms of service set by written contract with such agency where they are in conflict;

C. Prohibit any person from collecting, transporting and conveying solid waste or waste over and upon the streets of the city of Reedsport for the purpose of resource recovery, provided such person has obtained a license therefor under Section 3.24.150;

D. Prohibit any person from engaging in a charitable, civic or benevolent activity; however, merely operating as a nonprofit entity does not qualify under this exception and for purposes of deciding upon exclusions hereunder, the decision of the City Council of the city of Reedsport shall be final and binding upon all persons. (Ord. 1979-562 § 4)

3.24.050 Franchise term.

The term of this franchise is ten (10) years. Unless the City Council within ninety (90) days of January 1st of any year by resolution terminates further renewals, the term shall be renewed on January 1st of each year for a full ten (10) years from that January 1st. If the Council terminates renewals, the franchise shall be valid for the remaining term unless grounds exist for the suspension, modification or revocation of the franchise pursuant to Section 3.24.090. Procedure for a refusal to renew for cause as in Section 3.24.090 shall be the same as for action taken under that section. (Ord. 1979-562 § 5)

3.24.060 Franchise fee.

In consideration of the franchise granted by this chapter, franchise shall pay quarterly to the city of Reedsport three percent of the annual gross collection from service under the franchise computed by deducting bad debts from gross receipts, due at the end of the month following the quarter. The first quarter payment, January through March, due April 30th; second quarter payment, April through June, due July 31st; third quarter payment, July through September, due October 31st; and the fourth quarter payment, October through December, due January 31st. (Ord. 1979-562 § 6)

3.24.070 Franchise responsibility.

A. The franchise shall:

1. Provide and keep in force general comprehensive liability insurance in the amount of not less than three hundred thousand dollars ($300,000.00), and public liability insurance in the amount of not less than one hundred thousand dollars ($100,000.00), for injury to a single person, three hundred thousand dollars ($300,000.00) to a group of persons and twenty-five thousand dollars ($25,000.00) property damage, all relating to a single occurrence, as a result of the operation of motor vehicles, which shall be evidenced by a certificate of insurance filed with the City Manager;

2. Within thirty (30) days after the effective date of the ordinance codified in this chapter, file with the City Manager a written acceptance of this franchise;

3. Provide sufficient collection vehicles, containers, facilities, personnel and finances to provide all types of necessary service or subcontract with others to provide such service pursuant to Section 3.24.120. Where one or more large volume sources require substantial investment in new or added equipment not otherwise necessary to service the service area, the collector may require a contract with such sources providing that the source hires the collector to provide service for a period of time. This contract exception is intended to assist in financing the necessary equipment

and in protecting the integrity of the remaining service should the source or sources voluntarily terminate collectors service.

B. The franchisee shall not:

1. Give any rate preference to any person, locality or type of solid waste stored, collected, transported, disposed of or resource recovered. This paragraph shall not prohibit uniform classes of rates based upon length of haul, type or quantity of solid waste handled and location of customers so long as such rates are reasonably based upon costs of the particular service and are approved by the City Council in the same manner as other rates nor shall it prevent any person from volunteering service at reduced cost for a charitable, community, civic or benevolent purpose;

2. Transfer this franchise or any portion thereof to other persons without the prior written approval of the City Council, which consent shall not be unreasonably withheld. The City Council shall approve the transfer if the transferee meets all applicable requirements met by the original franchisee. A pledge of this franchise as financial security shall be considered as a transfer for the purposes of this subsection. A transfer, gift, sale or bequest of fifty (50) percent or more of the outstanding stock of franchisee, including cumulatively all transfers subsequent to the effective date of the ordinance codified in this chapter, shall be considered as a transfer for the purposes of this subsection. The City Council may attach whatever conditions it deems appropriate to guarantee maintenance of service and compliance with this chapter. (Ord. 1979-562 § 7)

3.24.080 Supervision.

Service provided under the franchise shall be under the supervision of the City Manager. Franchisee shall, at reasonable times, permit inspection of his facilities, equipment and personnel providing service. (Ord. 1979-562 § 8)

3.24.090 Suspension, modification or revocation of franchise.

A. Failure to comply with a written notice to provide necessary service or otherwise comply with the provisions of this chapter after written notice and a reasonable opportunity to comply shall be grounds for modification, revocation or suspension of the franchise.

B. After written notice from the City Manager that such grounds exist, the franchisee shall have thirty (30) days from the date of mailing the notice in which to comply or to request a public hearing before the City Council.

C. If the franchisee fails to comply within the specified time or fails to comply with the order of the City Council entered upon the basis of findings at the public hearing, the City Council may suspend, modify or revoke the franchise or make such action contingent upon continued noncompliance.

D. At a public hearing, the franchisee and other interested persons have an opportunity to present oral, written or documentary evidence to the City Council.

E. In the event that the City Council finds an immediate and serious danger to the public through creation of a health hazard, it may take action within a time specified in the notice to the franchise and without a public

hearing prior to taking such action. (Ord. 1979-562 § 9)

3.24.100 Preventing interruption of service.

The franchisee agrees as a condition to his franchise that whenever the City Council determines that the failure of service would result in creation of an immediate and serious health hazard or serious public nuisance, the Council may, after a minimum of twenty-four (24) hours actual notice to franchisee and a public hearing if franchisee requests it, authorize another person to temporarily provide the service or to use and operate the land, facilities or equipment of the franchisee through leasing at a daily rate based on the fair market value of franchisee's land, facilities or equipment according to charges in the same or similar industry to provide emergency service. The Council shall return any seized property and business upon abatement of the actual or threatened interruption of service. (Ord. 1979-562 § 10)

3.24.110 Termination of service.

The franchisee shall not terminate or interrupt service to all or a portion of his customers unless:

A. The street or road access is blocked and there is not an alternate route; or

B. Excessive weather conditions render providing service unduly hazardous to persons providing service or such termination is caused by accidents or casualties caused by an act of God or a public enemy; or

C. A customer has not paid for service provided after a regular billing and after a seven day written notice to pay; or

D. Ninety (90) days' written notice is given to the Council and to affected customers and written approval is obtained from the Council. (Ord. 1979-562 § 11)

3.24.120 Subcontracts.

The franchisee may subcontract with others to provide a portion of the service. Such a subcontract shall not relieve the franchisee of total responsibility for providing and maintaining service and from compliance with this chapter. Such subcontraction may contemplate the hauling and disposal of solid waste to areas other than Douglas County by the use of mobile transfer boxes designed for the hauling of solid waste. (Ord. 1979-562 § 12)

3.24.130 Rates.

Rates for service shall be those contained in the document marked "Exhibit A," attached to the ordinance codified in this chapter and by this reference incorporated herein. Changes in rates shall be made only by resolution amending "Exhibit A." (Ord. 1979-562 § 13)

3.24.140 Public responsibility.

In addition to compliance with ORS Chapter 459 and regulations promulgated pursuant thereto:

A. To prevent recurring back and other injuries to collectors and other persons and to comply with safety instructions to collectors from the State Accident Insurance Fund:

1. No garbage shall exceed sixty (60) pounds gross loaded weight nor thirty-two (32) gallons in size. Only round garbage cans shall be used. Cans should be tapered with a smaller bottom than top opening.

2. Sunken refuse cans or containers shall not be used.

3. To protect against injuries to users or collectors, to protect against damage and spilling during cold weather and to protect against rodent hazards, only metal garbage cans shall be used or shall be of rigid, rodent, water proof and fire proof construction.

4. The user shall provide safe access to the pickup point so as not to jeopardize the safety of the driver of a collection vehicle or the motoring public or to create a hazard or risk to the person providing service or which would cause a violation of state or federal laws or safety regulations. Where the franchisee finds that a private bridge, culvert or other structure or road is incapable of safely carrying the weight of the collection vehicle, the collector shall not enter onto such structure or road. The user shall provide a safe alternative access point or system.

B. To protect the privacy, safety, pets and security of customers and to prevent unnecessary physical and legal risk to the collectors, a residential customer shall place the container to be emptied outside of any locked gate.

C. No stationary compactor or other container for commercial or industrial use shall exceed the safe loading design limit or operation limit of the collection vehicles provided by the franchisee serving the service area. Upon petition of a group of customers reasonably requiring special service, the Council may, where it is proven to be economically feasible, require the franchisee to provide subcontract provision for vehicles capable of handling specialized loads.

D. To prevent injuries to users and collectors, stationary compacting devices for handling solid wastes shall comply with applicable federal and state safety regulations.

E. Any vehicle used by any person to transport solid wastes shall be so loaded and operated as to prevent the wastes from dropping, sifting, leaking, blowing, or other escapement from the vehicle onto any public right-of-way or lands adjacent thereto.

F. Any person who receives service shall be responsible for payment for such service. When the property owner of a single or multiple dwelling unit or mobilehome or trailer space has been previously notified in writing by the franchisee of his contingent liability, the property owner shall be responsible for payment for service provided to the occupant of such unit if the occupant does not pay for the service.

G. The owner of any dwelling who rents, leases or lets dwelling units for human habitation shall provide, in a location accessible to all dwelling units, one thirty-five (35) gallon (or greater) receptacle for each dwelling unit, or if a multiple-family unit, a receptacle with a combined capacity of thirty-five (35) gallons per dwelling unit, into which garbage and rubbish from the dwelling units shall be emptied for storage between days of collection.

1. The owner, tenant, or person in control of the rented or leased units on a day-to-day basis shall subscribe to and pay for every other week garbage removal services for the receptacles with a City of Reedsport Solid Waste Collection Franchise holder.

2. In the event that a conflict exists between the owner and the tenant or other person in control of the property on a day-to-day basis, the owner shall be responsible for compliance with this code.

3. Receptacles and lids shall be watertight and provided with handles. All receptacles shall be maintained free from holes and covered with tight-fitting lids at all times.

4. When a dwelling for human habitation is unoccupied for a period over two (2) weeks, no refuse service will be required until the dwelling is reoccupied.

(Ord. No. 2021-1189, 10-4-2021; Ord. 1979-562 § 14)

3.24.150 Resource recovery license.

A. Upon compliance with the provisions of this section, a person may be permitted to engage in collecting, transporting and conveying solid waste or waste over and upon the streets of the city of Reedsport for the purpose of resource recovery only, subject to the following:

1. Such person shall make application to the City Manager for the issuance of a license to engage in resource recovery activities. The application shall be in writing and shall contain such information and be in such form as the City Manager shall require, including a particular description of the service for which a license is sought, the manner in which the applicant proposes to provide such service, the length of time it will be provided, and such other information as shall be required by the City Manager.

2. The City Manager shall review the application and determine the following:

a. Whether the franchisee hereunder is providing the same or similar service; or

b. Whether the franchisee hereunder has been or is in the process of arranging to provide such service; or

c. If the franchisee is not at the time providing, nor in the process of arranging to provide such service, whether franchisee has any objections to the granting of such license; or

d. Whether the applicant for such license has the financial and other means to provide such service.

3. After the review in subsection (A)(2) of this section, the City Manager may grant, deny or refer the license application to the City Council for the city of Reedsport. If the license is granted, the City Manager or City Council may impose upon such approval and make such license subject to reasonable requirements, not unrelated hereto, and it shall protect the interests of the city of Reedsport, the franchisee, and the public. To assure continuity of the proposed service, licensee may be required to post a performance bond in a reasonable amount not exceeding ten thousand dollars ($10,000.00) guaranteeing that such service shall be continued for such period of time as the City Manager or City Council shall determine.

4. In the event of the granting or denial of the application by the City Manager, the franchisee or applicant may, upon written notice filed with the City Recorder within thirty (30) days of notification of such granting or denial, appeal the decision of the City Manager to the City Council. In like manner, either franchisee or applicant may appeal any condition or requirement imposed by the City Manager in case of allowance of the application.

5. If the City Manager shall decide to grant or deny such application without referral to the City Council, he shall notify franchisee and applicant of his decision in writing.

6. If such license is granted, the same may be an exclusive for providing such service within the city of Reedsport, if it is determined to be in the best interests of the public and the city of Reedsport. However, such exclusive license shall not prohibit the franchisee hereunder from engaging in the same or similar service.

7. The City Manager or City Council may require as a condition of such license that licensee shall pay annually, or at more frequent intervals, to the city of Reedsport three percent of the gross income from such service.

(Ord. 1979-562 § 15)

3.24.160 Penalties.

Violation by any person except franchisee or licensee of the provisions of this chapter shall be deemed to be a misde-

meanor and shall be punishable upon conviction by a fine of not more than five hundred dollars ($500.00) or by imprisonment in the County Jail for not more than six months or by both. Violations of this chapter by franchisee shall be enforced as otherwise herein provided.
(Ord. 1979-562 § 17)

3.24.170 City enforcement.

The city of Reedsport shall enforce the provisions of this chapter by administrative, civil or criminal action as necessary to obtain compliance with this chapter.
(Ord. 1979-562 § 18)

Chapter 3.28

STORMWATER SYSTEM

Sections:

3.28.010 Definitions.

For the purpose of this chapter, the following terms, words, phrases and their derivations shall have the meanings set forth in this section, except where the context otherwise requires. When not inconsistent with the context, the words used in the present tense include the past tense, the words in the plural number include the singular number and words in the singular number include the plural number. Each gender term used includes the masculine, and the feminine, and the neuter genders as the content requires.

The word "shall" is always mandatory and not merely directory.

"City" means the city of Reedsport, Oregon.

"City Manager" means the City Manager of the city of Reedsport or his designee.

"Council" means the Reedsport City Council.

"Development" means any manmade change to improved or unimproved real property, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations.

"Drainage design standards" means detailed design requirements for stormwater drainage facilities as approved by the Council. As a minimum, the design standards shall meet the requirements of the state of Oregon, including: (1) a landowner may not divert water onto adjoining land that would not otherwise have flowed there; (2) the upper landowner may not change the place where the water flows onto the lower owner's land; (3) the upper landowner may not accumulate large quantities of water, then release it, greatly accelerating the flow onto the lower owner's land.

"Duplex" means a building or buildings, including modular housing, containing two dwelling units with or without a common wall or ceiling.

"Equivalent residential unit" or "ERU" means an area which is estimated to place approximately equal demand on the city's stormwater drainage system as a single-family unit. One ERU shall be equal to three thousand square feet of impervious surface. (Standard lot size = 6,000 sq. ft.; max house size = 2,400 sq. ft.; standard lot size x 50% = 3,000 sq. ft.)

"Impervious surface" means any surface area which either prevents or retards saturation of water into the land surface, or a surface which causes water to run off the land surface in greater quantities or at an increased rate of flow from that present under natural conditions pre-existent to development. Common impervious surfaces include, but are not limited to, rooftops, concrete or asphalt sidewalks, walkways, patio areas, driveways, parking lots or storage areas, graveled, oiled or macadam sur-

faces or other surfaces which similarly impede the natural saturation or runoff patterns which existed prior to development.

"Improved premises" means any parcel of property, which has wastewater (sewer) and water connections to it. Improved premises does not include public ways under the jurisdiction of the city, county, state or federal government.

"Lot" means a contiguous parcel or tract of land held in common ownership.

"Lot area" means the total area of a lot measured in a horizontal plane within the lot boundary lines exclusive of public and private roads.

"Multiple-family unit" or "MFU" means a building or facility under unified ownership and control and consisting of more than two dwelling units with each such unit consisting of one or more rooms with bathroom and kitchen facilities designed for occupancy by one family and having a common water service.

"Open drainageway" means a natural or man-made path, ditch or channel which has the specific function of transmitting natural stream water or stormwater runoff water from a point of higher elevation to a point of lower elevation.

"Person" means any individual, a registered owner of property, firm, partnership, association, corporation, the United States of America, municipal corporation and/or subdivision of the state of Oregon, Douglas County, company or other organizations of any kind.

"Person responsible" means the owner, agent, occupant, lessee, tenant, contract purchaser or other person having possession or control of property or the supervision of a construction project on the property.

"Retention system" means a stormwater drainage facility that the City Engineer has determined does not discharge, or substantially reduces the discharge, into a public stormwater drainage facility.

"Single-family unit" or "SFU" means that part of a building or structure which contains one or more rooms with a bathroom and kitchen facilities designed for occupancy by one family and where the units are sold and deeded as individual units and have individual water service. A single-family unit is presumed to have three thousand square feet of impervious surface area for purposes of this chapter. The term SFU shall be inclusive of those units identified as detached single-family residence unit ownership and condominiums, etc.

"Stormwater" means water from precipitation, surface or subterranean water from any source, drainage and nonseptic wastewater.

"Stormwater drainage facilities" means any structure or configuration of the ground that is used or by its location becomes a place where stormwater flows or is accumulated, including but not limited to pipes, sewers, curbs, gutter, manholes, catch basins, ponds, open drainageways and their appurtenances.

"Stormwater drainage service" means the collecting of stormwater discharged from property on which development exists and its deposit directly or indirectly into public stormwater drainage facilities.
(Ord. 2002-1031 (part))

3.28.020 Findings.

A. The city provides a valuable public service by providing stormwater drainage facilities for the collection and disposal of

stormwater discharged from properties and public rights-of-way within the city. The stormwater drainage facilities constitute a public utility owned and operated by the city. The utility exists for the benefit of all people within the city in that the public stormwater drainage facilities are available for the diversion, collection and/or disposal of stormwater drainage and other runoff water from the person's property and represents a municipal service in a developed urban environment, which is essential to the public health, safety and welfare.

B. Persons who use the public stormwater drainage facilities ought to be charged fees that reflect the cost of the management, maintenance, extension and construction of the public stormwater drainage facility as a public utility in the city.

C. Accordingly, the structure of the stormwater utility is intended to be a fee for service and not a charge against property. Although this structure is intended to constitute a service fee, even if it is viewed as a fee against property or against the person responsible, as a direct consequence of ownership of that property, the utility's fee structure should allow the person responsible to have the ability to control the amount of the fee. Similarly, the utility fee structure should reflect the actual cost of providing the service and not impose fees on persons not receiving a service. The actual costs may include all costs the utility might incur were it in private ownership.

D. Persons using water from the city potable water facilities use substantial amounts of water for irrigating lawns and gardens, washing structures, sidewalks, driveways and parking lots, and for other activities which result in the discharge of runoff into the public stormwater drainage facilities. These uses of water demonstrate a substantial relationship between persons' use of these water facilities and their use of the public stormwater drainage facilities, especially when added to runoff due to precipitation.

E. All real property in the city uses or benefits from maintenance of a stormwater water system.

F. Real property in the city that does not border a city street may not be subject to stormwater fees. (Ord. 2002-1035 (part): Ord. 2002-1031 (part))

3.28.030 Policy.

A. The Council declares its intention to acquire, own, manage, construct, equip, operate and maintain, within the city, open drainageways, underground stormwater drains, equipment and appurtenances necessary, useful, or convenient for public stormwater drainage facilities.

B. The improvement of both public and private stormwater drainage facilities through or adjacent to a new development shall be the responsibility of the developer. Installation of systems which require annual replacement costs shall be the responsibility of the property owner. Each owner shall be billed a proportionate share of the annual expense. The improvements shall comply with all applicable city ordinances, policies, standards and master facility plans, and with the American Public Works Association—Oregon Edition Code.

C. No portion of this chapter, or statement or subsequent Council interpretation of policies shall relieve the person responsible for assessments levied against their property for public facility improvement projects.

D. It is the policy of the city to participate in improvements to stormwater drainage facilities when authorized by the Council. To be considered for approval by the Council, a stormwater drainage facility must:

1. Be public;
2. Be a major benefit to the community;
3. Be located in or on a city property, city right-of-way or city easement;
4. If a piped system, be a design equivalent to larger than a twenty-four (24) inch inside diameter circular concrete pipe; or
5. Be a rehabilitation and/or replacement of existing public stormwater drainage facilities.

E. The city shall maintain public stormwater drainage facilities located on city property, city right-of-way or city easements. Public stormwater drainage facilities to be managed by the city include, but are not limited to:

1. Open drainage ways serving a drainage basin of at least one hundred (100) acres, when on city property, city right-of-way or city easement;
2. A piped drainage system and related appurtenances, which have been designed and constructed expressly for uses by the general public and accepted by the city;
3. Roadside drainage ditches along unimproved city streets;
4. Flood control facilities (levees, dikes, overflow channels, detention basins, retention basins, dams, pump stations, groundwater recharging basins, etc.) that have been designed and constructed expressly for use by the general public and accepted by the city.

F. Stormwater drainage facilities not to be maintained by the city but by the person responsible include, but are not limited to:

1. Stormwater drainage facilities not located on city property, city right-of-way, or city easement;
2. Private parking lot stormwater drainages;
3. Roof, footing, and area drainages;
4. Drainages not designed and constructed for use by the general public;
5. Drainage swales, which collect stormwater from a basin less than one hundred (100) acres that are not located on city property, right-of-way or easement;
6. Access drive culverts.

G. Any person responsible shall keep open drainage ways on his property cleared of debris and vegetation.

H. Any person responsible shall maintain nonpublic stormwater drainage facilities on his property so as to prevent flooding or damage to other property not owned or controlled by the person responsible and to prevent injury to any person on property not owned or controlled by the person responsible.

I. The failure of any person responsible to comply with the obligations stated in subsections F, G or H of this section is a Class B violation.

J. The conditions on private property that may result in situations prescribed by subsection G or H of this section are declared to be a danger to public health and safety and therefor are a nuisance to be abated as provided for in the nuisance abatement section of this code (see Chapter 6.08). (Ord. 2005-1054 (part); Ord. 2002-1031 (part))

3.28.040 Establishment of a stormwater utility.

A stormwater utility is created for the purpose of providing funds for the management, maintenance, extension and construction of public stormwater drainage facilities within the city. The Council finds, determines and declares the necessity of providing for the management, maintenance, extension and construction of city stormwater drainage facilities for its inhabitants. (Ord. 2002-1031 (part))

3.28.050 Stormwater Utility Fund.

A. There is created a Stormwater Utility Fund, a special revenue fund, and all charges imposed under this chapter, and the revenue collected therefrom, shall be deposited therein.

B. Money in the Stormwater Utility Fund shall be used for planning, design, construction, maintenance and administration of stormwater drainage facilities, including repayment of indebtedness, and for all expenses for the operation and management of the stormwater drainage utility and providing stormwater drainage service. Expenditures from this fund need not be identified to any particular revenue source. (Ord. 2002-1031 (part))

3.28.060 Establishment of a stormwater utility fee.

A. A stormwater utility fee shall be paid by each person responsible and shall be established by resolution of the Council for single-family units, equivalent residential units, duplexes, multiple-family units, mobile home parks, commercial and industrial units.

1. Such fee shall be established in amounts that will provide sufficient funds to properly manage and maintain public stormwater drainage facilities.

2. Such fee may be used for the construction of new stormwater drainage facilities, for the extension of existing stormwater drainage facilities, or for the rehabilitation of existing stormwater drainage facilities.

3. Council may from time to time by Resolution, change the fees based upon revised estimates of the cost of properly managing, maintaining, extending and constructing public stormwater drainage facilities.

4. Property not used for single-family dwelling purposes shall be considered to be furnished service in proportion to the amount of the property's impervious surface, except that commercial property shall be considered to be furnished service in proportion to one-half the amount of the property's impervious surface. For each three thousand (3,000) square feet (or increment of three thousand (3,000) square feet) of impervious surface, the property shall be deemed to be furnished service equivalent to that furnished a single-family unit. The minimum service charge shall be that established for a single-family unit.

5. Any new subdivision that is required to install filters on their storm drains shall assume the cost of the annual replacement of the filter. Such cost shall be divided by the number of lots in the subdivision and added to the monthly user charge.

B. Unless another person responsible has agreed in writing to pay, and copy of that writing is filed with the City Recorder, the person(s) paying the city's water utility charges shall pay the stormwater utility fee(s) set by Council Resolution. If there is no water service to the property or if water service is discontinued, the stormwater utility fee(s) shall be paid by the person responsible having the right to occupy the property.

C. The obligation to pay stormwater utility fees arises when a person responsible uses stormwater drainage services. It is presumed that stormwater drainage services are used whenever there is an improved premises. (Ord. 2005-1054 (part); Ord. 2002-1035 (part): Ord. 2002-1031 (part))

3.28.070 Initiation of billing.

A. Request for water service will automatically initiate appropriate billing for stormwater drainage services as established in this chapter. If the property contains an im-

pervious surface from which stormwater may be discharged into public drainage facilities, the owner shall be billed for stormwater utility fees even though there is no water service. If development of a parcel does not require initiating water service, the future creation of an impervious surface from which stormwater may be discharged into public drainage facilities shall initiate the obligation to pay the fees and charges established in this chapter.

B. The fee shall be billed and collected with the monthly utility bill. All such bills shall be rendered monthly by the City Recorder and shall become due and payable in accordance with the rules and regulations pertaining to the collection of utility fees. All fees collected will be placed in the Stormwater Utility Fund accounts as required by this chapter. (Ord. 2002-1031 (part))

3.28.080 Stormwater utility—Dedicated.

All fees collected for the purposes specified in this chapter shall be paid into the Stormwater Utility Fund accounts and accounted for or by dedicated line items including, but not limited to, stormwater maintenance and stormwater construction. Such revenues shall be used for the purposes of the management, maintenance, extension and construction of public stormwater drainage facilities. (Ord. 2002-1031 (part))

3.28.090 Enforcement.

A. Any fee due which is not paid when due may be recovered in an action at law by the city. In addition to any other remedies or penalties provided by this chapter or any other city ordinance, failure of any person responsible to pay fees promptly when due shall subject the person responsible to discontinuance of any utility services provided by the city and the City Manager is empowered and directed to enforce this provision against such delinquent users. The employees of the city shall, at all reasonable times, have access to any improved property served by the city for inspection, repair, or the enforcement of the provisions of this chapter.

B. In addition to other lawful remedies, the City Manager may enforce the collection of charges required by this chapter by withholding delivery of water to any premises where the stormwater utility charges are delinquent or unpaid. (Ord. 2002-1031 (part))

3.28.100 Violation—Penalty.

A failure to comply with any provision of this chapter or of any regulations adopted under this chapter constitutes a violation. Each day in

which a violation is caused or permitted to remain constitutes a separate violation. Any person or persons found guilty of violating any of the provisions of this chapter shall, upon conviction thereof, be punished by a fine not to exceed three hundred dollars ($300.00) for each violation. (Ord. 2002-1031 (part))

3.28.110 Administrative review—Appeal.

A. Any person responsible who disputes the amount of the fee, or disputes any determination made by or on behalf of the city pursuant to and by the authority of this chapter may petition the City Manager for a hearing on a revision or modification of such fee or determination. Any such person responsible who is not satisfied with the decision of the City Manager may petition the City Council for a hearing on a revision or modification of such fee or determination. Such petitions may be filed only once in connection with any fee for determination, except upon showing of changed circumstances sufficient to justify the filing of an additional petition.

B. Such petitions, including all facts and figures, shall be submitted in writing and filed with the City Recorder at least fourteen (14) days prior to a hearing scheduled by the City Manager or Council. The petitioner shall have the burden of proof by a preponderance of the evidence.

C. Within thirty (30) days of filing of the petition, the City Manager shall make findings of fact based on all relevant information; shall make a determination based upon such findings and, if appropriate, modify such fee or determination accordingly. Within thirty (30) days of filing of an appeal petition, the Council shall make findings of fact based on all relevant information, shall make a determination based upon such findings and, if appropriate, modify such fee or determination accordingly. Such determination by the Council shall be considered a final order.

D. Every determination of the City Manager and/or Council shall be provided in writing and notice shall be mailed to or served upon the petitioner within a reasonable time from the date of such action. Service by certified mail, return receipt requested, shall be conclusive evidence of service for the purpose of this chapter. (Ord. 2002-1031 (part))

Title 4

(RESERVED)

Title 5

TRAFFIC REGULATIONS

Chapters:

Chapter 5.04

TRAFFIC REGULATIONS ADOPTED

Sections:

5.04.020 Definitions.

In addition to those definitions contained in the adopted sections of the motor vehicle laws of the state of Oregon, the following words or phrases, except where the context clearly indicates a different meaning or where definitions contained in the ORS are different (in which case the definition in the ORS control) shall mean:

"Alley" means a street or highway primarily intended to provide access to the rear or side of lots or buildings in urban areas and not intended for through vehicular traffic.

"Bicycle" means a device propelled by human power upon which a person may ride, having two or more tandem wheels either of which is over fourteen (14) inches in diameter.

"Bus stand" means a fixed area in the roadway adjacent to the curb to be occupied exclusively by buses for layover in operating schedules or waiting for passengers.

"Curb" means the extreme edge of the roadway.

"Holidays," where used in this title or on signs erected in accordance with this title, means legal holidays designated as such by the statutes of the state of Oregon.

"Loading zone" means a space adjacent to a curb reserved for the exclusive use of vehicles during the loading or unloading of passengers or material or freight.

"Park" or "parking" means the standing of a vehicle, whether occupied or not, except when a vehicle is temporarily standing for the

purpose of and while actually engaged in loading or unloading.

"Parkway" means that portion of a street not used as a roadway or as a sidewalk.

"Passenger loading zone" means a loading zone reserved only for the loading or unloading of passengers and their luggage.

"Pedestrian" means a person afoot, or confined to a wheelchair.

"Person" means a natural person, firm, partnership, association or corporation.

"Stop" means complete cessation of movement.

"Taxicab stand" means a fixed area in the roadway adjacent to the curb set aside for taxicabs to stand or wait for passengers.

"Traffic lane" means that portion of the roadway used for the movement of a single line of vehicles.

"Vehicle" means any device in, upon or which any person or property is or may be transported or drawn upon a public highway and includes vehicles that are propelled or powered by any means. This includes utility trailers, motor homes, fifth wheels, camp trailers, campers, and boat trailers with or without the boat. (Ord. 2000-1008 § 2)

(Ord. No. 2020-1181, 11-2-2020)

5.04.030 Powers of City Council.

After approval by the Oregon State Highway Commission where such approval is required by the motor vehicle laws of Oregon, the City Council may establish traffic controls which shall become effective upon installation of appropriate traffic signs, signals, markings or other devices. The traffic controls which the Council may establish include, but are not limited to, those that designate and regulate:

A. The parking and standing of vehicles by:

1. Classifying portions of streets and alleys upon which either parking or standing, or both, shall be prohibited, or prohibited during certain hours,

2. Establishing the time limit for legal parking in limited parking areas,

3. Designating the angle of parking, if other than parallel to the curb,

4. Designating city-owned or leased lots or property on which public parking will be permitted,

5. Designating loading zones,

6. Establishing bus stops, bus stands, taxicab stands and stands for other passenger common-carrier vehicles,

7. Designating lots or areas within which, or streets or portions of streets along which, parking meters will be installed, and the denomination of coins to be used or deposited in parking meters;

B. Through streets and one-way streets;

C. Truck routes;

D. Intersections where drivers of vehicles shall not make right, left, or U-turns and the times when such prohibitions shall apply;

E. Marked pedestrian crosswalks and safety zones;

F. Traffic control signals and the time of their operation;

G. Streets where trucks, machinery or any other large or heavy vehicles exceeding specified weights shall be prohibited. Such vehicles may however, be operated on such streets for the purpose of delivering or picking up materials or merchandise, but then only by entering such streets at the intersection nearest the destination of the vehicle and proceeding no farther than the nearest intersection;

H. All ordinances and resolutions relating to traffic regulations heretofore adopted by the Council and now in force and effect shall remain in full force and effect until such time they shall be modified, repealed or changed pursuant to authority of this title. (Ord. 2000-1008 § 3)

5.04.040 Duty to obey traffic signs and signals.

A. No driver of a vehicle shall disobey the instructions of a traffic sign, signal, marker, barrier or parking meter placed in accordance with the motor vehicle laws of the state of Oregon or this title, including those erected by an authorized public utility, department of the city, or other authorized person, unless it is necessary to avoid conflict with other traffic, or when otherwise directed by a police officer.

B. No unauthorized person shall move, remove, deface, tamper with, or alter the position of a traffic sign, signal, marker, barrier or parking meter. (Ord. 2000-1008 § 5)

5.04.050 Vehicles stopping at stop sign.

When stop signs are erected at or near the entrance to an intersection, the driver of a vehicle approaching such sign shall come to a full stop before entering a crosswalk or intersection, except when directed to proceed by a police officer or traffic control signal. (Ord. 2000-1008 § 6)

5.04.060 Stop when traffic obstructed.

No driver shall enter an intersection or a marked crosswalk, unless there is sufficient space on the opposite side of the intersection or crosswalk to accommodate the vehicle he is operating without obstructing the passage of other vehicles or pedestrians, notwithstanding a traffic control signal indication to proceed. (Ord. 2000-1008 § 7)

5.04.070 Private marking unlawful.

No person shall letter, mark or paint in any manner letters, marks or signs on a sidewalk, curb, street or alley or to post on a parking strip anything designed or intended to prohibit or restrict parking in front of a sidewalk, dwelling house, business house, or in an alley, except in compliance with this title. (Ord. 2000-108 § 8)

5.04.080 Pedestrians—Use of sidewalks.

Pedestrians shall not use a roadway for travel when abutting sidewalks are available for doing so. (Ord. 2000-1008 § 18)

5.04.090 Pedestrians—Crossing at right angles.

No pedestrians shall cross a street at any place other than by a route at right angles to the curb or by the shortest route to the opposite curb, except in a marked crosswalk. (Ord. 2000-1008 § 19)

5.04.100 Pedestrians must use crosswalks.

No pedestrian shall cross a street other than within a crosswalk in blocks with marked crosswalks. (Ord. 2000-1008 § 20)

5.04.110 Speed limits in public parks.

No person shall drive a vehicle upon a street in a public park of this city at a speed exceeding ten (10) miles per hour unless signs erected indicate otherwise. (Ord. 2000-1008 § 25)

5.04.120 Drinking in motor vehicles.

No person shall consume alcoholic liquor while an occupant of a motor vehicle on a street, public property, or premises open to the public. (Ord. 2000-1008 § 26)

5.04.130 U-turns.

A. No person operating a motor vehicle may make a U-turn between street intersections, or at intersections where "No-U-turn" signs have been posted.

B. No person shall back a vehicle into an intersection or an alley for the purpose of making a U-turn at those places where U-turns are prohibited. (Ord. 2000-1008 § 27)

5.04.140 Vehicles in motion—Right-of-way.

A vehicle which has stopped or parked at the curb shall yield to moving traffic. (Ord. 2000-1008 § 28)

5.04.150 Limitations on backing.

The driver of a vehicle shall not back the vehicle unless the movement can be made with reasonable safety and without interfering with other traffic and shall in every case yield right-of-way to moving traffic and pedestrians. (Ord. 2000-1008 § 24)

5.04.160 Driving on divided streets.

If a street has been divided into two roadways by leaving an intervening space or by a physical barrier or clearly indicated dividing section so constructed as to impede vehicular traffic, a vehicle shall be driven only upon the right-hand roadway, and no vehicle shall be driven over, across or within the dividing space, barrier or section, except through an opening in the physical barrier or dividing section or space provided for vehicle movement or at an intersection. (Ord. 2000-1008 § 30)

5.04.170 Emerging from vehicle.

No person shall open the door of or enter or emerge from a vehicle in the path of an approaching vehicle. (Ord. 2000-1008 § 31)

5.04.180 Boarding or alighting from vehicles.

No person shall board or alight from a vehicle while the vehicle is in motion. (Ord. 2000-1008 § 32)

5.04.190 Riding on motorcycles.

A person operating a motorcycle shall ride only upon the permanent and regular seat attached thereto, and the operator shall not carry another person nor shall another person ride on a motorcycle unless the motorcycle is equipped to carry more than one person, in which event a passenger may ride upon the permanent and regular seat, if equipped for two persons, or upon another seat firmly attached at the rear of the seat for the operator. (Ord. 2000-1008 § 33)

5.04.200 Unlawful riding.

No person shall ride on a vehicle upon any portion thereof not designed or intended for the use of passengers. This provision shall not apply to an employee engaged in the necessary, discharge of a duty, or to a person or persons riding within truck bodies in space intended for merchandise. (Ord. 2000-1008 § 34)

5.04.210 Clinging to vehicles.

No person riding upon a bicycle, motorcycle, coaster, roller skates, sled or toy vehicle shall attach the same or himself to a moving vehicle upon the streets. (Ord. 2000-1008 § 35)

5.04.220 Use of roller skates restricted.

No person upon roller skates or riding in or by means of a coaster, toy vehicle or similar device shall go upon a street except while crossing at a crosswalk or upon a play street. (Ord. 2000-1008 § 36)

5.04.230 Damaging sidewalks and curbs.

A. The driver of a vehicle shall not drive upon or within a sidewalk or parkway area except to cross at a permanent or temporary driveway.

B. No person shall place dirt, wood or other material in the gutter or space next to the curb of a street with the intention of using it as a driveway.

C. No person shall remove or damage a portion of a curb or move a heavy vehicle or thing over or upon a curb or sidewalk without first notifying the recorder or manager. Any person who violates this section shall be held responsible for all damage in addition, to any penalties imposed upon conviction. (Ord. 20000-1008 § 37)

5.04.240 Obstructing streets.

No person shall park or leave upon a street, including an alley, parking strip, sidewalk or curb, a vehicle or a vehicle part, trailer, box, ware, merchandise of any description, or any other thing that in any way impedes traffic or obstructs the view, except as is allowed by this or other ordinances of this city. (Ord. 2000-1008 § 38)

5.04.250 Removing glass and debris.

A party to a collision or other vehicle accident or any other person causing broken glass or other debris to be upon a street shall immediately remove or cause to be removed from the street all glass and other debris. (Ord. 2000-1008 § 39)

5.04.260 Trains not to block streets.

No person shall operate a train or train of cars, or permit the same to remain standing, so as to block the movement of the traffic upon a street for a period of time longer than five minutes. (Ord. 2000-1008 § 40)

5.04.270 Emergency vehicle.

The provisions of this title regulating the operation, parking, and standing of vehicles shall apply to authorized emergency vehicles, except as provided by the motor vehicle laws of the state of Oregon and as follows:

A. A driver when operating the vehicle in an emergency, except when otherwise directed by a police officer or other authorized person, may park or stand notwithstanding this title.

B. A driver of a police vehicle, fire department vehicle, or patrol vehicle, when operating the vehicle in an emergency, may disregard regulations governing turning in specified directions so long as he does not endanger life or property.

C. The foregoing exemptions shall not, however, protect the driver of the vehicle from the consequences of his reckless disregard of the safety of others. (Ord. 2000-1008 § 44)

5.04.280 Existing signs and regulations.

All official traffic signs and signals existing at the time of the adoption of the ordinance codified in this chapter such as stop signs, caution signs, slow signs, no-reverse-turn-signs, signs designating time limits for parking or prohibiting parking, lines painted or marked

on streets or curbs designating parking areas or spaces, markers designating loading zones, parking meters, and all other official traffic signs or signals erected, installed or painted for the purpose of directing, controlling and regulating traffic are approved. (Ord. 2000-1008 § 52)

5.04.290 Conflict of provisions.

If there exists any conflict between the state statutes hereinabove adopted by reference and any specific section of this title, or any ordinance now in effect but not repealed hereby, then the specific section of this title or that ordinance now in effect but not repealed hereby, shall prevail and take precedence over the state statute unless a court of competent jurisdiction has ruled that the state has preempted the subject matter by passing its laws. (Ord. 2000-1008 § 53)

Chapter 5.08

ADMINISTRATION AND ENFORCEMENT

Sections:

5.08.010 Authority of police and fire officers.

A. It shall be the duty of the Police Department through its officers to enforce this title.

B. In the event of a fire or other emergency, officers of the Police Department may direct traffic as conditions may require to expedite traffic or to safeguard pedestrians, notwithstanding other provisions of this title.

C. When at the scene of a fire, members of the Fire Department may direct or assist the police in directing traffic. (Ord. 2000-1008 § 4)

5.08.020 Violations—Penalties.

A. A person violating any provisions of Section 5.04.010 of this title may, upon conviction thereof, be punished in the manner provided by the Oregon Revised Statutes adopted by this title and if violating Sections 5.04.020 through 5.04.270 and Sections 5.12.070, and 5.20.010 through 5.20.090 of this title shall be punished as provided for a Class B traffic violation in the ORS.

In the event that the state statutes adopted pursuant to ORS 221.339 provide for a lesser maximum penalty, then that lesser maximum penalty shall prevail over the penalty of subsection A of this section. (Ord. 2006-1062 (part): Ord. 2000-1008 §§ 47, 48)

5.08.030 Illegal cancellation of traffic citations.

No person shall cancel or solicit the cancellation of a traffic citation without the approval of the Municipal Judge. (Ord. 2000-1008 § 49)

5.08.040 Citation issuance.

For the violation of this title, a police officer may issue a citation which shall be in the nature of a notice to appear at a time and place certain as required by law or in the case of a misdemeanor a police officer may arrest and require the posting of bail by the offender. (Ord. 2000-1008 § 50)

Chapter 5.12

BICYCLES

Sections:

5.12.010 Bicycle defined.

"Bicycle," for the purposes of this chapter, means any device upon which a person may ride, which is propelled by human power through a system of belts, chains or gears having either two or three wheels (one of which is at least twenty (20) inches in diameter, in tandem or tricycle arrangement) or having a frame size of at least fourteen (14) inches. (Ord. 1984-550-B § 1)

5.12.020 License—Issuance.

The Police Department is authorized and directed to issue bicycle licenses which shall be permanently issued to owners as long as bicycle is retained by him/her. Such license when issued will provide for identification of recovered, lost or stolen bicycles. (Ord. 1984-550-B § 2)

5.12.030 License—Registration form.

The Police Department shall procure and distribute, at no charge, bicycle license indicia and registration forms upon request to owners of any bicycle.

The City Manager shall cause to be designed the bicycle license indicia and registration form and shall establish procedures for distribution of such indicia and registration form to bicycle owners. Such indicia shall be adhesive, durable, flexible and of a size to permit it to be affixed to the front of the seat tube of the bicycle frame. Each indicia shall bear a unique license number and shall be permanently assigned to a bicycle. (Ord. 1984-550-B § 3)

5.12.040 Registration records.

The Police Department shall maintain records of each bicycle registered. Such records shall include but not be limited to the license number, the serial number of the bicycle, the make and type and the name, address and phone number of the licensee. Records shall be maintained by the Police Department during the period of validity of the license or until notification that the bicycle is no longer to be operated, or is no longer owned by the licensee.

A. Whenever any person sells or otherwise disposes of a bicycle licensed pursuant to this chapter he/she should within ten (10) days notify the Police Department that the bicycle is no longer owned by the licensee.

B. Whenever the owner of a bicycle licensed pursuant to this chapter changes his/her address, he/she should within ten (10) days notify the Police Department of the new address.

C. In the event that any bicycle license indicia or registration form issued pursuant to the provisions of this chapter is lost, stolen or

mutilated, the licensee of such bicycle should immediately notify the Police Department and within ten (10) days after such notification, shall apply to the Police Department for a duplicate license indicia or registration form. Thereupon, the Police Department shall issue to such licensee a replacement indicia or registration form at no charge. (Ord. 1984-550-B § 4)

5.12.050 Tampering or destruction of bicycle identification.

It is unlawful for any person to intentionally tamper with, destroy, mutilate or alter any license indicia or registration form, or to remove, alter or mutilate the serial number or the identifying marks of a licensing agency's identifying symbol on any bicycle frame licensed under the provisions of this chapter. (Ord. 1984-550-B § 5)

5.12.060 Bicycle riders to obey rules of the road.

Every person riding a bicycle upon a roadway or any paved shoulder has all the rights and is subject to all the duties applicable to the driver of a vehicle pertaining to and under the Oregon Motor Vehicle laws, except those provisions which by their very nature can have no application. (Ord. 1984-550-B § 6)

5.12.070 Bicycle races.

It shall be unlawful for any person or persons to run or cause to be run or to be engaged in any bicycle race on any of the streets, alleys, or highways within the city, except under permit from and under supervision of the Police Department of the city. (Ord. 2000-1008 § 45)

5.12.080 Standing bicycles not to impede traffic or pedestrians.

No operator of any bicycle shall leave his bicycle lying or standing in such a manner that the same shall hinder or impede pedestrians or vehicular traffic upon the streets, sidewalks or paths or alleys within the city, but shall take proper care that such bicycle is so placed as to avoid annoyance and danger during his or her absence from it. (Ord. 2000-1008 § 46)

5.12.090 Bicycle route established.

There is established a bicycle route within the city which route will be over the following streets, avenues and highways:

Eastbound bicycle traffic will be routed over Elm Street from 22nd Street to 18th Street. Then one block northerly on 18th Street to the Oregon Coast Highway. Then east on the southerly side of the Oregon Coast Highway from 18th Street to its intersection with Winchester Avenue at 16th Street. Then easterly along the southerly side of Winchester Avenue to 10th Street. Thence northerly on 10th Street to the Oregon Coast Highway. Then easterly on the easterly side of the Oregon Coast Highway from 10th Street to the intersection of the Oregon Coast Highway with the Umpqua Highway (Route #38) at the traffic light.

Westbound traffic will be routed along the northern side of the Oregon Coast Highway from its intersection with Umpqua Highway (at the traffic light) to 18th Street. Thence one block north on 18th Street to Fir Avenue. Then westerly on Fir Avenue to 22nd Street.

(Ord. 1976-540 § 1)

Chapter 5.16

IMPOUNDING VEHICLES

Sections:

5.16.010 Impounding of vehicles.

If a vehicle is found standing or parked in violation of a city regulation, the vehicle shall be given a traffic citation and may be removed by a police officer and taken to a garage, parking lot, or other suitable storage place and there kept until an application for its redemption shall be made by the owner or his authorized agent. (Ord. 2000-1008 § 41)

5.16.020 Redemption.

Redemption may be made upon payment of towing and storage charges, which amounts shall be in addition to any fine which might be made in accordance with this title. (Ord. 2000-1008 § 42)

5.16.030 Sale.

If the vehicle is not redeemed within thirty (30) days, it shall be sold in accordance with the applicable provisions relating to the sale of abandoned vehicles. (Ord. 2000-1008 § 43)

Chapter 5.20

PARKING

Sections:

Article 1. Parking Regulations Generally

5.20.010 Method of parking.

A. No person shall stand or park a vehicle in a street other than parallel with the edge of the roadway, headed in the direction of lawful traffic movement, and with the curbside wheels of the vehicle within twelve (12) inches of the edge of the curb, except where the street is marked or signed for angle parking.

B. Where parking space markings are placed on a street, no person shall stand or park a vehicle other than at the indicated direction and within a single marked space, unless the size or shape of the vehicle makes compliance impossible.

C. If the owner or driver of a vehicle discovers that the vehicle is parked immediately in front of or close to a building to which the fire department has been summoned, he shall immediately remove the vehicle from the area, unless otherwise directed by police or fire officers. (Ord. 2000-1008 § 9)

5.20.020 Prohibited parking.

In addition to provisions of the motor vehicle laws of Oregon prohibiting parking, no person shall park:

A. A vehicle upon a bridge, viaduct or other elevated structures used as a street, or within a street tunnel in this city, unless marked or indicated otherwise;

B. A vehicle in an alley, except to load or unload persons or materials not to exceed twenty (20) consecutive minutes in any two-hour period;

C. A vehicle upon a street for the principal purpose of:

1. Displaying the vehicle for sale,

2. Washing, greasing or repairing the vehicle, except repairs necessitated by an emergency,

3. Selling merchandise from the vehicle, except in an established market place or when so authorized or licensed under the ordinances of this city,

4. Storage, or as junk or dead storage for more than twenty-four (24) hours, except that an operational vehicle may be parked for longer than twenty-four (24) hours with a displayed revocable permit (no fee) issued by the City Manager, if it can be shown that such parking does not have an adverse safety impact. Permit is to be reviewed annually or whenever a complaint is received;

D. A vehicle upon any parkway, except where specifically authorized;

E. A vehicle upon private property without the consent of the owner or person in charge of the private property. (Ord. 2000-1008 § 10)

5.20.030 Use of loading zone.

No person shall stop, stand or park a vehicle for any purpose or length of time other than for the expeditious unloading and delivery or pickup and loading of materials, freight or passengers in a place designated as a loading zone during the hours when the provisions applicable to loading zones are in effect. In no case shall the stop for loading and unloading of passengers and personal baggage exceed five minutes, nor the loading or unloading of materials exceed fifteen (15) minutes. (Ord. 2000-1008 § 11)

5.20.040 Use of passenger loading zone.

No person shall stop, stand or park a vehicle for any purpose or length of time other than for the expeditious loading or unloading of passengers in a place designated as a passenger loading zone during the hours when the provisions applicable to passenger loading zones are in effect. (Ord. 2000-1008 § 12)

5.20.050 Stopping, standing or parking of buses and taxicabs.

The driver of a bus or taxicab shall not stand or park the vehicle upon a street in a business district as a place other than at a bus stand or taxicab stand, respectively, except that this provision shall not prevent the driver of a taxicab from temporarily stopping for the purpose of and while actually engaged in the loading or unloading of passengers. (Ord. 2000-1008 § 13)

5.20.060 Restricted use of bus and taxicab stands.

No person shall stop, stand or park a vehicle other than a bus in a bus stand or other than a taxicab in a taxicab stand, except that the driver of a passenger vehicle may temporarily stop for the purpose of and while actually engaged in loading or unloading passengers, when the stopping does not interfere with a bus or taxicab waiting to enter or about to enter the zone. (Ord. 2000-1008 § 14)

5.20.070 Moving vehicle.

The moving of any vehicle within the block shall not be deemed to extend the time of parking. (Ord. 2000-1008 § 15)

5.20.080 Lights on parked vehicles.

No lights need be displayed upon a vehicle parked in accordance with this title and upon a street where there is sufficient light to reveal a person or object upon the street within a distance of five hundred (500) feet. (Ord. 2000-1008 § 16)

5.20.090 Exemption.

The provisions of this title regulating the parking or standing of vehicles shall not apply to a vehicle of a city department or public utility necessarily in use for construction or repair work, or to a vehicle owned by the United States while in use for the collection, transportation or delivery of United States mail. (Ord. 2000-1008 § 17)

Article 2. Specific Parking Restrictions

5.20.100 School District 105—No parking fire zone areas.

A. The City Manager is authorized to enter into the intergovernmental agreement with Reedsport School District No. 105 to provide for parking enforcement services on all School District No. 5 owned or leased real property, especially as it relates to areas to be reserved as no parking fire zones. Upon approval by School District No. 105, the remaining provisions of this section shall take effect.

B. The City Manager shall direct the Reedsport Police Department to cause its patrol units to pass by the various properties affected by this section on a random basis to provide for coverage. In addition, the patrol units shall respond upon receiving a call from a School District official that this section is being violated.

C. The city shall cause the no parking fire zone areas to be painted and shall place appropriate signs as the need is determined by the City Manager, the City Fire Chief and School District No. 105.

D. All persons violating the parking designations on school property may, in addition to receiving a citation and being fined, be responsible for paying to have their vehicle removed by a towing service, should it be appropriate in the sole discretion of the Fire Chief, fire personnel or City Police Officer at the scene.

E. A person violating parking designations on school district property may, upon conviction thereof, be punished by a fine not to exceed twenty dollars ($20.00) for a first offense; for a second or subsequent offense, a fine not to exceed one hundred dollars ($100.00). (Ord. 1983-658-A §§ 1—5)

5.20.110 Oregon Coast Highway.

No parking will be allowed on the northerly side of the Oregon Coast Highway between its junction with the Umpqua Highway and 18th Street. A violation of the no parking restriction on the northerly side of the Oregon Coast Highway shall be subject to a maximum fine of twenty-five dollars ($25.00) in the Municipal Court for each such violation. (Ord. 1976-540 § 2)

5.20.120 Limited parking zones.

The following areas shall have limited parking available as designated hereafter:

A. Public Parking Lot—Two Hour Parking Limit. Parking lot between Oregon Highway 38 and Water Avenue near Third Street.

B. The north side of Oregon Highway 38 (Fir Avenue)—Ten Minute Parking Limit. From the west right-of-way line of Third Street westerly a distance of eighty-six and one-half (86.5) feet.

C. Third Street—Ten Minute Parking Limit. The west side from a point seventy (70) feet northerly of the north right-of-way line of Oregon Highway 38 (Fir Avenue) northerly a distance of twenty (20) feet.

D. Fourth Street—Twenty Minute Parking

Limit. The west side from a spot fifty-six (56) feet north of north right-of-way of Winchester Avenue for a distance of thirty-six (36) feet.

E. The north and south side of Oregon Highway 38 (Fir Ave.) between Third Street and Sixth Street—Two hour parking limit between 8 a.m. and 5 p.m. (except the restricted parking area in subsection B of this section).

F. One commercial bus zone in an area designated by the City Manager and signed appropriately. If any citizen disagrees with the placement of the bus zone parking by the City Manager, they may appeal to the City Manager for a review of the placement. If they disagree with the City Manager's review decision, they may appeal to the City Council. The City Council's decision shall be final. (Ord. 2003-1040: Ord. 2001-1024 § 1)

5.20.125 Residential restricted parking.

The following areas shall have parking limited to vehicles owned by residents and their authorized visitors within the designated area:

A. Laurel Street.

1. The south side of Laurel Avenue, from the center line of N 9th Street, west a distance of one hundred and forty (140) feet.

(Ord. No. 2012-1115, § I, 7-2-2012)

5.20.130 No parking zones.

The following areas shall have no parking:

A. Third Street. The northerly side from its intersection with Highway 38 to the intersection with Water Avenue.

B. Water Avenue. Southeasterly edge from its intersection with Third Street for a distance of one hundred seventy (170) feet toward the Riverfront Way flood control dike wall.

C. Water Avenue.

1. Northwesterly side from Third Street for a distance of sixty (60) feet toward the Riverfront Way flood control dike wall.

2. The remaining sections of Water Avenue between Third Street and Riverfront Way. Parking is allowed only off the paved street.

D. Riverfront Way. Both sides for its entire length from Highway 38 to its intersection with East Railroad, with the exception of designated parking in front of the Umpqua Discovery Center.

E. Rainbow Plaza.

1. The southeasterly side of northeast one way from its intersection with 4th to Riverfront Way.

2. The northwesterly side of the southwest one way from its intersection with Riverfront Way to its intersection with 4th Street.

F. Ranch Road.

1. Both sides of Ranch Road from the intersection of Longwood Drive to the southerly right-of-way line of US 101; excepting in front of the Highland Park picnic pavilion and along the northeast side of Ranch Road from the intersection of Longwood Drive to a point one hundred seventy (170) feet northerly of the intersection.

2. The northeasterly side of Ranch Road from the southerly edge of Frontage Road to a point sixty-four (64) feet southerly.

3. The northeasterly side of Ranch Road from the northerly side of Regents Place the radius of the curve.

4. The northeasterly side of Ranch Road from the southerly side of Regents Place to a point thirty-three (33) feet southerly therefrom.

5. The exterior radius of the island bordering Ranch Road at the upper parking lot of Lower Umpqua Hospital between both entrances.

6. The west side of Ranch Road thirty (30) feet south of the south driveway of the upper parking lot of Lower Umpqua Hospital.

7. The west side of Ranch Road fifteen (15) feet north of entrance driveway of lower parking lot to Lower Umpqua Hospital.

G. West Railroad and Seventh Streets. The west side of both West Railroad Avenue and Seventh Street northerly from Oregon Highway 38 to their terminus.

H. Winchester Avenue.

1. The north side from the centerline of Fourth Street west for forty-eight (48) feet and from a point one hundred twelve (112) feet west of the centerline of Fourth Street west for thirty-two (32) feet.

2. The south side from the west right-of-way line of Fourth westerly two hundred twenty-two (222) feet.

I. 20th Street.

1. The east side from its intersection with the alley located between and running parallel with Winchester Avenue and Fir Avenue, southerly a distance of twenty (20) feet.

2. The east side from US 101 southerly a distance of twenty-four (24) feet.

3. The east side from US 101 northerly a distance of twenty-four (24) feet.

4. The west side from US 101 southerly a distance of twenty-four (24) feet.

J. Longwood Drive.

1. The southeast side from a point three hundred (300) feet northeast of the centerline of High Street to a point three hundred forty (340) feet northeast of the centerline of High Street.

2. The northeast side from the north driveway to 2285 Longwood Drive northeast a distance of thirty-five (35) feet.

K. Fourth Street. The west side northerly from Winchester Avenue a distance of one hundred eight (108) feet.

L. U.S. Highway 101.

[Ord. 2020-1178 adopts said recommendations of ODOT pertaining to parking Highway 101.]

M. U.S. Highway 38.

[Ord. 2020-1178 adopts said recommendations of ODOT pertaining to parking Highway 38.]

N. 21st Street. The east side from US 101 southerly a distance of twenty-four (24) feet.

O. Rowe Street. The east and west side from a point one hundred ninety-five (195) feet south of Bowman Road, southerly to the terminus of Rowe Street.

P. Fifth Street. The easterly side from the northerly side of Fir Avenue, thirty (30) feet northerly.

Q. Sixteenth Street. The east and west side from Highway 101 to Hawthorne Ave.

R. Providence Drive/Foxglove Way. The inner side of the loop formed by Providence Drive and Foxglove Way the entire length.

The City Staff is directed to make any changes to the affected areas so that proper curb marking and signage reflect the changes made hereby. (Ord. No. 2020-1178, 8-31-2020; Ord. No. 2019-1172, 8-5-2019; Ord. No. 2019-1173, 8-5-2019; Ord. 2008-1086; Ord. 2008-1083: Ord. 2006-1060: Ord. 2004-1043: Ord. 2001-1024 § 2)

5.20.140 Forty-five (45) degree angled parking.

The following areas shall only have forty-five (45) degree angled parking:

A. The west side of 22nd Street beginning at a point four hundred seventy-five (475) feet south of the intersection of the west boundary of 22nd Street and the southerly boundary of the right-of-way of US

101, extending six hundred ninety-three (693) feet in a southerly direction to a point one thousand one hundred sixty-eight (1168) feet south of the above-described intersection.

B. Both sides of 10th Street between Winchester Avenue and Hawthorne Avenue, exclusive of any area within twenty (20) feet of any intersection.

C. The north side of Rainbow Plaza northeast from its intersection with 4th Street to its intersection with Riverfront Way.

D. The south side of Rainbow Plaza southwest from its intersection with Riverfront Way to its intersection with 4th Street, excluding therefrom a 120 foot strip lying southwest from the intersection of 3rd street. (Ord. No. 2019-1173, 8-5-2019; Ord. 2001-1024 § 3)

5.20.150 Loading zones.

The following areas shall be used only for loading and unloading purposes:

A. Greenwood Avenue.

On the south side from a point seventy-two (72) feet west of the centerline of Fifth Street to a point ninety-six (96) feet west of the centerline of Fifth Street. (Ord. 2001-1024 § 4)

5.20.160 Disabled parking.

The following portions of streets upon which both parking and standing of vehicles are and shall be limited to parking or standing for disabled persons with Oregon Department of Motor Vehicles (DMV) Disabled Permits are as follows:

A. The west side of Fifth Street south from Greenwood Avenue a distance of fifty (50) feet.

B. The east side of 22nd Street from Elm Avenue southerly twenty-four (24) feet, a temporary disabled parking zone for Sundays, also Wednesdays (six p.m. to ten p.m.).

C. Three signed angled spaces on the west side of 22nd between U.S. Hwy. 101 and Arthur Drive adjacent to the high school ball fields.

D. NE side of Ranch Road from one hundred seventy (170) feet north of Longwood to two hundred (200) feet north of Longwood. NE side of Ranch Road one diagonal space in front of the Highland Park picnic pavilion.

E. The west side of Third Street from the north right-of-way line of Oregon Highway 38, northerly forty-seven (47) feet. (Ord. 2001-1024 § 5)

5.20.170 Truck parking.

The following streets are designated as truck parking zones for overnight parking of three-axle or larger trucks:

A. The southeasterly side of East Railroad Avenue from Forth Street to Fifth Street.

B. The southwesterly side of Forth Street from Hawthorne Avenue to East Railroad Avenue.

C. The maximum duration of stay is five nights. Trailers shall not be dropped or landed. (Ord. 2001-1024 § 6)

5.20.180 Penalties.

Penalties for the violation of Sections 5.20.120 through 5.20.170 shall be twenty-five dollars ($25.00) for each violation hereof, and each two hour period, or portion thereof, that the violation continues shall be deemed a separate violation.

Penalties for parking in a "Handicapped Only" space shall be the same as are specified in ORS 811.615. (Ord. 2001-1024 § 7)

Chapter 5.24

TRUCK ROUTES

Sections:

5.24.010 Main truck routes.

The following highways shall be deemed main truck routes:

A. U. S. Highway 101.

B. Highway 38. (Ord. 1987-697 § 1)

5.24.020 Truck access corridors.

The following streets shall be deemed truck access corridors:

A. Birch Avenue from the city limits to 22nd Street.

B. Longwood Drive from the city limits to Highway 101.

C. Ranch Road from the city limits to Longwood Drive.

D. 22nd Street easterly from its intersection with Highway 101. (Ord. 1987-697 § 2)

5.24.030 Three-axle truck prohibited on city streets—Exceptions.

No truck having three axles or more shall travel, park, or be moved over, across or upon the public streets or alleys of the city by any person unless they fall within the following exceptions:

A. It is traveling upon a main truck route;

B. It is traveling upon a street in or bordering an industrial zoned area of the city or is traveling to or from an industrial zone so long as the travel route taken is the shortest distance possible on the non-main truck route;

C. It has prior written authorization signed by the City Manager allowing such travel;

D. It is a publicly owned vehicle;

E. It is following city-approved detour routes;

F. It is traveling upon the streets set forth in Section 5.24.020, subject to any and all restrictions therein;

G. It is delivering items to or picking up items from residences or businesses in the city, so long as the travel route taken is the shortest distance possible on the non-main truck route. (Ord. 1987-697 § 3)

5.24.040 Use of truck access corridors—Permit required.

Any person wishing to utilize the streets known as truck access corridors set forth in Section 5.24.020, for a truck which has three axles or more, shall first, before proceeding on any street, obtain special written authorization from the City Manager in the form of a special permit if they will be using the street or streets for more than three trips per day, seven trips per week and/or forty (40) trips per year. The City Manager, in issuing a permit, should consider the following areas of concern, in

addition to any others the Manager feels are appropriate under the circumstances:

A. Hours of operation;

B. Speed;

C. Load sizes for nontruck corridor streets only;

D. Frequency of travel;

E. Special street use fees for maintenance purposes, which shall be one dollar and fifty cents per mile for each trip, prorated to the nearest tenth of a mile, but not less than ten dollars ($10.00) minimum fee for any one permit;

F. Bonds for nontruck corridor street repair;

G. Alternative routes;

H. Safety;

I. Neighborhood concerns;

J. Existing street conditions;

K. Placing on the permit a statement that it is nontransferable and that it will expire at midnight at a date the City Manager endorses thereon. (Ord. 1987-697 § 4)

5.24.050 Permit request—Action by city.

The City Manager must take final action upon a request for a permit on or before fifteen (15) working days from receipt of the request. Any applicant for a special permit, or any resident on a street for which a special permit has been issued, or any property owner in the city may appeal the issuance or nonissuance of any permit and its conditions or lack thereof to the City Council by giving written request to the City Manager. The City Council will consider the permit decision of the City Manager within thirty (30) days after receipt of the request for a hearing. Until the time of that hearing, the permit decision of the City Manager will remain in effect, unless the City Manager revokes the permit for reasons of public safety. (Ord. 1987-697 § 5)

5.24.060 Permit to be in possession of driver.

Any person, corporation or entity operating under a permit granted hereunder shall at all times see that the driver of each vehicle utilizing the streets or alleys of the city shall have in the driver's possession and in the truck being driven, an original permit or a city approved trip permit, and shall show the same upon request to the City Manager or his designee or to any police officer of the city, of county of Douglas or of the state of Oregon. Unloaded trucks will be permitted to not have a permit in their possession if, and only if they are en route to a pickup location covered by a permit and will be obtaining a trip permit at that location. All officers are given the authority to stop a truck at any time for purposes of inspecting the permit. (Ord. 1987-697 § 6)

5.24.070 Violation—Penalty.

The penalty for failure to comply with any provision of this chapter or to comply with any provision of any permit issued pursuant to this chapter shall be as for a Class A misdemeanor, punishable upon conviction by a fine up to a maximum of six thousand two hundred fifty dollars ($6,250.00), or imprisonment up to a maximum of one year in jail, or both such fine and imprisonment. (Ord. 2006-1062 (part): Ord. 1987-697 § 7)

Title 6

GENERAL REGULATIONS

Chapters:

Chapter 6.04

ANIMAL REGULATIONS*

Sections:

6.04.010 Definitions.

For the purpose of this chapter:

"Barking dog" means a dog which disturbs any person by frequent or prolonged noises.

"County" means Douglas County.

"Dog" means any mammal of the canidae family.

"Dog at large" means any dog which is:

A. On private property without the permission of the owner or person entitled to possession of the property and is not in a kennel, restrained by a physical control device or under the control of a capable person by adequate leash; or

B. On public property and not in a kennel, restrained by a physical control device or under the control of a capable person by adequate leash. A dog in field training, or a dog in an area designated as a public property off-leash area, is not a dog at large within this definition unless the dog causes personal injury or property damage while off the premises of the owner. This exemption does not apply to any dog identified as a dangerous or potentially dangerous dog.

"Kennel" means a portable enclosure of sound structural strength, in good repair, capable of containing the animal enclosed therein and preventing the entrance of other animals.

"Leash" means any humane device constructed of rope, leather strap, chain or other sturdy material, not exceeding twenty (20) feet in length, which is being held in the hand of a person capable of controlling the animal to which it is attached.

"Owner" means any person who is the owner of a licensed dog, has a possessory right of property in a dog, harbors a dog or has a dog in his care, possession, custody or control, or who knowingly permits a dog to remain on any premises occupied by the person.

"Physical control device" means a sufficiently strong collar connected to a leash or tether made of chain or other sturdy material so as to prevent the escape of a dog by the breaking of the device.

(Ord. No. 2013-1126, 11-4-2013)

6.04.020 Consistency with state rules.

Except as this chapter requires more stringent regulation upon dogs or other animals or the ownership or control of dogs or other animals, the city hereby adopts, by reference, Oregon Revised Statues (ORS) and Oregon Administrative Rule (OAR) provisions as related to animal control in effect at the time of adoption or as amended hereafter.

(Ord. No. 2013-1126, 11-4-2013)

*Editor's note—Ord. No. 2013-1126, adopted November 4, 2013, amended ch. 6.04, §§ 6.04.010—6.04.050, in its entirety. Former ch. 6.04 pertained to similar subject matter and was derived from Ord. 1982-627; Ord. 1991-494-F §§ 2—5 and Ord. No. 2010-1101, § I, adopted May 3, 2010.

6.04.030 Leash law.

A. Except in areas designated as public property off-leash areas, no owner shall permit a dog to be at large within the city.

B. Notwithstanding the penalties provided in Section 6.04.120, Dogs that are found to be at large may be taken into custody by the city and disposed of in accordance with the procedures provided by ordinance for the impoundment of dogs.
(Ord. No. 2013-1126, 11-4-2013)

6.04.040 Dog waste.

It shall be unlawful for any person owning or keeping a dog, except for a seeing-eye dog, to allow the dog to deposit solid waste matter on any improved property other than that of the person owning or keeping the dog. It shall be a defense to this section if the dog owner or keeper immediately removes the solid waste.
(Ord. No. 2013-1126, 11-4-2013)

6.04.050 Dog nuisances.

A. No owner of a dog shall allow a dog to be a nuisance. A dog is a nuisance if it:

1. Trespasses on private property;
2. Is a barking dog;
3. Injures or kills any animal or fowl, or damages or destroys any other property not owned or possessed by the owner, keeper or custodian of the dog;
4. While restrained by a leash and off the owner's property, or off property where the property owner has given permission for the dog to be, the dog displays menacing, threatening or aggressive behavior, or threatens or endangers the safety of any person or domestic animal;
5. Chases vehicles;
6. Interferes with the reasonable enjoyment of adjoining property by engaging in menacing, threatening or aggressive behavior;

B. Notwithstanding the penalties provided in Section 6.04.120, Dogs that are found to be a nuisance may be taken into custody by the city and disposed of in accordance with the procedures provided by ordinance for the impoundment of dogs.
(Ord. No. 2013-1126, 11-4-2013)

6.04.060 Dangerous animals.

No owner or person in charge of an animal shall permit an animal which is dangerous to the public health or safety to be exposed in public. If the animal is exposed in public, it may be taken into custody by the city and disposed of in accordance with the procedures provided by ordinance for the impoundment of dogs, except that before the animal is released by the city, the Municipal Judge must find that proper precautions will be taken to insure the public health and safety.
(Ord. No. 2013-1126, 11-4-2013)

6.04.070 Livestock and poultry.

Except for household pets and as otherwise permitted by ordinance, no person shall keep or maintain livestock or poultry within the city or permit livestock or poultry to be kept or maintained within the city except as follows:

> Not more than four (4) chicken hens may be kept and maintained in an enclosed, clean and sanitary pen or structure, no part of which shall be located less than forty (40) feet from any residence, other than the residence owned or occupied by the person owning or in possession of such animals; and, provided further, that the keeping of such animals shall not create a health or nuisance problem as defined in RMC Section 6.08.020.

(Ord. No. 2013-1126, 11-4-2013)

6.04.080 Animals at large.

Except for household pets, no owner or person in charge of an animal shall permit the animal to be at large. Animals at large may be taken into custody by the city and disposed of in accordance with the procedures provided by ordinance for the impoundment of dogs.
(Ord. No. 2013-1126, 11-4-2013)

6.04.090 Removal of carcasses.

No person shall permit an animal carcass owned or controlled by him to remain upon public property, or to be exposed on private property, for a period of time longer than is reasonably necessary to remove or dispose of the carcass.
(Ord. No. 2013-1126, 11-4-2013)

6.04.100 Additional requirements.

In addition to any other penalty for violation of any provision of this chapter, the Municipal Court may require the owner of an animal to confine the offending animal, except when it is inside the owner's home or off the property restrained by a physical control device, in a permanent enclosure with a minimum height requirement of six (6) feet in a location not in violation of the land use regulations. Such enclosure shall be of sound structural strength, maintained in good repair, capable of containing the animal enclosed therein and preventing the entrance of other animals.
(Ord. No. 2013-1126, 11-4-2013)

6.04.110 Animal impound.

The city adopts ORS 609.090 to 609.093 regarding animal impound procedures.
(Ord. No. 2013-1126, 11-4-2013)

6.04.120 Violations—Penalties.

All violations of this chapter shall be punished as provided for a Class B violation in ORS. The exception is that any subsequent violation of this chapter will carry an additional fifty dollars ($50.00) increase for each additional violation up to five hundred dollars ($500.00). Impound fees are to be assessed separately.
(Ord. No. 2013-1126, 11-4-2013)

Chapter 6.08

NUISANCES

Sections:

6.08.010 Definitions.

Unless the context requires otherwise:

"Person" means a natural person, firm, partnership association, or corporation, whether he is acting for himself or as the clerk, servant, employee or agent of another.

"Person in charge of property" means an agent, occupant, lessee, contract purchaser, or person, other than the owner, having possession or control of the property.

"Public place" means a building, way, place or accommodation, whether publicly or privately owned, open and available to the general public.

"Recreational Vehicle" is a vacation trailer or other unit with or without motive power which is designed for human occupancy and is used temporarily for recreational or emergency residential purposes. Recreational vehicle includes camping trailers, camping vehicles, motor homes, park trailers, bus conversions, van conversions, travel trailers, truck campers, boat parked on a trailer and any vehicle converted for use or partial use as a recreational vehicle. (Ord. No. 2013-1123, 6-3-2013; Ord. 1991-494-F § 1)

6.08.020 Nuisances affecting the public health.

No person shall cause or permit, on property owned or controlled by the person, a nuisance affecting public health. The following are nuisances affecting the public health and may be abated as provided in this chapter:

A. Privies: an open vault or privy constructed and maintained within the city, except those constructed or maintained in connection with construction projects in accordance with the Oregon State Board of Health regulations.

B. Debris: accumulations of debris, rubbish, manure, and other refuse that are not removed within a reasonable time and that affect the health of the city.

C. Stagnant water: stagnant water which affords a breeding place for mosquitoes and other insect pests.

D. Water pollution: pollution of a body of water, well, spring, stream, or drainage ditch by sewage, industrial wastes, or other substances placed in or near the water in a manner that will cause harmful material to pollute the water.

E. Food: decayed or unwholesome food which is offered for human consumption.

F. Odor: premises which are in such a state or condition as to cause an offensive odor or which are in an unsanitary condition.

G. Surface drainage: drainage of liquid wastes from private premises.

H. Cesspools: cesspools or septic tanks which are in an unsanitary condition or which cause an offensive odor.

I. Slaughterhouses, etc.: a slaughterhouse, tannery or pigsty.

J. Dense smoke, noxious or offensive fumes or odors, gas, or soot or cinders in unreasonable quantities. Any outdoor burning which unreasonably imposes smoke into a neighboring structure shall be promptly extinguished. (Ord. 1991-494-F, § 6) (Ord. No. 2010-1100, § I, 4-5-2010)

6.08.030 Abandoned refrigerators.

No person shall leave in a place accessible to children an abandoned or discarded icebox, refrigerator, or similar container without first removing the door. (Ord. 1991-494-F § 7)

6.08.040 Attractive nuisances.

A. No owner or person in charge of property shall permit thereon:

1. Unguarded machinery, abandoned vehicles, equipment, or other devices which are attractive, dangerous and accessible to children;

2. Lumber, logs or piling placed if stored in a manner so as to be attractive, dangerous and accessible to children;

3. An open pit, quarry, cistern, or other excavation without safeguards or barriers to prevent such places from being used by children.

4. Unsecured and abandoned or vacant buildings and structures which are attractive, dangerous and accessible by children.

B. This section shall not apply to authorized construction projects with reasonable safeguards to prevent injury or death to playing children. (Ord. 1991-494-F § 8) (Ord. No. 2016-1158, 11-7-2016)

6.08.050 Snow and ice removal.

No owner or person in charge of property, improved or unimproved, abutting on a public sidewalk shall permit:

A. Snow to remain on the sidewalk for a period longer than the first two hours of daylight after the snow has fallen;

B. Ice to remain on the sidewalk for more than two hours of daylight after the ice has formed unless the ice is covered with sand, ashes, or other suitable material to assure safe travel. (Ord. 1991-494-F § 9)

6.08.060 Obnoxious vegetation.

No owner or person in charge of property shall permit obnoxious vegetation to grow, mature, or go to seed on the owner's or person's property or in the right-of-way of a public thoroughfare abutting on the property. Obnoxious vegetation so located is a public nuisance.

A. As used in this section, the term "obnoxious vegetation" does not include agricultural crop, unless that crop is a health, fire, or traffic hazard within the meaning of subsection B of this section.

B. As used in this section the term "obnoxious vegetation" includes:

1. Poison oak;

2. Poison ivy;

3. Blackberry bushes that extend into a public thoroughfare or across a property line;

4. Dandelions;

5. Vegetation that is:

a. A health hazard,

b. A fire hazard, or

c. A traffic hazard because it impairs the view of a public thoroughfare or otherwise makes use of the thoroughfare hazardous.

C. As used in this section the term "obnoxious vegetation" shall include weeds or grass more than twelve (12) inches high on the following property lots:

1. Undeveloped property of seven thousand seven hundred (7,700) square feet or less in area;

2. Undeveloped property of more than seven thousand seven hundred (7,700) square where the City Manager or Manager's designee determines that the lot is vacant, that is:

a. Not a wood lot, or

b. Not a lot which was cleared of timber and was not reforested with marketable timber and has been allowed to grow in an uncontrolled manner;

3. "Developed property" defined as a tract of land occupied preponderantly by a structure used or designed for use as a residence or a place of economic enterprise by landscaping, by other improvement accessory to the structure or by a combination of such development. (Ord. 1991-494-F § 10)

6.08.070 Scattering rubbish.

No person shall deposit upon public or private property any kind of rubbish, trash, debris, refuse, or any substance that would mar the appearance, create a stench or fire hazard, detract from the cleanliness or safety of the property, or would be likely to injure a person, animal or vehicle traveling upon a public way. (Ord. 1991-494-F § 11)

6.08.080 Trees.

A. No owner or person in charge of property that abuts upon a street or public sidewalk shall permit trees or bushes on the owner's or person's property 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 public sidewalk to keep all trees and bushes on the owner's or person's premises, including that adjoining parking strip, trimmed to a height of not less than eight feet above the sidewalk and not less than twenty (20) feet above the roadway.

B. No owner or person in charge of property shall allow to stand a dead or decaying tree that is a hazard to the public or to persons or property on or near the property. (Ord. 1991-494-F § 12)

6.08.090 Fences.

A. No owner or person in charge of property shall construct or maintain a barbed-wire fence thereon, or permit barbed wire to remain as part of a fence along a sidewalk or public way, except such wire may be placed above the top of other fencing not less than six feet, six inches.

B. No owner or person in charge of property shall construct, maintain or operate an electric fence along a sidewalk or public way or along the adjoining property line of another person. (Ord. 1991-494-F § 13)

6.08.100 Surface waters and drainage.

A. No owner or person in charge of a building or structure shall suffer or permit rainwater, ice or snow to fall from the building or structure onto a street or public sidewalk or to flow across the sidewalk.

B. The owner or person in charge of property shall install and maintain in proper state of repair, adequate drainpipes or a

drainage system so that any overflow water accumulating on the roof or about the building is not carried across or upon the sidewalk.
(Ord. 1991-494-F § 14)

6.08.110 Radio and television interference.

A. No person shall operate or use an electrical, mechanical, or other device, apparatus, instrument or machine that causes reasonably preventable interference with radio or television reception by a radio or television receiver of good engineering design.

B. This section does not apply to devices licensed, approved and operated under the rules and regulations of the Federal Communications Commission.
(Ord. 1991-494-F § 15)

6.08.120 Unnecessary noise.

A. No person shall make, assist in making, continue or cause to be made any loud, disturbing or unnecessary noise which either annoys, disturbs, injures or endangers the comfort, repose, health, safety or peace of others.

B. Loud, disturbing and unnecessary noises in violation of this section include but are not limited to the following:

1. The keeping of any bird or animal which by causing frequent or long-continuing noise shall disturb the comfort and repose of any person in the vicinity;

2. The attaching of a bell to an animal or allowing a bell to remain on an animal;

3. The use of a vehicle or engine, either stationary or moving, so out of repair, loaded or operated as to create any loud or unnecessary grating, grinding, rattling or other noise;

4. The sounding of a horn or signaling device on a vehicle on a street, public place, or private place, except as a necessary warning or danger;

5. The blowing of a steam whistle attached to a stationary boiler, except to give notice of the time to begin or stop work, as a warning of danger, or upon request of property city authorities;

6. The use of a mechanical device operated by compressed air, steam, or otherwise, unless the noise thereby created is effectively muffled;

7. The erection, including excavation, demolition, alteration, or repair of a building in residential districts other than between the hours of seven a.m. and six p.m., except in case of urgent necessity in the interest of the public welfare and safety and then only with a permit granted by the Recorder or Manager for a period not to exceed ten (10) days. The permit may be renewed for periods of five days while the emergency continues to exist. If the Council determines that the public health, safety and welfare will not be impaired by the erection, demolition, alteration or repair of a building between the hours of six p.m. and seven a.m., upon application therefor being made at the time the permit for the work is awarded or during the progress of the work.

The actual owner of property may do work on property actually occupied by him between the hours of six p.m. and ten p.m. without obtaining a permit as herein required;

8. The use of a gong or siren upon a vehicle, other than police, fire, or other emergency vehicle;

9. The creation of excessive noise on a street adjacent to a school, institution of learning, church, or court of justice, while the same are in use, or on a street adjacent to a hospital, nursing home, or other institution for the care of the sick or infirm, which unreasonably interferes with the operation of such institution or disturbs or unduly annoys patients;

10. The discharge in the open air of the exhaust of a steam engine, internal combustion engine, motorboat, or motor vehicles, except through a muffler or other device which will effectively prevent loud or explosive noises and the emission of annoying smoke;

11. The use or operation of an automatic or electric piano, phonograph, gramophone, victrola, radio, television, loudspeaker, or any instrument for sound producing or any sound-amplifying device so loudly as to disturb persons in the vicinity thereof or in such a manner as renders the use thereof a nuisance. However, upon application to the Council, permits may be granted to responsible persons or organizations for the broadcast or amplification of programs of music, news, speeches, or general entertainment as a part of a national, state or city event, public festivals, or outstanding events of a noncommercial nature. The broadcast or amplification shall not be audible for a distance of more than one thousand (1,000) feet from the instrument, speaker or amplifier and in no event shall a permit be granted where any obstruction to the free and uninterrupted traffic, both vehicular and pedestrian, will result;

12. The making of a noise by crying, calling or shouting or by means of a whistle, rattle, bell, gong, clapper, horn, hammer, drum, musical instrument, or other device for the purpose of advertising goods, wares or merchandise, attracting attention, or inviting patronage of a person to a business. However, newsboys may sell newspapers and magazines by public outcry;

13. The conducting, operating, or maintaining of a garage within one hundred (100) feet of a private residence, apartment, rooming house, or hotel in such manner as to cause loud or disturbing noises to be emitted therefrom between the hours of eleven p.m. and seven a.m.

(Ord. 1991-494-F § 16)

6.08.130 Discarded and inoperable vehicles.

A. No person shall store or permit the storage of a discarded vehicle upon private property within the city for a period of time in excess of fourteen (14) days, unless the vehicle is completely enclosed within a building or screened yard. This section does not apply to a licensed automobile wrecking house.

B. For the purpose of this section "discarded vehicles" means a vehicle, whether it has an unexpired license plate lawfully fixed or not, that is inoperative and: (1) wrecked; (2) dismantled in whole or part; (3) abandoned; or (4) junked.

C. A discarded vehicle nuisance may be abated through the abatement procedure of this ordinance, including making the cost of abatement a lien upon the real property from which the vehicle is removed. The city abates the nuisance by removing the vehicle, common to provisions of the Oregon Vehicle Code pertaining to the removal of abandoned vehicles. The Code shall be followed and the vehicle may be sold to recover the costs of abatement.

D. An extension of the fourteen (14) day limit may be granted by the City Manager if there is reasonable cause for doing so, and if reasonable progress is being made to resolve the problem.

(Ord. 1991-494-F § 17)

6.08.140 Outdoor storage.

A. No person shall keep junk outdoors or on a street, sidewalk, lot or premises, unless it is entirely enclosed except for doors, or gates used for ingress and egress, in a building or behind site obscuring screening that is six feet high in a residential zone and six to eight feet high in commercial and industrial zones.

B. The term "junk" as used in this section includes all discarded motor vehicles

(as defined in Section 6.08.130), motor vehicle parts, abandoned automobiles, machinery, machinery parts, appliances, or appliance parts, iron or other metals, glass, paper, old lumber, wood (excluding stacked fire wood), or other wastes or discarded materials except as provided for subsection C of this section. This section does not apply to junk kept in a licensed junk yard or automobile wrecking house.

C. New or used wood, lumber, iron or other metals, bricks, and other building or construction materials may be stored in an unscreened area on commercially or industrially zoned lots if all of the following conditions are met as determined by the city:

1. Storage must be at least ten (10) feet from the nearest improvement (e.g., sidewalk, curb, pavement or graveled travelway) on any public street;

2. All items must be stacked in an orderly and safe manner;

3. The storage area must be free of all vegetation growth.

(Ord. 1991-494-F § 18)

6.08.150 Notices and advertisement.

A. No person shall affix or cause to be affixed a placard, bill, advertisement or poster upon real or personal property, public, or private, 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.

B. No person shall scatter, distribute or cause to be scattered or distributed on public or private property any placards, advertisements, or other similar material.

C. This section does not prohibit the distribution of advertising material during a parade or approved public gathering.

(Ord. 1991-494-F § 19)

6.08.155 Temporary use of an RV.

A. The temporary use of a recreational vehicle on a residential driveway or property, church or fraternal organization parking lot, or the parking lot of a golf course, shopping center, public school, hospital and bowling alley shall be permitted in the city, if permitted by the owners, for a period not to exceed seven (7) consecutive calendar days in three (3) months as long as accommodation is made for the proper disposal of domestic waste water; and, the recreational vehicle or travel trailer remains road ready with wheels and tong attached. Only one (1) recreational vehicle per residential tax lot shall be allowed under this section. The City Manager, or the City Manager's designee, may extend the length of stay in cases of emergencies or other circumstances deemed to warrant additional time.

B. It shall be unlawful to park or place or allow or assist anyone to park or place any recreational vehicle for sleeping, cooking or living purposes within the city for any period of time exceeding three (3) hours. It is to be understood that the parking of recreational vehicles in the city that are not used for sleeping, cooking or living purposes are not regulated under this section, but are regulated by the general ordinances of the city regulating vehicular parking when parked on the street or alleys.

C. Exempt from (A) and (B) is the use of a recreational vehicle in an authorized and licensed recreational vehicle park, use of a recreational vehicle pursuant to Section 10.16.020 and a recreational vehicle that is lawfully placed and made to conform with the building codes and other ordinances of the city regulating dwellings and land uses.

(Ord. No. 2013-1123, 6-3-2013)

6.08.160 Declaration of nuisance—General nuisance.

A. The acts, conditions, or objects specifically enumerated and defined in Sec-

tions 6.08.020 through 6.08.160 are declared public nuisances and such acts, conditions, or objects may be abated by any of the procedures set forth in Sections 6.08.180 through 6.08.220.

B. In addition to the nuisances specifically enumerated within this chapter, every other thing, substance or act which is determined by the Council to be injurious or detrimental to the public health, safety or welfare of the city is declared a nuisance and may be abated as provided in this chapter.
(Ord. 1991-494-F § 20)

6.08.170 Abatement notice.

A. Upon determination by the City Manager or the City Manager's designate that a nuisance defined in this or any other ordinance of the city exists, the City Manager or the City Manager's designate may 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 abate the nuisance. Sections 6.04.020, 6.04.040, 6.04.050, 6.08.050, 6.08.070, 6.08.110, 6.08.120, 6.08.150 and 6.08.155 do not apply to the abatement posting procedure. Violators of these sections should be cited into Municipal Court. Penalties and procedures for these sections are described in Sections 6.08.210 through 6.08.230.

B. At the time of posting, the City Recorder shall cause a copy of such notice to be forwarded by registered or certified mail, postage pre-paid, to the owner or person in charge of the property at the last known address of the owner or other person.

C. The notice to abate shall contain:

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

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

3. A description of the nuisance;

4. A statement that unless the nuisance is removed, the city may abate the nuisance; and the cost of abatement shall be a lien against the property.

D. Upon completion of the posting and mailing, the person posting and mailing the notice shall execute and file a certificate stating the state and place of the mailing and posting.

E. 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 or other person shall make the notice void and in such a case the posted notice shall be sufficient.
(Ord. No. 2013-1123, 6-3-2013; Ord. 1991-494-F § 21)

6.08.180 Abatement by the owner.

A. Within ten (10) days after the posting and mailing of the notice as provided in Section 6.08.170, the owner or person in charge of the property shall remove the nuisance or show that no nuisance exists.

B. The owner or person in charge protesting that no nuisance exists shall file with the City Recorder a written statement which shall specify the basis for so protesting.

C. The statement shall be referred to the Council as a part of the Council's regular agenda at its next succeeding meeting. At the time set for 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 the determination shall be entered in the official minutes of the Council. Council determination shall be required only in those cases where written statement has been filed as provided.

D. If the Council determines that a nuisance does in fact exist, the owner or other person shall, within ten (10) days after the Council determination, abate the nuisance.
(Ord. 1991-494-F § 22)

6.08.190 Abatement by the city.

A. If, within the time allowed, the nuisance has not been abated by the owner or person in charge of the property, the City Manager or the City Manager's designate shall cause the nuisance to be abated.

B. The officer charged with abatement of the nuisance shall have the right, at reasonable times, to enter into or upon property to investigate or cause the removal of a nuisance.

C. The City Recorder 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 expenses for administrative overhead.
(Ord. 1991-494-F § 23)

6.08.200 Assessment of costs.

A. The City Recorder, by registered or certified mail, postage prepaid, shall forward to the owner or person in charge of the property a notice stating:

1. The total cost of abatement including the administrative overhead;

2. That the cost as indicated will be assessed to and become a lien against the property unless paid within thirty (30) days from the date of notice;

3. That if the owner or person in charge of the property objects to the cost of the abatement as indicated, the owner or person in charge of property may file a notice of objection with the City Recorder not more than ten (10) days from the date of the notice.

B. 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.

C. 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 the 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 which the nuisance was removed or abated.

D. The lien shall be enforced in the same manner as liens for street improvements are enforced and shall bear interest at the rate of twelve (12) percent per annum. The interest shall commence to run from date of the entry of the lien in the lien docket.

E. 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.
(Ord. 1991-494-F § 24)

6.08.210 Summary abatement.

The procedure provided by this chapter is not exclusive; but is in addition to procedure by other ordinances, and the Health Officer, the Chief of the Fire Department, or the Chief of Police may proceed summarily to abate a health or other nuisance which unmistakably exists and which imminently endangers human life or property.
(Ord. 1991-494-F § 25)

6.08.220 Violations—Penalties.

A person violating this chapter shall, upon conviction thereof, be punished by a fine not to exceed five hundred dollars ($500.00).
(Ord. 1991-494-F § 26)

6.08.230 Separate violations.

A. Each day's violation of a provision of this chapter constitutes a separate offense.

B. The abatement of a nuisance is not a penalty for violating this chapter but is an additional remedy. The imposition of a penalty does not relieve a person of the duty to abate a nuisance.
(Ord. 1991-494-F § 27)

Chapter 6.12

FIRE SAFETY

Sections:

6.12.010 Uniform Fire Code adopted by reference.

There is adopted by the city for the purpose of prescribing regulations governing conditions hazardous to life and property from fire or explosion, that certain code known as the Uniform Fire Code, as promulgated by the International Conference of Building Officials and Western Fire Chiefs Association, being particularly the Uniform Fire Code 1997 Edition thereof and the 1997 National Fire Protection Association Standards, and the whole thereof, subject to the exclusions therefrom and amendments thereto, as set forth in Oregon Administrative Rule Chapter 837 which Administrative Rule is adopted as though fully set forth herein, of which codes copies have been and now are filed in the office of the City Recorder of the city; and the same are adopted and incorporated as fully as if set out at length herein, and from the date on which the ordinance codified in this section shall take effect, the provisions thereof shall be controlling within the limits of the city of Reedsport, Douglas County, Oregon. (Ord. 2000-1012 § 1)

6.12.020 Enforcement.

The code adopted in Section [6.12.010] shall be enforced by the Chief of the Reedsport Fire Department or their designee.
(Ord. No. 2020-1179, 10-5-2020; Ord. 2000-1012 § 2)

6.12.030 Modification of fire prevention code provisions—Fire Chief's authority.

The Chief of the Reedsport Fire Department shall have power to modify any provisions of the fire prevention codes upon application in writing by the owner or lessee, or his duly authorized agent, where there are practical difficulties in the way of carrying out the strict letter of safety secured, and substantial justice done. The particulars of such modification, when granted or allowed, and the report of the Reedsport Fire Chief thereon shall be entered upon the records of the city and a signed copy shall be furnished the applicant. (Ord. 2000-1012 § 3)

6.12.040 Decisions of Fire Chief—Appeal.

Whenever the Chief of the Fire Department shall disapprove an application or refuse to grant a permit applied for, or when it is claimed that the provisions of the codes do not apply or that the true intent and meaning of the codes have been misconstrued or wrongly interpreted, the applicant may appeal from the decision of the Chief of the Fire Department to the Reedsport Common Council within thirty (30) days from the date of the decision. (Ord. 2000-1012 § 4)

6.12.050 Violation—Penalty.

Any person who shall violate any of the provisions of the codes hereby adopted or fail to comply therewith, or who shall vio-

late or fail to comply with any order made thereunder, or who shall build in violation of any detailed statement of specification or plans submitted and approved thereunder or any certificate or permit issued thereunder, and from which no appeal has been taken, or who shall fail to comply with such an order as affirmed or modified by the Common Council of the city or by a court of competent jurisdiction, within the time fixed herein, shall severally, for each and every such violation and noncompliance, respectively, by guilty of a misdemeanor, punishable by a fine of not less than fifty dollars ($50.00), nor more than one thousand dollars ($1,000.00), or by punishment of not less than two days, nor more than sixty (60) days imprisonment, or by both such fine and imprisonment. The imposition of one penalty for any violation shall not be required to correct or remedy such violations or defects within a reasonable time; and when not otherwise specified, each ten (10) days that prohibited conditions are maintained shall constitute a separate offense.

The application of the above penalty shall not be held to prevent the enforced removal of prohibited conditions. (Ord. 2000-1012 § 5)

6.12.060 Fireworks—Adoption of state fireworks law.

The following section of the Oregon Fireworks Law, together with all acts and amendments applicable to cities which are not or hereafter enacted, are adopted by reference and made a part of this chapter.

ORS 480.010. Explosives; Flammables; through and including Section 480.990. (Ord. 2000-1009 § 9)

Chapter 6.16

PUBLIC RIGHTS-OF-WAY

Sections:

6.16.010 City jurisdiction—Scope of regulatory control.

A. Definitions. For the purpose of this section:

"City" means the City of Reedsport, Oregon.

"Person" means individual, corporation, association, firm, partnership, joint stock company, limited liability 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" means territory over which the city now has or acquires jurisdiction for the exercise of its powers and all property located within the city limits.

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 title, 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. 1997-760 §§ 1—5)

6.16.020 Compliance with chapter provisions.

No person shall construct or reconstruct any sidewalk, driveway, or curb in a public right-of-way within the corporate limits of the city except in compliance with this chapter.
(Ord. 1994-665-F § 1)

6.16.030 City to adopt standard specifications for sidewalks and curbs.

The City Council shall adopt and from time to time may amend standard specifications for sidewalks and curbs to be built and maintained within the corporate limits of the city. Such specifications may include provisions relating to the kind, type, width, length, location, materials, elevation and grade of sidewalks and curbs. Such specifications shall be regarded as minimum standards reasonably necessary for the health and safety of the public. All construction shall be subject to inspection by the city before being accepted as complying with this chapter. (Ord. 1994-665-F § 2)

6.16.040 Variances.

The City Engineer or City Manager may approve variances to the specifications provided for under Section 6.16.030 if the City Engineer or City Manager is satisfied that conditions, including, but not limited to topography, right-of-way width, pedestrian usage, landscaping, and other considerations not applicable to other areas that have sidewalks, reasonably require a variance to those specifications, and the public health and safety will not thereby be unreasonably affected. All such requests must be made in writing and must include the specific conditions that exist to warrant a variance and an explanation of how these conditions are different from other properties for which sidewalks have been required. When granting a variance to those specifications, the City Engineer or City Manager may attach such conditions as the City Engineer or City Manager finds reasonably necessary to insure compliance with this chapter and to protect the health and safety of the public. Any major variance granted under this section is subject to appeal to the City Council as provided for in Section 6.16.130. (Ord. 1994-665-F § 3)

6.16.050 Sidewalk construction.

A. All property owners within all commercial (C-2) zones except as specifically exempted or deferred in Section 6.16.060, and the owners of property which abuts upon any arterial street: U.S. Highway 101 and State Highway 38 or upon any collector street:

1. Ranch Road: east side only Longwood to Frontage Road; both sides from Frontage Road to Regents Place; west side only from Regents Place to south end of Fern Acres Subdivision; not required within Fern Acres or Providence Point subdivisions;
2. Frontage Road: north side only from 22nd Street to Ranch Road;
3. Longwood Drive: both sides from U.S. 101 to Ranch Road; east side only from Ranch Road to Maple Drive, except area in state right-of-way west of Longwood intersection;
4. Bowman Road: both sides from Longwood Drive to Scott Street;
5. Scott Street: both sides from Bowman Road to Arthur Drive;
6. Arthur Drive: both sides from Scott Street to 22nd Street;
7. 22nd Street: both sides from Greenwood Avenue south to the end of 22nd Street;
8. Winchester Avenue: north side from Highway 38 to 10th Street; 12th Street to U.S. 101; south side from Highway 38 to U.S. 101; within one hundred eighty (180) days after change of use or ownership; or, in the case of any new building, prior to completion and final inspection for occupancy; or, whenever any street is paved or curbs installed; or, on or

before December 31, 1994, whichever event occurs earlier, shall construct upon such property at the owner's sole expense within the public right-of-way a sidewalk or sidewalks, unless approval cannot be obtained from the agency or governmental body controlling the public right-of-way, in which case sidewalks will be constructed on the owner's property contiguous and adjacent to the public right-of-way.

B. No building permit shall be issued for construction of any building located as described in subsection A of this section for which construction of sidewalks is therein required unless the construction plans filed to support the application for such building permit provides for the construction of sidewalks as required under this chapter. No certificate of occupancy shall be issued unless the terms of this chapter have been complied with.

C. Construction of sidewalks may be deferred by City Manager or City Engineer if any of the following conditions are found to exist:

1. The sidewalk is in an undeveloped residential area where none of the adjoining or extended area has sidewalks;

2. There is no true identification of where the sidewalks will go until curbs are installed;

3. Drainage improvements or other essential improvements need to be installed before the sidewalks can be constructed;

4. The sidewalk does not connect to any current sidewalk system.

Any variance granted under this section should consider a time line or plan for when a problem is corrected, so sidewalks can be installed.

Any deferral expires when any of the following happens:

1. The street on which the affected property abuts is curbed (in areas without curbs), or other improvement deficiencies are corrected;

2. Street design is provided by the city;

3. Adjacent property is required to install sidewalks; or

4. The City Council determines construction should no longer be delayed. (Ord. 1994-665-F § 4)

6.16.060 Exemptions.

The owners of property abutting on the commercial streets listed below are exempt from the requirements of Section 6.16.050:

Fir Avenue: from 7th to East Railroad.

Frontage Court: in its entirety.

9th Street: from Kingwood Avenue to Highway 38.

Juniper Avenue: from U.S. 101 to Champion Park.

Laurel Avenue: from U.S. 101 to Champion Park.

Myrtle Avenue: from U.S. 101 to Champion Park.

10th Street: from Winchester to Fir Ave.

11th Street: west side from U.S. 101 to first alley north of Fir Avenue.

18th street: west side from U.S. 101 to first alley south of U.S. 101.

East Railroad: from Winchester to 5th.

West Railroad: from Winchester to 7th.

Commercial zones that are predominantly residential, as determined by City Manager or City Engineer can defer sidewalk construction until the property is converted to commercial use or until sidewalks are predominately installed on all other properties. (Ord. 1994-665-F § 5 (part))

6.16.070 Existing asphalt areas.

All existing asphalt areas that are used as sidewalks will be allowed to continue to serve that purpose if they are constructed at top of curb height and are in good repair. Existing asphalt driveways, except Highways 101 and 38, are allowed if they are a standard width and the transition between concrete sidewalk and the asphalt is done in a manner approved by the City Engineer. On Highways 101 and 38, where concrete sidewalks are required, driveways must also be concrete, unless those driveways are controlled by a traffic signal at their intersections. (Ord. 1994-665-F § 5 (part))

6.16.080 Construction permit required when.

No person shall construct, reconstruct or repair any sidewalk or curb within the public right-of-way unless that person holds a valid city construction permit. Applications for such permit shall be made on forms provided by the City Manager and shall specify the name of the owner of the property, the location of the property, and the name of the person who will perform the work. No fee shall be charged for a permit to construct, reconstruct or repair sidewalks or curbs. (Ord. 1994-665-F § 6)

6.16.090 Maintenance and repair of sidewalks.

It shall be the duty of all persons owning lots or lands which have sidewalks or walkways designated or used by pedestrians which are in the right-of-way of any street in the city abutting these lots or lands to maintain, keep and repair said sidewalks or walkways and not permit sidewalks or walkways to become or remain in a dangerous or unsafe condition. No trees, shrubs, retaining walls, fences or other items or structures which would be located within any area sidewalks are constructed or would be constructed, shall be placed, maintained or allowed to remain. (Ord. 1994-665-F § 7)

6.16.100 Liability for injury.

Any owner of lots or lands who neglects to promptly comply with the provisions of this chapter shall be liable to any person injured by such negligence, shall hold the city harmless, and shall reimburse the city for all damages and expenses (including attorney fees either before or during trial, arbitration and on appeal) which the city has been or may be required or compelled to pay in such case, and such damages may be enforced in any court having jurisdiction. (Ord. 1994-665-F § 9)

6.16.110 Nuisance designated.

Any sidewalk or walkway not in compliance with this chapter shall constitute a nuisance and the city may, as an alternative to other remedies that are legally available for enforcing this chapter, institute injunction, mandamus, abatement or other appropriate proceedings to prevent, enjoin, temporarily or permanently, abate or remove the unlawful location, construction, maintenance, repair, alteration or use.

Abatement of the nuisance shall follow the procedure of Chapter 6.08 and assessments against the responsible property owner shall attach as indicated by Chapter 6.08. (Ord. 1994-665-F § 10 (part))

6.16.120 Construction bids.

The city may also solicit bids for the construction of sidewalks or removal of obstructions and cause the lowest responsible

bidder to perform the work required in the city's opinion to comply with the terms of this chapter and the cost of bid solicitation and construction shall become a lien on the real property so benefitted and shall be foreclosed in the manner provided by law. (Ord. 1994-665-F § 10 (part))

6.16.130 Appeals.

Any decision by the City Engineer or the City Manager regarding approval or denial of variance to specifications as allowed by Section 6.16.040 or a deferral of the requirement to construct sidewalks as allowed by Section 6.16.050 may be appealed to the City Council by written request within fifteen (15) days after the decision by the City Manager or City Engineer. (Ord. 1994-665-F § 11)

6.16.140 Review by the City Council.

The City Manager or City Engineer shall file with the City Council a report on all deferrals granted under Section 6.16.050 at its next regularly scheduled City Council meeting. At that meeting, any member of the Council may request that the approval granted by the City Engineer or City Manager be reviewed by the Council at its next regularly scheduled meeting. The City Council may reverse any decision made by the City Manager or City Engineer. (Ord. 1994-665-F § 12)

6.16.150 Violations—Penalties.

Any person who shall violate any provision of this chapter shall, upon conviction, be punished by a fine of not more than one hundred dollars ($100.00). Each day the violation continues shall be considered a separate offense. (Ord. 1994-665-F § 8)

Chapter 6.20

CITY PARKS, MOORAGES AND PARKING LOTS

Sections:

6.20.010 Purpose.

The parks of this city are established and maintained as areas of recreation, relaxation, and enjoyment for the public. It is intended that they shall be regulated and used to permit enjoyment for a maximum number of people engaged in widely diverse interests and activities as may be practical within the limits or space, design and accommodations available in each park unit. Limitations may be required to insure the use of park areas in safety and to protect the rights of others in surrounding areas as well as to provide for use by the greatest number of citizens. (Ord. 2000-1010 § 1)

6.20.020 Definitions.

"City" means the city of Reedsport.

"Director" means a person immediately in charge of all park areas and their activities, and to whom all park attendants of such areas are responsible.

"Park" means park, reservation, playground or any other area in the city, owned or used by the city, and devoted to active or passive recreation.

"Person" means any person, firm, partnership, association, corporation, company or organization of any kind.

"Vehicle" means any wheeled conveyance, whether motor powered, animal-drawn, or propelled solely by a person. The term includes any trailer in tow of any size, kind or description. Exception is made for baby carriages and vehicles in the service of the city parks. (Ord. 2000-1010 § 2)

6.20.030 Motorized vehicle.

Vehicles shall operate, stop or park only upon designated roadways or within designated parking areas in any city park. (Ord. 2000-1010 § 3)

6.20.040 Bicycles.

No person shall ride a bicycle on other than a vehicular path designated for that purpose in any city park. A bicyclist shall be permitted to wheel or push a bicycle by hand over any grassy area or on any paved area reserved for pedestrian use.

No person shall leave a bicycle lying on the ground or paving, set against trees, or in any place or position where other persons may trip over or be injured by them in any city park. All parked bicycles must be parked

in designated bicycle racks in any city park. (Ord. 2000-1010 § 4)

6.20.050 Animals.

No person shall ride or lead any animal or be responsible for the entry of any animal in any park other than dogs, which are restrained at all times on adequate leashes not greater than eight feet in length, or cats. (Ord. 2000-1010 § 5)

6.20.060 Fire.

No person shall build or maintain any fire in a park, except in fire rings or fire places as provided by the city or in a stove or barbecue unit where picnic areas are provided. (Ord. 2000-1010 § 6)

6.20.070 Garbage and other refuse.

No person shall discard or dispose garbage or other refuse in a park, except in a receptacle provided for such garbage and other refuse.

No person shall take any garbage or other refuse into a public park for the purpose of discarding or disposing of such garbage or other refuse. (Ord. 2000-1010 § 7)

6.20.080 Vehicle speed.

The designated speed for vehicles upon the roadways within any park is ten (10) m.p.h. unless otherwise posted. (Ord. 2000-1010 § 8)

6.20.090 Dangerous equipment and activities.

No person shall use or engage in any activity that creates an unreasonable interference or danger to other persons in any city park. Such activity shall include, but not be limited to, the use of archery equipment, any aircraft, rocket or missile powered by fuel or mechanical means, or any firearms. (Ord. 2000-1010 § 9)

6.20.100 Fireworks and explosives.

No person in a park shall bring, or have in their possession, or set off or otherwise cause to explode or discharge or burn, any firecrackers, torpedo, rocket or other fireworks or explosives of inflammable material, or discharge them or throw them into any such area from land or highway adjacent thereto. This prohibition includes any substances, compound, mixture or article that in conjunction with any other substance would be dangerous from any of the foregoing standpoints. An exception may be obtained to this section by written approval of the City Manager. (Ord. 2000-1010 § 10)

6.20.110 Sale or dispensing of alcoholic beverages—Sale of other items.

No person shall sell or dispense for money or anything of value within any city park: (A) any alcoholic beverage without first obtaining a conditional use permit from the Oregon Liquor Control Commission which has been approved by the city; (B) any item or service without the prior written approval of the City Manager who shall limit his approval to nonprofit groups or activities associated with community sponsored festivals. (Ord. 2000-1010 § 11)

6.20.115 Smoking in designated parks prohibited.

It is unlawful for any person to smoke or light cigars, cigarettes, tobacco, or other smoking material within Barrone, Centennial, Champion, Henderson and Lion Parks, or upon the sidewalk surrounding, or upon any public land (improved or otherwise) within ten (10) feet of the property line of said parks.

For the purposes of this section, "smoke" or "smoking" means the carrying, holding,

or smoking of any kind of lighted pipe, cigar, cigarette, or any other lighted smoking equipment.
(Ord. No. 2014-1134, 6-2-2014)

6.20.120 Sound.

No person shall disturb the peace in any park between the hours of eleven p.m. and seven a.m. for purposes of this paragraph, disturbing the peace is defined as including, but not being limited to, the following:

A. Playing a musical instrument;

B. Playing a radio, tape recorder, or television;

C. Shouting;

D. Engaging in any games.

No person shall use any device to amplify sound in any park unless a valid permit has been issued by the City Manager.

The City Manager may issue a permit authorizing the use of one or more designated devices to amplify sound by one or more designated persons in a designated area of a park on a designated date between specific hours if the City Manager finds, in the City Manager's reasonable discretion, that the number of persons to be entertained or served by the use of sound can be adequately and reasonable served only by the amplification of sound. The City Manager deems reasonable, and the City Manager may revoke a permit if the terms of the permit are violated, or the City Manager may deny a permit to a person or group of persons who have violated the terms of a permit within the previous year.

No person who holds a valid permit issued by the City Manager under this type of permit shall amplify sound within a park in violation of any conditions stated in that permit. (Ord. 2000-1010 § 12)

6.20.130 Sleeping and camping.

No person shall camp in any park except, for fee temporary seasonal camping at Rainbow Plaza and by special permit issued by the City Manager. (Ord. 2000-1010 § 13)
(Ord. No. 2014-1133, 4-7-2014)

6.20.140 Boat moorage.

A. "Moorage," as used in this section shall mean tying up or securing any floating vessel or object to any facility or property owned by the city.

B. No person shall be allowed to moor to, or by mooring, interfere with the use of city property or facilities except as allowed for boats in subsection C of this section.

C. Limited moorage will allowed if:

1. It is for boats at a facility for the launching and loading of boats and is for a reasonable time not to exceed one-half hour;

2. It is at a facility designated by signage for boat moorage. Moorage is limited in length by the time indicated on the designating sign;

3. By special permit issued by the City Manager for an emergency moorage not to exceed thirty (30) days. The Manager may charge a reasonable fee based upon prevailing rates in the area;

4. By a lease approved by the City Council. (Ord. 2000-1010 § 14)

6.20.145 Boat launch.

The following restrictions shall be enforced at any city boat launching facilities: Residents and nonresidents of the city must have a city boat launch and parking tag "tag" to park any boat trailer (boat shall be defined as set forth in ORS 830.005(2)) which must be placed on the dashboard of vehicle parked upon any city street or parking lot or area prior to the time said boat trailer is so parked. A fee may be charged for issuance of a boat launch and parking tag, which shall be set by City Council Resolution and may be amended from time to time. Proceeds from such fees shall be used

solely for purposes of enforcement of this section, maintaining and improving boat launch areas and related facilities, including, but not limited to, boat ramps, docks, restrooms and city owned parking areas. (Ord. No. 2011-1104, § I, 1-3-2011)

6.20.150 Parking lots.

A. "Parking lot," as used in this section, shall mean all city off-street facilities for the parking of vehicles.

B. No person shall park or store any vehicle or object on a city parking lot for more than twelve (12) hours unless a special permit is obtained from the City Manager. Such permits shall not exceed thirty (30) days. The Manager may charge up to ten dollars ($10.00) per day for parking permits. (Ord. 2000-1010 § 15)

6.20.160 Flora.

No person other than a duly authorized city employee in the performance of the employee's duty or persons participating in city-approved activities shall dig, remove, destroy, injure, mutilate, pick or cut any trees, plants, shrubs, blooms or flowers, or any portion thereof, growing in any park. (Ord. 2000-1010 § 16)

6.20.170 Wild birds or animals.

No person shall hunt, molest, harm, frighten, kill, trap, chase, tease, shoot or throw missiles at any animal, reptile or bird; nor shall any person remove or have in one's possession the young of any wild animal, or the eggs of nest, or young of any reptile or bird; nor shall one collect, remove, have in one's possession, give away, sell or offer to sell, or buy or offer to buy, or accept as a gift, any specimen alive or dead of any animal, bird or reptile. Exception to the foregoing is made in that snakes known to be deadly poisonous, such as rattlesnakes, moccasins, coral snakes, or other poisonous reptiles, may be killed on sight. (Ord. 2000-1010 § 17)

6.20.180 Violation—Penalty.

A. Any person who violated any provision of this chapter shall, upon conviction, be punished by fine of not more than five hundred dollars ($500.00).

B. Separate violations. Each day's violation of a provisions of this chapter constitutes a separate offense. (Ord. 2000-1010 §§ 18, 19)

Chapter 6.24

TREES

Sections:

6.24.010 Purpose.

The City Council wishing to enhance, as well as preserve, the scenic beauty of the community establishes this chapter to provide a process for the institution of rules and recommendations relating to the planting, care, and maintenance of trees on public property within the city. The City Council also encourages the planting of trees on private property. (Ord. 1993-731 § 1)

6.24.020 Definitions.

"Park trees" means trees in public parks having individual names, and all areas owned by the city, or to which the public has free access as a park.

"Private trees" means a tree located on private property other than a dedicated right-of-way or city utility easement or public parks and grounds.

"Street trees" means trees on land lying between property lines on either side of all streets, avenues, or ways in all commercial and industrial zones and along arterial streets. (Ord. 1993-731 § 2)

6.24.030 Creation and establishment of a city Tree Board.

There is created and established a City Tree Board for the city which shall consist of five members, three representing the City's Beautification Committee, one representative from the City Council and one representative from the Planning Commission, who shall be appointed by the mayor with the approval of the City Council. (Ord. 1993-731 § 3)

6.24.040 Term of office and compensation.

The term of the five persons to be appointed by the mayor shall be three years except that the term of two of the members appointed to the first Board shall be for only one year and the term of two members of the first Board shall be for two years. In the event that a vacancy shall occur during the term of any member, his successor shall be appointed for the unexpired portion of the term. Members of the Board shall serve without compensation. (Ord. 1993-731 § 4)

6.24.050 Duties and responsibilities.

It shall be the responsibility of the Board to study, investigate, counsel and develop and/or

update annually, and administer a written plan for the care, preservation, pruning, planting, replanting, removal or disposition of trees and shrubs in parks, along streets, and in other public areas. Such plan will be presented annually to the City's Beautification Committee and upon their acceptance and approval to the City Council for their approval. Upon the acceptance of the City Council, the plan shall constitute the official comprehensive city tree plan for the city.

The Board, when requested by the City Council, shall consider, investigate, make findings, report and recommend upon any special matter or questions coming within the scope of its work. (Ord. 1993-731 § 5)

6.24.060 Operation of Board.

The Board shall choose its own officers, make its own rules and regulations, and keep a journal of its proceedings. A majority of the members shall be a quorum for the transaction of business. (Ord. 1993-731 § 6)

6.24.070 Street tree planting.

A. Tree Species to be Planted. The City Tree Board will develop and maintain a list of desirable trees for planting along streets in three size classes based on mature height: small (under thirty (30) feet), medium (thirty (30) to fifty (50) feet) and large (over fifty (50) feet). Lists of trees not suitable for planting will also be created by the Tree Board.

B. Spacing. The spacing of street trees will be in accordance with the three species size classes listed in subsection A of this section and no trees may be planted closer together than the following: small trees, thirty (30) feet; medium trees, forty (40) feet; and large trees, fifty (50) feet; except in special plantings approved by the Tree Board.

C. Distance from Street Corners and Fire Hydrants. No street tree shall be planted within twenty-five (25) feet of any corner, measured from the point of nearest intersecting curbs or curblines. No street tree shall be planted within ten (10) feet of any fire hydrant.

D. Utilities. No street trees or park trees other than those species listed as small trees in subsection A of this section may be planted under or within ten (10) feet of any overhead utility wire. No street trees of any size shall be planted over or within five lateral feet of any underground water line, sewer line, transmission line or other utility. Planting sites within the city right-of-way must be approved by the city's Utility Department. (Ord. 1993-731 § 7)

6.24.080 Street and park tree maintenance and care.

A. Street Tree Maintenance. The city shall have the right to plant, prune, maintain and remove trees within the lines of all streets, alleys, avenues, lanes, squares and public property in all commercial and industrial zones, along arterial streets, and in city parks as may be necessary to insure public safety or to preserve or enhance the symmetry and beauty of such public property. The City Tree Board may remove or cause or order to be removed, any tree or part thereof which is in an unsafe condition or which by reason of its nature is injurious to sewers, electric power lines, gas lines, water lines, or other public improvements, or is infected with any injurious fungus, insects or other pest. This section does not prohibit the planting of street trees by adjacent property owners providing that the

selection and location for a said trees is in accordance with Section 6.24.070 and written approval is granted by the Tree Board. Trees planted by the owner that are not in compliance with Section 6.24.070 may be removed by the city at the owner's expense.

B. Pruning, Corner Clearance. Every owner of any tree overhanging any street or right-of-way within the city shall prune the branches so that such branches shall not severely obstruct the light from any street lamp or obstruct the view of any street intersection and so that there shall be a clear space of twenty (20) feet above street surface or eight feet above the sidewalk surface. The owners shall remove all dead, diseased or dangerous trees, or broken or decayed limbs which constitute a clear and present danger to the safety of the public. Tree limbs that grow near high voltage electrical conductors shall be maintained clear of such conductors by the electric utility company in compliance with any applicable franchise agreements. (Ord. 1993-731 § 8)

6.24.090 Tree topping.

Topping is defined as the severe cutting back of limbs to stubs larger than three inches in diameter within the tree's crown to such a degree so as to remove the normal canopy and disfigure the tree. No person except city employees or persons with written city authorization may top any street tree or park tree. Trees severely damaged by storms or other causes, or certain trees under utility wires or other obstructions where other pruning practices are impractical may be exempted from this section at the determination of the City Tree Board. Selected pruning not only preserves the health and beauty of the tree but increases the financial value of the urban forest. (Ord. 1993-731 § 9)

6.24.100 Dead, dangerous or diseased tree removal on private property.

A. The city may prune or cause to have pruned a private tree when it interferes with the proper spread of light along the street from a street light, or interferes with the visibility of any traffic control device or sign at the cost of the owner.

B. The city may cause the removal of all, or part of a private tree which is in an unsafe condition, which by reason of its nature is injurious to public waterlines, private sewers, electric lines, telephone lines, gas lines, or other public improvements, or is infected with any injurious fungus, insects or pest.

C. Abatement Notice. Upon determination by the City Manager or the City Manager's designate that a hazardous condition exists as defined in this or any other ordinance of the city, the City Manager or the City Manager's designate shall post a notice on the premises where the hazard exists, directing the owner or person in charge of the property to abate the hazard.

At the time of posting, the City Recorder shall send a copy of such notice by certified mail, postage pre-paid, to the owner or person in charge of the property at the last known address of the owner or person in charge of the property.

The notice shall contain:

1. A description of the real property, by street address or otherwise, on which the hazard exists;

2. A direction to abate the hazard within ten (10) days from the date of the notice;

3. A description of the hazard;

4. A statement that unless the hazard is removed, the city may abate the hazard; and the cost of abatement shall be a lien against the property. (Ord. 1993-731 § 10)

6.24.110 Public education.

The Board shall undertake an on-going program of public outreach and education in order to promote public understanding of the city's urban forest and public adherence to the standards and procedures established under this chapter. (Ord. 1993-731 § 11)

6.24.120 Interference with City Tree Board.

It shall be unlawful for any person to prevent, delay or interfere with the City Tree Board, or any of its agents, while engaging in and about the planting, cultivating, mulching, pruning, spraying or removing of any street trees, park trees, or trees on private grounds, as authorized by this chapter. (Ord. 1993-731 § 12)

6.24.130 Review by city council.

The City Council shall have the right to review the conduct, acts and decisions of the City Tree Board. Any person may appeal any ruling or order of the City Tree Board to the City Council by filing a written notice with the City Manager within ten (10) days after such order or decision of the Tree Board is made. The City Council will then hear the matter at the next regular meeting and make a final decision. (Ord. 1993-731 § 13)

6.24.140 Penalties.

A. General. If the violation of any provision of this ordinance results in the injury, mutilation or death of a street tree or park tree except for tree topping as outlined in Section 6.24.090, the cost of repair or replacement along with attorney fees and costs of action required to be filed in a court with competent jurisdiction shall be borne by the party in violation. The replacement value of the street trees or park trees shall be determined by the city. In the event of repeat violations of any provision of this chapter, ORS 105.810, Treble damages for injury to or removal of produce, trees, or shrubs, will be invoked.

B. Tree Topping. In accord with the City Council's goal to educate the public on proper tree care, the penalty for the first offense of street tree topping will be a written warning sent to the offending party with educational materials about proper pruning methods. The penalty for a repeat offense could result in the publication of a picture of the topped tree in the local newspaper accompanied by an article on proper tree pruning methods. (Ord. 1993-731 § 14)

Chapter 6.28

PARADES AND PROCESSIONS

Sections:

6.28.010 Permits required for parades.

No procession or parade, except a funeral procession or military parade, shall occupy, march or proceed along a street, except in accordance with a permit issued by the Chief of Police and approved by the Recorder or Manager. The permit may be granted where it is found that the parade is not to be held for any unlawful purpose and will not in any manner tend to a breach of the peace, unreasonably interfere with the peace and quiet of the inhabitants of the city, or cause damage to or unreasonably interfere with the public use of the streets. (Ord. 2000-1008 § 21)

6.28.020 Funeral procession.

A funeral procession composed of vehicles shall be escorted by at least one person authorized to direct traffic for such purposes and shall follow routes established by the Chief of Police. Each vehicle in the procession shall be marked by flags or other designation approved by the Chief of Police. (Ord. 2000-1008 § 22)

6.28.030 Drivers in procession.

Each driver in a funeral or other procession shall drive as near to the right-hand edge of the street as practical and shall follow the vehicle ahead as closely as is practical and safe. (Ord. 2000-1008 § 23)

6.28.040 Driving through procession.

No driver of a vehicle shall drive between the vehicles comprising a funeral or other authorized procession while in motion, except where traffic is controlled by traffic-control signals or when otherwise directed by a police officer. (Ord. 2000-1008 § 24)

Chapter 6.32

SIGNS ON CITY PROPERTY

Sections:

6.32.010 Legislative policy.

It is the policy of the city to allow free expression of political views and it is the policy of the city to facilitate such expression by allowing the use of advertising on certain city property consistent with competing values of health, safety and welfare of the community. (Ord. 1986-619-B § 1)

6.32.020 Definitions.

As used in this chapter:

"Political sign" means a bill, placard, sign or similar device used to advertise or announce political views connected with any election in which residents of the city are allowed to vote.

"Public property" means property owned or controlled by the city.

"Qualified political group" means any person or group formed which meets the requirements of the state of Oregon election laws for groups which advertise for political candidates or causes.

"Right-of-way" means that portion of a public road, street or highway which is not surfaced with pavement, gravel or other substance sufficient to allow regular motor vehicle use. (Ord. 1986-619-B § 2)

6.32.030 Political signs.

Political signs shall be allowed on public property to the extent that they comply with the provisions of this chapter. (Ord. 1986-619-B § 3)

6.32.040 Placing of political signs.

A. Political signs shall be allowed only in designated areas of public rights-of-way over which the city has jurisdiction and control.

B. Political signs shall not be placed in any park in the city.

C. Public property other than public rights-of-way and parks may be used for placing of political signs in the discretion of the City Manager who shall upon the request of any qualified political group supply a list of these discretionary sites. (Ord. No. 2011-1107, 7-11-2011; Ord. 1986-619-B, § 4)

6.32.050 Size, type and placement of signs.

A. Signs shall not exceed forty-eight (48) inches in height, width or depth.

B. Signs shall not be placed to obstruct motorists' views of oncoming traffic or to create any other traffic obstruction or hazard.

C. No sign shall have lights or moving parts.

D. No sign shall be unsightly, obscene or otherwise constitute a public nuisance. (Ord. 1986-619-B § 5)

6.32.060 Time period.

Signs may be placed on public property not more than eighty-three (83) days before the election to which they relate if it is a general or primary election and not more than forty-five (45) days before the election for special elections. All signs shall be removed within seven days followed the election. (Ord. 1986-619-B § 6)

6.32.070 Liability.

Compliance with this chapter shall in no way limit liability for any damage caused by any sign placed on public property. (Ord. 1986-619-B § 7)

6.32.080 Compliance with state law.

All signs must comply with the Election Laws of the state of Oregon. (Ord. 1986-619-B § 8)

6.32.090 Violation—Penalty.

The penalty for violating this chapter shall be a fine of not more than one thousand dollars ($1,000.00). (Ord. 1986-619-B § 9)

Chapter 6.36

HOUSE NUMBERING SYSTEM

Sections:

6.36.010 Placement of address on building or structure.

It shall be the duty of the owner ("owner" shall include purchaser on a land sale contract, grantor under trust deed, and shall include any person, firm or corporation), of every house, building or other structure in the city to have placed thereon, in a place easily visible from the street in front of the house, building or structure, numbers or written figures at least three inches high, showing the number of the house in a contrasting color with the background it is placed upon; any owner failing to so number any house, building or other structure after receiving notice to do so from the city shall be fined twenty dollars ($20.00) for the first offense and one hundred dollars ($100.00) for subsequent offenses. Each day the violation continues shall constitute a separate offense. Notice can be effected by posting on premises, publication in a newspaper of general circulation within the city, mailing by certified mail or personal service. (Ord. 1983-661)

Chapter 6.40

VEHICLES OPERATED ON SIDEWALKS BY DISABLED PERSONS

Sections:

6.40.010 Definitions.

As used in this chapter:

"Disabled person" means: (a) a person who has severely limited mobility because of paralysis or the loss of use of some or all of the persons legs or arms; (b) a person who is affected by loss of vision or substantial loss of visual acuity or visual field beyond correction; or (c) a person who has any other disability that prevents the person from walking without the use of an assistive device or that causes the person to be unable to walk more than two hundred (200) feet, including, but not necessarily limited to: (i) chronic heart conditions; (ii) emphysema; (iii) arthritis; (iv) rheumatism; or (v) ulcerative colitis or related chronic bowel disorder. [801.235]

"Disability golf cart permit" shall be any such permit issued by the Oregon Department of Motor Vehicles under ORS 807.210.

"Sidewalk" means the area determined as follows: (a) on the side of a highway which has a shoulder, a sidewalk is that portion of the highway between the outside lateral line of the shoulder and the adjacent property line capable of being used by a pedestrian; (b) on the side of a highway which has no shoulder, a sidewalk is that portion of the highway between the lateral line of the roadway and the adjacent property capable of being used by a pedestrian.

In addition to the descriptions set forth above, a "sidewalk" shall include any area normally traversed by a pedestrian which is provided for use by the public even if the same is located upon property not located within the street right-of-way. (Ord. 1990-712 § 1 (part))

6.40.020 General provisions.

Any disabled person having obtained a disability golf cart permit from the Department of Motor Vehicles and a bicycle license from the city shall be allowed to operate a disability golf cart, electric or battery operated scooter, or other similar vehicle on sidewalks within the city limits; provided, that the disabled person has a current license and operates their vehicle in accordance with the following:

A. Operates so as not to suddenly leave a curb or other place of safety and move into the path of a vehicle that is so close as to constitute an immediate hazard;

B. When operating upon a sidewalk, gives an audible warning before overtaking and passing a pedestrian and yields the right-of-way to all pedestrians on the sidewalk;

C. Does not operate in a careless manner that endangers or would be likely to endanger any person or property;

D. Operates at a speed no greater than an ordinary walk when approaching or entering a crosswalk, approaching or crossing a driveway or crossing a curb-cut or pedestrian ramp and a motor vehicle is approaching the crosswalk, driveway, curb-cut or pedestrian ramp. This subsection does not require reduced speeds for disability golf carts or similar vehicles either: (1) at places on sidewalks or other pedestrian ways other than places where the path for pedestrians or bicycle traffic approaches or

crosses that for motored traffic; or (2) when motor vehicles are not present;

E. Operates so as to yield the right-of-way to a pedestrian or bicyclist on a sidewalk or in a crosswalk;

F. Operates at a speed not greater than ten (10) miles per hour;

G. Does not operate unless the vehicle has a slow moving vehicle emblem attached to and clearly visible from the rear of the vehicle, and a flag, the type of which is established under ORS 821.030;

H. Does not operate during hours of darkness or limited visibility without using lights visible both from the front and rear of the vehicle. (Ord. 1990-712 § 1 (part))

6.40.030 Violation—Penalty.

Any violation of any provision of this chapter shall be punishable by a fine not to exceed five hundred dollars ($500.00).

In addition, the court may suspend the offender from the use of city sidewalks for a period of up to three months for a violation of this chapter. (Ord. 1990-712 § 1 (part))

Chapter 6.44

ENCROACHMENT PERMITS*

Sections:

* **Explanatory Note:** Section 9.12.020(A) provides "Except as otherwise permitted by Ordinance, no person shall use a street or public sidewalk for selling, storing or displaying merchandise or equipment." Article 1 of this chapter provides for the issuance of encroachment permits. Article 2 of this chapter shall control, in the case of conflict between Section 9.12.020(A) and Article 1 of this chapter.

Article 1. Encroachment Permits in Public Right-of-Way

6.44.010 Purpose.

The purpose of this article is to provide standards and procedures for obtaining encroachment permits for city right-of-ways. All permit agreements shall be entered into after approval by the Common Council of the city, subject to the conditions of this article. (Ord. 1982-650 § 1)

6.44.020 Procedure for obtaining encroachment permits.

A. Proper plans and specifications for the proposed encroachment shall be submitted to the City Engineer, who shall evaluate the proposed encroachment to verify:

1. That it complies with all applicable codes of the city including, but not limited to, structural safety, traffic, sanitation and fire safety requirements;

2. Whether the proposed encroachment will have any adverse effect on adjoining property;

3. Whether the proposed encroachment will unduly interfere with the use of the public street for roadway, walkway, existing or proposed utilities and other authorized uses.

B. Upon completion of the City Engineer's study, the City Engineer shall forward recommendations to the City Council for denial or issuance of a permit. (Ord. 1982-650 § 2)

6.44.030 Conditions for issuance.

The person in whose favor any permit is issued shall agree:

A. To maintain the encroachment in good order;

B. That upon revocation by the Common Council of the city, the owner shall remove the encroachment at the owner s expense;

C. To hold the city and all of its officers harmless on account of the encroachment; and

D. To such other conditions as the Common Council may impose. (Ord. 1982-650 § 3)

6.44.040 Form of permit.

The form of the permit shall be approved by the City Attorney. (Ord. 1982-650 § 4)

6.44.050 Revocation.

The permit shall be revocable by the Common Council upon thirty (30) days' written notice to the permit holder. (Ord. 1982-650 § 5)

6.44.060 Permit fee.

There shall be a one-time fee of twenty-five dollars ($25.00) for the issuance of an encroachment permit, except that no fee shall be required in the case of single-family residence or duplex. (Ord. 1982-650 § 6)

Article 2. Display of Signs and Merchandise in Commercial Districts

6.44.070 Districts lying along U.S. Highways 38 and 101.

A. The following apply to commercial (C-1, C-2) districts lying along U.S. Highway 101 and Highway 38.

B. Advertising signs and merchandise may be displayed if:

1. A permit is issued by the city to the owner, occupant or lessee of the property adjacent to the property to be used. The City Manager is authorized to issue permits for no fee.

2. All signs and merchandise displayed must be easily visible, orderly, attractive and safe for pedestrians as determined by the City Manager taking into account the following:

a. Signs and display shall be located in a manner that facilitates exits from vehicles parked adjacent to the walkway.

b. Merchandise displays and signs shall be arranged in a manner to maintain a straight five-foot wide aisle the length of the sidewalk.

c. Displays and signs must be stable.

3. All signs and merchandise must be stored off the public walkway during the hours that the business is closed or when the business owner or employee is not present to transact business.

4. No storage of any items, signs or merchandise, is allowed on public walkways.

5. All displays and signs must be so placed as to not obstruct fire exits. (Ord. 1996-704-A § 2)

6.44.080 Other districts.

All other commercial (C-1, C-2) districts within the city shall be subject to Section 6.44.070 except that:

A. The aisle to be maintained shall instead be equal to one-half of the width of the sidewalk plus the top of the curb but not less than four feet at all times; and

B. Signs and merchandise may be stored (at any time) on the sidewalk not used as an aisle but are subject to the other conditions of Section 6.44.090. (Ord. 1996-704-A § 3)

6.44.090 Revocation of permit.

The permit authorized in Section 6.44.070 can be immediately revoked by the City Manager, if in the Manager's opinion, the signor display of merchandise violates any conditions of this article or becomes a hazard. (Ord. 1996-704-A § 4)

6.44.100 Appeal.

Any permit decisions made by the City Manager to grant, deny or revoke a permit may be appealed to the City Council by any citizen of the city. Any revocation of a permit shall be effective immediately upon the Manager's action and in the case of any appeal, said permit shall remain revoked until the appeal is

heard by the Council and the revocation is reversed. (Ord. 1996-704-A § 5)

Chapter 6.48

ALARM SYSTEMS

Sections:

6.48.010 Purpose.

The purpose of this chapter is to encourage the use of alarm systems and to establish provisions for proper use and maintenance of those systems, in an effort to prevent, reduce or eliminate false alarms. False alarms render the public safety value of alarm systems useless, and places citizens as well as law enforcement personnel in danger. (Ord. 2000-1015 § 1)

6.48.020 Definitions.

For the purpose of this chapter, the following words and phrases have the meaning defined:

"Alarm monitor (company)" means any person, partnership, corporation or firm engaged in the business of monitoring an alarm system in Reedsport and relaying any activation(s) to the Reedsport Police Department.

"Alarm site (location)" means any land, building, structure, property or facility, within the city limits, which is protected by an alarm system.

"Alarm system" means a mechanical or electrical device designed or used for the detection of a fire or of unauthorized entry into or upon protected land, a building, structure, property or facility (the premises), or for alerting others of an unlawful act within or upon protected land, a building, structure, property, or facility (the premises), in Reedsport, and which when activated, transmits a signal by any means and in any form that is audible, visible or perceptible outside of the premises. An alarm system includes, but is not limited to, those devices designed to transmit a signal or a message to a central alarm receiving station. An alarm system does not include vehicle or other mobile equipment alarm devices designed to transmit a signal that is audible, visible, or perceptible outside of the vehicle or mobile equipment, or homeowner installed smoke/carbon monoxide alarms. Motion sensor light devices do not qualify as an alarm under this chapter.

"Alarm user" means any person, firm, partnership, corporation, firm or other entity, renter or owner, who uses or is in control of an alarm system at an alarm site.

"Cancellation" means the process by which an alarm monitor (company), an alarm user or responsible party notifies the Reedsport Police Department that a false alarm has occurred, and that there is not an existing situation at the alarm site requiring law enforcement response.

"False alarm" means a report received by the Reedsport Police Department, from any source, that results in a response by the police department to the premises on which an alarm system is located (alarm site), when an emergency situation does not exist on the premises.

"Premises" means any land, building, structure, property or facility, within the city limits. (Ord. 2000-1015 § 2)

6.48.030 Alarm system.

Installation and use of an alarm system on the premises is at the sole discretion of the property owner. When an alarm system is installed, the alarm user shall ensure that the alarm system is properly installed, serviced, maintained and operated so that the system will not produce false alarms. Each alarm user shall obtain and provide proper instruction on the use and operation of the alarm system to appropriate family members or any employee(s).

The alarm user shall provide for a representative, who can respond to an alarm activation, and proceed if necessary, to the alarm site within fifteen (15) minutes of notification by the alarm monitor or police department. The representative shall be able to deactivate the alarm system, provide access to the premises, and provide alternative security for the premises. In the event that a representative is not available, costs incurred by the city in disabling the alarm system or securing the premises shall be the responsibility of the alarm user.

The alarm user shall not manually activate the alarm system for any reason other than an occurrence of an event that the alarm system was intended to report. Should the alarm require activation for any reason other than what it is intended to report, the alarm user shall notify the Police Department of the pending activation at least thirty (30) minutes prior to activation. The alarm user shall also notify the Police Department of completion of the activation within thirty (30) minutes of completion of activation.

Each alarm system shall be registered with the Reedsport Police Department within thirty (30) days of installation and prior to system activation. Alarm systems installed prior to adoption of the ordinance codified in this chapter shall be registered with the Reedsport Police Department within thirty (30) days of adoption of said ordinance.

Registration shall be accomplished by application to the City Recorder for an alarm system permit. The term of the alarm system permit shall be for one year from the date of issuance, and shall be renewed annually if the alarm system remains installed and activated. The alarm system permit fee, penalty fee, and late fee shall be established by the City Council.

The alarm user shall inform the City Recorder of any changes to the permit application, within seven days of the change taking effect. The alarm system permit is not transferable. An alarm user shall return the alarm system permit to the City Recorder upon sale of the premises or disconnection of the alarm system. Subsequent users of the same alarm site shall obtain a new alarm system permit.

The city shall not, by the issuance of a permit, be required to respond or to place priority to an alarm.

The contents of the alarm system permit application shall include, but not be limited to, the following items of information. All information submitted with permit application will be held confidential.

A. Name of the alarm user;

B. Time frame that the permit is in effect;

C. Address of the alarm site;

D. Telephone number at the alarm site;

E. The type of alarm site (residence, business, other);

F. The name, address and telephone number of the designated responding

representative, plus alternates as desired (in priority order);

G. Name of the alarm monitor:

H. Telephone number of the alarm monitor;

I. Address of the alarm monitor;

J. Type of alarm system (intrusion, robbery, fire, audible, silent, combination);

K. If the alarm is audible; whether it is designed to automatically reset after a certain number of minutes; and, if so, the period of time it is designed to function before automatically resetting. (Ord. 2000-1015 § 3)

6.48.040 Alarm monitor.

The alarm monitor shall ensure that the alarm system is properly installed and maintained. The alarm monitor shall provide the alarm user with instruction on the use and operation of the alarm system. The alarm monitor shall promptly notify the Reedsport Police Department of the names and addresses of its alarm users upon adoption of the ordinance codified in this chapter and any new alarm users, thereafter, within seven days of installation. (Ord. 2000-1015 § 4)

6.48.050 False alarm.

False alarms are not permitted. If, during the course of a calendar year, an alarm system for which a permit has been issued registers a false alarm the alarm user and alarm monitor shall be notified in writing of the occurrence. If a third false alarm is experienced within one calendar year, a false alarm response fee, established by the City Council, shall be assessed. Each subsequent false alarm occurrence beyond the third occurrence shall be assessed an additional incremental false alarm response fee, as established by the City Council. The false alarm fee will increase by ten dollars ($10.00) with each subsequent incident.

Failure to comply with this chapter or failure to remit the assessed fee(s), shall result in revocation of the alarm system permit and required deactivation of the alarm system for a period of not less than one year.

No false alarm response fee shall be assessed if cancellation is received within two minutes of activation. (Ord. 2000-1015 § 5)

6.48.060 Revocation of permit.

Whenever an alarm user violates or fails to comply with the provisions of this chapter, the City Recorder shall provide written notice to the alarm user, within fifteen (15) days, of such violation or failure to comply. The written notice shall advise the alarm user of a pending revocation of the alarm system permit, de-activation order of the alarm system, and termination of response services to the alarm site thirty (30) days from receipt of the written notice.

An alarm user may appeal the notice of alarm system permit revocation to the City Manager within fifteen (15) days of receiving written notice of pending revocation of permit and termination of response services. The City Manager shall provide response to the appeal within ten (10) days of receipt of the appeal.

An alarm user may appeal the determination of the City Manager, to the City Council, within fifteen (15) days of receiving written response by the City Manager to the appeal. The City Council shall hear such appeal at its next regular meeting, held not earlier than seven days after the receipt of such notice of appeal. At the City Council meeting, the Council shall review the facts of the matter and provide a decision to the alarm user. The

decision of the City Council shall be final and conclusive.

Continued use of any alarm system by an alarm user after an alarm system permit has been revoked is a violation of this chapter and, upon conviction, the alarm user may be fined up to five hundred dollars ($500.00) per incident.

Failure of the alarm monitor to comply with this chapter shall be in violation of this chapter, and the continuation of such violation after receipt of written notification of ordinance violation, shall be grounds to commence revocation of alarm system permit as addressed in this section. The alarm user will receive a copy of any notice of violations by the alarm monitor. (Ord. 2000-1015 § 6)

Chapter 6.52

SOCIAL GAMING

Sections:

6.52.010 City of Reedsport social gaming code/Texas Holdem poker card tournament.

(1) Title. This Section is known as the "City of Reedsport Social Gaming Code/ Texas Holdem Poker Card Tournament." The purpose of this Section is to allow businesses, private clubs or places of public accommodation to host Texas Holdem poker card tournaments.

(2) Social Games Permitted. Texas Holdem poker card tournaments as defined below, other than lottery, between players in a private business, private club or in a place of public accommodation where no house player, house dealer, house bank or house odds exist, and there being no house take (meaning no house income from the operation of the social gaming), are hereby permitted as provided herein.

(a) "Texas Holdem Poker Card Tournament" Defined. Texas Holdem is a seven-card poker card game. There may be a set betting on the first round of betting called "blinds." The players at each table are dealt two (2) cards face down. After a round of betting, three (3) community cards are turned face up in the middle of the table. This action is called the "flop." Players may fold at any time. After the flop is turned face up, there is another round of betting. A fourth community card is turned up next to the flop. This is known as the "turn." Another round of betting ensues. Finally, a fifth community card is turned up next to the turn. This is known as the "river" or "fifth street." A round of betting follows. There is no limit on the amount a player can bet at any time. Therefore, a player can bet all of his chips or move all in any round of betting.

(b) "Buy In" Defined. In tournament-style Texas Holdem, all players who play in the tournament pay the same exact buy in fee. The tournament winners split up the buy in fee as the winnings pursuant to terms agreed upon before the tournament begins. No other winnings or compensation to the players is permitted other than the buy in fees. The buy in fee is limited as set forth in Section (9)(k) of this code.

(c) "City of Reedsport Social Gaming Code," Other Definition. Unless the context requires otherwise, all terms set forth in this chapter shall have the same meaning as set forth in ORS 167.117.

(3) License Required for Social Games. Any person(s), business, private club, non-profit organization or place of public accommodation desiring to permit patrons or invitees to engage in Texas Holdem poker card tournaments within the City of Reedsport and any tournament organizer shall acquire and maintain a valid license from the City. Licenses shall be granted only upon application to the City and upon approval of the City Manager's office. Licenses shall be renewed annually not later than July 1 of each year; provided further, that there shall be no prorating of any license fee for license applications made at other times throughout the year.

(4) Application for License and Investigation—Application Requirements. Before a license for Texas Holdem Poker Card Tournaments may be granted by the City Manager's office, an applicant must submit an application for license to the City Manager's office with the following information and allow investigation to be made thereupon. A completed applicant form must

include the true names, dates of birth, driver's license number and addresses of all persons financially interested in the business and/or all persons who are either on the board of directors of or hold offices in the entity or organization. The term "persons financially interested in the business" shall include all persons who share in the profits of the business or in social gaming activities located, on the basis of gross or net revenue, including landlords, lessors, lessees, any owners of the building, fixtures or equipment used in the social game. The application shall also include names, dates of birth, driver's license number and addresses of all tournament sponsors, if different from person financially interested in the business.

(5) Application Renewal. The grantee of the social gaming license must notify the City Manager's office within ten (10) days of any change in persons financially interested in the business, or in the names of any persons who are either on the board of directors or hold offices in the entity or organization and request a renewal of its license. At the time of such request, the applicant shall submit the information required by Subsection (4) of this Section regarding application requirements.

(6) License Fee. For each business or other entity or organization license (including tournament organizer), an annual fee shall be required.

(7) Standards for Issuance of License. The City Manager's office shall either approve the application and grant the license applied for, or deny the application and refuse to grant the license. The license shall not be granted, or if so be temporarily revoked or suspended, if any applicant or any person(s) financially interested in the business, entity or organization have:

(a) Supplied any false or misleading information in the application or omitted any request of information from the application;

(b) Pled no contest or have been convicted of any felony within the last ten (10) years;

(c) Had a license in his/her name revoked or suspended three (3) times by Oregon Liquor Control Commission (OLCC), either of which was in the last five (5) years;

(d) Been convicted and is currently on parole for any crime involving or related to gambling;

(e) Had two (2) or more convictions within five (5) years for gambling-related activities; or

(f) Violated any provision of this Chapter.

(8) License Not Transferrable. No license shall be assigned or transferred; any such attempt shall void the license.

(9) Responsibilities of Licensee. It shall be the responsibility of the licensee to insure that:

(a) No form of unlawful gambling is permitted upon the licensed premises;

(b) Texas Holdem poker card tournaments are conducted consistent with the provisions of State law, City ordinances and this Section, including the limit section below;

(c) Limitations: There shall be no house player, house bank, house odds, and there shall be no income from the operation or buy in fees of the Texas Holdem poker card tournament and tournament organizers may not charge any fee to players or participants in Texas Holdem poker card tournaments as described in the RMC other than the buy in fee described in Subsection (2)(b) of this Chapter.

(d) There are to be no off-premises signs advertising gambling, card playing or social games. Advertisement in print or air wave media is authorized;

(e) The playing of social games shall be arranged as to provide equal access and

visibility to any interested party. The buy in fee for each player must be the same amount per tournament game;

(f) No person under twenty-one (21) years of age shall be permitted to participate in the social game;

(g) No charge, other than a buy in fee shall be collected from a player for the privilege of participating in a game;

(h) No player shall be charged a price for any consumer goods which is higher or lower than the price charged to non-participants, or that is normally charged;

(i) The social gaming license of the license holder shall be posted in a conspicuous place near the area where the games are to be played;

(j) The room or enclosure where the tournaments take place is open to free and immediate access by law enforcement officers. Doors leading into the room or enclosure remain unlocked during all hours of operation;

(k) Buy in Limitation. No tournament may charge a player a total buy in fee, greater than one hundred dollars ($100.00) in a calendar day excepting "special event tournaments" held only after notification to the City of Reedsport of such an event at least ten (10) days prior to the event. No other winnings or compensation to the players is permitted other than the total buy in fee amount collected in that tournament game;

(10) Tournament Format Required. All Texas Holdem poker card tournaments' social games shall utilize a tournament format. A tournament format shall include the following:

(a) Except for the buy in fee described in Subsection (2)(b), no fee may be charged to the players and paid to the house or tournament organizer.

(b) A set buy in fee;

(c) Players and card game shall receive in-game currency represented by chips (poker-type) which shall be non-redeemable;

(d) Participants shall compete for awards corresponding to a participant's relative standing at the conclusion of the tournament;

(e) All fees and monies taken in for the tournament shall be paid back to the contestants at the conclusion of the tournament; and, therefore the house licensee, private business owner, manager, tournament organizer etc., shall take no part of the buy in from the tournament players as profit or expenses etc.

(11) Terms of the License. All licenses issued hereunder shall be for a period of one (1) year and shall be renewed annually not later than July 1 of each year. Licenses are not transferable and must be reapplied for not later than July 1 of each year. Persons applying for licenses must submit an application and the appropriate fee. All persons securing a license shall be required to pay an annual fee of one hundred dollars ($100.00) and adjusted by resolution periodically. There shall be no proration for licenses applied for or renewed after July 1 regarding the annual fee. All renewals shall be approved by the City Manager's office.

(12) Revocation of License. A license is subject to revocation at any time for violation of this Chapter or any provisions of State law related to gambling. If at any time facts arise or become known to the City Manager's office which are sufficient to show the violation of this Chapter or State law, the City Manager's office shall notify the licensee in writing that the license is to be revoked and that all social gaming activities must cease within ten (10) days. The violations need not lead to a conviction, but must establish a reasonable doubt about the "licensee's ability to perform the license activity without danger to property or public

health or safety or violation of this Chapter." The notice of revocation shall state the reasons for the revocation, set a period of not less than thirty (30) days before social gaming activities can recommence and inform the licensee of the procedures for filing an appeal.

(13) Suspension of License. Upon determining that a licensed activity presents an immediate danger to persons or property, or that a license holder is in violation of any provisions of State law related to gambling or violation of this Chapter, the City Manager may suspend the license for the social gaming activity. The suspension shall take effect immediately upon notice being received by the licensee, or being delivered to the licensee's business address as stated on the licensee's application for the license that is being suspended. The notice shall be mailed to the licensee and state the reason for the suspension and inform the licensee of the procedures for filing an appeal. The City Manager may continue the suspension for as long as the reason for the suspension exists, or until a decision is made by the appellate authority on appeal regarding the suspension concludes the matter.

(14) Appeals. Appeals of revocation or suspension shall be made to the City Manager of the City of Reedsport. Upon decision by the City Manager, a final appeal regarding suspension or revocation of the license will be submitted to the Reedsport City Council. The person whose license is being suspended or revoked will have the opportunity to present his/her side to the Reedsport City Council for final decision at an open public council meeting.

(15) Penalty. In addition to the suspension or revocation by the City Manager of any license hereunder, any licensee, firm, corporation, business, association or person(s) associated with the licensee who violates any provision of this chapter, may upon conviction, be fined in the amount not to exceed five hundred dollars ($500.00) for each violation. Upon conviction, a license may be revoked by the Reedsport Municipal Court. Each day that a violation is permitted to occur may be considered a separate violation and a separate penalty may be applied.

(Ord. No. 2011-1108, 9-6-2011; Ord. 2005-1049)

Chapter 6.56

VACANT BUILDING

Sections:

6.56.010 Purpose.

This chapter is enacted for the purpose of preserving and protecting the habitability of real property in the city, and the peaceable, safe, sanitary, and secure occupancy, and productive use of real property in the city.

(Ord. No. 2013-1125, 10-7-2013)

6.56.020 Definitions.

"Abandoned building" means:

A. A building that is both vacant and subject to either pending judicial execution sale under ORS 18.901 (2012) et seq., or to nonjudicial foreclosure pursuant to ORS 86.735 (2012) et seq.; or

B. A building that is both vacant and subject to either a judicial execution sale under ORS 18.901 (2012) et seq., or nonjudicial foreclosure pursuant to ORS 86.735 (2012) et seq. where legal title is retained by the beneficiary(ies) of a foreclosed trust deed or was otherwise transferred to beneficiary(ies) pursuant to a deed in lieu of foreclosure.

"Building" has the meaning supplied in Section 10.64.030 of the city's Land Usage Ordinance.

"Chief" means the Chief of Police of the Reedsport Police Department, or designee.

"City Manager" means the City Manager of the city of Reedsport, or designee.

"Commercial building" means a nonresidential building constructed or used for "commercial use" as defined in section 10.64.030 of city's Land Usage Ordinance.

"Foreclosed building" means a building upon real estate that an owner obtains as a result of:

A. Foreclosing a trust deed on the real estate;

B. Obtaining a judgment foreclosing a lien on the real estate;

C. Purchasing the real estate at a trustee's sale or a sheriffs sale; or

D. Accepting a deed to the real estate in lieu of foreclosure.

"Industrial building" means a nonresidential building constructed or used for "industrial use" as defined in section 10.64.030 of the city's Land Usage Ordinance.

"Lender" means any person who makes, extends, or holds a real estate loan agreement and includes, but is not limited to, mortgagees, beneficiaries under trust deeds, vendors under conditional land sales contracts, trustees, and a successor in interest to any mortgagee, beneficiary, vendor, or trustee. The term also includes any mortgagee, beneficiary, or trustee that accepts a deed in lieu of foreclosure.

"Local" means within thirty (30) miles of a building.

"Owner" means any person holding or claiming to hold any legal title or interest in real property, including, but not limited to, a fee owner, a mortgagee in possession, a vendee under a land sale contract, or a beneficiary under a deed of trust.

"Person" means any natural person, association, partnership, or corporation, or other form of legal entity or entity in fact capable of owning or using property.

"Premises" means real estate, including that upon which a building is located or constructed, that is in the same ownership as the building, and that a reasonable person would associate with ownership or use of the building when viewing the building and premises from outdoors. Where there is more than one (1) building on premises, or where multiple buildings on premises are owned by different owners, the premises are common to each building. Premises are often, but not always, defined by tax lot lines or recorded legal descriptions.

"Real property" means any real property, including but not limited to, lots, parcels, tracts, premises, buildings, houses, rooms, structures, or any separate part or portion thereof, whether temporary or permanent, and whether or not on the ground itself, and any conveyance or any part or portion thereof.

"Tenant" means a residential tenant as defined by the Oregon Residential Landlord and Tenant Act, and any other person holding real property under the terms of a rental agreement.

"Vacant" means:

A. Lack of building habitation or use, or abandonment of habitation or use; or;

B. Use of a building, either intermittent or continuous, by persons with no legal right to be present.

"Vacant building" means:

A. A building, or substantial portion thereof, that is unoccupied or has not actively been furnished and so used as a place of business, employment, residence, or other human activity, for more than fifteen (15) days. This includes manufactured housing and mobile homes, whether located in a mobile home park or not. A vacant building also includes any building under construction where no substantial work has taken place for more than sixty (60) days. "Vacant building" does not include a building designed for storage, intermittent or similar types of use, if such building is secure from unauthorized entry, in good repair, and does not otherwise constitute a nuisance; or

B. A building where one (1) or more conditions is present, either singularly or in combination, that would lead a reasonable person to conclude that the building is vacant. Such conditions include, but are not limited to:

1. Overgrown or dead vegetation at the property;

2. Accumulation of newspapers, circulars, flyers, mail, or similar items;

3. Past due utility notices or disconnected utilities;

4. Accumulation of trash, junk, or debris;

5. Absence of furnishings or other items typically found inside a residential, industrial, or commercial building as the case may be;

6. Evidence of criminal mischief or criminal trespass; or

7. Statements or other evidence supplied by neighbors, delivery agents, passers-by, or government employees, that the building is vacant

(Ord. No. 2013-1125, 10-7-2013)

6.56.030 Registration.

A. A building owner shall register the building with the City Recorder in the event:

1. Of an anticipated judicial foreclosure of the property, no earlier than the commencement of any of the actions described by ORS 18.904, 18.906, 18.908 (2012) and not later than the date first set for the execution sale described in ORS 18.930 (2012);

2. Of an anticipated nonjudicial foreclosure of the property under ORS 86.735 et seq. (2012) not later than the date of service or mailing of the notice of sale described in ORS 86.740 (2012); or

3. The owner receives written notice from the Chief that the Chief believes the building is a vacant building, abandoned building, or foreclosed building.

B. Each registration shall be made on a form approved by the City Manager and shall contain, at a minimum:

1. If subsection A.1. or 2. applies, then:

a. The name of the lender;

b. The direct address of the lender and post office box, if applicable (post office boxes alone are not acceptable);

c. A direct contact name and telephone number for the lender;

d. If the lender does not reside in or have a business office in the city, then the name, mailing address, telephone number, and email address of a local individual or entity charged with responsibility by the trustee, mortgagee, or beneficiary, for ensuring compliance with the obligations imposed by this chapter; and

e. A person or entity appointed by the lender who resides in or has a business office in the city, who is authorized to receive service of process, if applicable.

2. If subsection A.3. applies, then:

a. The name of the owner(s);

b. The direct address of the owner(s) and post office box, if applicable (post office boxes alone are not acceptable);

c. A direct contact name and telephone number for the owner(s);

d. If the owner does not reside or have a principal office in the city, the name, mailing address, telephone number, and electronic mail address of a local agent for the owner(s).

C. Each registration must be accompanied by a payment of a registration fee in an amount to be set by council resolution.

D. The City Recorder or designee shall maintain a list of registered buildings and deliver a copy thereof to the Chief upon request.

E. If ownership of a registered building changes, the registrant shall send notice of the change to the City Recorder within thirty (30) days of the change.
(Ord. No. 2013-1125, 10-7-2013)

6.56.040 Maintenance.

A. Every owner of an abandoned building, foreclosed building, or vacant building, shall cause the building and premises to be maintained in a generally well-kept condition, at least consistent with conditions found on surrounding or nearby occupied property, and including all of the following:

1. Keeping the premises free of weeds, dead vegetation, graffiti, trash, accumulated newspapers, circulars, flyers, discarded personal items, and other items or conditions that would cause a reasonable person to suspect the building or real property is vacant or abandoned.

2. Regular watering, irrigation, cutting, pruning, and mowing of the lawns and other vegetated areas of the subject real property and the removal of all trimming and debris resulting from such work;

B. Compliance with this section does not relieve a person of any obligations imposed by state law, other sections of this code, or any covenants, conditions, and restrictions that apply to the building or premises.
(Ord. No. 2013-1125, 10-7-2013)

6.56.050 Security.

A. Every owner of an abandoned building, foreclosed building, or vacant building, shall cause the building to be secured (in-

cluding closure and locking of windows, doors, gates and other opening(s) allowing access to the building) and thereafter maintained so as not to be accessible to unauthorized persons.

B. The owner shall post notice which provides, at a minimum, a direct contact name and a telephone number available twenty-four (24) hours a day for persons to report problems or concerns with the building or real property. The following standards apply to this notice:

1. The telephone number listed in the notice must:

a. Be answered, or reasonably likely to be answered, by a human being during the hours of 8:00 a.m. and 5:00 p.m., local time;

b. Be connected to a voicemail system that records calls between the hours of 5:00 p.m. and 8:00 a.m., local time, if no human is available to answer the phone; and

c. Be a domestic number or a toll-free number but not an international number.

2. The notice must be placed on the interior of a window facing the street to the front of the property so the notice is easily decipherable from outside of the building. If no such area exists, then the posting must be placed on the exterior of the building in a location visible from the street to the front of the property. An exterior posting shall be constructed of and printed with weather-resistant materials.

3. The notice shall be printed in a typeface at least eighteen (18) points in size, and must list the name and contact information of the owner(s) or local individual or entity charged with complying with this chapter, along with the following phrases completed with the appropriate identification and contact information:

"THIS PROPERTY OWNED/MANAGED BY:_____."

"TO REPORT PROBLEMS OR CONCERNS CALL_____."

(Ord. No. 2013-1125, 10-7-2013)

6.56.060 Inspection.

A. Every owner of an abandoned building, foreclosed building, or vacant building, shall inspect the building and premises no less than twice monthly to verify the requirements of this chapter, and any other laws applicable to the building, are being met.

B. The owner or agent inspecting the property shall record and present to the City Manager, Chief or designee (upon request) the dates of inspection in a form to be provided by the city.

(Ord. No. 2013-1125, 10-7-2013)

6.56.070 Local presence or property management required.

A. If an owner fails to comply with the requirements of this chapter within fifteen (15) days after the date of any notice required by Section 6.56.090(A), then the owner(s) shall contract with a property management company, to perform the inspections outlined in Section 6.56.060 and verify that the maintenance and security requirements of Sections 6.56.040 and 6.56.050 are being carried out.

B. A property management company retained under this section must post the notice described in Section 6.56.050(B).

C. Nothing in this chapter prevents a local owner(s) from contacting with a property management company to assist the owner in meeting the owner's responsibilities under this chapter.

(Ord. No. 2013-1125, 10-7-2013)

6.56.080 Additional authority.

The chief may require, with City Manager approval, an owner(s) or lender to implement any additional maintenance listed below:

A. Installation and operation of additional security lighting;

B. Increased frequency of property inspections; and

C. Employment of an onsite security guard.

(Ord. No. 2013-1125, 10-7-2013)

6.56.090 Additional remedies; lien against real property.

A. In addition to other penalties or enforcement specified in this chapter, if a lender or owner(s) fails to register the building or premises as provided in this chapter, the Chief may give notice of such failure by certified mail. The notice shall:

1. Be directed to all persons shown on the assessor's records or otherwise known to the city to be the owner(s);

2. Refer to the real property involved with convenient certainty, a building's street address, if any, being sufficient; and

3. Notify the owner to comply with the registration requirements in this chapter within fifteen (15) days of mailing.

B. If a lender or owner(s) fails to maintain, inspect, or secure the building or premises as provided in this chapter, then notwithstanding whether the premises is registered the Chief may give notice and abate such conditions as follows:

1. Give written notice to the owner that includes the following:

a. A statement that the Chief has evaluated the building as being a vacant building pursuant to the definition of "vacant building" set forth in Section 6.56.020, along with a statement of the reasons why the building has been so evaluated;

b. A reference to the building with convenient certainty, a building's street address, if any, being sufficient;

c. Notice of the deficiency in maintenance, inspection, or security that has been observed, and direction to comply with the maintenance, inspection, and security requirements of this chapter within seventy-two (72) hours of the time described in subsection B.2.a.;

d. Notice that if the condition is not corrected within seventy-two (72) hours the city may cause the real property to be maintained, inspected, or secured, as provided in this chapter and will charge the costs to the lender or owner(s) and register the same on the city's lien docket against the real property. This subsection B.1.d. constitutes the authority needed for the city to so maintain, inspect, or secure property to the standards of this chapter.

2. A copy of the notice described in subsection B.1. must, at a minimum, be:

a. Posted to the front door of the building, or to that side of the building fronting the most well-traveled street adjacent to the building, with the date, time of day, and name of the person posting the notice written on the front of the document in permanent ink;

b. Mailed, at least three (3) business days before abatement, to the owner or owners at their last-known mailing addresses on record with the Douglas County Assessor's office on the date of posting or available from Title Company or other documents, by certified mail, no later than the date the real property is posted. If no mailing address is of record with the assessor's office or known to the Reedsport police at the time of posting, then a good-faith effort to locate an address for an owner or owners, conducted on or before the day the notice is posted, will satisfy this section.

3. The Chief shall make a good-faith effort to locate the telephone number of the owner, and call the owner on the day notice is posted and give a person reasonably appearing to be meaningfully connected to the real property oral notice that the building has been evaluated as vacant and that there are seventy-two (72) hours to secure

or maintain the building, as the case may warrant. Efforts to locate phone numbers and call the owner qualify as good faith if they are reasonable under the circumstances then existing.

4. Notices mailed under subsection B.2.b. must be placed in the mail three (3) business days before commencement of city abatement activity under this chapter. For this purpose, a business day is any day except a Saturday, Sunday, or a legal holiday observed by the State of Oregon under ORS 187.010 and 187.020.

5. If the building is registered with the city then the Chief must also send the notice required under subsection B.2.b. to the lenders listed in the registration materials. The Chief will send this notice concurrently with the notice required under subsection B.2.b.

6. If the building is not registered with the city, then the Chief may send a courtesy copy of the notice required under subsection B.2.b. to one (1) or more lenders if the lenders have an ownership interest in the property, as opposed to a mere security interest, and if the Chief has actual knowledge of the ownership interest on the day the Chief sends the owner notice under subsection B.2.b. This provision does not create or impose a duty on the Chief or any other city employee, official, or agent to receive or collect information about lenders or to send courtesy notice to a lender.

C. A lender or owner may, within fifteen (15) days after mailing of any notice, appeal to the City Council for relief by filing a petition with the City Manger seeking a hearing before the Council.

1. Such petition must include:

a. A copy of the Chief's notice;

b. Facts upon which petitioner relies for relief from the obligations of this chapter relative to the building or premises;

c. The petitioner's signature, telephone number, and mailing address. If a petitioner is not a natural person, a natural person must sign the petition on behalf of the petitioner and provide his or her mailing address and direct telephone number; and

d. The payment of a filing fee, if any is established by City Council from time to time for the petition.

2. If the Council finds that strict compliance with this chapter would cause a real and unnecessary hardship upon the petitioner, then the Council may relieve the petitioner of one (1) or more obligations of this chapter.

3. Filing a petition under this subsection does not:

a. Relieve an owner(s) or lender from complying with any requirement of this chapter, including requirements listed in posted or mailed notices;

b. Stay city abatement of a building or premises;

c. Require the city to reverse, cancel, or undo any abatement action or effort completed, planned, or in progress at the time the petition is filed; or

d. Avoid any abatement cost or lien, whether or not the cost or lien has been calculated or, if calculated, charged against real property.

4. Any relief granted under this section operates only upon an owner or lender listed as a petitioner.

D. Nothing in this section obligates the city to remedy the problem conditions alleged in the Chief's letter without charging the cost of such abatement as a lien against the real property on which the building is constructed. The total cost of such abatement, including but not limited to time of city employees or contractors, materials, expenses, overhead, and legal fees and costs, shall be included in such lien filing.

E. The City Manager, at or near the time Council passes this vacant building ordinance or any amendment thereto, shall promulgate a press release that announces passage of the legislation. A press release is adequately promulgated under this section if it is directed to the media sources customarily contacted by the City Manager for distributing newsworthy city information. Failure of or disagreements about compliance with this subsection supply no defense in any action.
(Ord. No. 2013-1125, 10-7-2013)

6.56.100 Penalty.

A. Any person who the Chief believes willfully or purposely violates any provision of this chapter shall, upon conviction, be punished by a fine of up to five hundred dollars ($500.00) per occurrence.

B. Each day a violation is allowed to persist by a lender or owner(s) constitutes a separate occurrence.
(Ord. No. 2013-1125, 10-7-2013)

6.56.110 Duties joint and several.

Where a building or premises is owned by more than one (1) person, any duty created by this chapter is joint and several as to all owners.
(Ord. No. 2013-1125, 10-7-2013)

Title 7

BUSINESS REGULATIONS

Chapters:

Chapter 7.04

BUSINESS LICENSES

Sections:

7.04.010 Purpose of license.

This chapter is enacted for the purpose of providing revenue for municipal purposes, to provide revenue to pay for the necessary expense required to issue the license and to regulate business licenses. The license fees hereinafter imposed shall be in addition to all general ad valorem taxes now or hereafter levied pursuant to law, and shall be in addition to any and all other license or franchise fees otherwise imposed by the city under existing ordinances, it being, specifically declared that the following license fees are imposed and the licenses to be granted with the object of raising revenue, as well as for the purpose of regulation, and that any and all license fees required hereby shall be considered reasonable and legal for the purposes of raising revenue, regardless of costs and regulation. (Ord. 2000-1019 § 1)

7.04.020 Definitions.

As used in this chapter:

"Person" shall mean all corporations, associations, syndicates, partnerships of every kind, joint ventures, societies and individuals transacting and carrying on business in the city.

"Business" shall mean all professions, trades, occupations and shops of all and every kind carried on for profit that is not in violation of local, state or federal law.

"Hawker" shall mean any person who, for himself or herself or as agent of another, carries for sale and offers for sale, or exposes for sale, or offers to purchase, any goods, wares, or merchandise, or any article or thing for which a price is asked, in or on the streets, to customers in or on the streets, or who offers or exposes for sale any such commodity from a door-way, recess, alley-way, vacant lot, or other place facing on the street, whether making outcry or not.

"Retail" shall mean any sale direct to the consumer or user for consumption or use and not for resale purposes; provided, however, that the above definition shall not

be deemed to include persons engaged in the sale of goods, wares and merchandise to dealers by commercial travelers or sales agents in the usual course of business, nor bonafide sales of goods, wares or merchandise by same for future delivery in interstate commerce, or to the sale of staple products by the grower thereof or his employee.

"Peddler" shall apply to any person who, for himself or herself or as agent for another, goes from place to place, or from house to house within the city, carrying for sale and offering or exposing for sale at retail any goods, wares, or merchandise, or any article or thing for which a price is asked.

"Peddle" shall apply to any sale, or offering for sale, or exposing for sale, of any goods, wares, or merchandise, or any article or thing for which a price is asked by a peddler in pursuance of his or her occupation as a peddler, but shall not be construed to include any wholesaler selling directly to a licensed business

Auctions and Auctioneers. Every person who shall by public outcry offer for sale, either as principal or agent, to the highest bidder on the spot, any article of merchandise or property, shall be deemed an "auctionee" and every such sale shall be deemed an "auction"; provided however, that nothing in this section shall apply to judicial sales, nor to sales by executors, administrators or trustees under court order.

"Occult arts" means the use or practice of fortune telling, astrology, phrenology, palmistry, clairvoyance, mesmerism, spiritualism, or any other practice or practices generally recognized to be unsound and unscientific, whereby an attempt or pretense is made:

1. To reveal or analyze past incidents or events;

2. To analyze or define the character or personality of a person;

3. To foretell or reveal the future;

4. To give advice or information concerning any matter or event;

5. To locate by such means lost or stolen property.

"Nonprofit" means (1) the organization which is organized and operated exclusively for religious, charitable, scientific, testing for public safety, literary or educational purposes, or for the prevention of cruelty to children or animals, no part of the net earnings of which inures to the benefit of a private shareholder or individual, no substantial part of the activities of which is carrying on propaganda or otherwise attempting to influence legislation, and which does not participate in or intervene in, including the publishing or distributing of statements, any political campaign on behalf of any candidate for public office and possessing a certificate from the Internal Revenue Service to that effect; (2) civil leagues or organizations not organized for profit, but operated exclusively for promotion of social welfare, and the net earnings of which are devoted exclusively to charitable, educational or recreational purposes and possessing a certificate from the Internal Revenue Service to that effect.

Umbrella License. Organizations such as the Chamber of Commerce shall be allowed to obtain a single business license which would act as an "umbrella license" for a number of businesses on special occasions (such as the Ocean Festival) so long as approved by the City Manager.

1. Exclusion. The above described terms do not apply to or include any person who is acting solely as the owner, agent for employee of a business with a permanent office in a building, located within the city.

"Fiscal year" shall mean July 1st to June 30th.

(Ord. No. 2010-1098, § I, 1-4-2010; Ord. 2000-1019 § 2; Ord. No. 2013-1127, 11-4-2013)

7.04.030 Commencement.

On or after July 1, 1991, it shall be unlawful and in violation of this chapter for any person to conduct, engage in, carry on, or practice any business, trade, occupation or profession within the city, without first securing a license from the City Recorder and paying the fee thereof as prescribed herein. (Ord. 2000-1019 § 3)

7.04.040 Coverage and rates.

This chapter shall apply to all trades, professions, occupations, businesses and shops.

Fees shall be set by city council resolution and may be adjusted from time to time. (Ord. No. 2010-1098, § II, 1-4-2010; Ord. 2000-1019 § 4)

7.04.050 Peddlers, hawkers and occult arts.

Peddlers, hawkers and occult artists shall, prior to issuance of the license required by Section 7.04.030, furnish a good faith bond to the city in an amount set by city council resolution. Each such person, firm or salesperson shall make written application to the city recorder at least ten (10) days prior to the date the license is to be effective and supply to the recorder the name of the company or companies to be represented and furnish the recorder with at least three (3) names as personal references.

Licenses are in effect for ten (10) days from the date of issuance. Licensees shall not peddle or hawk in public areas or in public rights of way. Licensees may only peddle or hawk from private locations if expressed consent is given by owner of property. Licensees are permitted to peddle or hawk in public areas or public rights of way if doing so as part of a permitted event.

All peddlers and hawkers shall provide the city with their current residence or principal place of business address and a current mailing address and shall promptly notify the city of any change of address. Post office box addresses alone shall not be accepted to meet this requirement.
(Ord. No. 2010-1098, § III, 1-4-2010; Ord. 2000-1019 § 5)

7.04.060 Religious and other organizations exempt from chapter provisions.

Nothing in this chapter shall be construed to apply to:

A. A duly organized and recognized religious organization which promulgates religious teachings or beliefs involving spiritualism or similar media from holding its regular meetings or service;

B. A school, church, fraternal, charitable or other benevolent organization from utilizing occult arts for any bazaar or money-raising project; provided, that all money so received is devoted exclusively to the organization sponsoring the affair. In such case, the money so received shall be considered as a donation for benevolent and charitable purposes. (Ord. 2000-1019 § 6)

7.04.070 Liability for licensing fee.

Any person representing by sign or advertisement, whether verbal or written, that he or she is engaged in any business in the city for which a license is required by this chapter, shall be deemed to be actually engaged in such business and shall be liable for the payment of the license fee required therefore. The agent or agents in Reedsport of non-resident proprietors, engaged in any business for which a license is required by this chapter, shall be liable for the license fee required hereby and subject to the penalties hereof for the failure to pay the same, to the same extent as if they were themselves the proprietors of the business.
(Ord. No. 2010-1098, § IV, 1-4-2010; Ord. 2000-1019 § 7)

7.04.080 Transfer and assignment of license.

No transfer or assignment of any license issued hereunder shall be valid or permitted, except that whenever any person shall sell or transfer in whole a business for which such license has been issued, then the purchaser thereof shall not be required to pay any additional license on the business for the balance of the period covered by the previously issued license. (Ord. 2000-1019 § 8)

7.04.090 Combination license.

If a person be engaged in carrying, on, in the city, more than one business then such person shall be liable for only the highest license fee assessed against any one of the businesses operated. (Ord. 2000-1019 § 9)

7.04.100 License noncontractual.

Nothing herein contained shall be taken or construed as vesting any right in any licensee as a contract obligation on the part of the city, as to the amount or character of license hereunder, and such license fee may be increased or decreased in any or all instances at any time by the city, and all license fees herein levied shall be due and payable in advance. (Ord. 2000-1019 § 10)

7.04.110 Exempt businesses.

A. Nothing in this chapter shall be construed to apply to any person transacting and carrying on any business within the city, which is exempt from such license fee or regulation and from revenue taxes, and the provisions hereof shall not apply to goods, wares and merchandise sold or offered for sale by sample or catalog for future delivery direct to the customer in interstate commerce.

B. The following individuals or business activities shall be exempt from the business license requirements of this chapter:

1. Individuals below the age of eighteen (18) who do not operate a commercial business establishment or have other employees;

2. Baby-sitting where the individual either goes to the person's home or does baby-sitting in their home. Day care facilities as defined by the zoning ordinance do not qualify for this exemption;

3. Individual persons who provide, for pay, minor personal services (i.e., yard care, house cleaning, odd jobs, mending, etc.) shall not be charged a business license fee if their average weekly hours for any given month do not exceed ten (10) hours;

4. Individual businesses that are working under the umbrella of a general contractor on a one-time project shall not be charged a business license fee. Nothing in this requirement exempts these businesses from normal regulatory agencies for the type of business and all licenses or endorsements so required. (Ord. 2008-1091; Ord. 2000-1019 § 11)

7.04.120 Unlawful businesses.

The levy or collection of a license fee upon any business shall not be construed to be a license or permit of the city, to the person engaged therein to engage therein in the event such business shall be unlawful, illegal or prohibited by the laws of the state of Oregon or the United States of America, or ordinances of the city. (Ord. 2000-1019 § 12)

7.04.130 License revocation.

Any license issued pursuant to the provisions of this chapter may be revoked by the Common Council after due cause having, first been shown, and a hearing had thereon before the City Council, and no

person, as defined in 7.04.020, shall conduct, carry on, or transact within the city any such business, trade, occupation or profession after any such license shall have been revoked by the Common Council. (Ord. 2000-1019 § 13)

7.04.140 Payment of license fees—Rebate.

The full amount of the annual license fee shall be collected. Licensees shall not be entitled to rebate of any portion of any license fee paid, even though such a licensee shall cease business before the end of the fiscal year. (Ord. 2000-1019 § 14)

7.04.150 Payment of license fees—Late payment charge.

A late fee equal to ten (10) percent of the annual license fee will be assessed for license fees not paid within thirty (30) days of inception. (Ord. 2000-1019 § 15)

7.04.160 Application.

A. On or before the first day of July of each and every license year after the passage hereof, every person as herein defined, engaged in business, as defined herein, in the city, shall make application to the city council, upon a suitable blank furnished by the city, for a license to carry on his or her business for the license year, and at the time of filing same shall make payment of the license fee herein required. Said application shall be filed with the city recorder for use of said council and city officials.

B. The applications shall be numbered consecutively; they shall have the year for which application for license is applied printed or stamped thereon, and shall contain the following information:

1. Amount of license fee tendered with application;

2. Signature of applicant or agent making application;

3. Date of application;

4. Any other information the City Recorder or City Council deems the application should contain.

C. The City Recorder shall be empowered to issue a license upon receipt of proper application therefor and tendering of fee, the license, however, to be issued subject to the approval of the City Council at the next regular meeting thereof, saving and excepting per diem licenses, which shall be effective upon issuance by the Recorder. If a question arises between the applicant for a license and the City Recorder, as to fee or otherwise, the same may be referred to the City Council for its determination.

D. Licenses so issued during a license year shall be numbered consecutively, and shall contain the following data:

1. The year for which issued;

2. The name of the person to whom issued;

3. A description of the business as shown by the application;

4. The location of the business;

5. The signature of the City Recorder, and seal of the city;

6. The date issued;

7. Any other information the City Recorder or Council deem desirable.

Each license issued under the provisions hereof shall at all times be displayed in a conspicuous place in the place of business of the licensee.
(Ord. No. 2010-1098, § V, 1-4-2010; Ord. 2000-1019 § 16)

7.04.170 Misrepresentation by applicant.

It shall be unlawful for any person to willfully make any false or misleading statement to the city recorder in his or her application for the purpose of determining the amount of any license fee herein provided to be paid by any such person, or to fail or

Chapter 7.08

FRANCHISES

Sections:

7.08.010 Franchises.

The current active franchise ordinances include:

Franchise	Ord	Term	Expires
Central Lincoln People's Utility District, electric utility	2007-1079	20 years	11/05/2027
Century Link Communications, LLC	2019-1174	5 years Auto renew 3 additional periods of 5 years	July 2024; auto renews to July 2029
CoastCom, Inc., telecommunications network	2014-1135	10 years Auto renew-1	4/7/2024; auto renews to 4/7/2034
ComSpan Communications II, LP, fiber-based services	2013-1121	10 years	7/03/2023
Douglas Services Inc. dba Douglas Fast Net	2019-1169	5 years Auto renew 3 additional periods of 5 years	1/14/2024; auto renews to 1/14/2029
Falcon Cable Systems Company II, cable based television services (Charter Communications)	2013-1120	10 years	3/25/2023
Lightspeed Networks, Inc. dba LS Networks, telecommunications system	2012-1116	5 years Auto renew 3 additional periods of 5 years	7/2/2022; auto renews to 7/2/2027
Sutherlin Sanitary Services, LLC., solid waste management	2022-1194	7 years Auto renew-perpetual	1/1/2029
Verizon Northwest Inc., telephone, and communications utility	2008-1089	20 years	5/5/2028
Zayo Group, LLC	2019-1171	5 years Auto renew 3 additional periods of 5 years	7/1/2024; auto renews to 7/1/2029

Franchise	Ord	Term	Expires
NOTES			
Ord. No. 2008-1084, adopted February 4, 2008, transferred the franchise from Horning Bros Sanitary Service to Southern Oregon Sanitation, Inc.			
Ord. No. 2008-1089, adopted June 2, 2008, repealed and replaced a former franchise. The former franchise pertained to G.T.E. Northwest, Inc., telephone utility, and was derived from Ord. No. 1990-551-B, 10-1-1990.			
Ord. No. 2022-1194, adopted January 3, 2022, transferred the franchise from Southern Orange Sanitation, Inc. to Sutherlin Sanitary Services, LLC.			

(Ord. No. 2022-1194, 1-3-2022; Ord. No. 2019-1174, 9-9-2019; Ord. No. 2019-1169, 1-14-2019; Ord. No. 2019-1171, 7-1-2019; Ord. No. 2014-1135, 10-6-2014; Ord. No. 2013-1121, 6-3-2013; Ord. No. 2013-1120, 5-6-2013; Ord. No. 2012-1116, 7-2-2012; Ord. No. 2008-1089, 6-2-2008; Ord. No. 2008-1084, 2-4-2008; Ord. No. 2007-1080, 12-3-2007; Ord. No. 2007-1079, 11-5-2007; Ord. No. 1998-654-D, 11-16-1998; Ord. No. 1994-527-B, 10-3-1994; Ord. No. 1990-551-B, 10-1-1990; Ord. No. 1979-562, 2-12-1979)

refuse to comply with any of the provisions of this chapter to be complied with or observed by such person, or to fail or refuse to pay before the same shall be delinquent any license fee or penalty hereby required to be paid by any such person.

In the event any person hereby required to pay a license fee shall fail or neglect to pay the same before the same shall become delinquent, the City Recorder shall collect upon the payment thereof, and in addition thereto, a penalty of five percent thereof for each calendar month or fraction thereof the same shall be delinquent.

The conviction of any person for violation of any of the provisions of this chapter shall not operate to relieve such person from paying, any license fee or penalty thereupon for which such person shall be liable, nor shall the payment of any such license fee be a bar to or prevent prosecution in the City Municipal Court of any complaint for the violation of any of the provisions of this chapter.
(Ord. No. 2010-1098, § VI, 1-4-2010; Ord. 2000-1019 § 17)

7.04.180 Conflicting ordinances.

All ordinances or parts of ordinances in conflict herewith shall be and the same are repealed. (Ord. 2000-1019 § 18)

7.04.190 Posting premises.

Whenever the owner or occupier of any premises places a sign or notice upon the premises declaring, that solicitors or canvassers are not permitted on the premises shall be a violation of this chapter for any person, firm or corporation, or any agent, employee or representative of any person, to enter upon such posted premises to solicit or canvass the owner or occupier thereof whether they have a city permit or not. (Ord. 2000-1019 § 19)

7.04.200 Use of streets by street vendors.

No peddler or solicitor licensed under this chapter shall peddle in public areas or in public rights-of-way.
(Ord. No. 2010-1098, § VII, 1-4-2010; Ord. 2000-1019 § 20)

7.04.210 Regulation of hours.

No peddler, hawker, etc., licensed under this chapter shall solicit before the hour of nine a.m. or after the hour of eight p.m. (Ord. 2000-1019 § 21)

7.04.220 Violation—Penalty.

Any person violating any of the provisions of this chapter shall be deemed to have committed a civil infraction and, upon proof thereof by a trial or stipulation signed by that person before the Municipal Judge in the Municipal Court of the city, shall pay to the city a sum not to exceed two hundred fifty dollars ($250.00). Each day that any person conducts any business mentioned herein in violation of the provisions of this chapter shall be deemed a separate infraction and shall be required to pay a separate sum accordingly. (Ord. 2000-1019 § 23)

7.04.230 Concurrent remedies.

In addition to the penalties heretofore provided, and as separate and distinct remedies, the city may sue in any court of competent jurisdiction to obtain judgement and to enforce payment of any license fee due pursuant to the provisions of this chapter and to seek injunctive relief against any person violating this chapter. (Ord. 2000-1019 § 24)

7.04.240 Taxicabs and for-hire vehicles.

Taxicabs and for-hire vehicles shall, prior to issuance, and upon renewal each year of the license required by Section 7.04.030,

Chapter 7.12

MARIJUANA TAX

Sections:

7.12.010 Purpose.

For the purposes of this chapter, every person who sells recreational marijuana or marijuana-infused products in the city of Reedsport is exercising a taxable privilege. The purpose of this chapter is to impose a tax upon the retail or wholesale sales of marijuana and marijuana-infused products and extracts.

(Ord. No. 2020-1177, § 1, 7-6-2020)

7.12.020 Definitions.

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

1. "Director" means the Director of Finance for the city of Reedsport or his/her designee.

2. "Gross sales" means the total amount received in money, credits, property or other consideration from sales of marijuana and marijuana-infused products and extracts 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 475B.400 through 475B.405, 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" means the acquisition by any person of recreational marijuana or marijuana-infused product and extracts 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. "Sale" means the transfer of goods or services in exchange for any valuable consideration.

9. "Seller" means any person who transfers recreational marijuana or marijuana-infused products and extracts 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 Director of Finance for taxes collected or to be collected, or from whom a tax is due, under the terms of this chapter.

(Ord. No. 2020-1177, § 1, 7-6-2020)

7.12.030 Tax imposed.

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

(Ord. No. 2020-1177, § 1, 7-6-2020)

7.12.040 Amount and payment, deductions.

1. In addition to any fees or taxes otherwise provided for by law, every seller engaged in the sale of recreational marijuana and marijuana-infused products and extracts within the city shall pay a tax as follows:

a. Three (3) percent of the gross sale amount paid to the seller of recreational marijuana and marijuana-infused products and extracts by individuals who are not registry identification cardholders purchasing marijuana under the Oregon Medical Marijuana Program.

2. The following deductions shall be allowed against sales received by the seller providing recreational marijuana or marijuana-infused products and extracts:

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 recreational marijuana or marijuana-infused products and extracts and does not include any adjustments for other services furnished by a seller.

(Ord. No. 2020-1177, § 1, 7-6-2020)

7.12.050 Seller responsible for payment of tax.

1. Every seller shall obtain a business license from the city of Reedsport pursuant to Reedsport Municipal Code Chapter 7.04. The seller will indicate on the business license application whether the seller will provide recreational marijuana or marijuana-infused products and extracts to purchasers for money, credit, property or other consideration.

2. The city hereby authorizes the State of Oregon, acting by and through its Department of Revenue ("Department"), under the authority of ORS 305.620, that the Department shall supervise and administer, according to the terms and conditions set forth by the Department, the local tax on the sale or transfer of recreational marijuana and marijuana-infused products and extracts within the city, authorized under ORS 475B.345 and as approved by the voters of the city.

3. The Department shall be responsible for all aspects of local tax administra-

tion, including, but not limited to, adopting administrative rules; auditing returns; assessing deficiencies and collecting the local tax and penalties and interest under applicable statutes, including, but not limited to, ORS 305.265, ORS 305.220, and ORS 314.400; making refunds; holding conferences with local taxpayers; handling appeal to the Oregon Tax Court; issuing warrants for the collection of unpaid taxes; determining the minimum amount of local tax economically collectible; and taking any other action necessary to administer and collect the local taxes. The Department has adopted rules addressing the requirements for paying taxes with currency and other matter related to the taxation of marijuana under ORS chapter 475B. The city understands and agrees that such rules will be applied to local taxpayers.

4. Every seller must keep and preserve, in an accounting format established by the Department, records of all sales made by the dispensary and such other books or accounts as may be required by the Department for a period of three (3) years or until all taxes associated with the sales have been paid, whichever is longer. The city shall have the right to inspect and copy all such records at all reasonable times.

(Ord. No. 2020-1182, 12-7-2020; Ord. No. 2020-1177, § 1, 7-6-2020)

7.12.060 Penalties and interest.

The taxes collected by the local taxpayer are payable as instructed by the tax collector, in this case, the Oregon Department of Revenue. If said taxes are not properly and timely paid the following penalties and interest apply.

1. Interest shall be added to the overall tax amount due at the same rate established under ORS 305.220 for each month, or fraction of a month, from the time the return to the Department was originally required to be filed by the marijuana retailer to the time of payment. See ORS 475B.710.

2. If a marijuana retailer fails to file a return with the Department or pay the tax as required, a penalty shall be imposed upon the marijuana retailer in the same manner and amount provided under ORS 314.400. See ORS 475B.710.

3. Every penalty imposed, and any interest that accrues, become part of the financial obligation required to by paid by the marijuana retailer and remitted to the Department.

4. Taxes, interest and penalties transferred to the city of Reedsport by the Oregon Department of Revenue will be transferred to the city's general fund.

5. If at any time a marijuana retailer fails to remit any amount owed in taxes, interest or penalties, the Department is authorized to enforce collection on behalf of the city of the owed amount in accordance with ORS 475B.700 to 475B.755, any agreement between the city and the Department under ORS 305.620 and any applicable administrative rules adopted by the Department.

(Ord. No. 2020-1182, 12-7-2020; Ord. No. 2020-1177, § 1, 7-6-2020)

7.12.070 Failure to report and remit tax.

1. If a marijuana retailer fails to file a return with the Department or pay the tax as required, a penalty shall be imposed upon the marijuana retailer in the same manner and amount provided under ORS 314.400. See ORS 475B.710.

2. If at any time a marijuana retailer fails to remit any amount owed in taxes, interest or penalties, the Department is authorized to enforce collection on behalf of the city of the owed amount in accordance with ORS 475b.700 to 475b.755, any agree-

ment between the City and the Department under ORS 3.05.620 and any applicable administrative rules adopted by the Department.
(Ord. No. 2020-1182, 12-7-2020; Ord. No. 2020-1177, § 1, 7-6-2020)

7.12.080 Appeal.

Any seller aggrieved by any decision of the Director with respect to the amount of such tax, interest and penalties, if any, may, within 30 (thirty) days following the date of the Director's decision, appeal a decision of the Director to the City Manager. The City Manager shall hear and consider any records and evidence presented bearing upon the Director'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. Any amount found to be due shall be immediately due and payable upon the service of notice to the last known address of the seller.
(Ord. No. 2020-1177, § 1, 7-6-2020)

7.12.090 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 subparagraph 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 Director within one year of the date of payment. The claim shall be on forms furnished by the city.

2. The Director shall have twenty (20) calendar 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 Director shall notify the claimant in writing of the Director'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 Director to be a valid claim, in a manner prescribed by the Director 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 Director of claimant's choice no later than fifteen (15) days following the date Director mailed the determination. In the event claimant has not notified the Director of claimant's choice within the fifteen (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 (3) 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 established the right by written records showing entitlement to such refund and the Director acknowledged the validity of the claim.
(Ord. No. 2020-1177, § 1, 7-6-2020)

7.12.100 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 subject to an action brought in the name of the

city of Reedsport for the recovery of such amount. In lieu of filing an action for the recovery, the city of Reedsport, when taxes due are more than 30 (thirty) days delinquent, can submit any outstanding tax to a collection agency. So long as the city of Reedsport 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 dollars ($50.00) or fifty (50) percent of the outstanding tax, penalties and interest owing.
(Ord. No. 2020-1177, § 1, 7-6-2020)

7.12.110 Violation.

1. Violation of this chapter shall constitute a civil infraction and upon proof thereof by a trial or stipulation signed by that person before the Municipal Judge in the Municipal Court of the City, said violator shall pay to the city a sum not to exceed two hundred and fifty dollars ($250.00). Each day that a person conducts any activity in violation of the provision of this chapter shall be deemed a separate infraction and shall be required to pay a separate sum accordingly. 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 and copying 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. 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.
(Ord. No. 2020-1177, § 1, 7-6-2020)

7.12.120 Confidentiality.

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

1. 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; or

2. The disclosure of general statistics in a form which would not reveal an individual seller's financial information; or

3. 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; or

4. The disclosure of information when such disclosure of conditionally exempt information is ordered under public records law procedures; or

5. 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 (6) months or the tax exceeds five thousand dollars ($5,000.00). The City Council expressly finds and determines that

the public interest in disclosure of such records clearly outweighs the interest in confidentiality under ORS 192.345(5).
(Ord. No. 2020-1177, § 1, 7-6-2020)

7.12.130 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 returns, 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 Director or an authorized agent of the Director.

2. If the examinations or investigations disclose that any reports of sellers filed with the Director pursuant to the requirements herein have shown incorrectly the amount of tax accruing, the Director 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 ninety-five (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 one (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 Reedsport 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 recreational marijuana and marijuana-infused products and extracts. 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 Director.

6. Every seller shall maintain and keep, for a period of three (3) years, or until all taxes associated with the sales have been paid, whichever is longer, all records of recreational marijuana and marijuana-infused products and extracts sold.
(Ord. No. 2020-1177, § 1, 7-6-2020)

7.12.140 Forms and regulations.

The Director 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 recreational 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 recreational marijuana and marijuana-infused products and extracts are to keep concerning the tax imposed by this chapter.
(Ord. No. 2020-1177, § 1, 7-6-2020)

Chapter 7.16

GARAGE SALES

Sections:

7.16.010 Definitions.

As used in this chapter:

"Garage sale" shall mean the public sale of new or used goods within the city limits by any individual group of individuals from any private property, including but not limited to garages, porches, carports, yards, when said individual or group of individuals is not in the business of selling such goods or not licensed as a second-hand dealer, junk dealer, or when the property from which such sale is to be conducted is not within a zone permitting commercial businesses or otherwise permitted under the provisions of the ordinances of the city, including the zoning ordinance of the city.

"Person" shall mean any natural person, corporation, organization or personal representative. (Ord. 1993-524-B § 1)

7.16.020 Permit required—Application and issuance.

A. It shall be unlawful for an person to allow, permit, conduct or operate any garage sale within the city, unless a permit is obtained pursuant to this chapter and unless such person complies with the items and provisions of this chapter, except for a period of Friday through Monday on the last weekend of May each year of which Monday is traditionally know as Memorial Day.

1. Every person desiring to hold a garage sale shall obtain a permit from the City Recorder's office in the city.

2. The person shall make a written application to the city, setting forth and containing the true name and address of the owner of the goods to be the object of the sale; the true name and address of the person conducting the sale; the description of the place from which such sale is to be conducted; state whether the person will be selling any upholstered furniture or bedding.

3. The City Recorder shall issue a permit for a period of not more than five (5) consecutive days, provided, however, that an individual or group of individuals shall be granted no more than three (3) five (5) day permits in any twelve (12) month period for any one (1) person or location. These permits will be issued for a fee determined by resolution of the City Council. Garage sales sponsored by charitable nonprofit, educational, or religious organizations shall be exempt from time restrictions as long as they occur on church or public property and do not occur with such frequency that the activity is deemed to be a commercial use by the City, a permit is obtained and all Municipal Code provisions are met.

B. Placement of Off-Premises Signs. All off-premises signs must be self-supporting. No signs will be permitted on any public posts or poles. All off-premise garage sale signs must be removed within thirty-six (36) hours of placement. (Ord. 2003-1039; Ord. 1993-524-B § 2 (part))
(Ord. No. 2013-1122, 6-3-2013; Ord. No. 2014-1131, 3-3-2014)

7.16.030 Advertising.

Radio and newspaper advertising is permitted. Signs advertising garage sales will

be regulated by the city's zoning ordinance with the following additional regulations applying:

A. Content of Sign. Any off-premises sign must contain the address where the sale is being held and the dates of the sale. Any off-premises sign not containing this information will be subject to removal and/or fine.

B. Placement of Off-Premises Signs. No signs will be permitted on utility poles. (Ord. 1993-524-B § 2 (part))

7.16.040 Waiver of chapter requirements.

Any of the requirements and limitations of this chapter may be waived by resolution of the City Council upon application, therefore, by the person desiring such waiver. Application for a waiver shall be in writing and signed by said person and shall state the reason for requesting such waiver. (Ord. 1993-524-B § 2 (part))

7.16.050 Permit not assignable.

No permit granted under the provisions herein shall be assignable. (Ord. 1993-524-B § 2 (part))

7.16.060 Violations—Penalties.

Any violation of this chapter shall be punished upon conviction by fine of ten dollars ($10.00) first offense, twenty-five dollars ($25.00) for the second and each succeeding offense. The offenses to be cumulative over a ten (10) year period, so that the Municipal Court may go back ten (10) years from the date of the last offense to determine any prior offenses in sentencing. (Ord. 1993-524-B § 2 (part))

Chapter 7.20

SEXUALLY ORIENTED BUSINESSES

Sections:

7.20.010 Places of entertainment.

A. In any place licensed to sell alcoholic liquor and permitted by state law to allow dancing or have other forms of entertainment, it is unlawful for a disrobed stage show or floor show entertainer:

1. To come into physical contact with any patron or to circulate among the tables, chairs or similar furniture used or intended for use by patrons;

2. To expose his or her genitalia or engage in or simulate any act of sexual intercourse, sodomy, masturbation or sexual stimulation by massage of the genital area of the body, in the course of the show;

3. To appear in the course of the show without covering his or her genitalia with an opaque material which does not simulate the organ covered.

B. It is unlawful for the owner, operator or person in charge of a place licensed to sell alcoholic liquor and permitted by state law to allow dancing or have other forms of entertainment knowingly to permit any violation of subsection A of this section. (Ord. 1983-663 § 1)

7.20.020 Places serving liquor.

A. In any place where alcoholic beverage is offered for sale for consumption on the premises, it is unlawful:

1. For any female person to be so costumed or dressed that one or both breasts are wholly or substantially exposed to public view;

2. For any person to appear publicly without covering his or her genitalia with an opaque material that does not simulate the organ covered.

B. It is unlawful for the owner, operator or person in charge of any place where alcoholic beverage is offered for sale or consumption on the premises knowingly to permit any violation of subsection A of this section. (Ord. 1983-663 § 2)

7.20.030 Violation—Penalty.

A. A violation of Section 7.20.010 or 7.20.020 is an infraction. Citations shall be issued and court procedures followed that are in accordance with ORS 153.110 to 153.280.

B. Any person convicted of a violation of the provisions of this chapter shall be fined five hundred dollars ($500.00). Each offense constitutes a separate infraction. (Ord. 1983-663 § 3)

Chapter 7.24

TELECOMMUNICATIONS

Sections:

7.24.010 Purpose.

The purpose and intent of this chapter is to:

A. Comply with the provisions of the 1996 Telecommunications Act as they apply to local governments, telecommunications carriers and the services those carriers offer;

B. Promote competition on a competitively neutral basis in the provision of telecommunications services;

C. Encourage the provision of advanced and competitive telecommunications services on the widest possible basis to businesses institutions and residents of the city;

D. Permit and manage reasonable access to the public rights-of-way of the city for telecommunications purposes on a competitively neutral basis and conserve the limited physical capacity of those public rights-of-way held in trust by the city;

E. Assure that the city's current and ongoing costs of granting and regulating private access to and the use of the public rights of way are fully compensated by the persons seeking such access and causing such costs;

F. Secure fair and reasonable compensation to the city and its residents for permitting private use of the public right-of-way;

G. Assure that all telecommunications carriers providing facilities and/or services within the city, or passing through the city, register and comply with the ordinances, rules and regulations of the city;

H. Assure that the city can continue to fairly and responsibly protect the public health, safety and welfare of its citizens;

I. Enable the city to discharge its public trust consistent with the rapidly evolving federal and state regulatory policies, industry competition and technological development. (Ord. 2000-1014 § 1)

7.24.020 Jurisdiction and management of the public rights-of-way.

A. The city has jurisdiction and exercises regulatory management over all public rights-of-way within the city under authority of the City Charter and state law.

B. 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 the subsurface under and air space over these areas.

C. The city has jurisdiction and exercises regulatory management over each public right of way including, but not limited to, those in which the city has a fee, easement, or other legal interest in the right-of-way. The city has jurisdiction and regulatory management of each right-of-way including, but not limited to, those in which the legal interest in the right-of-way was obtained by grant, dedication, prescription, reservation, condemnation, annexation, foreclosure or other means.

D. No person may occupy or encroach upon a public right-of-way without the permission of the city. The city grants permission to use rights-of-way by franchises and permits.

E. The exercise of jurisdiction and regulatory management of 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.

F. The city retains the right and privilege to cut or move any telecommunications facilities located within the public rights of way of the city, as the city may determine to be necessary, appropriate or useful in response to a public

health or safety emergency. (Ord. 2000-1014 § 2)

7.24.030 Regulatory fees and compensation not a tax.

A. The fees and costs provided for in this chapter, and any compensation charged and paid for use of the public rights-of-way provided for in this chapter, are separate from, and in addition to, any and all federal, state, local and city charges as may be levied, imposed or due from a telecommunications carrier, its customers or subscribers, or on account of the lease, sale, delivery or transmission of telecommunications services.

B. The city has determined that any fee provided for by this chapter is not subject to the property tax limitations of Article XI, Sections 11 and 11 b of the Oregon Constitution. These fees are not imposed on property or property owners, and these fees are not new or increased fees.

C. The fees and costs provided for in this chapter are subject to applicable federal and state laws. (Ord. 2000-1014 § 3)

7.24.040 Definitions.

For the purpose of this chapter the following terms, phrases, words and their derivations shall have the meaning given herein. When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular number and words in the singular number include the plural number. The words "shall" and "will" are mandatory and "may" is permissive. Words not defined herein shall be given the meaning set forth in the Communications Policy Act of 1934, as amended, the Cable Communications Policy Act of 1984, the Cable Television Consumer Protection and Competition Act of 1992, and the Telecommunications Act of 1996. If not defined there, the words shall be given their common and ordinary meaning.

Aboveground Facilities. See "Overhead facilities."

"Affiliated interest" shall have the same meaning as ORS 759.010.

"Cable Act" shall mean the Cable Communications Policy Act of 1984, 47 U.S.C. Section 521, et seq., as now and hereafter amended.

"Cable service" is to be defined consistent with federal laws and means the one-way transmission to subscribers of video programming, or other programming service, and subscriber interaction, if any, which is required for the selection or use of such video programming or other programming service.

"City" means the city of Reedsport, an Oregon municipal corporation, and individuals authorized to act on the city's behalf.

"City Council" means the elected governing body of the city of Reedsport, Oregon.

"Control" or "controlling interest" means actual working control in whatever manner exercised.

"City property" means and includes all real property owned by the city, other than public rights-of-way and utility easements as those are defined herein, and all property held in a proprietary capacity by the city, which are not subject to right-of-way franchising as provided in this chapter.

"Conduit" means any structure, or portion thereof, containing one or more ducts, conduits, manholes, handholes, bolts, or other facilities used for any telegraph, telephone, cable television, electrical, or communications conductors, or cable right-of-way, owned or

controlled, in whole or in part, by one or more public utilities.

"Construction" means any activity in the public rights of way resulting in physical change thereto, including excavation or placement of structures, but excluding routine maintenance or repair of existing facilities.

"Days" means calendar days unless otherwise specified.

"Duct" means a single enclosed raceway for conductors or cable.

"Emergency" has the meaning provided for in ORS 401.025.

"Federal Communications Commission" means the federal administrative agency, or its lawful successor, authorized to regulate and oversee telecommunications carriers, services and providers on a national level.

"Franchise" means an agreement between the city and a grantee which grants a privilege to use public right-of-way and utility easements within the city for a dedicated purpose and for specific compensation.

"Grantee" means the person to which a franchise is granted by the city.

"Oregon Public Utilities Commission" or "OPUC" means the statutorily created state agency in the state of Oregon responsible for licensing, regulation and administration of certain telecommunications carriers as set forth in Oregon Law, or its lawful successor.

"Overhead or aboveground facilities" means utility poles, utility facilities and telecommunications facilities above the surface of the ground, including the underground supports and foundations for such facilities.

"Person" means an individual, corporation, company, association, joint stock company or association, firm, partnership, or limited liability company.

"Private telecommunications network" means a system, including the construction, maintenance or operation of the system, for the provision of a service or any portion of a service which is owned or operated exclusively by a person for their use and not for resale, directly or indirectly. "Private telecommunications network" includes services provided by the state of Oregon pursuant to ORS 190.240 and 283.140.

"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 the subsurface under and air space over these areas. This definition applies only to the extent of the city's right, title, interest or authority to grant a franchise to occupy and use such areas for telecommunications facilities. "Public rights-of-way" shall also include utility easements as defined below.

"State" means the state of Oregon.

"Telecommunications" means the transmission between and among points specified by the user, of information of the user's choosing, without change in the form or content of the information as sent and received.

"Telecommunications Act" means the Communications Policy Act of 1934, as amended by subsequent enactments including the Telecommunications Act of 1996 (47 U.S. C. § 1 51 et seq.) and as hereafter amended.

"Telecommunications carrier" means any provider of telecommunications services and includes every person that directly or indirectly owns, controls, operates or manages telecommunications facilities within the city.

"Telecommunications facilities" means the plant and equipment, other than customer premises equipment, used by a

telecommunications carrier to provide telecommunications services.

"Telecommunications service" means two-way switched access and transport of voice communications but does not include: (a) services provided by radio common carrier; (b) one-way transmission of television signals; (c) surveying; (d) private telecommunications networks; or (e) communications of the customer which take place on the customer side of on-premises equipment.

Telecommunications System. See "Telecommunications facilities."

"Telecommunications utility" has the same meaning as ORS 759.005(1).

"Underground facilities" means utility and telecommunications facilities located under the surface of the ground, excluding the underground foundations or supports for overhead facilities.

"Usable space" means all of the space on a pole, except the portion below ground level, the twenty (20) feet of safety clearance space above ground level, and the safety clearance space between communications and power circuits. There is a rebuttable presumption that six feet of a pole is buried below ground level.

"Utility easement" means any easement granted to or owned by the city and acquired, established, dedicated or devoted for public utility purposes.

"Utility facilities" means the plant, equipment and property, including but not limited to the poles, pipes, mains, conduits, ducts, cable, wires, plant and equipment located under, on, or above the surface of the ground within the public right-of-way of the city and used or to be used for the purpose of providing utility or telecommunications services. (Ord. 2000-1014 § 4)

7.24.050 Registration of telecommunications carriers.

A. Purpose. The purpose of registration is:

1. To assure that all telecommunications carriers who have facilities and/or provide services within the city comply with the ordinances, rules and regulations of the city;

2. To provide the city with accurate and current information concerning the telecommunications carriers who offer to provide telecommunications services within the city, or that own or operate telecommunications facilities within the city;

3. To assist the city in the enforcement of this chapter and the collection of any city franchise fees or charges that may be due the city.

B. Registration Required. Except as provided in subsection D of this section, all telecommunications carriers having telecommunications facilities within the corporate limits of the city, and all telecommunications carriers that offer or provide telecommunications service to customer premises within the city, shall register a true copy of the appropriate application and license from: (a) the Oregon Public Utility Commission (PUC); or (b) the Federal Communications Commission (FCC) qualify as necessary registration information.

A copy of the carrier's business license or the license number must be provided. Applicants also have the option of providing the following information:

1. The identity and legal status of the registrant, including the name, address, and telephone number of the duly authorized officer, agent or employee responsible for the accuracy of the registration information;

2. The name, address and telephone number for the duly authorized officer, agent or employee to be contacted in case of an emergency;

3. A description of the registrant's existing or proposed telecommunications facilities within the city, a description of the telecommunications facilities that the registrant intends to construct, and a description of the telecommunications service that the registrant intends to offer or provide to persons, firms, businesses, or institutions within the city;

4. Information sufficient to determine whether the transmission, origination or receipt of the telecommunications services provided, or to be provided, by the registrant constitutes an occupation or privilege subject to any business license requirements.

C. Registration Fee. Each application for registration as a telecommunications carrier shall be accompanied by a nonrefundable registration fee in an amount to be determined by resolution of the City Council.

D. Exceptions to Registration. The following telecommunications carriers are excepted from registration:

1. Telecommunications carriers that are owned and operated exclusively for its own use by the state or a political subdivision of this state;

2. A private telecommunications network, provided that such network does not occupy any public rights of way of the city. (Ord. 2000-1014 § 5—8)

7.24.060 Construction standards—Compliance required.

No person shall commence or continue with the construction, installation or operation of telecommunications facilities within a public right-of-way except as provided in this chapter and with all applicable codes, rules and regulations. (Ord. 2000-1014 § 9)

7.24.070 Construction codes.

Telecommunications facilities shall be constructed, installed, operated and maintained in accordance with all applicable federal, state and local codes, rules and regulations including the National Electrical Code and the National Electrical Safety Code. (Ord. 2000-1014 § 10)

7.24.080 Construction permits.

No person shall construct or install any telecommunications facilities within a public right-of-way without first obtaining a construction permit, and paying the construction permit fee established in Section 7.24.120. No permit shall be issued for the construction or installation of telecommunications facilities within a public right-of-way:

A. Unless the telecommunications carrier has first filed a registration statement with the city pursuant to Section 7.24.050; and if applicable,

B. Unless the telecommunications carrier has first applied for and received a franchise pursuant to Sections 7.24.260 through 7.24.430. (Ord. 2000-1014 § 11)

7.24.090 Construction permit applications.

Applications for permits to construct telecommunications facilities shall be submitted upon forms to be provided by the city and shall be accompanied by drawings, plans and specifications in sufficient detail to demonstrate:

A. That the facilities will be constructed in accordance with all applicable codes rules and regulations;

B. That the facilities will be constructed in accordance with the franchise agreement;

C. The location and route of all of applicant's existing facilities installed aboveground or on existing utility poles;

D. The location and route of all new facilities on or in the public rights-of-way to be located under the surface of the ground, including the line and grade proposed for the burial at all points along the route which are within the public rights-of-way. Applicant's existing facilities shall be differentiated on the plans from new construction;

E. The location of all of applicant's existing underground utilities, conduits, ducts, pipes, mains and installations which are within the public rights-of-way along the underground route proposed by the applicant. A cross section shall be provided showing new or existing facilities in relation to the street, curb, sidewalk or right-of-way;

F. The construction methods to be employed for protection of existing structures, fixtures, and facilities within or adjacent to the public rights of way, and description of any improvements that applicant proposes to temporarily or permanently remove or relocate. (Ord. 2000-1014 § 12)

7.24.100 Applicant's verification.

All permit applications shall be accompanied by the verification of a registered professional engineer, or other qualified and duly authorized representative of the applicant acceptable to the city, that the drawings, plans and specifications submitted with the application comply with applicable technical codes, rules and regulations. (Ord. 2000-1014 § 13)

7.24.110 Construction schedule.

All permit applications shall be accompanied by a written construction schedule, which shall include a deadline for completion of construction. The construction schedule is subject to approval by the City Manager or City Manager's designee. (Ord. 2000-1014 § 14)

7.24.120 Construction permit fee.

Unless otherwise provided in a franchise agreement, prior to issuance of a construction permit, the applicant shall pay a permit fee in an amount to be determined by resolution of the City Council. Such fees shall be designed to defray the costs of city administration of the requirements of this chapter. (Ord. 2000-1014 § 15)

7.24.130 Issuance of permit.

If satisfied that the applications, plans and documents submitted comply with all requirements of this chapter and the franchise agreement, the City Manager or City Manager's designee shall issue a permit authorizing construction of the facilities, subject to such further conditions, restrictions or regulations affecting the time, place and manner of performing the work as they may deem necessary or appropriate. (Ord. 2000-1014 § 16)

7.24.140 Notice of construction.

Except in the case of an emergency, the permittee shall notify the City Manager or City Manager's designee not less than two working days in advance of any excavation or

construction in the public rights-of-way. (Ord. 2000-1014 § 17)

7.24.150 Compliance with permit.

All construction practices and activities shall be in accordance with the permit and approved final plans and specifications for the facilities. The City Manager or City Manager's designee shall be provided access to the work site and such further information as may be required to ensure compliance with such requirements. (Ord. 2000-1014 § 18)

7.24.160 Noncomplying work.

Subject to the notice requirements in Section 7.24.240, all work which does not comply with the permit, the approved or corrected plans and specifications for the work, or the requirements of this chapter, shall be removed at the sole expense of the permittee. The city is authorized to stop permittee's work in order to assure compliance with the provision of this chapter. (Ord. 2000-1014 § 19)

7.24.170 Completion of construction.

The permittee shall promptly complete all construction activities so as to minimize disruption of the city rights-of-way and other public and private property. All construction work within city rights-of-way, including restoration, must be completed within one hundred twenty (120) days of the date of issuance of the construction permit unless an extension or an alternate schedule has been approved by the appropriate city official as contemplated by Section 7.24.110. (Ord. 2000-1014 § 20)

7.24.180 As-built drawings.

If requested by the city for a necessary public purpose, as determined by the city, the permittee shall furnish the city with up to two complete sets of plans drawn to scale and certified to the city as accurately depicting the location of all telecommunications facilities constructed pursuant to the permit. These plans shall be submitted to the City Engineer or designee within sixty (60) days after completion of construction, in a format mutually acceptable to the permittee and the city. (Ord. 2000-1014 § 21)

7.24.190 Restoration of public rights-of-way and city property.

A. When a permittee, or any person acting on its behalf, does any work in or affecting any public rights-of-way or city property, it shall, at its own expense, promptly remove any obstructions therefrom and restore such ways or property to good order and condition unless otherwise directed by the city and as determined by the City Engineer or designee.

B. If weather or other conditions do not permit the complete restoration required by this section, the permittee shall temporarily restore the affected rights of way or property. Such temporary restoration shall be at the permittee's sole expense and the permittee shall promptly undertake and complete the required permanent restoration when the weather or other conditions no longer prevent such permanent restoration. Any corresponding modification to the construction schedule may be subject to approval by the city.

C. If the permittee fails to restore rights-of-way or property to good order and condition, the city shall give the permittee written notice and provide the permittee a reasonable period

of time not exceeding thirty (30) days to restore the rights-of-way or property. If, after this notice, the permittee falls to restore the rights-of-way or property to as good a condition as existed before the work was undertaken, the city shall cause such restoration to be made at the expense of the permittee.

D. A permittee or other person acting in its behalf shall use suitable barricades; flags, flagging attendants, lights, flares and other measures as required for the safety of all members of the general public and to prevent injury or damage to any person, vehicle or property by reason of such work in or affecting such rights-of-way or property. (Ord. 2000-1014 § 22)

7.24.200 Performance and completion bond.

Unless otherwise provided in a franchise agreement, or other agreement with the city, a performance bond or other form of surety acceptable to the city equal to at least one hundred (100) percent of the estimated cost of constructing permittee's telecommunications facilities within the public rights of way of the city, shall be provided before construction is commenced.

A. The surety shall remain in force until sixty (60) days after substantial completion of the work, as determined in writing by the city, including restoration of public rights-of-way and other property affected by the construction.

B. The surety shall guarantee, to the satisfaction of the city:

1. Timely completion of construction;

2. Construction in compliance with applicable plans, permits, technical codes and standards;

3. Proper location of the facilities as specified by the city;

4. Restoration of the public rights-of-way and other property affected by the construction; and

5. Timely payment and satisfaction of all claims, demands or liens for labor, material or services provided in connection with the work. (Ord. 2000-1014 § 23)

7.24.210 Location of facilities.

All facilities located within the public right-of-way shall be constructed, installed and located in accordance with the following terms and conditions, unless otherwise specified in a franchise agreement.

A. Whenever all existing electric utilities, cable facilities or telecommunications facilities are located underground within a public right-of-way of the city, a grantee with permission to occupy the same public right-of-way must also locate its telecommunications facilities underground.

B. Whenever all new or existing electric utilities, cable facilities or telecommunications facilities are located or relocated underground within a public right-of-way of the city, a grantee that currently occupies the same public right-of-way shall relocate its facilities underground concurrently with the other affected utilities to minimize disruption of the public right-of-way, absent extraordinary circumstances or undue hardship as determined by the city and consistent with applicable state and federal law. (Ord. 2000-1014 § 24)

7.24.220 Interference with public rights-of-way.

No grantee may locate or maintain its telecommunications facilities so as to

unreasonably interfere with the use of the public rights-of-way by the city, by the general public or by other persons authorized to use or be present in or upon the public rights-of-way. All use of public rights of way shall be consistent with city codes, ordinances and regulations. (Ord. 2000-1014 § 25)

7.24.230 Relocation or removal of facilities.

Except in the case of an emergency, within ninety (90) days following written notice from the city, a grantee shall, at no expense to grantor, temporarily or permanently remove, relocate, change or alter the position of any telecommunications facilities within the public rights of way whenever the city shall have determined that such removal, relocation, change or alteration is reasonably necessary for:

A. The construction, repair, maintenance or installation of any city or other public improvement in or upon the public rights-of-way;

B. The operations of the city or other governmental entity in or upon the public rights-of-way;

C. The public interest. (Ord. 2000-1014 § 26)

7.24.240 Removal of unauthorized facilities.

Within thirty (30) days following written notice from the city, any grantee, telecommunications carrier, or other person that owns, controls or maintains any unauthorized telecommunications system, facility, or related appurtenances within the public rights-of-way of the city shall, at its own expense, remove such facilities and/or appurtenances from the public rights-of-way of the city. A telecommunications system or facility is unauthorized and subject to removal in the following circumstances:

A. One year after the expiration or termination of the grantee's telecommunications franchise;

B. Upon abandonment of a facility within the public rights-of-way of the city. A facility will be considered abandoned when it is deactivated, out of service, or not used for its intended and authorized purpose for a period of ninety (90) days or longer. A facility will not be considered abandoned if it is temporarily out of service during performance of repairs or if the facility is being replaced. The city shall make a reasonable attempt to contact the telecommunications carrier before concluding that a facility is abandoned. A facility may be abandoned in place and not removed if there is no apparent risk to the public safety, health or welfare;

C. If the system or facility was constructed or installed without the appropriate prior authority at the time of installation;

D. If the system or facility was constructed or installed at a location not permitted by the grantee's telecommunications franchise or other legally sufficient permit. (Ord. 2000-1014 § 27)

7.24.250 Coordination of construction activities.

All grantees are required to make a good faith effort to cooperate with the city.

A. By January 1st of each year, grantees shall provide the city with a schedule of their known proposed construction activities in, around or that may affect the public rights-of-way.

B. If requested by the city, each grantee shall meet with the city annually or as determined by the city, to schedule and coordinate construction in the public rights-of-way. At that time, city will provide available information on plans for local, state and/or federal construction projects.

C. All construction locations, activities and schedules shall be coordinated, as ordered by the City Engineer or designee, to minimize public inconvenience, disruption or damages. (Ord. 2000-1014 § 28)

7.24.260 Telecommunications franchise.

A telecommunications franchise shall be required of any telecommunications carrier who desires to occupy public rights-of-way of the city. (Ord. 2000-1014 § 29)

7.24.270 Franchise application.

Any person that desires a telecommunications franchise must register as a telecommunications carrier and shall file an application with the City Manager or City Manager's designee which includes the following information:

A. The identity of the applicant;

B. A description of the telecommunications services that are to be offered or provided by the applicant over its telecommunications facilities;

C. Engineering plans, specifications, and a network map in a form customarily used by the applicant of the facilities located or to be located within the public rights-of-way in the city, including the location and route requested for applicant's proposed telecommunications facilities;

D. The area or areas of the city the applicant desires to serve and a preliminary construction schedule for build-out to the entire franchise area;

E. Information to establish that the applicant has obtained all other governmental approvals and permits to construct and operate the facilities and to offer or provide the telecommunications services proposed;

F. An accurate map showing the location of any existing telecommunications facilities in the city that applicant intends to use or lease. (Ord. 2000-1014 § 30)

7.24.280 Franchise application and review fee.

A. Subject to applicable state law, applicant shall reimburse the city for such reasonable costs as the city incurs in entering into the franchise agreement.

B. An application and review fee of two thousand dollars ($2,000.00) shall be deposited with the city as part of the application filed pursuant to Section 7.24.270. Expenses exceeding the deposit will be billed to the applicant or the unused portion of the deposit will be returned to the applicant following the determination granting or denying the franchise. (Ord. 2000-1014 § 31)

7.24.290 Determination by city.

The city shall issue a written determination granting or denying the application in whole or in part. If the application is denied, the written determination shall include the reasons for denial. (Ord. 2000-1014 § 32)

7.24.300 Rights granted.

No franchise granted pursuant to this chapter shall convey any right, title or interest in the

public rights-of-way, but shall be deemed a grant to use and occupy the public rights-of-way for the limited purposes and term, and upon the conditions stated in the franchise agreement. (Ord. 2000-1014 § 33)

7.24.310 Term of grant.

Unless otherwise specified in a franchise agreement, a telecommunications franchise granted hereunder shall be in effect for a term of five years. (Ord. 2000-1014 § 34)

7.24.320 Franchise territory.

Unless otherwise specified in a franchise agreement, a telecommunications franchise granted hereunder shall be limited to a specific geographic area of the city to be served by the franchise grantee, and the public rights-of-way necessary to serve such areas, and may include the entire city. (Ord. 2000-1014 § 35)

7.24.330 Franchise fee.

Each franchise granted by the city is subject to the city's right, which is expressly reserved, to fix a fair and reasonable compensation to be paid for the privileges granted; provided, nothing in this chapter shall prohibit the city and a grantee from agreeing to the compensation to be paid. The compensation shall be subject to the specific payment terms and conditions contained in the franchise agreement and applicable state and federal laws. (Ord. 2000-1014 § 36)

7.24.340 Amendment of grant.

Conditions for amending a franchise:

A. A new application and grant shall be required of any telecommunications carrier that desires to extend or locate its telecommunications facilities in public rights-of-way of the city which are not included in a franchise previously granted under this chapter.

B. If ordered by the city to locate or relocate its telecommunications facilities in public rights-of-way not included in a previously granted franchise, the city shall grant an amendment without further application.

C. A new application and grant shall be required of any telecommunications carrier that desires to provide a service which was not included in a franchise previously granted under this chapter. (Ord. 2000-1014 § 37)

7.24.350 Renewal applications.

A grantee who desires to renew its franchise under this chapter shall, not less than one hundred eighty (180) days before expiration of the current agreement, file an application with the city for renewal of its franchise which shall include the following information:

A. The information required pursuant to Section 7.24.270;

B. Any information required pursuant to the franchise agreement between the city and the grantee. (Ord. 2000-1014 § 38)

7.24.360 Renewal determinations.

Within ninety (90) days after receiving a complete application under Section 7.24.350, the city shall issue a written determination granting, or denying the renewal application in whole or in part, applying the following standards. If the renewal application is denied, the written determination shall include the reasons for nonrenewal:

A. The financial and technical ability of the applicant.;

B. The legal ability of the applicant;

C. The continuing capacity of the public rights of way to accommodate the applicant's existing and proposed facilities;

D. The applicant's compliance with the requirements of this chapter and the franchise agreement;

E. Applicable federal, state and local telecommunications laws, rules and policies;

F. Such other factors as may demonstrate that the continued grant to use the public rights-of-way will serve the community interest. (Ord. 2000-1014 § 39)

7.24.370 Obligation to cure as a condition of renewal.

No franchise shall be renewed until any ongoing violations or defaults in the grantee's performance of the agreement, or of the requirements of this chapter, have been cured, or a plan detailing the corrective action to be taken by the grantee has been approved by the city. (Ord. 2000-1014 § 40)

7.24.380 Assignments or transfers of system or franchise.

Ownership or control of a majority interest in a telecommunications system or franchise may not, directly or indirectly, be transferred, assigned or disposed of by sale, lease, merger, consolidation or other act of the grantee, by operation of law or otherwise, without the prior consent of the city, which consent shall not be unreasonably withheld or delayed, and then only on such reasonable conditions as may be prescribed in such consent.

A. Grantee and the proposed assignee or transferee of the franchise or system shall agree, in writing, to assume and abide by all of the provisions of the franchise.

B. No transfer shall be approved unless the assignee or transferee has the legal, technical, financial and other requisite qualifications to own, hold and operate the telecommunications system pursuant to this chapter.

C. Unless otherwise provided in a franchise agreement, the grantee shall reimburse the city for all direct and indirect fees, costs, and expenses reasonably incurred by the city in considering a request to transfer or assign a telecommunications franchise.

D. Any transfer or assignment of a telecommunications franchise, system or integral part of a system without prior approval of the city under this section or pursuant to a franchise agreement shall be void and is cause for revocation of the franchise. (Ord. 2000-1014 § 41)

7.24.390 Revocation or termination of franchise.

A franchise to use or occupy public rights-of-way of the city may be revoked for the following reasons:

A. Construction or operation in the city or in the public rights-of-way of the city without a construction permit;

B. Construction or operation at an unauthorized location;

C. Failure to comply with Section 7.24.380 with respect to sale, transfer or assignment of a telecommunications system or franchise;

D. Misrepresentation by or on behalf of a grantee in any application to the city;

E. Abandonment of telecommunications facilities in the public rights-of-way;

F. Failure to relocate or remove facilities as required in this chapter;

G. Failure to pay taxes, compensation, fees or costs when and as due the city under this chapter;

H. Insolvency or bankruptcy of the grantee;

I. Violation of material provisions of this chapter;

J. Violation of the material terms of a franchise agreement. (Ord. 2000-1014 § 42)

7.24.400 Notice and duty to cure.

In the event that the city believes that grounds exist for revocation of a franchise, the city shall give the grantee written notice of the apparent violation or noncompliance, providing a short and concise statement of the nature and general facts of the violation or noncompliance, and providing the grantee a reasonable period of time, not exceeding thirty (30) days, to furnish evidence that:

A. Corrective action has been, or is being actively and expeditiously pursued, to remedy the violation or noncompliance;

B. Rebuts the alleged violation or noncompliance; and/or

C. It would be in the public interest to impose some penalty or sanction less than revocation. (Ord. 2000-1014 § 43)

7.24.410 Public hearing.

In the event that a grantee fails to provide evidence reasonably satisfactory to the city as provided in Section 7.24.400, the City Manager may refer the apparent violation or noncompliance to the City Council. The City Council shall provide the grantee with notice and a reasonable opportunity to be heard concerning the matter. (Ord. 2000-1014 § 44)

7.24.420 Standards for revocation or lesser sanctions.

If persuaded that the grantee has violated or failed to comply with material provisions of this chapter, or of a franchise agreement, the City Council shall determine whether to revoke the franchise, or to establish some lesser sanction and cure, considering the nature, circumstances, extent, and gravity of the violation as reflected by one or more of the following factors. Whether:

A. The misconduct was egregious;

B. Substantial harm resulted;

C. The violation was intentional;

D. There is a history of prior violations of the same or other requirements;

E. There is a history of overall compliance;

F. The violation was voluntarily disclosed, admitted or cured. (Ord. 2000-1014 § 45)

7.24.430 Other city costs.

All grantees shall, within thirty (30) days after written demand therefor, reimburse the city for all reasonable direct and indirect costs and expenses incurred by the city in connection with any modification, amendment, renewal or transfer of the franchise or any franchise agreement consistent with applicable state and federal laws. (Ord. 2000-1014 § 46)

7.24.440 General franchise terms.

A. Facilities. Upon request, each grantee shall provide the city with an accurate map or maps certifying the location of all telecommunications facilities within the public rights-of-way. Each grantee shall provide updated maps annually.

B. Damage to Grantee's Facilities. Unless directly and proximately caused by wilful, intentional or malicious acts by the city, the

city shall not be liable for any damage to or loss of any telecommunications facility within the public rights-of-way of the city as a result of or in connection with any public works, public improvements, construction, excavation, grading, filling or work of any kind in the public rights-of-way by or on behalf of the city, or for any consequential losses resulting directly or indirectly therefrom.

C. Duty to Provide Information. Within ten (10) business days of a written request from the city, each grantee shall furnish the city with the following:

1. Information sufficient to demonstrate that grantee has complied with all requirements of this chapter;

2. All books, records, maps and other documents, maintained by the grantee with respect to its facilities within the public rights-of-way shall be made available for inspection by the city at reasonable places, times and intervals.

D. Service to the City. If the city contracts for the use of telecommunication facilities, telecommunication services, installation or maintenance from the grantee, the grantee shall charge the city the grantee's most favorable rate offered at the time of the request charged to similar users within Oregon for a similar volume of service, subject to any of grantee's tariffs or price lists on file with the OPUC. With the city's permission, the grantee may deduct the applicable charges from fee payments. Other terms and conditions of such services may be specified in a separate agreement between the city and grantee.

E. Compensation for City Property. If any right is granted, by lease, franchise or other manner, to use and occupy city property for the installation of telecommunications facilities, the compensation to be paid for such right and use shall be fixed by the city.

F. Cable Franchise. Telecommunication carriers providing cable service shall be subject to the cable franchise requirements in Ordinance 1998-654-D.

G. Leased Capacity. A grantee shall have the right, without prior city approval, to offer or provide capacity or bandwidth to its customers; provided, that the grantee shall notify the city that such lease or agreement has been granted to a customer or lessee.

H. Grantee Insurance. Unless otherwise provided in a franchise agreement, each grantee shall, as a condition of the grant, secure and maintain the following liability insurance policies insuring both the grantee and the city, and its elected and appointed officers, officials, agents and employees as coinsured:

1. Comprehensive general liability insurance with limits not less than:

a. Three million dollars ($3,000,000.00) for bodily injury or death to each person,

b. Three million dollars ($3,000,000.00) for property damage resulting from any one accident;

2. Automobile liability for owned, non-owned and hired vehicles with combined single limits of three million dollars ($3,000,000.00) for each occurrence;

3. Worker's compensation within statutory limits and employer's liability insurance with limits of not less than five hundred thousand dollars ($500,000.00) for bodily injury by accident; five hundred thousand dollars ($500,000.00) for bodily injury by disease for each employee; five hundred thousand dollars ($500,000.00) for bodily injury by disease, policy limit; and

4. Comprehensive form premises-operations, explosions and collapse hazard,

underground hazard and products completed hazard with limits of not less than three million dollars ($3,000,000.00); and

5. Together with an additional one million dollar ($1,000,000.00) umbrella policy shall be maintained by the grantee throughout the term of the telecommunications franchise, and such other period of time during which the grantee is operating without a franchise hereunder, or is engaged in the removal of its telecommunications facilities. Each such insurance policy shall contain the following endorsement: "it is hereby understood and agreed that this policy may not be canceled or notice of intention to not to renew be stated until 90 days after receipt by the City, by registered mail, of a written notice addressed to the City Manager of such intent to cancel or to not to renew."

6. Within sixty (60) days after receipt by the city of the notice, and in no event later than thirty (30) days prior to the cancellation, the grantee shall obtain and furnish to the city evidence that the grantee meets requirements the of this section.

7. As an alternative to the insurance requirements contained herein, a grantee may provide evidence of self-insurance subject to review and acceptance by the city.

I. General Indemnification. Each franchise agreement shall include, to the extent permitted by law, grantee's express undertaking to defend, indemnify and hold the city and its officers, employees, agents and representatives harmless from and against any and all damages, losses and expenses, including reasonable attorney's fees and costs of suit or defense, arising out of, resulting from or alleged to arise out of or result from the negligent, careless or wrongful acts, omissions, failures to act or misconduct of the grantee or its affiliates, officers, employees, agents, contractors or subcontractors in the construction, operation, maintenance, repair or removal of its telecommunications facilities, and in providing or offering telecommunications services over the facilities or network, whether such acts or omissions are authorized, allowed or prohibited by this chapter or by a franchise agreement made or entered into pursuant to this chapter.

J. Performance Surety. Before a franchise granted pursuant to this chapter is effective, and as necessary thereafter, the grantee shall provide a performance bond, in form and substance acceptable to the city, as security for the full and complete performance of a franchise granted under this chapter, including any costs, expenses, damages or loss the city pays or incurs because of any failure attributable to the grantee to comply with the codes, ordinances, rules, regulations or its of the city. This obligation is in addition to the performance surety required by Section 7.24.200 for construction of facilities. (Ord. 2000-1014 § 47—56)

7.24.450 Governing law.

Any franchise granted under this chapter is subject to the provisions of the Constitution and laws of the United States, and the state of Oregon and the ordinances and Charter of the city. (Ord. 2000-1014 § 57)

7.24.460 Written agreement required for franchise.

No franchise shall be granted hereunder unless the agreement is in writing. (Ord. 2000-1014 § 58)

7.24.470 Nonexclusive grant.

No franchise granted under this chapter shall confer any exclusive right, privilege, license or franchise to occupy or use the public rights-of-way of the city for delivery of telecommunications services or any other purposes. (Ord. 2000-1014 § 59)

7.24.480 Severability and preemption.

If any article, section, subsection, sentence, clause, phrase, term, provision, condition, covenant or portion of this chapter is for any reason held to be invalid or unenforceable by any court of competent jurisdiction, or superseded by state or federal legislation, rules, regulations or decision, the remainder of the chapter shall not be affected thereby but shall be deemed as a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions hereof, and each remaining section, subsection, sentence, clause, phrase, provision, condition, covenant and portion of this chapter shall be valid and enforceable to the fullest extent permitted by law. In the event that federal or state laws, rules or regulations preempt a provision or limit the enforceability of a provision of this chapter, then the provision shall be read to be preempted only to the extent required by law. In the event such federal or state law rule, or regulation is subsequently repealed, rescinded, amended or otherwise changed so that the provision hereof that had been preempted is no longer preempted, such provision shall thereupon return to full force and effect, and shall thereafter be binding, without the requirement of further action on the part of the city. (Ord. 2000-1014 § 60)

7.24.490 Violations—Penalties.

Any person found guilty of violating, disobeying, omitting, neglecting or refusing to comply with any of the provisions of this chapter shall be fined not less than one hundred dollars ($100.00) nor more than one thousand dollars ($1,000.00) for each offense. A separate and distinct offense shall be deemed committed each day on which a violation occurs. (Ord. 2000-1014 § 61)

7.24.500 Other remedies.

Nothing in this chapter shall be construed as limiting any judicial remedies that the city may have, at law or in equity, for enforcement of this chapter. (Ord. 2000-1014 § 62)

7.24.510 Compliance with laws.

Any grantee under this chapter shall comply with all federal and state laws and regulations, including regulations of any administrative agency thereof, as well as all ordinances, resolutions, rules and regulations of the city heretofore or hereafter adopted or established during the entire term of any franchise granted under this chapter, which are relevant and relate to the construction, maintenance and operation of a telecommunications system. (Ord. 2000-1014 § 64)

7.24.520 Consent.

Wherever the consent of either the city or of the grantee is specifically required by this chapter or in a franchise granted, such consent will not be unreasonably withheld. (Ord. 2000-1014 § 65)

7.24.530 Application to existing ordinance and agreements.

To the extent that this chapter is not in conflict with and can be implemented with existing ordinance and franchise agreements, this chapter shall apply to all existing ordinance and franchise agreements for use of the public right-of-way for telecommunications. (Ord. 2000-1014 § 66)

Chapter 7.28

LIQUOR LICENSING

Sections:

7.28.010 Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

"Application" means the written request of the city to grant, modify or renew a liquor license.

"City" means the city of Reedsport.

"Commission" means the Oregon Liquor Control Commission.

"Council" means the governing body of the city of Reedsport. (Ord. 2007-1078 § 1)

7.28.020 Application.

Any person or business requesting council recommendation to the commission of a liquor license application shall make application upon suitable forms furnished by the commission. The application shall contain:

A. The type of license applied for and a description of the nature of the business for which the application is made.

B. The name and address of the applicant(s); if a partnership, the names and addresses of all partners; if the business is a corporation, the name and address of the home office, and the name and address of the registered agent in this state and the name and address of the local agent or representative who will be in charge of the business in the city.

C. Name and address of all businesses and locations for which the applicant ever possessed a license to sell alcoholic beverages, both in Oregon and elsewhere.

D. The address of the location where the business will be located in the city.

E. The date of application.

F. Any other information the Chief of Police or Council deems necessary for review.

G. The signature of the applicant or agent making the application.

H. The applicant shall be required to pay prior to processing the application, the fee established by the Council as provided by applicable resolution. (Ord. 2007-1078 § 2)

7.28.030 City Recorder duties.

A. The City Recorder shall accept all applications and maintain a record of all applications submitted.

B. The City Recorder shall be responsible for causing the application to be reviewed by all or any of the following personnel: City Manager, Chief of Police, City Planner, Fire Marshal, Fire Chief, or any other department head, at his/her discretion for the purpose of obtaining a staff recommendation to the City Council.

C. The City Recorder may waive any of the provisions of this chapter, other than the City Council review, for any annual renewal. In such a case, the recommendation of the City staff may be placed on the City Council consent calendar for action. (Ord. 2007-1078 § 3)

7.28.040 Hearing procedure.

A. Once the staff review and recommendation of an application is complete, the City Recorder shall schedule the matter as an agenda item before the City Council. Any member of the Council or any person determined by the Council to be affected may re-

quest a public hearing before the City Council prior to action taken on an application. Such public hearing will be scheduled and notice given pursuant to Section 7.28.060 of this chapter.

B. The Mayor or Council President shall preside over the hearings provided for in this section and shall make rulings on all matters of procedure and evidence incident to the hearing not inconsistent with the provisions of this chapter.

C. The city, the applicant and any interested parties shall have the right to present evidence and witnesses. The Council and Mayor may ask questions of any witnesses.

The city, the applicant or any other affected party may be represented by legal counsel at their own expense.

After due consideration of pertinent information and testimony, the council shall make its recommendation. The recommendation shall be based on substantial evidence relative to the criteria of this chapter and shall be final. In the case of an adverse recommendation, findings shall be produced and forwarded to the Commission along with the Council recommendation. (Ord. 2007-1078 § 4)

7.28.050 Applicant notice.

Before the City Recorder forwards a recommendation to the City Council, notice to the applicant shall be given by first class mail, postmarked no later than five calendar days prior to the meeting at which the matter will be considered. The notice shall:

A. State the date, time and place of the meeting;

B. State the recommendation proposed for the application;

C. State that the applicant will be afforded an opportunity to testify at the public hearing which is scheduled. (Ord. 2007-1078 § 5)

7.28.060 Public notice.

A. In order to facilitate public participation in liquor license applications, the city shall cause to be placed on the City Council agenda an item specifying all liquor license applications by business name and address pending before the City Council.

B. Such agenda will be sent to all recognized area newspapers, including the city's official newspaper of record. (Ord. 2007-1078 § 6)

Chapter 7.30

MARIJUANA FACILITIES*

Sections:

7.30.010 Definitions.

For the purpose of this chapter, the following definitions apply:

"CFR Schedule I or Schedule II" means the controlled substances designated in the Code of Federal Regulations Title 21, Chapter II, Part 1308.

"Dispensary Operator" means the PRF (person responsible for a medical marijuana dispensary) for such dispensary, as defined in Oregon Health Authority (OHA) rules.

"Marijuana grow site operator" means the PRF (person responsible for a marijuana grow facility).

"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 therefrom), fiber, oil, cake or the sterilized seed of the plant which is incapable of germination.

"Marijuana facility" means a facility used for the purpose of dispensing, processing, producing, wholesaling, testing, researching, retailing or any similar use or treatment of marijuana, including for both recreational and medical use.

"Marijuana facility operator" or "Operator" means the person responsible for the operation of a marijuana facility.

"Marijuana facility agent" or "Agent" means a person employed by the Operator of a marijuana facility or a person who is not an employee of the operation but that will be allowed access into parts of the facility otherwise restricted to the public. Exceptions to this include but are not limited to temporary access such as state inspectors, persons participating in a tour of a facility hosted by a licensed operator or agent or equipment installers or repair personnel who are allowed access to execute a repairs or provide services who sells directly to consumers.

"Marijuana grow facility" means any facility or operation designed, intended or used for the purpose of producing (i.e., growing) or processing (i.e., transform the raw marijuana into another product or extract and/or packaging and labeling of marijuana) or wholesaling (i.e., buys marijuana in bulk and sells to resellers rather than to consumers, as defined by OLCC rules.

*Editor's note—Ord. No. 2016-1151, § 1, adopted January 4, 2016 repealed ch. 7.30, §§ 7.30.010—7.30.080, in its entirety; and enacted a new ch. 7.30 to read as set out herein. Former ch. 7.30 pertained to similar subject matter, and was derived from Ord. No. 2015-1145, § 1, adopted May 4, 2015 and Ord. No. 2015-1147, § 1, adopted July 6, 2015.

"Medical Marijuana" means all parts of marijuana plants that may be used to treat or alleviate a qualified patient's debilitating medical condition or symptoms associated with the patient's debilitating medical condition.

"Medical Marijuana Dispensary" means any facility or operation designed, intended or used for the purposes of delivering, dispensing or transferring marijuana to Oregon Medical Marijuana Registry Identification Card holders pursuant to ORS 475.300—475.346.

"Oregon Health Authority", "OHA", or "Authority" means the division of the State that administers the provisions of the Oregon Medical Marijuana Act and all policies and procedures pertaining thereto as set forth in state law.

"Oregon Liquor Control Commission," "OLCC" or "Licensor" means the division of the State that administers the licensing for recreational marijuana facilities as provided for under state law.

"OMMP" or "Oregon Medical Marijuana Program" means the state medical marijuana registry program administered by the Oregon Health Authority Public Health Division.

"OMMP Qualified Patient", "Qualified Patient", or "Patient" means a person who has a valid medical marijuana card issued by the Oregon Health Authority to engage in the medical use of marijuana and, if the person has a designated primary caregiver under ORS 475.312, the person's designated primary caregiver.
(Ord. No. 2016-1151, § 1, 1-4-2016)

7.30.020 Purpose.

The purpose of this chapter is to ensure that marijuana facilities operated within the City limits are in full compliance with any Oregon laws regulating marijuana, as well as, the City's land use and development standards, building and fire codes and all provisions of this chapter, and to ensure safe access to the recipients of marijuana, while protecting the health, safety, and welfare of the citizens of the City.
(Ord. No. 2016-1151, § 1, 1-4-2016)

7.30.030 Marijuana facility operator's license application, term, and fee.

A. Operator's License Application. Pursuant to the provisions of this Chapter, no person shall operate a marijuana facility within the City without first obtaining a marijuana facility operator's license. Completed applications shall be accompanied by a copy of the applicant's state agency issued registration certificate issued by either the Oregon Health Authority (OHA) or the Oregon Liquor Control Commission (OLCC), a copy of the applicant's driver's license or other government-issued photo identification, a current passport sized photograph of the applicant, and payment of the application fee. The application shall require the following information:

1. The business name, mailing address, physical location and telephone number under which the marijuana facility shall be operated.

2. The days and hours during which the marijuana facility shall be open for business.

3. The true name, mailing address, date and place of birth and driver's license number or other government-issued photo identification number of the person intending to operate the marijuana facility.

4. A statement that the operator shall at all times comply with state regulations and this chapter, as well as, other state and local laws relating to the dispensing, processing, producing, wholesaling, testing, researching, retailing or any similar use or treatment of marijuana, including the City's

land use and development regulations and building and fire codes relating to marijuana facilities.

5. A statement of whether the operator has ever been convicted of any felony during the applicant's lifetime, or of a misdemeanor within the past five (5) years.

6. A statement that the operator shall not employ, or accept volunteer services from any person to perform tasks related to the marijuana facility, whom has not obtained a marijuana facility agent's permit from the City.

7. A statement that the applicant will consult with Central Lincoln People's Utility District in order to determine whether or not the current service provided to the marijuana facility is sufficient (specific to grow sites only).

8. Any other information the City deems relevant and necessary to conduct any investigation or background check (including fingerprints) of the applicant and to ensure the proper protection of the public health, safety and welfare. All information provided on the operator's application must be kept current at all times; any change in such information must be reported to the City within ten (10) days of such change.

B. Term of Operator's License. A licenses to operate a marijuana facility shall be issued for a term of one (1) year beginning on July 1 and ending on June 30 of the following year.

If a licensee intends to continue to operate the following license year, not less than thirty (30) days prior to the license expiration, the licensee shall complete a license renewal application and pay the renewal fee.

Criminal history checks will be performed on the original and each renewal application.

An operator's license shall not be sold, assigned, or otherwise transferred.

C. Operator's License Fee. Upon submission of an original marijuana facility operator's license, an applicant shall submit a non-refundable application fee as set by City Council resolution.

Applicants with approved, active marijuana facility operator's licenses may reapply annually and submit a non-refundable renewal fee as set by City Council resolution.

License application and renewal fees shall not be prorated.

(Ord. No. 2016-1151, § 1, 1-4-2016)

7.30.040 Marijuana facility agent's permit application, term, and fee.

A. Agent's Permit Application. No person shall be employed by, provide volunteer services for, or perform any other tasks for a marijuana facility, without first obtaining a marijuana facility agent's permit from the City. An agent's permit shall be required for each marijuana facility at which a person is employed, volunteers, or performs any other task related to the facility. Completed applications for a marijuana facility agent's permit shall be submitted to the City, along with a copy of the applicant's driver's license or other government-issued form of identification, a current passport sized photograph of the applicant and payment of the non-refundable application fee. The application for an agent's permit shall provide the following information:

1. The name, address, telephone number and the name of the licensed marijuana facility operator for which the agent will be employed, volunteer, or provide other services for.

2. The applicant's true name, residence address, date and place of birth and driver's license number or other government-issued photo identification number;

3. A statement that the applicant is fully aware and knowledgeable of the rules

and regulations established by the Oregon Health Authority or Oregon Liquor Control Commission (whichever applies) and this chapter, as well as, all other state and local laws relating to the dispensing, processing, producing, wholesaling, testing, researching, retailing or any similar use or treatment of marijuana, including the City's land use and development regulations and building and fire codes relating to marijuana facilities;

4. A statement of whether the applicant has ever been convicted of any felony during the applicant's lifetime, or of a misdemeanor within the past five (5) years;

5. Any other information the City deems relevant and necessary to conduct any investigation or background check (including fingerprints) of the applicant and to ensure the proper protection of the public, health, safety and welfare. All information provided on the agent's application must be kept current at all times; any change in such information must be reported the City within ten (10) days of such change.

B. Term of Agent's Permit. Marijuana facility agent's permits shall be issued for a term of one (1) year beginning on July 1 and ending on June 30 of the following year.

If an agent intends to continue working, volunteering, or performing any other services for a licensed marijuana facility in the following permit year, not less than thirty (30) days prior to the permit expiration, the agent shall complete a permit renewal application and pay the renewal fee.

Criminal history checks will be performed on the original and each renewal applications.

An agent's permit shall not be sold, assigned, mortgaged, or otherwise transferred.

C. Agent's Permit Fee. Upon Submission of an original application for a marijuana facility agent's permit, an applicant shall submit a non-refundable application fee as set by City Council resolution.

Applicants with approved, active marijuana facility agent's permits may reapply annually and submit a non-refundable renewal fee as set by City Council resolution.

Permit application and renewal fees shall not be prorated.

D. Exceptions. Temporary contract employees whose services are required for a period not to exceed two (2) weeks per quarter (based on the City's fiscal year quarters) and holding a valid State of Oregon Marijuana Handlers Permit are exempt from fee and reporting to the City of Reedsport. It shall be the responsibility of the Operator to ensure each exempt employee is properly licensed through the State of Oregon and not exceeding the maximum allowable work days per quarter.

(Ord. No. 2016-1151, § 1, 1-4-2016; Ord. No. 2017-1163, § 1, 9-11-2017)

7.30.050 General rules and regulations for marijuana facilities.

A. Marijuana facilities must at all times be operated in strict compliance with Oregon Administrative Rules, Oregon Revised Statutes, this Chapter, the City's Land Usage Ordinance, building and fire codes and all other rules and regulations directly or indirectly relating to marijuana and the receipt, distribution, dispensing, transferring, advertising, and packaging thereof, as well as, the security requirements, possession limits, and location and zoning requirements of marijuana facilities.

B. All marijuana facility related permits, licenses, and certificates including, but not limited to those issued by the OHA, OLCC, OMMP, and the City of Reedsport, must be prominently displayed in an easily visible area located inside the marijuana facility at all times.

C. As part of the investigation of any crime which law enforcement officials reasonably suspect has taken place in a marijuana facility or in connection with the operation of a marijuana facility, upon request, the Reedsport Police Department shall have the authority to view video surveillance records and recordings and audio records and recordings when available.

D. Marijuana facilities shall not distribute to consumers any marijuana or marijuana-infused products free of charge.

E. No minors shall be allowed on the premises of a marijuana facility.

F. Subsequent to an investigation into a violation of this chapter or other City ordinance, the City Manager or their designee shall be authorized to inspect the premises of a marijuana facility and all financial, operational and facility information, including books, records, payroll records and state and federal tax returns. The operator shall be required to furnish the means, facilities and opportunity for such inspection.
(Ord. No. 2016-1151, § 1, 1-4-2016)

7.30.060 City indemnification.

A. The City by issuing a license or permit under this chapter does not directly or indirectly certify that the activities so licensed or permitted are lawful activities under federal or other laws. By accepting a marijuana facility operator's license or marijuana facility agent's permit, issued pursuant to this chapter the licensee and/or permittee waives and releases the City, its officers, elected officials, employees, volunteers and agents from any liability for injuries, damages, or liabilities of any kind that result from any arrest or prosecution of marijuana facility owners, operators, agents, employees, volunteers, clients or customers for a violation of federal, state or local laws and regulations.

B. By accepting a license or permit issued pursuant to this chapter, the licensee and/or permittee, jointly and severally, if more than one (1), agree to indemnify and hold harmless the City, its officers, elected officials, employees, volunteers and agents, insurers and self-insurance pool against all liability, claims and demands on account of any injury, loss or damage, including without limitation, claims arising from bodily injury, personal injury, sickness, disease, death, property loss or damage, or any other loss of any kind whatsoever arising out of or in any manner connected with the operation of the marijuana facility that is the subject of the license.
(Ord. No. 2016-1151, § 1, 1-4-2016)

7.30.070 Denial, suspension, revocation, appeals, and penalties.

A. A permit shall not be issued to anyone who has ever been convicted of a felony; or anyone who has any pending or unresolved criminal charges in any jurisdiction; or surrendered or have had a professional license revoked in lieu of prosecution; or anyone who has a pattern of criminal conduct that would lead a prudent person to question the ability of the applicant to abide by local or state regulations; or anyone who has been convicted of a misdemeanor within the last five (5) years relating to fraud or moral turpitude or theft or any law or statute where the elements of such relate to the business activity to be conducted, unless the applicant demonstrates by clear and convincing evidence that the offense has no bearing on the applicant's fitness to undertake the licensed activity without endangering property or public health, safety or welfare.

B. The City Manager or their designee may deny, suspend or revoke a marijuana facility operator's license or a marijuana

facility agent's permit for failure to meet the requirements of this chapter or to comply with the rules adopted by this chapter or any other local or state requirement relating to marijuana facilities.

C. A decision to deny an application for a marijuana facility operator's license or marijuana facility agent's permit shall be submitted in writing setting forth the reasons therefore and advising the applicant of the right to appeal the matter to the City Council.

D. A decision to suspend or revoke a marijuana facility operator's license or marijuana facility agent's permit shall be in writing, setting forth the reasons therefore, and giving the agent and/or operator written notice by first-class mail at least five (5) days prior to the effective date of the suspension or revocation. Such notice shall also advise the agent or operator of the right to appeal the matter to the City Council. Said mailing shall be effective if sent to the address most recently listed on the facility operator's or agent's application. Any requests required to be given to the City under the provisions herein shall be made in writing to the City Manager at:

451 Winchester Ave.

Reedsport, OR 97467.

E. Any person found guilty of violating, disobeying, omitting, neglecting or refusing to comply with any of the provisions of this chapter shall be fined not less one hundred dollars ($100.00) nor more than one thousand dollars ($1,000.00) for each offense. A separate and distinct offense shall be deemed committed each day on which a violation occurs.

F. The remedies provided in this section are not exclusive and shall not prevent the City from exercising any other remedy available under law, either simultaneously or otherwise.

(Ord. No. 2016-1151, § 1, 1-4-2016)

Title 8

(RESERVED)

Title 9

CRIME AND PUNISHMENT

Chapters:

Chapter 9.04

CRIMINAL CODE ADOPTED

Sections:

9.04.020 Civil forfeiture.

Oregon Revised Statutes Chapter 475A is adopted by this reference as though fully set forth in this title. (Ord. 2004-1041 (part): Ord. 2000-1009 § 4)

9.04.030 Alcoholic liquor.

The following enumerated Oregon Revised Statutes as heretofore amended are adopted by reference and made a part of this title as though fully set forth:

ORS 471.001 Alcoholic Liquors through and including ORS 471.990

(Ord. 2004-1041 (part): Ord. 2000-1009 § 7)

9.04.040 Possession of marijuana.

A. Definitions. For the purposes of this section, the following definitions shall apply:

"Marijuana" means all parts of the plant 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. 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 therefrom), fiber, oil or cake, or the sterilized seed of the plant which is incapable of germination.

"Practitioner" means a physician, dentist, veterinarian, scientific investigator, certified nurse practitioner, physician's assistant, or other person licensed, registered or otherwise permitted by law to dispense, conduct research with respect to or to administer a controlled substance in the course of professional practice or research in this state, but does not include a pharmacist or a pharmacy.

B. Possession of Marijuana. No person shall knowingly or intentionally possess less than one avoirdupois ounce of the dried leaves, stems and flowers of the plant Cannabis family Moraceae, unless the substance was obtained directly from or pursuant to a valid prescription or order of a practitioner while acting in the course of professional practice, or except as otherwise authorized by state law.

C. Penalty. Unlawful possession of less than one avoirdupois ounce of the dried leaves, stems and flowers of the plant Cannabis family Moraceae is a violation as defined by Oregon law and is punishable by a fine of not less than five hundred dollars ($500.00) and not more than one thousand dollars ($1,000.00) but in no event shall such fines exceed the maximum fine that could be imposed under state law for violation of a similar statute of the state of Oregon.

D. Diversion.

1. A person charged with the offense of possession of less than an ounce of marijuana may be eligible for a diversion agreement, if the offense for which the defendant is before the court is the defendant's first offense, and the defendant files with the court a petition for a possession of marijuana diversion agreement.

2. Possession of marijuana diversion petitions shall be available to a defendant at the court. The petition form shall conform to the requirements of state law.

3. Diversion procedures shall be as prescribed by state statutes for possession of marijuana diversion agreements. (Ord. 2006-1065)

Chapter 9.08

OFFENSES BY OR AGAINST PUBLIC OFFICERS AND GOVERNMENT

Sections:

9.08.010 Fire control.

A. No person shall intentionally give a false alarm of fire or aid or abet in the commission of such an act. Violation of this subsection is a Class A misdemeanor as defined in Oregon Law.

B. No person shall drive a vehicle over or upon any fire hose, or otherwise disturb or injure in any manner any hose, engine, appliance or apparatus belonging to or used by the Fire Department. Violation of this subsection is a Class A misdemeanor as defined in Oregon Law.

C. No person at a fire shall conduct himself in a disorderly manner or refuse to obey promptly an order of a member of the Fire Department or resist, obstruct or hinder a member of the Fire Department. Violation of this subsection is a Class A violation as defined in Oregon Law.

D. No unauthorized person shall unfasten, open, draw water from, or otherwise tamper with a fire hydrant. Violation of this subsection is a Class A violation as defined in Oregon Law. (Ord. 2000-1009 § 8)

9.08.020 Disruption of city meeting.

No person shall disrupt or delay a regular meeting or an executive session meeting of the Reedsport City Council or any of its commissions or departments. Violation of this section is a Class A misdemeanor. (Ord. 2000-1009 § 5)

9.08.030 Taking, retention or mutilation of public records.

A. No person without proper authority shall take or remove any public record, document, book, paper or personal property of any kind owned by the city. Violation of this subsection is a Class A violation as defined in Oregon Law.

B. No person without proper authority shall mutilate or destroy any public record, document, book or paper on file or kept on record in any public office of the city. Violation of this subsection is a Class C misdemeanor as defined in Oregon Law.

C. No person shall retain any public record, document, book or paper after lawful demand has been made for the return thereof. Violation of this subsection is a Class A violation as defined in Oregon Law. (Ord. 2000-1009 § 15)

9.08.040 Weapons—Discharging firearms.

Except on established ranges, no person other than a peace officer in the line of duty shall discharge inside or into the city corporate limits:

A. A gun, pistol, revolver, rifle or shotgun; violation of this subsection is a Class A misdemeanor as defined in Oregon Law;

B. A spring or air actuated pellet gun or air gun or BB gun or other weapon which propels a projectile by use of compressed air,

gunpowder or other explosive; violation of this subsection is a Class A violation as defined in Oregon Law;

C. A jet or rocket propulsion; violation of this subsection is a Class A violation as defined in Oregon Law.

The provisions of this section or Section 9.28.010 shall not be construed to prohibit the firing or discharging of a weapon by a person in the lawful defense or protection of his property, person or family. (Ord. 2000-1009 § 16)

Chapter 9.12

OFFENSES AGAINST PUBLIC PEACE AND DECENCY

Sections:

9.12.010 Search, seizure and forfeiture of conveyance in which drugs unlawfully transported or possessed.

If narcotic or dangerous drugs are found in or upon a conveyance in which a person has been arrested on a charge of unlawful possession of narcotic or dangerous drugs, any police officer may seize them and seize the vehicle, boat or other conveyance and hold it pending outcome of the criminal action. If defendant is found guilty, the vehicle, boat or other conveyance shall be forfeited to the city in the same manner as provided in ORS 471.660 and ORS 471.666. (Ord. 2000-1009 § 6)

9.12.020 Obstructing passageways.

A. Except as otherwise permitted by ordinance, no person shall use a street or public sidewalk for selling, storing or displaying merchandise or equipment. Violation of this subsection shall be deemed a violation as defined by Oregon State law.

B. The provisions of this section shall not apply to the delivery of merchandise or equipment, provided the owner or person in charge of the merchandise or equipment or the property abutting on the street or sidewalk upon which the merchandise or equipment is located removes the merchandise or equipment within a reasonable time. (Ord. 2000-1009 § 10)

9.12.030 Poisoning animals.

No person shall put out or place poison where the same is likely to harm domestic animals. Violation of this subsection is a Class A violation as defined in Oregon Law. (Ord. 2000-1009 § 11)

9.12.040 Prowling.

No person shall loiter, prowl or wander upon the property or premises of another, without the consent of or without lawful business with the owner or occupant thereof. No person, while being upon the property or premises of another, shall look or peep in the door or window of any building or structure situated thereon which is inhabited or used as a dwelling, without the consent of, or without lawful business with, the owner or occupant thereof. Violation of this subsection is a Class A misdemeanor as defined in Oregon Law. (Ord. 2000-1009 § 12)

9.12.050 Obstruction of sidewalks.

A. No person or group of persons shall gather or stand upon a sidewalk or public pathway in such a manner as to prevent, impede or obstruct the free passage of pedestrian traffic. Violation of this subsection is a Class A misdemeanor as defined in Oregon Law.

B. No person or group of persons obstructing the free passage of pedestrian traffic shall fail or refuse to move on or disperse when lawfully ordered to do so by a police officer. Violation of this subsection is a Class A misdemeanor as defined in Oregon Law.

C. No owner or person in charge of property shall permit a cellar door or grate located in or upon a public sidewalk or public pathway to remain open except when such entrance is being used; and, when being used, there are adequate safeguards for pedestrians using the sidewalk. Violation of this subsection is a Class A violation as defined in Oregon Law. (Ord. 2000-1009 § 14)

9.12.060 Drinking in public prohibited.

No person shall consume alcoholic beverages or possess an open alcoholic beverage container in or on a public way, public property or private property open to the general public, unless the premises or location's license has been endorsed by the city council.
(Ord. No. 2021-1190, Exh. A, 11-1-2021)

9.12.065 Violations—Penalties.

A. Penalties for violation of [Section] 9.12.050 shall be punishable by a fine not to exceed five hundred dollars ($500.00).

B. Any violation of 9.12.050 that is in a public park shall also result in the expulsion from the park for one (1) year.
(Ord. No. 2021-1190, Exh. A, 11-1-2021)

Chapter 9.16

OFFENSES AGAINST PROPERTY

Sections:

9.16.010 Destruction of official notices and signs.

No person, without proper authority, shall wilfully deface, alter, remove or tear down any official notice or bulletin, or any official sign, signal or barricade posted or placed in conformity with the law. Violation of this subsection is a Class A violation as defined in Oregon Law. (Ord. 2000-1009 § 13)

9.16.020 Graffiti.

A. Chapter No. 615, Oregon Laws 1995, is adopted as though fully set forth in this chapter.

B. Removal. Upon graffiti being placed in violation of this section, the owner, person in charge, or their designee shall remove from public view the graffiti within seventy-two (72) hours of either the graffiti being placed, or notification by the city to remove the graffiti. If the graffiti is not removed from public view within the allotted seventy-two (72) hours, the city will cause the graffiti to be removed from public view, charging the property owner costs in time and materials plus a twenty (20) percent administrative fee.

C. Inconsistency. If there exists any conflict between the state statute adopted by reference and any specific section of this section, or any section now in effect but not repealed hereby, then the specific section of this section or that ordinance now in effect but not repealed hereby, shall prevail and take precedence over the state statute. (Ord. 1995-748-A §§ 1, 3 and 4)

Chapter 9.20

OFFENSES BY OR AGAINST MINORS

Sections:

9.20.010 Loitering of minors prohibited.

A. It shall be unlawful for any minor under the ages of eighteen (18) years to loiter, idle, wander, stroll or play in or upon the public streets, highways, roads, alleys, parks, playgrounds, wharves, docks, or other public grounds, public places and public buildings, places or amusement and entertainment, vacant lots, or any places unsupervised by adults as follows:

Daytime Loitering:

1. Between the hours of eight a.m. and three-thirty p.m. on any days that school is in session within School District No. 105.

Curfew:

2. Between the hours of ten p.m. and five a.m. of the following day, official city time, during all the months of the official school year as established by School District No. 105.

B. Subsection (A)(2) does not apply to Fridays and Saturdays of each week or to official state holidays recognized by School District No. 105 during the official school year, when the prohibitions of this section shall only apply between the hours of twelve midnight and five a.m. of the following day, official city time.

C. Subsection A does not apply to the period of time known as the official school summer vacation period as established by School District No. 105 when the provisions of subsection B shall apply.

D. The provisions of subsections A, B and C of this section do not apply to a minor accompanied by the minor's parent, guardian, or other adult having the care and custody of the minor; where the minor is upon an emergency errand or legitimate business directed by the minor's parent, guardian, or other adult person having the care and custody of the minor; where the minor is returning from work; where the minor is participating in First Amendment activities; when the minor is involved in interstate travel; where the minor is participating in religious activities or where the minor is attending or returning directly home from recognized school activities or functions.

Each violation of any provisions of this section shall constitute a separate offense. (Ord. No. 2014-1137, 10-6-2014; Ord. 2000-1009 § (1))

9.20.020 Responsibility of parents, guardians or other adult persons having care and custody of a minor under the age of eighteen years.

A. It shall be unlawful for the parent, guardian or other adult person having care and custody of a minor under the age of eighteen (18) years to knowingly permit such minor to loiter, idle, wander, stroll or play in or upon the public streets, highways, roads, alleys, parks, playgrounds, wharves, docks, or other public grounds, public places and public buildings, places or amusement and

entertainment, vacant lots, or any places unsupervised by adults, between the hours of:

Daytime Loitering:

1. Between the hours of eight a.m. and three-thirty p.m. on any days that school is in session within School District No. 105.

Curfew:

2. Between the hours of ten p.m. and five a.m. of the following day, official city time, during all the months of the official school year as established by School District No. 105.

B. Subsection (A)(2) does not apply to Fridays and Saturdays of each week or to official state holidays recognized by School District No. 105 during the official school year, when the prohibitions of this section shall only apply between the hours of twelve midnight and five a.m. of the following day, official city time.

C. Subsection A does not apply to the period of time known as the official school summer vacation period as established by School District No. 105 when the provisions of subsection B shall apply.

D. The provisions of subsections A, B and C of this section do not apply to a minor accompanied by the minor's parent, guardian, or other adult having the care and custody of the minor; where the minor is upon an emergency errand or legitimate business directed by the minor's parent, guardian, or other adult person having the care and custody of the minor; where the minor is returning from work; where the minor is participating in First Amendment activities; when the minor is involved in interstate travel; where the minor is participating in religious activities or where the minor is attending or returning directly home from recognized school activities or functions.

Each violation of any provisions of this section shall constitute a separate offense. (Ord. No. 2014-1137, 10-6-2014; Ord. 2000-1009 § (2))

9.20.030 Violations—Penalties.

A. Any minor violating the provisions of this chapter shall be dealt with in accordance with juvenile court law and procedure.

B. Any parent, guardian, or other adult person having the care and custody of a minor, knowingly violating this chapter shall be fined not more than fifty dollars ($50.00) if the conviction is for a first offense under this chapter, nor more than five hundred dollars ($500.00) for each subsequent offense. (Ord. 2000-1009 § (3))

Chapter 9.24

WEAPONS

Sections:

9.24.010 Carrying loaded in vehicle.

Other than a police officer, no person shall carry and no owner of a vehicle shall allow to be carried, a firearm within or upon a motor vehicle, when the firearm is carrying an unexpended shell in the chamber of the firearm, or in the case of a revolver when the chamber in the cylinder beneath the firing pin or the next up chamber is carrying an unexpended shell, while inside the corporate limits of the city. Violation of this subsection is a Class A misdemeanor as defined in Oregon Law. (Ord. 2000-1009 § 17)

9.24.020 Bean shooter, toy pistols and similar objects.

No person shall use, cause to be used or encourage to be used the following: a bean shooter, toy pistol, slingshot or other contrivance or invention used in shooting or throwing beans, stones, pebbles, arrows, or other similar objects in a public place except on established ranges. Violation of this subsection is a Class D violation as defined in Oregon Law.

"Public place," for purposes of this section, shall mean a place to which the general public has access and includes, but not limited to, hallways, lobbies, and other parts of apartment houses and hotels not constituting rooms or apartments designed for actual residence, and highways, streets, schools, places of amusement, businesses, parks, playgrounds and premises used in connection with public passenger transportation. (Ord. 2000-1009 § 18)

9.24.030 Bows and cross-bows.

No person shall discharge a bow or cross-bow within or into the city corporate limits. This section shall not apply to toys or to areas designated by the city for use of bows or cross-bows. (Ord. 2000-1009 § 19)

Chapter 9.28

ADMINISTRATION AND ENFORCEMENT

Sections:

9.28.010 Violations—Penalties.

Except as provided below, or elsewhere in this title, violation of this title is a Class A misdemeanor as defined by state law. Any person convicted of violating this title may be punished by imprisonment for period not to exceed one year, or by a fine not to exceed five thousand dollars ($5,000.00), or by both such fine and imprisonment plus costs and assessments as provided by Oregon Law.

In the event that the state statutes adopted by this title in Sections 9.04.010 and 6.12.060 provide for a penalty then that penalty applies for violation of those sections. (Ord. 2000-1009 §§ 21, 22)

9.28.020 Working prisoners.

In any conviction for violation of this title or any other ordinance of the city where the penalty fixed by the Court is confinement for any term, the Court additionally may order that the convicted person, during the term of confinement, labor upon the streets, perform community service projects, or public works of the city under the direction of the proper authorities. The defendant shall be given credit of six dollars and fifty cents ($6.50) or the minimum hourly wage, whichever is greater, for every hour worked to be applied against the fine imposed. (Ord. 2000-1009 § 23)

9.28.030 Separate violations.

Each violation of a provision of this title shall constitute a separate offense. (Ord. 2000-1009 § 24)

9.28.040 Inconsistency.

If there exists any conflict between the state statutes hereinabove adopted by reference and any specific section of this title, or any ordinance now in effect but not repealed hereby, then the specific section of this title or that ordinance now in effect but not repealed hereby shall prevail and take precedence over the state statute, in so far as it does not violate Article XI Section 2 of the Oregon Constitution. (Ord. 2000-1009 § 26)

Chapter 9.32

PROPERTY INVENTORY INCIDENT TO ARREST OR IMPOUNDMENT

Sections:

9.32.010 Authority to make inventory.

When a city police officer takes a person into custody or impounds a vehicle, the officer shall make an inventory of the property found in the possession or custody of the person or inventory the property found upon or within the vehicle. The officer conducting the inventory shall exercise no discretion but shall comply with the terms of this chapter.

The inventory of property in a vehicle is not a search for evidence of criminal activity. Items should be scrutinized only to the extent necessary to complete an accurate inventory list. Once completed, the list shall be made a part of the narrative section of the appropriate report. The inventory should occur as soon as practicable after the vehicle has been impounded. (Ord. 1995-741 § 1)

9.32.020 Purpose of inventory—Receipt required when.

A. These inventories are necessary to:

1. Locate weapons and instruments that facilitate escape;

2. Locate toxic substances, flammables and explosives;

3. Protect private property while in custody; identify property to establish accountability and avoid spurious claims of ownership of that property;

4. Assist in the prevention of theft of property and in locating and identifying stolen property; and

5. Reduce the danger to persons and property.

B. In accordance with ORS 133.455, when an officer takes or receives for safekeeping or other purpose any money or other valuables from any person in custody, the officer must tender that person a receipt for the property. (Ord. 1995-741 § 2)

9.32.030 Applicability.

This chapter is meant to exclusively apply to the process for conducting an inventory of the personal property upon or in an impounded vehicle and the personal possessions of a person in police custody which are in the person's custody or possession and shall not be interpreted to affect any other statutory or constitutional right(s) that police officers may employ to search persons or search or seize possessions for other purposes. (Ord. 1995-741 § 3)

9.32.040 Definitions.

For the purposes of this chapter, the following definitions shall apply:

"Valuables" means:

1. Cash money of an aggregate amount of fifty dollars ($50.00) or more; or

2. Individual items of personal property with a value of over five hundred dollars ($500.00).

"Open container" means a container which is unsecured or incompletely secured in such a fashion or is made of a material so that the container's contents are exposed to view.

"Closed container" means a container whose contents are not exposed to view.

"Police custody" means either:

1. The imposition of restraint as a result of an "arrest" as that term is defined at ORS 133.005(1);

2. The imposition of actual or constructive restraint by a police officer pursuant to a court order;

3. The imposition of actual or constructive restraint by a police officer pursuant to ORS Chapter 426;

4. The imposition of actual or constructive restraint by a police officer for purposes of taking the restrained person to an approved facility for the involuntary confinement of persons pursuant to Oregon law.

"Police officer" means any officer of the Reedsport Police Department. (Ord. 1995-741 § 4)

9.32.050 Inventories of impounded vehicles.

A. The contents of all vehicles impounded by a police officer shall be inventoried. The inventory shall be conducted before constructive custody of the vehicle is released to a third-party towing company or to any other person except under the following circumstances:

1. If there is reasonable suspicion to believe that the safety of either the police officer(s) or any other person is at risk, a required inventory shall be done as soon as safely practical; or

2. If the vehicle is being impounded for evidentiary purposes in connection with the investigation of a criminal offense, the inventory shall be done after such investigation is completed.

B. The purpose for the inventory of an impounded vehicle shall be to:

1. Promptly identify property to establish accountability and avoid spurious claims to property and protect private property while in custody;

2. Assist in the prevention of theft of property;

3. Locate toxic, flammable or explosive substances; or

4. Reduce the danger to persons and property.

C. Inventories of impounded vehicles shall be conducted according to the following procedure:

1. An inventory of personal property and the contents of open containers shall be conducted throughout the passenger and engine compartments of the vehicle including, but not limited to, accessible areas under or within the dashboard area, in any pockets in the doors or in the back of the front or back seat, in any console between the seats, under any floor mats and under the seats;

2. In addition to the passenger and engine compartments as described above, an inventory of personal property and the contents of open containers shall also be conducted in the following locations:

a. Any other type of unlocked compartments that are a part of the vehicle including, but not limited to, unlocked glove boxes, vehicle trunks and unlocked car-top containers, and

b. Any locked compartments including, but not limited to, locked glove boxes, vehicle trunks, locked hatchbacks and locked car-top containers, if either the keys or an unlocking mechanism are available to be released with the vehicle to the third-party towing company or any other person or an unlocking mechanism for such compartment is available within the vehicle;

3. Unless otherwise provided in this chapter, closed containers located either within the vehicle or any of the vehicle's compartments shall not be opened for inventory purposes;

4. Upon completion of the inventory, the police officer shall complete a report as directed by the Chief of Police;

5. Any valuables located during the inventory process shall be listed on a property receipt. A copy of the property receipt shall either be left in the vehicle or tendered to the person in control of the vehicle if such person is present. The valuables shall be dealt with in such manner as directed by the Chief of Police. (Ord. 1995-741 § 5)

9.32.060 Inventories of persons in police custody.

A. A police officer shall inventory the personal property in the possession or custody of a person taken into police custody and such inventory shall be conducted whenever:

1. Such person shall be either placed in a secure police holding room or transported in the secure portion of a police vehicle; or

2. Custody of the person shall be transferred to another law enforcement agency, correctional facility, or "treatment facility" as that phrase is used in ORS 426.460 or such other lawfully approved facility for the involuntary confinement of persons pursuant to Oregon Revised Statute.

B. The purpose of the inventory of a person in police custody shall be to:

1. Promptly identify property to establish accountability and avoid spurious claims to property and protect private properly while in custody;

2. Fulfill the requirements of ORS 133.455 to the extent that such statute may apply to certain property held by the police officer for safekeeping;

3. Assist in the prevention of theft of property;

4. Locate toxic, flammable or explosive substances;

5. Locate weapons and instruments that may facilitate an escape from custody or endanger law enforcement personnel; or

6. Reduce the danger to persons and property.

C. Inventories of the personal property in the possession of such persons shall be conducted according to the following procedures:

1. An inventory shall occur prior to placing such person into a holding room or a police vehicle, whichever occurs first. However, if reasonable suspicion to believe that the safety of either the police officer(s) or the person in custody or other persons or all are at risk, an inventory shall be done as soon as safely practical prior to the transfer of custody to another law enforcement agency, correctional facility or treatment facility as that phrase is used in ORS 426.460 or such other lawfully approved facility for the involuntary confinement of persons pursuant to Oregon Revised Statutes.

2. To complete the inventory of the personal property in the possession of such

person, the police officer shall remove all items of personal property from the clothing worn by such person. In addition, the officer shall also remove all items of personal property from all open containers in the possession of such person.

3. A closed container in the possession of such person shall have its contents inventoried only when:

a. The closed container is to be placed in the immediate possession of such person at the time that person is placed in the secure portion of a custodial facility, police vehicle or secure police holding room;

b. Such person requests that the closed container be with them in the secure portion of a police vehicle or a secure police holding room; or

c. The closed container is designed for carrying money and/or small valuables on or about the person including, but not limited to, closed purses, closed coin purses, closed wallets and closed fanny packs.

D. Valuables found during the inventory process shall be noted by the police officer in a report as directed by the Chief of Police.

E. All items of personal property neither left in the immediate possession of the person in custody nor left with the facility or agency accepting custody of the person, shall be handled in the following manner:

1. A property receipt shall be prepared listing the property to be retained in the possession of the respective Police Department and a copy of that receipt shall be tendered to the person in custody when such person is released to the facility or agency accepting custody of such person;

2. The property shall be dealt with in such manner as directed by the Chief of Police.

F. All items of personal property neither left in the immediate possession of the person in custody nor dealt with as provided in subsection E of this section, shall be released to the facility or agency accepting custody of the persons so that they may:

1. Hold the property for safekeeping on behalf of the person in custody; and

2. Prepare and deliver a receipt, as may be required by ORS 133.455, for any valuables held on behalf of the person in custody. (Ord. 1995-741 § 6)

Chapter 9.36

CRIME PROPERTY AND FORFEITURES

Sections:

9.36.010 Definitions.

As used in this chapter:

"Costs" means those costs actually incurred by the city for the physical securing of real property, court costs, and other expenses incurred in enforcing this chapter.

"Enforcement officer" means the Chief of Police for the city, or his or her designee.

"Owner" means any person holding or claiming to hold title to real property, including, but not limited to, a mortgagee in possession, a vendee under a land sale contract, or a beneficiary under a deed of trust; any person having or claiming to have lawful care, custody, control or possession of real property by any method or manner whatsoever; an occupant of any real property who is engaging or has engaged in any criminal activity on the real property which may be the basis for a determination the property is specified crime property, and who is known by the person holding or claiming title to the real property or who otherwise has or claims to have lawful care, custody, control or possession of the property to be engaging or to have engaged in such criminal activity.

"Person" means any natural person, association, partnership or corporation, or other form of legal entity or entity in fact capable of owning or using property.

"Specified crime" means a crime involving "controlled substances" as defined in ORS Chapter 475; "gambling" as defined in ORS 167.117; or "prostitution" as defined by ORS 167.007 shall be deemed specified crimes for purposes of this chapter.

"Specified crime property" means any kind of real property where a crime involving "controlled substances" as defined in ORS Chapter 475, "gambling" as defined in ORS 167.117, or "prostitution" as defined by ORS 167.007 has occurred in any combination for four or more times during any consecutive sixty (60) day period.

"Real property" means any real property, including, but not limited to, lots, parcels, buildings, houses, rooms, structures or any separate part or portion thereof, whether temporary or permanent.

Also any kind of real property on which or within two hundred (200) feet of which any person associated with the real property has engaged in four or more specified crimes during any consecutive sixty (60) day period.

"Tenant" means a "residential tenant," as defined by the Oregon Residential Landlord and Tenant Act, and any other person holding real property under the terms of a lease. (Ord. 1997-757 § 1)

9.36.020 Specified crime property prohibited.

A. It is unlawful for any real property to be used or maintained as specified crime property within the city.

B. It is unlawful for any owner to use or maintain or to allow the use or maintenance of real property as specified crime property.

C. It is unlawful for an owner to use or occupy or to allow or permit any person to use or occupy, by lease or otherwise, any real property during any period such property is subject to an order of closure pursuant to Section 9.36.060. (Ord. 1997-757 § 2)

9.36.030 Preliminary notice.

A. When the Enforcement Officer has received two or more reports during a consecutive thirty (30) day period documenting the occurrence of specified crimes on or within two hundred (200) feet of real property located within the city limits and has reasonable grounds to believe real property has been or is being used or maintained in violation of Section 9.36.020, the Enforcement Officer may institute proceedings against the owner for the closure of the real property and the imposition of civil penalties.

B. The Enforcement Officer shall provide preliminary notice of the institution of proceedings in the following manner.

1. The Enforcement Officer shall notify the owner, the City Manager and the City Attorney in writing that the real property is believed to be specified crime property. The notice shall contain the following information:

a. The street address and a legal description sufficient for identification of the real property;

b. A statement the real property is specified crime property, along with specific findings supporting this determination. The findings shall contain a concise description of the conditions establishing a violation of this chapter;

c. A statement that the person receiving the notice shall contact the Enforcement Officer within fourteen (14) days and propose a course of action that the Enforcement Officer agrees will abate the specified crimes giving rise to the violation.

2. A copy of the notice shall be served on the owner at least ten (10) days prior to the filing of a complaint. Service of the notice shall be made by personal delivery or by mailing a copy of the notice by certified mail to the owner at the address as it appears on the tax rolls and the address as it appears on the last recorded instrument of conveyance, if different from the address specified on the tax rolls, and to the owner's actual address, if known to be different from the above.

3. A copy of the notice shall be served on the occupant or occupants of the real property not less than ten (10) days prior to the filing of a complaint. Notice shall be made by mailing a copy of the notice by first class mail, or by personal delivery to the occupant or occupants at the real property.

4. A copy of the notice may be posted at the real property if ten (10) days has elapsed from the service or mailing of the notice to the owner, and no response has been received by the city during that time.

5. The Enforcement Officer shall send a copy of the notice to the District Attorney for Douglas County and the City Attorney, as well as any other documentation supporting closure and the imposition of civil penalties.

6. The failure of any person to receive notice that the real property may be a specified crime property shall not invalidate or otherwise affect the proceedings under this chapter.

C. If, after the notification, but prior to the commencement of legal proceedings by the city pursuant to this chapter, the owner stipulates with the Enforcement Officer that the owner will pursue a course of action that the parties agree will abate the specified crimes giving rise to the violation, the Enforcement Officer may agree to postpone legal proceedings for a period of not less than ten (10) nor more than thirty (30) days. If the agreed course of action does not result in the abatement of the specified crimes or if no agreement concerning abatement is reached with thirty (30) days, the Enforcement Officer may refer the matter to the City Attorney to commence a legal proceeding to abate the nuisance.

Whenever the owner is sent notice or other correspondence, the Enforcement Officer shall send copies, as well as any other documentation which supports legal proceedings against the real property to the City Manager and City Attorney.

D. When an owner makes a response to the Enforcement Officer as required by this chapter, any conduct or statements made in connection with the furnishing of that response shall not constitute an admission that any specified activities have or are occurring on the real property. This subsection does not require the exclusion of any evidence which is otherwise admissible or offered for any other purpose. (Ord. 1997-757 § 3)

9.36.040 Complaint—Burden of proof—Defenses—Stay of proceedings.

After notice has been given pursuant to this chapter, the City Manager, after consulting with the Enforcement Officer, may authorize the filing of a complaint seeking to enjoin or abate the real property and to seek closure, the imposition of civil penalties against the owner and any such other relief deemed appropriate. Nothing in this section shall limit the power of the City Manager to enter into an agreement with the owner for the voluntary abatement of conditions giving rise to the violation.

A. An action shall be commenced by the filing of a complaint alleging facts constituting a violation, containing a legal description of the real property and alleging that the owner has been notified of the violation at least ten days prior to the filing of the complaint.

B. The city shall have the initial burden to show, by a preponderance of the evidence, the real property is specified crime property.

C. Evidence of the real property's general reputation and the reputation of persons residing in or frequenting the real property shall be admissible and competent.

D. It is a defense to an action seeking closure of the real property that the owner, at the time in question, could not in the exercise of reasonable care or diligence determine that the real property was being used or maintained as specified crime property, or could not, in spite of the exercise of reasonable care and diligence, control the conduct leading to the determination that the real property is specified crime property.

E. If prior to trial, the owner and the city enter into an agreement, stipulating to the abatement of the conditions giving rise to the

complaint, the court upon motion by the city may stay proceedings for a period not to exceed sixty (60) days. The owner may thereafter petition the court for additional periods of time as may be necessary to complete the actions stipulated to in the agreement. If the owner is not diligently pursuing the actions stipulated to in the agreement, the city may apply for release of the stay at any time prior to the end of the stay. (Ord. 1997-757 § 4)

9.36.050 Emergency closures.

If the Enforcement Officer determines real property is an immediate threat to the public safety and welfare by virtue of activity which would establish a violation of this chapter, the city may apply to the court for a preliminary injunction ordering closure of the real property. In such event, no preliminary notice required under Section 9.36.030 need be given. (Ord. 1997-757 § 5)

9.36.060 Closure order and civil penalties—Costs.

A. If real property is determined to be specified crime property, the Court may order closure of such property for a period of up to one year, and assess a civil penalty against the owner of up to five hundred dollars ($500.00) for each day the owner had knowledge of activities or conditions constituting the violation. A person shall be deemed to have had knowledge at a date no later than the date preliminary notice is provided pursuant to Section 9.36.030. In establishing the amount of any civil penalty, the court may consider the following factors:

1. The actions taken by the owner or owners to mitigate or correct the problem at the real property;

2. The financial condition of the owner;

3. Whether the problem at the real property was repeated or continuous;

4. The magnitude or gravity of the problem;

5. The economic or financial benefit accruing or likely to accrue to the owner as a result of the failure to correct conditions at the real property;

6. The cooperativeness of the owner with the city;

7. The cost to the city of investigating and correcting or attempting to correct the condition;

8. Any other factors deemed material by the Court.

B. If an order of closures is granted, the city may physically secure the real property against use or occupancy if the owner fails to do so within the time specified by the order. All costs reasonably incurred by the city in such action shall be a lien upon the property.

C. The city shall prepare a statement of costs, which shall be served on the owner and filed with the Court. If no objection to the statement is filed with the Court within fourteen (14) days of the date of service, the statement of costs shall be entered as part of the judgment, and a certified copy filed as a lien against the real property in the city's lien docket. Liens shall bear interest at the rate of nine percent per annum, commencing with the date of entry of judgment or order of closure. (Ord. 1997-757 § 6)

9.36.070 Relocation costs.

Any tenant found by a preponderance of the evidence not to have been a contributing cause for the real property being declared a specified crime property and who is required to relocate

by a closure order is entitled to reasonable relocation costs, to be paid by the owner, if the tenant moved into the real property after either:

A. The owner received preliminary notice under Section 9.36.030; or

B. The owner was served with summons and complaint for a preliminary injunction under Section 9.36.050.

In any action to recover relocation costs, the tenant shall be entitled to reasonable attorney's fees associated with recovery. (Ord. 1997-757 § 7)

9.36.080 Relief from closure order.

A. The owner of real property may obtain relief from a closure order if the owner:

1. Appears and pays all costs associated with the proceedings;

2. Files a bond, in an amount not less than the tax-assessed value of the structure; and keeps such bond in force for a period of not less than one year; and

3. Enters into a stipulation with the city to immediately abate the conditions, to make every effort to prevent the same or similar conditions from occurring at any time.

B. If the owner violates any term of the stipulation entered into according to subsection A of this section, the entire bond shall be forfeited. (Ord. 1997-757 § 8)

Chapter 9.40

FAIR HOUSING

Sections:

9.40.010 Fair housing laws.

The following enumerated fair housing laws of Oregon as heretofore or hereafter amended, are adopted by reference and made a part of this chapter:

O.R.S. 659.031 and O.R.S. 659.033
(Ord. 1972-512 § 1)

9.40.020 Penalty.

A person, firm or corporation violating this chapter shall upon conviction thereof, be punished by imprisonment for a period not to exceed thirty (30) days, or by a fine not to exceed five hundred dollars ($500.00) or by both. (Ord. 1972-512 § 2)

Chapter 9.50

CAMPING PROHIBITED IN CERTAIN PLACES

Sections:

9.50.010 Definitions.

The following definitions apply in this chapter.

"To camp" means to set up, or to remain in or at, a campsite.

"Campsite" means any place where any bedding, sleeping bag, or other sleeping matter, or any stove or fire, is placed, established, or maintained, whether or not such place incorporates the use of any tent, lean-to, shack, or any other structure, or any vehicle or part thereof.

"Junk" means items that have no apparent utility or are in an unsanitary condition.

"Personal property" means items which are reasonably recognizable as belonging to individual persons and which have apparent utility. (Ord. 2008-1093 (part))

9.50.020 Camping prohibited in certain places.

It is unlawful for any person to camp in or upon any sidewalk, street, alley, lane, public right-of-way, transit facility or bus shelter, or any other place to which the general public has access, or under any bridge way or viaduct, unless otherwise specifically authorized by this city or by declaration by the mayor or city manager in emergency circumstances. Nothing in this chapter shall prohibit the use of designated picnic areas of public property for cooking, or prohibit camping by permit authorized by the City Manager or designee. (Ord. 2008-1093 (part))

9.50.030 Scheduling and notice of campsite cleanup (Ref. ORS 203.079).

A. Cleanup of illegal campsites will be scheduled on an as-needed basis by the Chief of Police or his designee.

B. Permanent signs may be posted advising that camping is prohibited. Whether or not a permanent sign is posted, a specific dated and timed notice will be posted and distributed in the area of a scheduled cleanup at least twenty-four (24) hours before the cleanup.

C. Notwithstanding subsections A and B of this section, cleanup of campsites may occur immediately and without notice if the Chief of Police or designee determine that either of the following conditions exists:

1. An exceptional emergency such as possible site contamination by hazardous materials or where there is an immediate danger to human life or safety;

2. Illegal activity other than camping.

D. At the time of the cleanup, written notice will be posted and distributed announcing the telephone number where information on

picking up the stored property can be obtained during normal business hours.

E. Written notices, including permanent signs, will be in both English and Spanish.

F. Copies of all notices shall be provided to the State of Oregon Department of Human Services and/or to the Douglas County Human Services Department. (Ord. 2008-1093 (part))

9.50.040 Removal, storage and retrieval of personal property.

A. Personal property will be separated during cleanups from junk. Junk will be immediately discarded. Items of personal property will be turned over to the police department and stored. The personal property shall be stored for no less than thirty (30) days, during which time it will be reasonably available to persons claiming ownership of the personal property.

B. The police department shall arrange in advance for a location to store personal property. The storage facility should be reasonably secure. The location should be reasonably accessible to the cleanup area and preferably served by public transportation.

C. Any personal property that remains unclaimed for thirty (30) days after the cleanup may be disposed of, sold, donated, used, or transferred as abandoned personal property, but no waiting period beyond the thirty (30) days is required prior to the disposal, sale, donation, use or transfer.

D. Weapons, drug paraphernalia, and items which reasonably appear to be either stolen or evidence of a crime may be retained by the police department. (Ord. 2008-1093 (part))

9.50.050 Violation.

Violation of this chapter is a nuisance and is also a civil infraction. (Ord. 2008-1093 (part))

9.50.060 Nonexclusive remedy.

The remedies described in this chapter shall not be the exclusive remedies of the city for violations of this chapter. (Ord. 2008-1093 (part))

9.50.070 Interpretation.

This chapter is to be interpreted to be consistent with applicable state statutes and providing the protections required by state statutes. (Ord. 2008-1093 (part))

9.50.080 Penalty.

A. Violation of any provision of this title is punishable by a fine not to exceed seven hundred dollars ($700.00), or imprisonment not to exceed one hundred eighty (180) days, or by both fine and imprisonment; provided, however, if there is a violation of any provision identical to a state statute with a lesser penalty attaching, punishment shall be limited to the lesser penalty prescribed in the state law.

B. Whenever in this title, or any ordinance of the city, an act is prohibited or is made or declared to be unlawful or an offense or the doing of an act is required or the failure to do an act is declared to be unlawful or an offense, each day a violation continues shall constitute a separate offense. (Ord. 2008-1093 (part))

Title 10

LAND USAGE

Chapters:

DIVISION I. BUILDINGS AND CONSTRUCTION

Chapter 10.04

BUILDING ADMINISTRATIVE CODE

Sections:

Article 1. Title, Scope and General Provisions

10.04.010 Title, purpose and scope.

A. Title. These regulations shall be known as the "building administrative code," may be cited as such and will be referred to in this chapter as "this code."

B. Purpose. The purpose of this code is to provide for the administration and enforcement of the Oregon Specialty Codes.

C. Scope. The provisions of this code shall serve as the administrative, organizational and enforcement rules and regulations for the Specialty Codes which regulate site preparation and construction, alteration, moving, demolition, repair, use and occupancy of buildings, structures and building service equipment within this jurisdiction.

Where, in any specific case, there is a conflict between this code and Oregon Revised Statute, the statute shall govern. (Ord. 1996-523-E § 101)

10.04.020 Application to existing buildings and building service equipment.

A. General. Buildings, structures and their building service equipment to which additions, alterations or repairs are made shall comply with all the requirements of the Specialty Codes for new facilities, except as specifically provided in this section.

B. Additions, Alterations or Repairs. Additions, alterations or repairs may be made to a building or its building service equipment without requiring the existing building or its building service equipment to comply with all

the requirements of the Specialty Codes, provided the addition, alteration or repair conforms to that required for a new building or building service equipment.

Additions or alterations shall not be made to an existing building or building service equipment which will cause the existing building or building service equipment to be in violation of the provisions of the Specialty Codes nor all such additions or alterations cause the existing building or building service equipment to become unsafe. An unsafe condition shall be deemed to have been created if an addition or alteration will cause the existing building or building service equipment to become structurally unsafe or overloaded; will not provide adequate egress in compliance with the provisions of the Building Code or will obstruct existing exits; will create a fire hazard; will reduce required fire resistance; will cause building service equipment to become overloaded or exceed their rated capacities; will create a health hazard or will otherwise create conditions dangerous to human life. A building so altered, which involves a change in use or occupancy, shall not exceed the height, number of stories and area permitted by the Building Code for new buildings. A building plus new additions shall not exceed the height, number of stories and area specified by the Building Code for new buildings.

Additions or alterations shall not be made to an existing building or structure when the existing building or structure is not in full compliance with the provisions of the Building Code except when the addition or alteration will result in the existing building or structure being no more hazardous based on life safety, fire safety and sanitation, than before such additions or alterations are undertaken.

EXCEPTION: Alterations of existing structural elements, or additions of new structural elements, which are not required by subsection C of this section and which are initiated for the purpose of increasing the lateral-force-resisting structure need not be designed for forces conforming to these regulations provided that an engineering analysis is submitted to show that:

1. The capacity of existing structural elements required to resist forces is not reduced;
2. The lateral loading to required existing structural elements is not increased beyond their capacity;
3. New structural elements are detailed and connected to the existing structural elements as required by these regulations;
4. New or relocated nonstructural elements are detailed and connected to existing or new structural elements as required by these regulations; and
5. An unsafe condition as defined above is not created.

Alterations or repairs to an exiting building or structure which are nonstructural and do not adversely affect a structural member or a part of the building or structure having required fire resistance may be made with the same materials of which the building or structure is constructed, subject to approval by the Building Official. Installation or replacement of glass shall be as required for new installations.

Minor additions, alterations and repairs to existing building service equipment installations may be made in accordance with the Specialty Codes in effect at the time the original installation was made, subject to approval of the Building Official, and provided such additions, alterations and repairs will not

cause the existing building service equipment to become unsafe, insanitary or overloaded.

C. Existing Installations. Building service equipment lawfully in existence at the time of the adoption of the Specialty Codes may have their use, maintenance or repair continued if the use maintenance or repair is in accordance with the original design and a hazard to life, health or property has not been created by such building service equipment.

D. Existing Occupancy. Buildings in existence at the time of the adoption of the Building Code may have their existing use or occupancy continued if the use or occupancy was legal at the time of the adoption of the Building Code, and provided continued use is not dangerous to life, health and safety.

A change in the use or occupancy of any existing building or structure shall comply with the provisions of Section 10.04.190 of this code and Section 109 of the Building Code.

E. Maintenance. Buildings, structures and building service equipment, existing and new, and parts thereof shall be maintained in a safe and sanitary condition. Devices or safeguards which are required by the Specialty Codes shall be maintained in conformance with the Specialty Codes under which installed. The owner or the owner's designated agent shall be responsible for the maintenance of buildings, structures and their building service equipment. To determine compliance with this subsection, the building official may cause a structure to be reinspected.

F. Moved Buildings. Buildings, structures and building service equipment moved into or within this jurisdiction shall comply with the provisions of the Specialty Codes for new buildings or structures and their building service equipment.

G. Temporary Structures. Temporary structures such as reviewing stands and other miscellaneous structures, sheds, canopies or fences used for the protection of the public around an injunction with construction work may be erected by special permit from the building official for a limited period of time. Buildings or structures erected under a special permit need not comply with the type of construction or fire-resistive time periods required by the Building Code. Temporary buildings or structures shall be completely removed upon the expiration of the time limit stated in the permit.

H. Historic Buildings. Repairs, alterations and additions necessary for the preservation, restoration, rehabilitation or continued use of a building, structure, or its building service equipment may be made without conforming to the requirements of the Specialty Codes when authorized by the Building Official, provided:

1. The building or structure has been designated by official action of the legally constituted authority of this jurisdiction as having special historical or architectural significance;

2. Unsafe conditions as described in this code are corrected;

3. The restored building or structure and its building service equipment will be no more hazardous based on life safety, fire safety and sanitation than the existing building. (Ord. 1996-523-E § 102)

10.04.030 Definitions.

For the purpose of this code, certain terms, phrases, words and their derivatives shall be construed as specified in this section. Where terms are not defined, they shall have their ordinarily accepted meanings within the

context with which they are used. Webster's Third New International Dictionary of the English Language, Unabridged, copyright 1986, shall be considered as providing ordinarily accepted meanings. Words used in the singular include the plural and the plural the singular. Words used in the masculine gender include the feminine and the feminine the masculine.

"Addition" is an extension or increase in floor area or height of a building or structure.

"Alter" or "alteration" is a change or modification in construction or building service equipment.

"Approved," as to materials, types of construction, equipment and systems, refers to approval by the Building Official as the result of investigation and tests conducted by the Building Official, or by reason of accepted principles or tests by recognized authorities, technical or scientific organizations.

"Approved agency" is an established and recognized agency regularly engaged in conducting tests or furnishing inspection services, when the agency has been approved by the Building Official.

"Building" is a structure used or intended for supporting or sheltering a use or occupancy.

"Building Code" is the Oregon Structural Specialty Code.

Building, Existing. "Existing building" is a building erected prior to the adoption of this code, or one for which a legal building permit has been issued.

"Building Official" is the officer or other designated authority charged with the administration and enforcement of this code, or a regularly authorized deputy.

"Building service equipment" refers to the plumbing, mechanical, electrical and elevator equipment including piping, wiring, fixtures and other accessories which provide sanitation, lighting, heating, ventilation, cooling, refrigeration, firefighting and transportation facilities essential to the occupancy of the building or structure for its designated use.

"Dangerous Buildings Code" is the uniform Code for the Abatement of Dangerous Buildings promulgated by the International Conference of Building Officials, as adopted by this jurisdiction.

"Dwelling Code" is the Oregon One and Two Family Dwelling Specialty Code.

"Electrical Code" is the Oregon Electrical Specialty Code.

"Elevator Code" is the safety code for elevators, dumbwaiters, escalators and moving walks as adopted by this jurisdiction.

"Jurisdiction," as used in this code, is the city of which adopts this code for administrative regulations within its area of authority.

"Listed" and "listing" are terms referring to equipment and materials which are shown in a list published by an approved testing agency, qualified and equipped for experimental testing and maintaining an adequate periodic inspection of current productions and which listing states that the material or equipment complies with accepted national standards which are approved, or standards which have been evaluated for conformity with approved standards.

"Manufactured Home Installation Code" is the Oregon Manufactured Home Installation Specialty Code.

"Manufactured Home Park Code" is the Oregon Manufactured Home Park Construction Specialty Code.

"Mechanical Code" is the Oregon Mechanical Specialty Code.

"Occupancy" is the purpose for which a building, or part thereof, is used or intended to be used.

"Owner" is any person, agent, firm or corporation having a legal or equitable interest in the property.

"Permit" is an official document or certificate issued by the Building Official authorizing performance of a specified activity.

"Person" is a natural person, heirs, executors, administrators or assigns, and also includes a firm, partnership or corporation, its or their successors or assigns, or the agent of any of the aforesaid.

"Plumbing Code" is the Oregon Plumbing Specialty Code.

"Recreational Vehicle Park Code" is the Oregon Recreational Vehicle Park Construction Specialty Code.

"Repair" is the reconstruction or renewal of any part of an existing building, structure or building service equipment for the purpose of its maintenance.

"Shall," as used in this code, is mandatory.

"Specialty Codes" refer to those Specialty Codes adopted by the state of Oregon which constitute the Oregon Building Code which have been delegated to this jurisdiction for enforcement containing the provisions for design, construction, alteration, addition, repair, removal, demolition, use, location, occupancy and maintenance of buildings and structures and building service equipment as herein defined.

"Structural observation" means the visual observation of the structural system, including but not limited to, the elements and connections at significant construction stages, and the completed structure for general conformance to the approved plans and specifications. Structural observation does not include or waive the responsibility for the inspections required by Sections 10.04.160 and 10.04.170.

"Structure" is that which is built or constructed, an edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner.

"UBC Standards" are those standards published in Volume 3 of the Uniform Building Code promulgated by the International Conference of Building Officials, as adopted by this jurisdiction.

"Valuation" or "value," as applied to a building and its building service equipment, shall be the estimated cost to replace the building and its building service equipment in kind, based on current replacement costs. (Ord. 1996-523-E § 103)

10.04.040 Conflict of provisions.

When conflicting provisions or requirements occur between this code, the Specialty Codes and other codes or laws, the most restrictive shall govern.

When conflicts occur between the Specialty Codes, those provisions providing the greater safety to life shall govern. In other conflicts where sanitation, life safety or fire safety are not involved, the most restrictive provisions shall govern.

Where in a specific case different sections of the Specialty Codes specify different materials, methods of construction or other requirements, the most restrictive shall govern. When there is conflict between a general requirement and a specific requirement, the specific requirement shall be applicable. (Ord. 1996-523-E § 104)

10.04.050 Alternate materials, methods of design and methods of construction.

The provisions of the Specialty Codes are not intended to prevent the use of any material, method of design or method of construction not specifically prescribed by the Specialty Codes, provided an alternate has been approved and its use authorized by the Building Official.

The Building Official may approve an alternate, provided the Building Official finds that the proposed design is satisfactory and complies with the provisions of the Specialty Codes and that the material, method or work offered is, for the purpose intended, at least the equivalent of that prescribed in the Specialty Codes in suitability, strength, effectiveness, fire resistance, durability, safety and sanitation.

The Building Official shall require that sufficient evidence or proof be submitted to substantiate claims that may be made regarding its use. The details of an action granting approval of an alternate shall be recorded and entered in the files of the Code Enforcement Agency. (Ord. 1996-523-E § 105)

10.04.060 Modifications.

Whenever there are practical difficulties involved in carrying out the provisions of the Specialty Codes, the Building Official may grant modifications for individual cases. The Building Official shall first find that a special individual reason makes the strict letter of the Specialty Codes impractical and the modification is in conformity with the intent and purpose of the Specialty Codes, and that such modification does not lessen health, life safety and fire safety requirements or any degree of structural integrity. The details of actions granting modifications shall be recorded and entered in the files of the Code Enforcement Agency. (Ord. 1996-523-E § 106)

10.04.070 Tests.

Whenever there is insufficient evidence of compliance with the provisions of the Specialty Codes or evidence that materials or construction do not conform to the requirements of the Specialty Codes, the Building Official may require tests as evidence of compliance to be made at no expense to the jurisdiction.

Test methods shall be as specified by the Specialty Codes or by other recognized test standards. In the absence of recognized and accepted test methods, the Building Official shall determine test procedures.

Tests shall be made by an approved agency. Reports of such test shall be retained by the Building Official for the period required for the retention of public records. (Ord. 1996-523-E § 107)

Article 2. Organization and Enforcement

10.04.080 Authority.

A. Creation of Enforcement Agency. There is established in this jurisdiction a Code Enforcement Agency which shall be under the administrative and operational control of the Building Official.

B. General. Whenever the term or title "administrative authority," "responsible official," "Building Official," "Chief Inspector," "Code Enforcement Officer," or other similar designation is used herein or in any of the Specialty Codes, it shall be construed to mean the Building Official designated by the appointing authority of this jurisdiction. (Ord. 1996-523-E § 201)

10.04.090 Powers and duties of Building Official.

A. General. The Building Official is authorized and directed to enforce all the provisions of this code and the referenced Specialty Codes. For such purposes, the Building Official shall have the powers of a law enforcement officer.

B. Deputies. In accordance with prescribed procedures and with the approval of the appointing authority, the Building Official may appoint such number of technical officers and inspectors and other employees as shall be authorized from time to time. The Building Official may deputize such inspectors or employees as may be necessary to carry out the functions of the Code Enforcement Agency.

C. Right of Entry. When necessary to make an inspection to enforce any of the provisions of this code and the Specialty Codes, or when the Building Official has reasonable cause to believe that there exists in any building or upon a premises a condition which is contrary to or in violation of this code which makes the building or premises unsafe, dangerous or hazardous, the Building Official may enter the building or premises at all reasonable times to inspect or to perform the duties imposed by this code; provided, that if such building or premises be occupied, that credentials be presented to the occupant and entry requested. If such building or premises be unoccupied, the Building Official shall first make a reasonable effort to locate the owner or other persons having charge or control of the building or premises and request entry. Should entry be refused, the Building Official shall have recourse to the remedies provided by law to secure entry.

D. Stop Orders. When work is being done contrary to the provisions of this code, the Specialty Codes, or other pertinent laws or ordinances implemented through the enforcement of this code, the Building Official may order the work stopped by notice in writing served on persons engaged in the doing or causing such work to be done, and such persons shall forthwith stop the work until authorized by the Building Official to proceed with the work.

E. Occupancy Violations. When a building or structure or building service equipment therein regulated by this code and the Specialty Codes is being used contrary to the provisions of such codes, the Building Official may order such use discontinued by written notice served on any person causing such use to be continued. Such person shall discontinue the use within the time prescribed by the Building Official after receipt of such notice to make the structure, or portion thereof, comply with the requirements of such codes.

F. Authority to Disconnect utilities. The Building Official or the Building Official's authorized representative shall have the authority to disconnect a utility service or energy supplied to the building, structure or building service equipment therein regulated by this code or the Specialty Codes in case of emergency where necessary to eliminate an immediate hazard to life or property. The Building Official shall, whenever possible, notify the serving utility, the owner and occupant of the building, structure or building service equipment of the decision to disconnect prior to taking such action, and shall notify such serving utility, owner and occupant of the building, structure or building service equipment, in writing, of such disconnection immediately thereafter.

G. Authority to Condemn Building Service Equipment. When the Building Official ascertains that building service equipment regulated in the Specialty Codes has become hazardous to life, healthy or property, or has become insanitary, the Building Official shall order in writing that such notice itself shall fix a time limit for compliance with such order. Defective building service equipment shall not be maintained after receiving such notice.

When such equipment or installation is to be disconnected, a written notice of such disconnection and causes therefor shall be given within twenty-four (24) hours to the serving utility, the owner and occupant of such building, structure or premises.

When any building service equipment is maintained in violation of the Specialty Codes and in violation of a notice issued pursuant to the provisions of this section, the building official shall institute appropriate action to prevent, restrain, correct or abate the violation.

H. Connection after Order to Disconnect. Persons shall not make connections from an energy, fuel or power supply nor supply energy or fuel to building service equipment which has been disconnected or ordered to be disconnected by the Building Official or the use of which has been ordered to be discontinued by the Building Official until the Building Official authorizes the reconnection and use of such equipment.

I. Liability. The Building Official charged with the enforcement of this code and the Specialty Codes, acting in good faith and without malice in the discharge of his duties, shall not thereby be rendered personally liable for damage that may accrue to persons or property as a result of an act or omission in the discharge of the assigned duties. A suit brought against the Building Official or employee because of such act or omission performed by the Building Official or employee in the enforcement of the provisions of this code or enforced by the Code Enforcement Agency shall be defended by this jurisdiction until final termination of such proceedings, and any judgment resulting therefrom shall be assumed by this jurisdiction.

This code shall not be construed to relieve from or lessen the responsibility of any person owning, operating or controlling a building, structure or building service equipment therein for damages to persons or property caused by defects, nor shall the Code Enforcement Agency or its parent jurisdiction be held as assuming such liability by reason of the inspections authorized by this code or permits or certificates issued under this code.

J. Cooperation of Other Official and Officers. The Building Official may request, and shall receive, the assistance and cooperation of other officials of this jurisdiction so far as is required in the discharge of the duties required by this code or other pertinent laws or ordinances. (Ord. 1996-523-E § 202)

10.04.095 Unsafe buildings, structures or building service equipment.

Buildings or structures regulated by this code and the Specialty Codes which are structurally inadequate or have inadequate egress, or which constitute a fire hazard, or are otherwise dangerous to human life are, for the purpose of this section, unsafe buildings.

Building service equipment regulated by such codes, which constitutes a fire, electrical or health hazard, or an insanitary condition, or is otherwise dangerous to human life is, for the

purpose of this section, unsafe. Use of buildings, structures or building service equipment constituting a hazard to safety, health or public welfare by reason of inadequate maintenance, dilapidation, obsolescence, fire hazard, disaster, damage or abandonment is, for the purpose of this section, an unsafe use.

Parapet walls, cornices, spires, towers, tanks, statuary and other appendages or structural members which are supported by, attached to, or a part of a building and which are in a deteriorated condition or otherwise unable to sustain the design loads which are specified in the Building Code are designated as unsafe building appendages.

Unsafe buildings, structures or appendages and building service equipment are declared to be public nuisances and shall be abated by repair, rehabilitation, demolition or removal in accordance with the procedures set forth in the Dangerous Buildings Code or such alternate procedure as may be adopted by this jurisdiction. As an alternative, the Building Official or other employee or official of this jurisdiction as designated by the governing body may institute other appropriate action to prevent, restrain, correct or abate the violation. (Ord. 1996-523-E § 203)

10.04.100 Board of Appeals.

A. General. In order to hear and decide appeals of orders, decisions or determinations made by the Building Official relative to the application and interpretations of the Specialty Codes, there is created a Board of Appeals consisting of the members of the City Council of this jurisdiction. The Building Official shall be an ex officio member and shall act as secretary to the Board but shall have no vote upon any matter before the Board. The Board of Appeals shall be appointed by the governing body and shall hold office at its pleasure. The Board shall adopt rules of procedure for conducting its business and shall render all decisions and findings in writing to the appellant with a duplicate copy to the Building Official.

B. Limitations of Authority. The Board of Appeals shall have no authority relative to interpretation of the administrative provisions of this code or the administrative provisions of the Specialty Codes nor shall the Board be empowered to waive requirements of either this code or the Specialty Codes. (Ord. 1996-523-E § 204)

10.04.110 Violations—Penalties.

It shall be unlawful for a person, firm or corporation to erect, construct, enlarge, alter, repair, move, improve, remove, convert or demolish, equip, use, occupy or maintain any building, structure or building service equipment or cause or permit the same to be done in violation of this code and the Specialty Codes. The penalty for any such violations shall be in an amount of not more than one thousand dollars ($1,000.00) for each offense or, in the case of a continuing offense, not more than one thousand dollars ($1,000.00) for each day of the offense. (Ord. 1996-523-E § 25)

Article 3. Permits and Inspections

10.04.120 Permits.

A. Permits Required. Except as specified in subsection B of this section, no building, structure or building service equipment regulated by this code and the Specialty Codes shall be erected, constructed, enlarged, altered,

repaired, moved, improved, removed, converted or demolished unless a separate, appropriate permit for each building, structure or building service equipment has first been obtained from the Building Official.

B. Work Exempt from Permit. A permit shall not be required for the types of work in each of the separate classes of permit as listed below. Exemption from the permit requirements of this code shall not be deemed to grant authorization for any work to be done in violation of the provisions of the Specialty Codes or any other laws or ordinances of this jurisdiction.

1. Building Permits. A building permit shall not be required for the following:

a. One-story detached accessory buildings used as tool and storage sheds, playhouses and similar uses, provided the projected roof area does not exceed one hundred twenty (120) square feet (11.15m^2);

b. Fences not over six feet (one thousand eight hundred twenty-nine (1,829) mm) high;

c. Oil derricks;

d. Movable cases, counters and partitions not over five feet nine inches (one thousand seven hundred fifty-three (1,753) mm) high;

e. Retaining walls which are not over four feet (one thousand two hundred nineteen (1,219) mm) in height measured from the bottom of the footing to the top of the wall, unless supporting a surcharge or impounding flammable liquids;

f. Water tanks supported directly upon grade if the capacity does not exceed five thousand (5,000) gallons (eighteen thousand nine hundred twenty-five (18,925) L) and the ratio of height to diameter or width does not exceed two to one;

g. Platforms, walks and driveways not more than thirty (30) inches (seven hundred sixty-two (762) mm) above grade and not over any basement or story below;

h. Painting; papering and similar finish work;

i. Temporary motion picture, television and theater stage sets and scenery;

j. Window awnings supported by an exterior wall of Group R, Division 3, and Group M Occupancies when projecting not more than fifty-four (54) inches (one thousand three hundred seventy-two (1,372) mm);

k. Prefabricated swimming pools accessory to a Group R, Division 3 Occupancy in which the pool walls are entirely above the adjacent grade and if the capacity does not exceed five thousand (5,000) gallons (eighteen thousand nine hundred twenty-five (18,925) L);

l. Agricultural buildings.

Unless otherwise exempted by this code, separate plumbing, electrical and mechanical permits will be required for the above exempted items.

2. Plumbing Permits. A plumbing permit shall not be required for the following:

a. The stopping of leaks in drains, soil, waste or vent pipe; provided, however, that should any concealed trap, drainpipe, soil, waste or vent pipe become defective and it becomes necessary to remove and replace the same with new material, the same shall be considered as new work and a permit shall be procured and inspection made as provided in this code;

b. The clearing of stoppages or the repairing of leaks in pipes, valves or fixtures, nor for the removal and reinstallation of water closets, provided such repairs do not involve or require the replacement or rearrangement of valves, pipes or fixtures.

3. Electrical Permits. An electrical permit shall not be required for the following:

a. To replace light bulbs, fluorescent tubes, or approved fuses, or to connect approved portable electrical equipment to permanently installed and properly wired receptacles;

b. For experimental electrical work or testing of electrical products in testing laboratories of electric shops, educational institutions, industrial plants, or recognized testing laboratories;

c. For those minor electrical installations for which the Board has authorized an installation label.

4. Mechanical Permits. A mechanical permit shall not be required for the following:

a. A portable heating appliance;

b. Portable ventilating equipment;

c. A portable cooling unit;

d. A portable evaporative cooler;

e. A closed system of steam, hot or chilled water piping within heating or cooling equipment regulated by the Mechanical Code;

f. Replacement of a component part of assembly of an appliance which does not alter its original approval and complies with other applicable requirements of the Specialty Codes;

g. Refrigerating equipment which is part of the equipment for which a permit has been issued pursuant to the requirement of the Specialty Codes;

h. A unit refrigerating system as defined in the Mechanical Code. (Ord. 1996-523-E § 301)

10.04.130 Application for permit.

A. Application. To obtain a permit, the applicant shall first file an application therefor in writing on a form furnished by the Code Enforcement Agency for that purpose. Every such application shall:

1. Identify and describe the work to be covered by the permit for which application is made;

2. Describe the land on which the proposed work is to be done by legal description, street address or similar description that will readily identify and definitely locate the proposed building or work;

3. Indicate the use or occupancy for which the proposed work is intended;

4. Be accompanied by plans, diagrams, computations and specifications and other data as required in subsection B of this section;

5. State the valuation of any new building or structure or any addition, remodeling or alteration to an existing building;

6. Be signed by the applicant, or the applicant's authorized agent;

7. Give such other data and information as may be required by the Building Official.

B. Submittal Documents. Plans, specifications, engineering calculations, diagrams, soil investigation reports, special inspection and structural observation programs and other data shall constitute the submittal documents and shall be submitted in one or more sets with each application for a permit. When such plans are not prepared by an architect or engineer, the Building Official may require the applicant submitting such plans or other data to demonstrate that state law does not require that the plans be prepared by a licensed architect or engineer. The Building Official may require plans, computations and specifications to be prepared and designed by an engineer or architect licensed by the state to practice as such even if not required by state law.

Exception: The Building Official may waive the submission of plans, calculations, construction inspection requirements and other

data if it is found that the nature of the work applied for is such that reviewing of plans is not necessary to obtain compliance with this code.

C. Information on Plans and Specifications. Plans and specifications shall be drawn to scale on substantial paper or cloth and shall be of sufficient clarity to indicate the location, nature and extent of the work proposed and show in detail that it will conform to the provisions of this code and all relevant laws, ordinances, rules and regulations.

Plans for buildings more than two stores in height of other than Group R, Division 3 and Group M Occupancies shall indicate how required structural and fire-resistive integrity will be maintained when a penetration will be made for electrical, mechanical, plumbing and communication conduits, pipes and similar systems.

D. Architect or Engineer of Record.

1. General. When it is required that documents be prepared by an architect or engineer, the Building Official may require the owner to engage and designate on the building permit application an architect or engineer who shall act as the architect or engineer of record. If the circumstances require, the owner may designate a substitute architect or engineer of record who shall perform all of the duties required of the original architect or engineer of record. The Building Official shall be notified in writing by the owner if the architect or engineer of record is changed or is unable to continue to perform the duties.

The architect or engineer of record shall be responsible for reviewing and coordinating all submittal documents prepared by others, including deferred submittal items, for compatibility with the design of the building.

2. Deferred Submittals. For the purposes of this section, "deferred submittals" are defined as those portions of the design which are not submitted at the time of the application and which are to be submitted to the Building Official within a specified period.

Deferral of any submittal items shall have prior approval of the Building Official. The architect or engineer of record shall list the deferred submittals on the plans and shall submit the deferred submittal documents for review by the Building Official.

Submittal documents for deferred submittal items shall be submitted to the architect or engineer of record who shall review them and forward them to the Building Official with a notation indicating that the deferred submittal documents have been approved by the Building Official.

E. Inspection and Observation Program. when special inspection is required by Section 10.04.170, the architect or engineer of record shall prepare an inspection program which shall be submitted to the Building Official for approval prior to issuance of the building permit. The inspection program shall designate the portions of the work to have special inspection, the name or names of the individuals or firms who are to perform the special inspections and indicate the duties of the special inspectors.

The special inspector shall be employed by the owner, the engineer or architect of record, or an agent of the owner, but not the contractor or any other person responsible for the work.

When structural observation is required by Section 10.04.180, the inspection program shall name the individuals or firms who are to perform structural observation and describe the stages of construction at which structural observation is to occur.

The inspection program shall include samples of inspection reports and provide time limits for submission of reports. (Ord. 1996-523-E § 302)

10.04.140 Permit issuance.

A. Issuance. The application, plans, specifications, computations and other data filed by an applicant for permit shall be reviewed by the Building Official. Such plans may be reviewed by other departments of this jurisdiction to verify compliance with any applicable laws under their jurisdiction. If the Building Official finds that the work described in an application for a permit and the plans, specifications and other data filed therewith conform to the requirements of this code and the Specialty Codes and other pertinent laws and ordinances, and that the fees specified in Section 10.04.150 have been paid, the Building Official shall issue a permit therefore to the applicant.

When a permit is issued when plans are required, the Building Official shall endorse in writing or stamp the plans and specifications "APPROVED." Such approved plans and specifications shall not be changed, modified or altered without authorizations from the Building Official, and all work regulated by this code shall be done in accordance with the approved plans.

The Building Official may issue a permit for the construction of part of a building, structure or building service equipment before the entire plans and specifications for the whole building, structure or building service equipment have been submitted or approved, provided adequate information and detailed statements have been filed complying with all pertinent requirements of the Specialty Codes. The holder of a partial permit shall proceed without assurance that the permit for the entire building, structure or building service will be granted.

B. Retention of Plans. One set of approved plans, specifications and computations shall be retained by the Building Official for a period of not less than ninety (90) days from the date of completion of the work covered therein; and one set of approved plans and specifications shall be returned to the applicant and shall be kept on the site of the building or work at all items during which the work authorized thereby is in progress.

C. Validity of Permit. The issuance of a permit or approval of plans, specifications and computations shall not be construed to be a permit for, or an approval of, any violation of any of the provisions of this code or the Specialty Codes, or of any other ordinance of the jurisdiction. Permits presuming to give authority to violate or cancel the provisions of this code or of other ordinances of the jurisdiction shall not be valid.

The issuance of a permit based on plans, specifications and other data shall not prevent the Building Official from thereafter requiring the correction of errors in the plans, specifications and other data, or from preventing building operations being carried on thereunder when in violation of these codes or of any other ordinances of this jurisdiction.

D. Expiration. Every permit issued by the Building Official under the provisions of the Specialty Codes shall expire by limitation and become null and void, if the building or work authorized by such permit is not commenced within one hundred eighty (180) days from the date of such permit, or if the building or work authorized by such permit is suspended or abandoned at any time after the work is commenced for a period of one hundred eighty

(180) days. Before such work can be recommenced, a new permit shall be first obtained to do so, and the fee therefor shall be one half the amount retired for a new permit for such work, provided no changes have been made or will be made in the original plans and specifications for such work; and provided further, that such suspension or abandonment has not exceeded one year. In order to renew action on a permit after expiration, the permittee shall pay a new full permit fee.

A permittee holding an unexpired permit may apply for an extension of the time within which work may commence under that permit when the permittee is unable to commence work within the time required by this section for good and satisfactory reasons. The Building Official may extend the time for action by the permittee for a period not exceeding one hundred eighty (180) days upon written request by the permittee showing that circumstances beyond the control of the permittee have prevented action from being taken. Permits shall not be extended more than once.

E. Suspension or Revocation. The Building Official may, in writing, suspend or revoke a permit issued under the provisions of this code and the Specialty Codes when the permit is issued in error or on the basis of incorrect information supplied, or in violation of an ordinance or regulation or the provisions of these codes. (Ord. 1996-523-E § 303)

10.04.150 Fees.

A. General. Fees shall be assessed as set forth in a fee schedule resolution adopted by the Reedsport City Council.

B. Permit Fees. The fee for each permit shall be as set forth in the fee schedule resolution. Where a specialty code has been adopted by the jurisdiction for which no fee schedule is shown in this code, the fee required shall be in accordance with the schedule established by the jurisdiction.

The determination of value or valuation under any of the provisions of these codes shall be made by the Building Official. The value to be used in computing the building permit and building plan review fees shall be the total value of all construction work for which the permit is issued as well as all finish work, painting, roofing, electrical, plumbing, heating, air-conditioning, elevators, fire-extinguishing systems and other permanent equipment.

C. Plan Review Fees. When submittal documents are required by Section 10.04.130(B), a plan review fee shall be paid at the time of submitting the submittal documents for plan review. The plan review fee shall be sixty-five (65) percent of the permit fee.

The plan review fees specified in this section are separate fees from the permit fees specified in subsection B of this section and are in addition to the permit fees.

When submittal documents are incomplete or changed so as to require additional plan review or when the project involves deferred submittal items as defined in Section 10.04.130(D)(2), an additional plan review fee shall be charged.

D. Expiration of Plan Review. Applications for which no permit is issued within one hundred eighty (180) days following the date of application shall expire by limitation, and plans and other date submitted for review may thereafter be returned to the applicant or destroyed by the Building Official. The Building Official may extend the time for action by the applicant for a period not exceeding one hundred eighty (180) days on written request by the applicant showing that

circumstances beyond the control of the applicant have prevented action from being taken. An application shall not be extended more than once. An application shall not be extended if this code or any other pertinent laws or ordinances have been amended subsequent to the date of application. In order to renew action on an application after expiration, the applicant shall resubmit plans and pay a new plan review fee.

E. Investigation Fees - Work Without a Permit.

1. Investigation. Whenever work for which a permit is required by this code has been commenced without first obtaining a permit, a special investigation shall be made before a permit may be issued for such work.

2. Fee. An investigation fee, in addition to the permit fee, shall be collected whether or not a permit is then or subsequently issued. The investigation fee shall be equal to the amount of the permit fee required by this code. The minimum investigation fee shall be the same as the minimum fee set forth in the fee schedule resolution. The payment of such investigation fee shall not exempt an applicant from compliance with all other provisions of either this code or the specialty codes nor from the penalty prescribed by law.

F. Fee Refunds. The Building Official may authorize refunding of a fee paid hereunder, which was erroneously paid or collected.

The Building Official may authorize refunding of not more than eighty (80) percent of the permit fee paid when no work has been done under a permit issued in accordance with this code.

The Building Official may authorize refunding of not more than eighty (80) percent of the plan review fee paid when an application for a permit for which a plan review fee has been paid is withdrawn or canceled before any examination time has been expended.

The Building Official shall not authorize the refunding of any fee paid except upon written application filed by the original permittee not later than one hundred eighty (180) days after the date of fee payment. (Ord. 2002-1027: Ord. 1996-523-E § 304)

10.04.160 Inspections.

A. General. Construction or work for which a permit is required shall be subject to inspection by the Building Official and the construction or work shall remain accessible and exposed for inspection purposes until approved by the building official. In addition, certain types of construction shall have continuous inspection as specified in Section 10.04.170.

The Building Official may implement additional or alternate inspection procedures or requirements by written administrative rules.

Approval as a result of an inspection shall not be construed to be an approval of a violation of the provisions of this code or of other ordinances of the jurisdiction. Inspection presuming to give authority to violate or cancel the provisions of this code or of other ordinances of the jurisdiction shall not be valid.

It shall be the duty of the permit applicant to cause the work to remain accessible and exposed for inspection purposes. Neither the Building Official nor this jurisdiction shall be liable for expense entailed in the removal or replacement of any material required to allow inspection.

A survey of the lot may be required by the building official to verify that the structure is located in accordance with the approved plans.

B. Inspection Record Card. Work requiring a permit shall not be commenced until the permit holder or the agent of the permit holder shall have posted or otherwise made available an inspection record card such as to allow the Building Official conveniently to make the required entries thereon regarding inspection of the work. This card shall be maintained available by the permit holder until final approval has been granted by the Building Official.

C. Inspection Requests. It shall be the duty of the person doing the work authorized by a permit to notify the Building Official that such work is ready for inspection. The Building Official may require that every request for inspection be filed at least one working day before such inspection is desired. Such request may be in writing or by telephone at the option of the Building Official.

It shall be the duty of the person requesting any inspections required either by this code or the Specialty Codes to provide access to and means for inspection of the work.

D. Approval Required. Work shall not be done beyond the point indicated in each successive inspection without first obtaining the approval of the Building Official. The Building Official, upon notification, shall make the requested inspections and shall either indicate that that portion of the construction is satisfactory as completed or shall notify the permit holder or an agent of the permit holder wherein the same fails to comply with this code. Any portions which do not comply shall be corrected and such portions shall not be covered or concealed until authorized by the Building Official.

There shall be a final inspection and approval of all buildings and structures when completed and ready for occupancy and use.

E. Required Building Inspections. Reinforcing steel or structural framework of a part of a building or structure shall not be covered or concealed without first obtaining the approval of the Building Official.

The building official, upon notification, shall make the following inspections:

1. Foundation Inspection. To be made after excavations for footings are complete and required reinforcing steel is in place. For concrete foundations, required forms shall be in place prior to inspection. All materials for the foundation shall be on the job, except when concrete is ready-mixed in accordance with U.B.C. Standard 19-3, the concrete need not be on the job. When the foundation is to be constructed of approved treated wood, additional inspections may be required by the building official.

2. Concrete Slab or Under-Floor Inspection. To be made after in-slab or under-floor building service equipment, conduit, piping accessories, and other ancillary equipment items are in place but before any concrete is placed or floor sheathing installed, including the subfloor.

3. Frame Inspection. To be made after the roof, framing, fire blocking and bracing are in place and all pipes, chimneys and vents are complete and the rough electrical, plumbing, and heating wires, pipes, and ducts are approved.

4. Lath and/or Wallboard Inspection. To be made after lathing and wallboard, interior and exterior, is in place but before plaster is applied or before wallboard joints and fasteners are taped and finished.

5. Final Inspection. To be made after finish grading and the building is completed and ready for occupancy.

F. Required Building Service Equipment Inspections.

1. General. Building service equipment for which a permit is required by this code shall be inspected by the Building Official. Building service equipment intended to be concealed by a permanent portion of the building shall not be concealed until inspected and approved. When the installation of building service equipment is complete, and additional and final inspection shall be made. Building service equipment regulated by the Specialty Codes shall not be connected to the water, fuel or power supply or sewer system until authorized by the Building Official.

2. Operation of Building Service Equipment. The requirements of this section shall not be considered to prohibit the operation of building service equipment installed to replace existing building service equipment serving an occupied portion of the building in the event a request for inspection of such building service equipment has been filed with the Building Official not more than forty-eight (48) hours after the replacement work is completed, and before any portion of such building service equipment is concealed by permanent portions of the building.

G. Other Inspections. In addition to the called inspections specified above, the Building Official may make or require other inspections of construction work to ascertain compliance with the provisions of this code or Specialty Codes and other laws which are enforced by the Code Enforcement Agency.

H. Reinspections. A reinspection fee may be assessed for each inspection or reinspection when such portion of work for which inspection is called is not complete or when corrections called for are not made.

This section is not to be interpreted as requiring reinspection fees the first time a job is rejected for failure to comply with the requirements of the Specialty Codes, but as controlling the practice of calling for inspections before the job is ready for such inspection or reinspection.

Reinspection fees may be assessed when the inspection record card is not posted or otherwise available on the work site, the approved plans are not readily available to the Inspector, for failure to provide access on the date for which inspection is requested, or for deviating from plans requiring the approval of the Building Official.

To obtain a reinspection, the applicant shall file and application therefor in writing upon a form furnished for that purpose, and pay the reinspection fee in accordance with Tables 3-A through 3-H or as set forth in the fee schedule adopted by this jurisdiction.

In instances where reinspection fees have been assessed, additional inspection of the work will not be performed until the required fees have been paid. (Ord. 1996-523-E § 305)

10.04.170 Special inspections.

A. General. In addition to the inspections required by Section 10.04.160, the owner or the engineer or architect of record acting as the owner's agent shall employ one or more special inspectors who shall provide inspections during construction on the following types of work:

1. Concrete. During the taking of test specimens and placing of reinforced concrete. See subsection (A)(12) of this section for shotcrete.

Exceptions:

a. Concrete for foundations conforming to the minimum requirements of Table 18-A of the Building Code or for Group R, Division 3 or Group M, Division I Occupancies, provided the Building Official finds that a special hazard does not exist.

b. For foundation concrete, other than cast-in-place drilled piles or caissons, where the structural design is based on a f_c no greater than two thousand five hundred (2,500) pounds per square inch (psi)(17.2 MPa).

c. Nonstructural slabs on grade, including prestressed slabs on grade when effective prestress in concrete is less than one hundred fifty (150) psi (0.1 MPa).

d. Site work concrete fully supported on earth and concrete where no special hazard exits.

2. Bolts Installed in Concrete. Prior to and during the placement of concrete around bolts when stress increases permitted by Footnote 5 of Table 19-E or Section 1925.2 are utilized.

3. Special Moment-Resisting Concrete Frame. As required by Section 1701.5.3 of the Building Code.

4. Reinforcing Steel and Prestressing Tendons.

1. During all stressing and grouting of tendons in prestressed concrete.

2. During placing of reinforcing steel and prestressing tendons for concrete required to have special inspection by subsection (A)(1) of this section.

Exception: The special inspector need not be present continuously during placing of reinforcing steel and prestressing tendons, provided inspection for conformance with the approved plans, prior to the closing of forms or the delivery of concrete to the jobsite, has been accomplished.

5. Structural Welding.

a. General. During the welding of any member of connection which is designed to resist loads and forces required by this code.

Exceptions:

i. Welding done in an approved fabricator's shop in accordance was subsection F of this section.

ii. The special inspector need not be continuously present during welding of the following items, provided the materials, qualifications of welding procedures and welders are verified prior to the start of work; periodic inspections are made of work in progress; and a visual inspection of all welds is made prior to completion or prior to shipment of shop welding:

(A) Single-pass fillet welds not exceeding five-sixteenths inch (7.9 mm) in size;

(B) Floor and roof deck welding;

(C) Welded studs when used for structural diaphragm or composite systems;

(D) Welded sheet steel for cold-formed steel framing members such as studs and joists;

(E) Welding of stairs and railing systems.

b. Special Moment-Resisting Steel Frames. During the welding of special moment-resisting steel frames. In addition to subsection (A)(5)(a) of this section requirements, nondestructive testing as required by Section 1703 of the Building Code.

C. Welding of Reinforcing Steel. During the welding of reinforcing steel.

Exception: The special inspector need not be continuously present during the welding of ASTMA A 706 reinforcing steel not larger than No. 5 bars used for embedments, provided the materials, qualifications of welding procedures and welders are verified prior to the start of work, periodic inspections are made of work in progress; and a visual inspection of all welds is

made prior to completion or prior to shipment of shop welding.

6. High-Strength Bolting. As required by U.B.C. Standard 22-4. Such inspections may be performed on a periodic basis in accordance with the requirements of subsection (A)(5) of this section.

7. Structural Masonry.

a. For masonry, other than fully grouted open-end hollow-unit masonry, during preparation and taking of any required prisms or test specimens, placing of all masonry units, placement of reinforcement, inspection of grout space, immediately prior to closing of cleanouts, and during all grouting operations.

Exception: For hollow-unit masonry where the *fm* is no more than one thousand five hundred (1,500) psi (10.3 MPa) for concrete units or two thousand six hundred (2,600) psi (17.9 MPa) for clay units, special inspection may be performed as required for fully grouted open-end hollow-unit masonry specified in subsection (A)(7)(2) of this section.

b. For fully grouted open-end hollow-unit masonry during preparation and taking of any required prisms or test specimens, at the start of laying units, after the placement of reinforcing steel, grout space prior to each grouting operation, and during all grouting operations.

Exception: Special inspection as required in subsection (A)(7)(a) and (b) of this section, need not be provided when design stresses have been adjusted, as specified in Chapter 21 of the Building Code, to pent noncontinuous inspection.

8. Reinforced Gypsum Concrete. When cast-in-place Class B gypsum concrete is being mixed and placed.

9. Insulating Concrete Fill. During the application of insulating concrete fill when used as part of a structural system.

Exception: The special inspections may be limited to an initial inspection to check the deck surface and placement of reinforcing. The special inspector shall supervise the preparation of compression test specimens during this initial inspection.

10. Spray-Applied Fireproofing. As required by U. B. C. Standard 7-6.

11. Piling, Drilled Piers and Caissons. During driving and testing of piles and construction of cast-in-place drilled piles or caissons. See subsection (A)(1) and (4) of this section for concrete and reinforcing steel inspection.

12. Shotcrete. During the taking of test specimens and placing of all shotcrete and as required by Sections 1922.10 and 1922.11 of the Building Code.

Exception: Shotcrete work fully supported on earth, minor repairs and when, in the opinion of the Building Official, no special hazard exists.

13. Special Grading, Excavation and Filling. During earthwork excavations, grading and filling operations inspection to satisfy requirements of Chapter 33 of the Building Code.

14. Smoke-Control System.

a. During erection of ductwork and prior to concealment for the purposes of leakage testing and record of device location.

b. Prior to occupancy and alter sufficient completion for the purposes of pressure difference testing, flow measurements, and detection and control verification.

15. Wood-Framed Diaphragms and Shear Walls. In Seismic Zones 3 and 4, whenever three-inch nominal framing is required by Table 23-J-1, 23-J-2, 23-K-1 or 23-K-2, inspections may be performed on a periodic

basis in accordance with the requirements of subsection E of this section.

16. Special Cases. Work which, in the opinion of the Building Official, involves unusual hazards or conditions.

B. Special Inspector. The special inspector shall be a qualified person who shall demonstrate competence, to the satisfaction of the Building Official, for inspection of the particular type of construction or operation requiring special inspection.

C. Duties and Responsibilities of the Special Inspector. The special inspector shall observe the work assigned for conformance with the approved design drawings and specifications.

The special inspector shall furnish inspection reports to the Building Official, the engineer or architect of record, and other designated persons. Discrepancies shall be brought to the immediate attention of the contractor for correction, then, if uncorrected, to the proper design authority and to the Building Official.

The special inspector shall submit a final signed report stating whether the work requiring special inspection was, to the best of the inspector's knowledge, in conformance with the approved plans and specifications and the applicable workmanship provision of these codes.

D. Waiver of Special Inspection. The Building Official may waive the requirement for the employment of a special inspector if the construction is of minor nature.

E. Continuous and Periodic Special Inspection.

1. Continuous Special Inspection. Continuous special inspection means that the special inspector is on the site at all times observing the work requiring special inspection.

2. Periodic Special Inspection. Some inspections may be made on a periodic basis and satisfy the requirements of continuous inspection, provided this periodic scheduled inspection is performed as outlined in the project plans and specifications and approved by the Building Official.

F. Approved Fabricators. Special inspections required by this section and elsewhere in this code or the Specialty Codes shall not be required where the work is done on the premises of a fabricator registered and approved by the Building Official to perform such work without special inspection. The certificate of registration shall be subject to revocation by the Building Official if it is found that work done pursuant to the approval is in violation of the Specialty Codes. The approved fabricator shall submit a certificate of compliance to the Building Official and to the engineer or architect of record stating that the work was performed in accordance with the approved plans and specifications. The approved fabricator's qualifications shall be contingent on compliance with the following:

1. The fabricator has developed and submitted a detailed fabrication procedural manual reflecting key quality control procedures which will provide a basis for inspection control of workmanship and the fabricator plant.

2. Verification of the fabricator's quality control capabilities, plant and personnel as outlined in the fabrication procedural manual shall be by an approved inspection or quality control agency.

3. Periodic plant inspections shall be conducted by an approved inspection or quality control agency to monitor the effectiveness of the quality control program.

4. It shall be the responsibility of the inspection or quality control agency to notify the approving authority in writing of any change to the procedural manual. Fabricator approval may be revoked for just cause. Reapproval of the fabricator shall be contingent on compliance with quality control procedures during the past years. (Ord. 1996-523-E § 306)

10.04.180 Structural observation.

Structural observation shall be provided in Seismic Zone 3 or 4 when one of the following conditions exists:

The owner shall employ the engineer or architect responsible for the structural design, or another engineer or architect designated by the engineer or architect responsible for the structural design, to perform structural observation as defined in Section 10.04.030. Observed deficiencies shall be reported in writing to the owner's representative, contractor and the Building Official. The engineer or architect shall submit a statement in writing to the Building Official stating that the site visits have been made. (Ord. 1996-523-E § 307)

10.04.190 Connection to utilities.

A. Energy Connections. Persons shall not make connections from a source of energy, fuel or power to building service equipment which is regulated by the Specialty Codes and for which a permit is required by this code, until approved by the Building Official.

B. Temporary Connections. The Building Official may authorize the temporary connection of the building service equipment to the source of energy, fuel or power for the purpose of testing building service equipment, or for use under a temporary certificate of occupancy. (Ord. 1996-523-E § 308)

10.04.200 Certificate of occupancy.

A. Use of Occupancy. Buildings or structures shall not be used or occupied nor shall a change in the existing occupancy classification of a building or structure or portion thereof be made until the Building Official has issued a certificate of occupancy therefor as provided herein.

Exception: Group R, Division 3, and Group M Occupancies. Issuance of a certificate of occupancy shall not be construed as an approval of a violation of the provisions of this code or of other ordinances of the jurisdiction. Certificates presuming to give authority to violate or cancel the provisions of this code or of other ordinances of the jurisdiction shall not be valid.

B. Change in Use. Changes in the character or use of a building shall not be made except as specified in the Building Code.

C. Certificate Issued. After the Building Official inspects the buildings or structure and finds no violations of the provisions of this code or other laws which are enforced by the code enforcement agency, the Building Official shall issue a certificate of occupancy which shall contain the following:

1. The building permit number;
2. The address of the building;
3. The name and address of the owner;
4. A description of that portion of the building for which the certificate is issued;
5. A statement that the described portion of the building has been inspected for compliance with the requirements of this code for the group and division of occupancy and the use for which the proposed occupancy is classified;

6. The name of the Building Official.

D. Temporary Certificate. If the Building Official finds that substantial hazard will not result from occupancy of a building or portion thereof before the same is completed, a temporary certificate of occupancy for the use of a portion or portions of a building or structure may be issued prior to the completion of the entire building or structure.

E. Posting. The certificate of occupancy shall be posted in a conspicuous place on the premises and shall not be removed except by the Building Official.

F. Revocation. The Building Official may, in writing, suspend or revoke a certificate of occupancy issued under the provisions of this code when the certificate is issued in error, or on the basis of incorrect information, or when it is determined that the building or structure or portion thereof is in violation of an ordinance, regulation or the provisions of this code. (Ord. 1996-523-E § 309)

Chapter 10.08

UNIFORM CODES ADOPTED

Sections:

10.08.010 Standard Specifications for Public Works Construction adopted by reference.

The Standard Specifications of the Oregon Chapter of the American Public Works Association and the Standard Specifications of the Oregon State Highway Commission are adopted and made a part of this section by reference. Deviations from the Standards shall be at the discretion of the City Engineer. (Ord. 1981-585-A § 1)

10.08.020 Code for the Abatement of Dangerous Buildings adopted by reference.

The city does adopt as the city code for the abatement of dangerous buildings, the 1997 edition of the Uniform Code for the Abatement of Dangerous Buildings as prepared by the International Conference of Building Officials and any amendments that may be made thereto. That code is incorporated and made a part of this section as though set forth fully herein. (Ord. 1999-531-A § 1)

Chapter 10.12

EXCAVATION, GRADING AND EARTHWORK CONSTRUCTION

Sections:

10.12.010 Purpose.

This chapter sets forth rules and regulations to control major excavation, grading and earthwork construction, including fills and embankments; establishes the administrative procedure for issuance of permits; and provides for approval of plans and inspection of grading construction. (Ord. 2000-1007 § 1(A))

10.12.020 Permits required.

No person shall do any grading without first having obtained a grading permit from the Building Official except for the following:

A. Grading in an isolated, self-contained area if there is no danger apparent to private or public property;

B. An excavation below finished grade for basements and footings of a building, retaining wall or other structure authorized by a valid building permit. This shall not exempt any fill made with the material from such excavation nor exempt any excavation or fill having an unsupported height greater than five feet after the completion of such a structure;

C. Cemetery graves;

D. Refuse disposal sites controlled by other regulations;

E. Excavations for wells or tunnels or utilities;

F. Exploratory excavations under the direction of a professional engineer;

G. An excavation which: (a) is less than three feet in depth; or (b) which does not create a cut slope greater than eight feet in height and steeper than one and one-half horizontal to one vertical when supported by an adequate retaining wall.

H. A fill less than one foot in depth, and placed on natural terrain with a slope flatter than five horizontal to one vertical, or less than three feet in depth, not intended to support structures, which does not exceed one hundred (100) cubic yards on any one lot and does not obstruct a drainage course. (Ord. 2000-1007 § 1(B))

10.12.030 Hazards.

Whenever the Building Official determines that any existing excavation or embankment or fill on private property has become a hazard to life and limb, or endangers property, or adversely affects the safety, use or stability of a public way or drainage channel, the owner of the property upon which the excavation or fill etc., is located, or other person or agent in control of the property, upon receipt of notice

in writing from the Building Official shall within the period specified therein repair or eliminate such conditions so as to eliminate the hazard and be in conformance with the requirements of this code. (Ord. 2000-1007 § 1(C))

10.12.040 Definitions.

For the purposes of this chapter the definitions listed hereunder shall be construed as specified in this section.

"As-graded" is the surface conditions extend on completion of grading.

"Bedrock" is in place solid rock.

"Bench" is a relatively level step excavated into earth material on which fill is to be placed.

"Borrow" is earth material acquired from an off-site location for use in grading on a site.

"Certification" shall mean a written engineering or geological opinion concerning the progress and completion of the work.

"Civil engineering" shall mean the application of the knowledge of the forces of nature, principles of mechanics and the properties of materials to the evaluation, design and construction of civil works for the beneficial uses of mankind.

"Compaction" is the densification of a fill by mechanical means.

"Earth material" is any rock, natural soil or fill and/or any combination thereof.

"Engineering geologist" shall mean a geologist experienced and knowledgeable in engineering geology.

"Engineering geology" shall mean the application of geologic knowledge and principles in the investigation and evaluation of naturally occurring rock and soil for use in the design of civil works.

"Erosion" is the wearing away of the ground surface as a result of the movement of wind, water and/or ice.

"Excavation" is the removal of earth material.

"Fill" is a deposit of material placed by artificial means.

"Grade" shall mean the vertical location of the ground surface.

"Existing grade" is the grade prior to grading.

"Rough grade" is the stage at which the grade approximately conforms to the approved plan.

"Finish grade" is the final grade of the site which conforms to the approved plan.

"Grading" is any excavating or filling or combination thereof.

"Key" is a designed compacted fill placed in a trench excavated in earth material beneath the toe of a proposed fill slope.

"Major excavation or fill" means more than one hundred (100) cubic yards of material excavated or filled on any one site.

"Site" is any lot or parcel of land or contiguous combination thereof, under the same ownership, where grading is performed or permitted.

"Slope" is an inclined ground surface the inclination of which is expressed as a ratio of horizontal distance to vertical distance.

"Soil" is naturally occurring surficial deposits overlying bed rock.

"Soil engineer" shall mean a civil engineer experienced and knowledgeable in the practice of soil engineering.

"Soil engineering" shall mean the application of the principles of soil mechanics in the investigation, evaluation and design of soil mechanics in the investigation, evaluation and design of civil works involving the use of

earth materials and the inspection and testing of the construction thereof.

"Terrace" is a relatively level step constructed in the face of a graded slope surface for drainage and maintenance purposes.

"UBC" is the Uniform Building Code. (Ord. 2000-1007 § 1(D))

10.12.050 Grading permit requirements.

A. Permits Required. Except as exempted in Section 10.12.020, no person shall do any grading without first obtaining a grading permit from the Building Official. A separate permit shall be required for each site, and may cover both excavations and fills.

B. Application. Application shall be made on forms provided by the city.

C. Plans and Specifications. When required by the Building Official, each application for a grading permit shall be accompanied by two sets of plans and specifications, supporting data consisting a soil data report. The plans and specifications shall be prepared and signed by a civil engineer, soil engineer or geological engineer when required by the Building Official.

D. Information of Plans and in Specifications. Plans shall be drawn to scale upon substantial paper or cloth and shall be of sufficient clarity to indicate the nature and extent of the work proposed and show in detail that they will conform to the provisions of this chapter and all relevant laws, ordinances rules and regulations. The first sheet of each set of plans shall give the location of the work and the name and address of the owner and the person by whom they were prepared.

The plans shall include the following information:

1. General vicinity of the proposed site;
2. Property limits and accurate five foot contours of existing ground and details of terrain and area drainage;
3. Limiting dimensions, elevations or finish contours to be achieved by the grading, and proposed drainage channels and related construction;
4. Detailed plans of all surface and subsurface drainage devices, walls, cribbing, dams and other protective devices to be constructed with, or as a part of, the proposed work together with map showing the drainage area and the estimated runoff of the area served by any drains;
5. Location of any buildings or structures on the property where the work is to be performed and the location of any buildings or structures on and of adjacent owners which are within fifteen (15) feet of the property or which may be affected by the proposed grading operations.

Specifications shall contain information covering construction and material requirements.

E. Soil Data Report. The soil data report required by subsection C of this section shall include data regarding the nature and distribution of existing soils, plans for grading procedures and design criteria for corrective measures when necessary, and information covering adequacy of sites to be developed by the proposed grading.

Recommendations included in the report and approved by the Building Official shall be incorporated in the grading plans or specifications.

F. Engineering Geology Report. The engineering geology report required by subsection C of this section shall include an adequate description of the geology of the site,

conclusions and recommendations regarding the effect of geologic conditions on the proposed development, and opinions and recommendations covering the adequacy of sites to be developed by the proposed grading.

Recommendations included in the report and approved by the Building Official shall be incorporated in the grading plans or specifications.

G. Reservation. The Building Official may require that grading operations and project designs be modified if delays occur which incur weather generated problems not considered at the time the permit was issued. (Ord. 2000-1007 § 1(E))

10.12.060 Fees.

A. Plan-Checking Fee. For excavation and fill on the same site, the fee shall be based on the volume of the excavation or fill, whichever is greater. Before accepting a set of plans and specifications for checking, the Building Official shall collect a plan-checking fee. Separate permits and fees shall apply to retaining walls or major drainage structures as indicated elsewhere in this chapter. There shall be no separate charge for standard terrace drains and similar facilities. The amount of the plan-checking fee for grading plans shall be as set forth in the latest adopted State Building Code.

The plan-checking fee for a grading permit and authorizing additional work to that under a valid permit shall be the difference between such fee paid for the original permit and the fee shown for the entire project.

B. Grading Permit Fees. A fee for each grading permit shall be paid to the Building Official as set forth in the latest adopted State Building Code.

The fee for a grading permit authorizing additional work to that under valid permit shall be the difference between the fee paid for the original permit and the fee shown for the entire project. (Ord. 2000-1007 § 1(F))

10.12.070 Bonds.

The Building Official may require bonds in such amounts as may be deemed necessary to assure that the work, if not completed in accordance with the approved plans and specifications will be corrected to eliminate hazardous conditions. Such amount of bonds shall be jointly established by Building Official and City Engineer.

In lieu of a surety bond the applicant may file a cash bond or instrument of credit with the Building Official in an amount equal to that which would be required in the surety bond. (Ord. 2000-1007 § 1(G))

10.12.080 Cuts.

A. General. Unless otherwise recommended in the approve soil engineering and/or engineering geology report cuts shall conform to the provisions of this section.

B. Slope. The slope of cut surfaces shall be no steeper than is safe for the intended use. Cut slopes shall be no steeper than one and one-half horizontal to one vertical.

C. Drainage and Terracing. Drainage and terracing shall be provided as required by Section 10.12.110. (Ord. 2000-1007 § 1(H))

10.12.090 Fills.

A. General. Unless otherwise recommended in the approved soil engineering report fills shall conform to the provisions of this section.

In the absence of an approved soil engineering report these provisions may be

waived for minor fills not intended to support structures.

B. Fill Location. Fill slopes shall not be constructed on natural slopes steeper than one and one-half horizontal to one vertical or where the fill slope toes out within five feet horizontally of the top of existing or planned cut slopes.

C. Preparation of Ground. The ground surface shall be prepared to receive fill by removing vegetation, noncomplying fill, topsoil and other unsuitable materials as determined by the Building Official or the soil engineer, and, where the slopes are five to one steeper, by benching into sound bedrock or other competent material.

D. Fill Material. Earth materials which have no more than minor amounts of organic substances and have no rock or similar irreducible material with a maximum dimension greater than eight inches shall be used as determined by Building Official.

E. Compaction. Fills shall be compacted to a minimum of ninety (90) percent of maximum density when required, as determined in accordance with U.B.C. Standard No 70-1. Field density shall be determined in accordance with U.B.C. Standard No. 70-2 or equivalent as approved by the Building Official.

F. Slope. The slope of fill surfaces shall be no steeper than is safe for the intended use. Fill slopes shall be no steeper than one and one-half horizontal to one vertical, unless otherwise recommended in the engineering report and approved by the City Engineer.

G. Drainage and Terracing. Drainage and terracing shall be provided and the area above slopes and the surfaces of terraces shall be graded or paved as required by Section 10.12.110. (Ord. 2000-1007 § 1(I))

10.12.100 Setbacks.

The tops and the toes of cut and fill slopes shall be set back from property boundaries as far as necessary for safety of the adjacent properties and to prevent damage resulting from water runoff or erosion of the slopes.

The tops and the toes of cut and fill slopes shall be set back from structures as far as is necessary for adequacy of foundation support and to prevent damage as a result of water runoff or erosion of the slopes.

Unless otherwise recommended in the approved engineering report and shown on the approved grading plan, setbacks shall be no less than shown in Attachment I. (Ord. 2000-1007 § 1(J))

10.12.110 Drainage and terracing.

A. General. Unless otherwise indicated on the approved grading plan, drainage facilities and terracing shall conform to the provision of this section.

B. Terrace. Terraces at least six feet in width shall be established at nor more than thirty (30) foot vertical intervals to control surface drainage and debris. Suitable access shall be provided to permit proper cleaning and maintenance.

Swales or ditches on terraces shall have a minimum gradient of five percent and must be stabilized. They shall have an ample depth and width as determined by the Building Official or engineer.

A single run of swale or ditch shall not collect runoff from a tributary area exceeding sixteen thousand (16,000) square feet (projected) without discharging into an approved drain.

C. Subsurface Drainage. Cut and fill slopes shall be provided with subsurface drainage as required for stability.

D. Disposal. All drainage facilities shall be designed to carry waters to the nearest practicable drainage way approved by the Building Official and/or other appropriate jurisdiction as a safe place to deposit such waters. If drainage facilities discharge onto natural ground, riprap may be required.

At least two percent gradient toward approved drainage facilities from building pads will be required unless waived by the Building Official for non-hilly terrain.

Exception: The gradient from the building pad may be one percent where building construction and erosion control will be completed before hazardous conditions can occur. (Ord. 2000-1007 § 1(K))

10.12.120 Erosion control.

A. Slopes. The faces of cut and fill slopes shall be prepared and maintained to control against erosion. This control may consist of effective planting. The protection for the slopes shall be installed as soon as practicable and prior to calling for final approval. Where cut slopes are not subject to erosion due to the erosion-resistant character of the materials, such protection may be omitted.

B. Other Devices. Where necessary, check dams, cribbing, riprap or other devices or methods shall be employed to control erosion and provide safety. (Ord. 2000-1007 § 1(L))

10.12.130 Grading inspection.

A. General. All grading operations for which a permit is required shall be subject to inspection by the Building Official. When required by the Building Official, special inspection of grading operations and special testing shall be performed in accordance with the provisions of Section 305 of the Uniform Building Code and Subsection C of this section.

B. Grading Designation. All grading in excess of five thousand (5,000) cubic yards shall be performed in accordance with the approved grading plan prepared by a civil engineer, when required, and shall be designated as "engineered grading." Grading involving less than five thousand (5,000) cubic yards shall be designated "regular grading" unless the permittee or the Building Official chooses to have the grading performed as "engineered grading."

C. Engineered Grading Requirements. For engineered grading it shall be the responsibility of the professional engineer who prepares the approved grading plan to incorporate all recommendations from the soil engineering and engineering geology reports when prepared into the grading plan. He shall also be responsible for the professional inspection and certification of the grading. This responsibility shall include, but need not be limited to, inspection and certification as to the establishment of line, grade and drainage soil bearing strength and stability of the development area. The professional engineer shall act as the coordinating agent in the event the need arises for liaison between other professionals, the contractor and the Building Official. The professional engineer shall also be responsible for the preparation of revised plans and the submission of as-graded plans upon completion of the work.

Soil engineering and engineering geology reports shall be required as specified in Section 10.12.050(E) and (F), 10.12.090(E). During grading all necessary reports, compaction data

and soil engineering and engineering geology recommendations shall be submitted to the professional engineer and the Building Official by the soil engineer and the engineering geologist.

The soil engineer's area of responsibility shall include, but need not be limited to, the professional inspection and certification concerning the preparation of ground to receive fills, testing for required compaction, stability of all finish slopes and the design of buttress fills, where required, incorporating data supplied by the engineering geologist.

The engineering geologist's area of responsibility shall include, but need not be limited to, professional inspection and certification of the adequacy of natural ground for receiving fills and the stability of cut slopes with respect to geological matters, and the need for sub-drains or other ground water drainage devices. He shall report his findings to the soil engineer and the civil engineer for engineering analysis.

The Building Official shall inspect the project at the various stages of the work requiring certification and at any more frequent intervals necessary to determine that adequate control is being exercised by the professional consultants.

D. Regular Grading Requirements. The Building Official may require inspection and testing by an approved testing agency.

The testing agency's responsibility shall include, but need not be limited to, certification concerning the inspection of cleared areas and benches to receive fill, and the compaction of fills.

When the Building Official has cause to believe that geologic factors may be involved, the grading operation will be required to conform to engineered grading requirements.

E. Notification of Noncompliance. If, in the course of fulfilling their responsibility under this chapter, the professional engineer, the soil engineer, the engineering geologist or the testing agency finds that the work is not being done in conformance with this chapter or the approved grading plans, the discrepancies shall be reported immediately in writing to the person in charge of the grading work and to the Building Official. Recommendations for corrective measures, if necessary, shall be submitted.

F. Transfer of Responsibility for Certification. If the professional engineer, the soil engineer, the engineering geologist or the testing agency of record are changed during the course of the work, the work shall be stopped until the replacement has agreed to accept the responsibility within the area of their technical competence for certification upon completion of the work. (Ord. 2000-1007 § 1(M))

10.12.140 Completion of work.

A. Final Reports. Upon completion of the rough grading work and at the final completion of the work the Building Official may require the following reports and drawings and supplement thereto:

1. An as-graded grading plan prepared by the permittee or the professional engineer when employed including original ground surface elevations, as-graded ground surface elevations, lot drainage patterns and locations and elevations of all surface and subsurface drainage facilities. The responsible engineer shall provide certification that the work was done in accordance with the final approved grading plan;

2. A soil grading report prepared by the soil engineer including locations and elevations

of field density tests, summaries of field and laboratory tests and other substantiating data and comments on any changes made during grading and their effect on the recommendations made in the soil engineering investigation report. He shall provide certification as to the adequacy of the site for the intended use;

3. A geologic grading report prepared by the engineering geologist including a final description of the geology of the site including any new information disclosed during the grading and the effect of same on recommendations incorporated in the approved grading plan. He shall provide certification as to the adequacy of the site for the intended use as affected by geologic factors.

B. Notification of Completion. The permittee or his agent shall notify the Building Official when the grading operation is ready for final inspection. Final approval shall not be given until all work including installation of all drainage facilities and their protective devices and all erosion control measures have been completed in accordance with the final approved grading plan and the required reports have been submitted.
(Ord. 2000-1007 § 1(N))

10.12.150 Fee schedule.

The fee schedule shall be as set forth in the latest adopted State Building Code.
(Ord. 2000-1007 § 2)

10.12.160 Violation—Penalty.

Any person, firm or corporation violating any of the provisions of this chapter shall be guilty of a violation and upon conviction thereof in the Municipal Court of the city shall pay a fine not to exceed five hundred dollars ($500.00). Each day that a violation continues of the provisions of this chapter shall be deemed a separate offense and shall be punished accordingly.
(Ord. 2000-1007 § 3)

Chapter 10.16

MOBILE HOMES AND RECREATIONAL VEHICLES

Sections:

10.16.010 Definitions.

For the purpose of this chapter, the following terms, words, phrases and their derivations shall have the meanings set forth in this section. When not inconsistent with the context, the words used in the present tense include the past tense, the words, in the plural number include the singular number, and words in the singular number include the plural number. Each gender term used includes the masculine, and the feminine, and the neuter genders as the content requires. The word "shall" is always mandatory and not merely directory.

As used in this chapter, the words "mobile home" and "recreational vehicle" shall be defined to mean any mobile home, motor home, travel trailer, camping trailer, camp car, trailer home, recreational vehicle, boat parked on a trailer, or any structure converted from a mobile unit or any kind into a living unit which may be used for overnight sleeping.

As used in this chapter, the words "self-contained mobile home" shall be defined as a mobile home with sanitary facilities, which do not require outside hookups.
(Ord. 1982-417-B § 1)

As used in this chapter, the words "recreational vehicle park" shall be defined to mean a lot or parcel of land used for the accommodation of one or more mobile homes occupied as living or sleeping quarters.

"City" is the city of Reedsport.

"Person" shall be defined to mean any individual, firm, trust, partnership, limited liability partnership, limited liability company, company, association, professional corporation, corporation, municipal corporation, the United States of America, any political subdivision of the state of Oregon, or Douglas County.
(Ord. 2002-1034 (part): Ord. 1982-417-B § 1)

10.16.020 Exceptions.

It shall not be a violation of this chapter to place self-contained mobile homes on construction sites in the city during the construction of the improvement at the construction site for a period not to exceed six months from the date the mobile home is placed on the site.
(Ord. 2002-1034 (part): Ord. 1982-417-B § 2)

10.16.030 Reserved.

Editor's note—Ord. No. 2013-1123, adopted June 3, 2013, amended and relocated § 10.16.030 to § 6.08.155. Former § 10.16.030 pertained to temporary use and was derived from Ord. 2002-1034 (part) and Ord. 1982-417-B §§ 3, 7.

10.16.040 Reserved.

Editor's note—Ord. No. 2013-1123, adopted June 3, 2013, amended and relocated § 10.16.040 to § 6.08.155. Former § 10.16.040 pertained to parking or placing of mobile home restricted and was derived from Ord. 2002-1034 (part) and Ord. 1982-417-B § 4.

10.16.050 Recreational vehicle park—Operation restrictions.

It shall be unlawful for any person to maintain or operate within the limits of the city any recreational vehicle park unless it

has been licensed by the state of Oregon and shall comply and meet all of the requirements of the laws of the state of Oregon, governing tourist camps, and the rules and regulations of the Oregon State Board of Health, pertaining thereto.
(Ord. 2002-1034 (part): Ord. 1982-417-B § 5)

10.16.060 Violation—Penalty.

Any person violating any of the provisions of this chapter, or failing to comply therewith, shall upon conviction in the Reedsport Municipal Court, be subject to a fine not to exceed one thousand dollars ($1,000.00).
(Ord. 2002-1034 (part): Ord. 1982-417-B § 6)

DIVISION II. SUBDIVISIONS

Chapter 10.20

GENERAL PROVISIONS AND DEFINITIONS

Sections:

10.20.010 Purpose and conflict of provisions.

Subdivision and land partitioning review procedures have been established for the following purposes:

A. To ensure building sites of sufficient size and appropriate design for the purposes for which they are to be developed and that lots to be created are within the density ranges permitted by the comprehensive plan and zoning ordinance;

B. To minimize the negative effects of development upon the natural environment and to incorporate natural features into the proposed development where possible;

C. To ensure economical, safe and efficient circulation systems for pedestrians and vehicular traffic;

D. To ensure the appropriate level of facilities and services including provisions for water, drainage and sewerage.

Whenever this division is less restrictive than ORS Chapter 92, then the provisions of ORS Chapter 92 shall apply. Whenever this division is more restrictive than ORS Chapter 92, this division shall apply.
(Ord. 2000-437-E § 1)

10.20.020 Approval of land division.

Consolidations, adjustments, and divisions of land shall be approved according to the review procedure named in this section. A person desiring to consolidate properties, adjust property lines, subdivide or partition land shall submit tentative plans and final documents for approval as provided for in this division. Property line adjustments, subdivisions and partitions shall also conform with the provisions of ORS Chapter 92 and of the comprehensive plan for the city. No person shall dispose of, transfer, or sell any lot or parcel of land in a partition with respect to which approval is required by this division, until such approval is obtained.

A. No person shall sell any lot in a subdivision or a parcel in a partition until the plat of the subdivision or partition has approval and is recorded with the Recording Officer of Douglas County.

B. The following review procedures shall be used to approve, approve with conditions, or deny applications made under the provisions of this division:

1. Administrative decisions are made by the Community Development Director, City Engineer, or Planning Commission based on standards specified in this division. No notification of adjacent property owners, or public hearing, is required.

2. Limited land use decisions are final decisions made by the Planning Commission regarding proposals within the Urban Growth Boundary which concern either: the approval or denial of a subdivision or partition described in ORS Chapter 92; or the approval or denial of

an application based on discretionary standards designed to regulate the physical characteristics of a use permitted outright, including but not limited to site review and design review.

Notification of property owners within one hundred (100) feet of the applicant property is required, with a fourteen (14) day written comment period prior to the decision by the Planning Commission. No public hearing is required. Procedures for limited land use decisions are outlined in Chapter 10.60.

3. Land use decisions are interpretive decisions made by the Planning Commission concerning the adoption, amendment or application of land use regulations, planning goals, provisions of the comprehensive plan, or determinations of state agencies.

Land use decisions require notification of property owners within two hundred (200) feet of the subject application and a public hearing. The procedures for land use decisions are outlined in Chapters 10.60 and 10.196.

4. Expedited land divisions are made by the Planning Commission concerning land zoned exclusively for residential and accessory purposes, land not protected for natural features which satisfies or exceeds the minimum street right-of-way standards and maximum net density standards. It is a nondiscretionary division that requires the notification of property owners within one hundred (100) feet, with a fourteen (14) day response period. Procedures for expedited land divisions are outlined in Chapter 10.56. (Ord. 2000-437-E § 2)

10.20.030 Definitions.

For the purpose of this division:

"Access" means the right for pedestrians and vehicles to enter and leave public and private real property.

"Advertising" means the publication, or causing to be published, of any material relating to disposition of interests in a land development which has been prepared for public distribution by any means of communication.

"Agent" means any person who represents, or acts for or on behalf of, a developer in disposing of interests in a land development, including real estate brokers as defined in subsection (8) of ORS 696.025 (1), (3) and (4).

"Alley" means a narrow street through a block primarily for access by service vehicles to the back or side of properties otherwise abutting on another street.

"Arterial" means a street of considerable continuity which is used primarily for through traffic, or a traffic artery for intercommunication among large areas, or which by its location will likely be needed for such use in the normal growth of the community.

"Bikeway" means a right-of-way for bicycle traffic.

"Block" means an area of land which may be bound on all sides by streets, railroad rights-of-way, unsubdivided land or water courses.

"Boundary line adjustment" means the relocation of a common property line between two abutting properties. It occurs when property lines separating two or three properties are moved to add or remove land from the properties, and does not result in the creation of a new lot.

"Building line" means a line on a plat indicating the limit beyond which buildings or structures may not be erected.

"City" means the city of Reedsport, Oregon.

"City Council" means the Common Council of the city of Reedsport, Oregon.

"City Engineer" means the City Engineer of the city of Reedsport or a fully qualified person designated by the City Manager to fulfill the responsibilities of a City Engineer as specified by the city.

"Collector" means a street supplementary to the arterial street system and a means of intercommunications between this system and smaller areas, used to some extent for through traffic and to some extent for access to abutting properties.

"Commission" means the city of Reedsport Planning Commission.

"Comprehensive plan" means a plan so designated and adopted by the City Planning Commission and the City Council.

"Consolidation of lots" means the creation of one unit of land (by combining two or more units of land) where more than one unit of land previously existed.

"Contiguous land" means any additional land adjacent to or adjoining the land under consideration.

"Cross section" means a profile of the ground surface perpendicular to the center line of a street, stream, valley bottom, or similar physical feature.

"Cul-de-sac" means a street on which one end is open to traffic and the other terminates in a vehicle turn-around.

"Curb lines" means the line dividing the roadway from the planting strip or sidewalk.

"Developer" means any person who creates or proposes to create a land development, including any agent of a developer.

"Division of land" means the creation of lots or parcels.

"Drainage land" means land required for drainage ditches, or land required along a natural stream or watercourse to preserve the channel and provide for the flow of water therein as a public safeguard against flood damage or the accumulation of surface water.

"Easement" means a grant of the right to use land for specific purposes.

"Flood" means an overflow of water onto lands not normally covered by water.

"Flood plain" means the relatively flat area or lowlands adjoining the channel of a river, stream, watercourse, lake or reservoir, which has been or may be covered by a flood.

"Frontage" means all property fronting on one side of a street and measured along the street line between intersecting and intercepting streets or between a street, a right-of-way, waterway, dead-end street, city boundary or property line.

"Half street" means a portion of the width of a street, usually along the edge of a subdivision, where the remaining portion of the street could be provided in another subdivision.

"Improvements" means those facilities providing services to man which shall include, but are not limited to, curbs, gutters, sidewalks, street lights, street signs, road beds, road surfaces, storm drains and appurtenances, fire hydrants, sanitary sewer and appurtenances, domestic water systems, and underground utilities.

"Interest" includes ownership of a lot, parcel, share, or unit, undivided interest, membership or similar interest in a land development; or a lessee's interest for more than one year in same.

"Land development" means the subdividing or partitioning of land for any purpose, including the creation of a planned unit development, into lots or parcels. The intent to dispose of any land whether contiguous or not, including any land divided into lots, parcels or

units which are offered as a part of a common promotional plan of advertising and disposition of land, where the land is offered as a part of a disposition by a single developer or a group of developers acting in concert. If the land is contiguous, known, designated or advertised as a common unit or by a common name, it shall be presumed to be offered for disposition as part of a common promotional plan.

"Land partition" means the process of dividing a single property into two or three parcels of land within a calendar year, for the purpose of sale, taxation, development, or other purpose, not including:

1. A division of land resulting from a lien foreclosure, foreclosure of a recorded contract for the sale of real property or the creation of cemetery lots;

2. A property line adjustment;

3. A sale or grant by a person to a public agency or public body for the state highway, county road, city street or other right-of-way purposes provided that such road or right-of-way complies with the comprehensive plan and ORS 215.213 (2)(p) to (r) and 215.283 (2)(p) to (r). However, any property divided by the sale or grant of property for state highway, county road, city street or other right-of-way purposes shall continue to be considered a single unit of land until such time as the property is further subdivided or partitioned.

"Lot" means a single unit of land that is created by a subdivision or partition of land.

1. "Butt lot" or "parcel" means a lot or parcel, on which the side line abuts the lot or parcel rear line of two or more adjoining lots or parcels.

2. "Corner lot" means a lot at least two adjacent sides of which abut streets, other than alleys, provided the angle of intersection of the adjacent streets does not exceed one hundred thirty-five (135) degrees.

3. "Key lot" or "parcel" means a lot or parcel, of which the rear line abuts the lot side line of two or more adjoining lots or parcels.

4. "Lot area" means the total horizontal net area within the lot lines of a lot. "Net area" is the square footage of a lot that is free from public and private rights-of-way.

5. "Lot depth" means the horizontal length of a straight line connecting the bisecting points (midpoints) of the front and rear lot lines.

6. Lot Line Adjustment. See "Property line adjustment" definition.

7. "Lot width" means the average horizontal distance between the side lot lines, measured at right angles to the lot depth at a point midway between the front and rear lots lines.

8. "Reversed corner lot" means a corner lot, the side street line of which is substantially a continuation of the front line of the first lot to its rear.

9. "Through lot" means a lot having frontage on two parallel or approximately parallel streets other than alleys.

"Lot line" means

1. Front: the lot or parcel line abutting a street right-of-way. For corner lots or parcels, the lot or parcel front line is that with the narrowest street frontage. For double frontage lots, through lots or parcels, the lot or parcel front line is that having frontage on a street that is so designated by the land divider and approved as part of a subdivision or partition as provided for in this title.

2. Rear: the lot or parcel line which is opposite to and most distant from the lot or parcel front line.

3. Side: any lot or parcel line, which is not a lot or parcel front or rear line.

"Map" means a final diagram or drawing concerning a partition or subdivision suitable for recording.

"Marginal access street" means a minor street parallel and adjacent to a major arterial street providing access to abutting properties, but protected from through traffic.

"Minor street" means a street intended primarily for access to abutting properties.

"Minor variance" is an administrative action performed by the Community Development Director and City Engineer (see Chapter 10.60).

"ORS" means Oregon Revised Statutes (State law).

"Owner" means an individual, association, partnership, or corporation having legal or equitable title to lands sought to be divided, other than legal title being held for security only.

"Parcel" means a single unit of land that is created by the division or partitioning of land.

"Partition land" means the process of dividing a single property into two or three parcels of land within a calendar year, for the purpose of sale, taxation, development, or other purpose, not including:

1. A division of land resulting from a lien foreclosure, foreclosure of a recorded contract for the sale of real property or the creation of cemetery lots;

2. An adjustment of a property line by the relocation of a common boundary where an additional unit of land is not created and where the existing unit of land reduced in size by the adjustment complies with any applicable zoning ordinance;

3. A sale or grant by a person to a public agency or public body for state highway, county road, city street or other right-of-way purposes provided that such road or right-of-way complies with the comprehensive plan and ORS 215.213 (2) (p) to (r) and 215.283 (2) (p) to (r). However, any property divided by the sale or grant of property for state highway, county road, city street or other right-of-way purposes shall continue to be considered a single unit of land until such time as the property is further subdivided or partitioned;

4. The division of land resulting from the recording of a subdivision or condominium plat;

5. A sale or grant by a public body of excess property resulting from the acquisition of land by the state, a political subdivision or special district for highways, county roads, city streets, or other right of way purposes when the sale or grant is part of a property line adjustment incorporating the excess right of way into adjacent property. The property line adjustment shall be approved or disapproved by the applicable local government. If the property line adjustment is approved, it shall be recorded in the deed records of the county where the property is located.

"Partitioner" means an owner commencing proceedings under this division to effect a partition or subdivision of land by the owner or the owner's lawful agent.

"Partition parcel" means a unit of land that is created by a partitioning of land.

"Partition plat" means a final map, replat, diagram, drawing and other writing containing all the descriptions, locations, specifications, provisions and information concerning a partition.

"Pedestrian way" means a right-of-way for pedestrian traffic.

"Person" means a natural person, firm, partnership, association, social or fraternal

organization, corporation, trust, estate, receiver, syndicate, branch of government, or any group or combination acting as a unit.

"Planned unit development" means the development of an area of land as a single entity for a number of swelling units or a number of uses, according to a plan which does not correspond in lot size, bulk or type of dwelling, density, lot coverage or required open space, to the regulations otherwise required by the Reedsport zoning ordinance.

"Planning Commission" means the Planning Commission of the city of Reedsport, Oregon.

"Planning office" means City Hall, Reedsport, Oregon.

"Property consolidation" means the creation of one unit of land where more than one unit of land previously existed.

"Property line" means the division line between two units of land.

"Property line adjustment" means the relocation of a common property line between two abutting properties.

"Reserve strip" means a strip of land lying between a dedicated street and adjacent property for the purpose of denying access to the street.

"Right-of-way" means the area between boundary lines of a street or other easement.

"Roadway" means the portion of a street right-of-way intended for motorized vehicular traffic.

"Sale" also "sell" includes every disposition or transfer of land in a subdivision or partition or an interest or estate therein.

"Street" means a public or private way that is created to provide access to one or more lots, parcels, areas or tracts of land.

1. "Alley" means a narrow street through a block primarily for access by service vehicles to the back or side of properties otherwise abutting on another street.

2. "Arterial" means a street of considerable continuity which is used primarily for through traffic, or a traffic artery for intercommunication among large areas, or which by its location will likely be needed for such use in the normal growth of the community.

3. "Bikeway" means a right-of-way for bicycle traffic.

4. "Collector" means a street supplementary to the arterial street system and a means of intercommunication between this system and smaller areas, used to some extent for through traffic and to some extent for access to abutting properties.

5. "Cul-de-sac" means a street on which one end is open to traffic and the other terminates in a vehicle turnaround.

6. "Half street" means a portion of the width of a street, usually along the edge of a subdivision where the remaining portion of the street could be provided in another subdivision.

7. "Marginal access street" means a minor street parallel and adjacent to a major arterial street providing access to abutting properties, but protected from through traffic.

8. "Minor street" means a street intended primarily for access to abutting properties.

9. "Stubbed street" means a street having only one outlet for vehicular traffic and which is intended to be extended or continued to serve future land developments on adjacent lands.

"Street plug" means a strip of land across the end of a dedicated street for the purpose of separating the street from adjacent property of another street.

"Stubbed street" means a street having only one outlet for vehicular traffic and which is intended to be extended or continued to serve future land developments on adjacent lands.

"Subdivide land" means to divide an area or tract of land into four or more lots within a calendar year.

"Subdivision" means land or a tract or area of land, which has been, or is proposed to be, subdivided as specified in this division.

"Subdivision plat" means the final map, diagram, drawing, replat or other writing containing the descriptions, locations, specifications, dedications, provisions and information concerning a subdivision.

"Surety bond" means a financial commitment by the partitioner or subdivider and executed by an Oregon licensed surety company in an amount equal to the full cost of construction and improvements as required in Sections 10.52.010 and 10.52.020.

"Tentative plan" means the preliminary proposal for a subdivision or partition, which includes the information, specified in Chapter 10.24 or 10.32 as applicable.

"Underground utilities" include, but are not limited to communications transmission facilities, television cables, electric, telephone, water, sanitary sewer, natural gas, storm drain, etc.

"USC & GS" means United States Coast Guard and Geodetic Survey Agency of the United States government.

"Variance" means an exception to the regulations established by this division, granted under specific conditions.

"Zoning ordinance" means the current zoning ordinance of the city of Reedsport, Oregon. (Ord. 2000-437-E § 3)

Chapter 10.24

TENTATIVE SUBDIVISION PLAN

Sections:

10.24.010 Submission.

A developer shall prepare a tentative plan, together with supplementary material as may be required by the city, to indicate the nature and objectives of the subdivision, and shall submit one transparent reproducible print of the tentative plan and fifteen (15) copies to the Community Development Director at least thirty (30) days prior to the Planning Commission hearing at which consideration of the plan is desired together with the appropriate fee (as set by resolution of the City Council). Copies shall be distributed by the Community Development Director to the City Engineer, Fire Chief and Fire Marshal for their review and comment. Such filing shall be made prior to the initiation of any construction work within or adjacent to the proposed subdivision which might be affected by changes in the tentative plan. (Ord. 2000-437-E § 4(A))

10.24.020 Tentative plan requirements.

The tentative plan of a subdivision shall contain the information below, in the form of a narrative statement and depicted in a diagram. The diagram shall be drawn on a sheet eighteen (18) by twenty-four (24) inches in size, or a two-inch multiple thereof (i.e., twenty (20) by twenty-six (26), twenty-two (22) by twenty-eight (28) etc.), not to exceed forty-two (42) inches in width, at a scale of one-inch equals one hundred (100) feet. The scale may be increased or decreased, but in all cases shall be in multiples of one hundred (100). All diagrammatic information shall be dated and shall indicate scale and north point.

A. Names:

1. Proposed name of the subdivision, which shall not duplicate or resemble the name of another subdivision in the city or Douglas County and shall be approved by the Planning Commission;

2. Names and address of the owner, subdivider, and engineer and/or surveyor;

3. Names and addresses of all property owners within one hundred (100) feet of the subdivision's proposed boundaries, as shown on the last preceding tax roll of the Douglas County Assessor;

4. Appropriate identification clearly stating the map as preliminary or tentative.

B. Location:

1. Vicinity map, at an appropriate scale showing adjacent property boundaries, abutting land uses and the subdivision's relationship to the city and major public facilities;

2. A legal description of the subdivision;

3. North arrow, scale and date of drawing.

C. Natural features:

1. Contour lines, related to an established benchmark or U.S.C. & G.S. datum, and having intervals appropriate to slope grades to be determined at a preliminary meeting between the developer and the City Engineer;

2. Water courses, including their direction of flow and probable flood plain;

3. Soil characteristics;

4. Significant physical features such as wooded areas, wetlands and rock outcroppings.

D. Existing conditions:

1. The location, widths and names of existing or platted streets or other public ways (including easements) within or adjacent to the tract, existing permanent buildings, railroad rights-of-ways, and other important features such as section lines, etc.;

2. Zoning classifications of the subdivision and adjacent lands;

3. Boundary lines of any governmental jurisdiction, including special service districts, within or adjacent to the subdivision;

4. Existing drainage water run-off, calculated in accordance with provisions of either the Oregon State Highway Division Hydraulics Manual or the U.S. Soil Conservation Service National Engineering Handbook. The source of the calculation method shall be identified. Such calculation may be supplemented by a registered engineer's evaluation of the applicability of the aforementioned sources;

5. Existing sewers, water mains, culverts, drainage ways or other underground utilities or structures within the tract immediately adjacent thereto, together with pipe sizes, grades and locations indicated;

6. ORS 92.050(9).

E. Proposed development:

1. Location, width, names, approximate grades and radii of curves of proposed streets;

2. Location, width and purpose of proposed easements; (Cf. 92-050(8))

3. Location and approximate dimensions of areas to be subdivided as lots and blocks; (Cf. 92050(7))

4. Location and description of all proposed utility improvements, including but not limited to, sanitary sewer, domestic water, and storm drainage. Certification of capability and willingness to serve the subdivision from each affected utility company shall also be included;

5. Location, dimensions, and characteristics of areas proposed for public or nonresidential uses;

6. Schedule indicating the tentative timetable of improvement construction, including initiation and completion dates;

7. Description of the area proposed for partial recording of a final plat, if phased development and recording is contemplated. If the subdivision proposal pertains to only part of the tract owned or controlled by the developer, the Planning Commission may require a preliminary diagrammatic plan for streets, sewers, and drains in the unsubdivided portion;

8. Draft of proposed deed restrictions and/or covenants, if any, which affect the subdivision;

9. Projected drainage water run-off, calculated in accordance with the provisions of either the Oregon State Highway Division Hydraulics Manual or the U.S. Soil Conservation Service National Engineering Handbook. The source of the calculation method shall be identified. Such calculation may be supplemented by a registered engineer's evaluation of the applicability of the aforementioned sources;

10. Environmental assessment as to how the project will impact or be impacted by each of the following:

a. Slope stability,
b. Terrain,
c. Natural hazards,
d. Manmade hazards,
e. Schools,
f. Shopping,
g. Police and fire,
h. Transportation,
i. Water supply system,
j. Sanitary sewer system,
k. Storm drain system,
l. Energy resources,
m. Aesthetics and urban design. (Ord. 2000-437-E § 4(B))

10.24.030 Specific approval requirements.

In addition to the requirements set forth in this title and in applicable local and state regulations, specific requirements for tentative plan approval are as follows:

A. No tentative plan of a subdivision shall be approved which bears a name using a word which is the same as, similar to, or pronounced the same as a word in the name of any other subdivision in Douglas County, except for the words "town," "city," "place," "court," "addition," or similar words, unless the land platted is contiguous to and platted by the same party that platted the subdivision bearing that name or unless the party files and records the consent of the party that platted the subdivision bearing that name. All plans must continue the block numbers of the plat of the same name last filed.

B. No tentative plan for a proposed subdivision shall be approved unless:

1. The streets and roads are laid out so as to conform to the plats of subdivisions and maps of partitions already approved for adjoining property as to width, general direction and in all other respects, unless the Planning Commission determines it is in the public interest to modify the street or road pattern.

2. Streets for public use are to be dedicated without any reservation or restriction.

3. Streets held for private use are clearly indicated on the tentative plan and all reservations or restrictions relating to such private streets are set forth thereon.

4. Streets held for private use, and indicated on the tentative plan of such a subdivision, may be approved by the City Engineer.

5. The plan contains provisions for the donation to the city of all common improvements, including but not limited to streets, parks, sewage disposal and water supply systems, the donation of which was made a condition of the approval of the tentative plan for the subdivision. (Ord. 2000-437-E § 4(C))

10.24.040 Wetland notification.

The Community Development Director shall determine if the proposed subdivision is located within, or contains, wetlands as determined by local wetlands inventory maps. If so, the Director shall send notice, on the appropriate form, to the Division of State Lands within five days of receiving the complete application for the proposed subdivision. The Director shall notify the applicant of this action and explain that the location of the proposed subdivision within, or containing, wetlands may require a permit by state and/or federal agencies. The

city may continue to process the application and proceed with a decision to approve or deny it, independent of the response from the Division of State Lands. (Ord. 2000-437-E § 4(D))

10.24.050 Notice.

Notice of the proposed plan shall be mailed to all property owners within one hundred (100) feet of the proposed subdivision, naming a fourteen (14) day period in which written comments may be submitted to the city regarding the plan. The notice shall contain the information set forth in Section 10.60.090(B). Notice of the proposed plan shall also be sent to agencies whose jurisdiction includes the area of the proposed subdivision, such as the State Department of Environmental Quality, special districts, and utility districts. (Ord. 2000-437-E § 4(E))

10.24.060 Development phasing.

A preliminary subdivision plan may provide for platting in as many as three phases. The preliminary plan must show each phase and be accompanied by the proposed time limitations for approval of the final plat for each phase.

Time limitations for the various phases must meet the following requirements:

A. Phase 1 final plat shall be submitted for approval within (24) twenty-four months of preliminary approval.

B. Phase 2 final plat shall be submitted for approval within thirty-six (36) months of preliminary approval.

C. Phase 3 final plat shall be submitted for approval within forty-eight (48) months of preliminary approval. (Ord. 2000-437-E § 4(F))

10.24.070 Criteria for tentative subdivision plan.

The review body shall approve, approve with conditions or deny the request based upon the following criteria:

A. The plan conforms to all applicable standards of the current Reedsport zoning ordinance.

B. The plan conforms to the Reedsport comprehensive plan with respect to the type and intensity of use, population densities, locations and sizes of public areas, rights-of-way and improvements of streets, and any other aspects governed by comprehensive plan goals, policies or maps. (Ord. 2000-437-E § 4(G))

10.24.080 Approval of tentative subdivision plan.

Within thirty (30) days from the first regular Commission meeting following submission of a tentative plan of a subdivision, the Commission shall review the plan, the staff reports from the Fire Chief, Fire Marshal, City Engineer and Community Development Director, and the comments from surrounding property owners and agencies. The Commission may approve the tentative plan as submitted, or as modified, or reject it. The Planning Director shall provide the developer with written notice, including findings, of the Commission's action within five days. Approval of the tentative plan shall not constitute final acceptance of the plat of the proposed subdivision; however, approval of a tentative plan shall be binding upon the city for the purposes of the preparation of the final plat. The city may require only such changes in the final plat as are necessary for compliance with the terms of its approval of the tentative plan. (Ord. 2000-437-E § 4(H))

10.24.090 Duration of preliminary subdivision plan approval.

Approval of a preliminary subdivision plan shall be valid for eighteen (18) months from the date of approval of the preliminary plan; provided, that if the approved preliminary plan provides for phased development, the approval shall be valid for the time specified for each phase, subject to the limitations of this title. If any time limitation is exceeded, approval of the preliminary subdivision plan, or of the phase of the preliminary subdivision plan, and any subsequent phases, shall be void. Any subsequent proposal by the applicant for division of the property will require the submission of a new application. (Ord. 2000-437-E § 4(I))

10.24.100 Appeal of subdivision plan decision.

Appeal of the decision to approve, approve with conditions, or deny the subdivision plan can be made by following the provisions of Sections 10.192.010 and 10.192.020. All local appeal avenues must be exhausted prior to appeal to the Land Use Board of Appeals. (Ord. 2000-437-E § 4(J))

10.24.110 Granting of extensions.

Within eighteen (18) months, an applicant may request an extension of a preliminary subdivision plan approval or, if the preliminary plan provides for phased development, an extension of the validity of preliminary approval with respect to the phase the applicant is then developing. Such request shall be considered an administrative action and shall be submitted to the Community Development Director in writing prior to expiration of such approval, stating the reason why an extension should be granted.

The Community Development Director may grant an extension of up to twelve (12) months if it is determined that a change of conditions, for which the applicant was not responsible, would prevent the applicant from obtaining final plat approval within the original time limitation. (Ord. 2000-437-E § 4(K))

Chapter 10.28

FINAL SUBDIVISION PLATS

Sections:

10.28.010 Submission.

Within eighteen (18) months of approval of the tentative plan, or any extension granted under Chapter 10.24, the developer shall cause the subdivision, or any part thereof, to be surveyed and a plat prepared in conformance with the tentative plan as approved. The developer shall submit the original drawing, fifteen (15) prints, and any supplementary information required by the city to the City Recorder. If the developer fails to procure the survey and file his plat with the City Recorder before the expiration of the eighteen (18) month period following the approval of the tentative plan, or any extension granted under Chapter 10.24, the plan shall be deemed void unless an extension is granted by the Commission prior to such expiration. "File the plat" means to deliver the plat document to the City Recorder and to receive an acknowledgement from the City Engineer that he/she has reviewed the plat, that it is substantially the same as it appeared on the approved tentative plan and that there has been compliance with this division, the comprehensive plan and the zoning ordinance. If changes must be made which, in the opinion of the City Engineer, are minor in nature, the City Engineer may proceed under this chapter, in which case the plan shall not be deemed to be void as long as the developer complies with the time frame established by the City Engineer to make those changes. (Ord. 2000-437-E § 5(A))

10.28.020 Form of final plat.

All plats shall be drawn with a good quality black ink, approved by the County Surveyor, on .005 inch thick polyester based transparent drafting film, or an equivalent, matted on both sides, eighteen (18) inches by twenty-four (24) inches in size with a three inch extension at the left end (overall size shall be eighteen (18) inches by twenty-seven (27) inches) that is suitable for binding and copying purposes. The quality of the drafting film and any other drafting particulars will be subject to the County Surveyor's approval. No Daiso process may be used. No drafting shall come nearer any edge than one inch and no nearer the left edge than four inches. (Ord. 2000-437-E § 5(B))

10.28.030 Information on plat.

In addition to that required for the tentative plan or otherwise specified by law, the following information shall be shown on the plat:

A. Survey Reference. Reference points of existing surveys identified, related to the plat by distances and bearings, and referenced to a field book or map as follows:

1. Stakes, monuments or other evidence found on the ground and used to determine the boundaries of the subdivision,

2. Adjoining corners of adjoining subdivisions,

3. Monuments found or established in making the survey of the subdivision or required to be installed by provisions of this division or Oregon Law;

B. Boundary Street. The exact location and width of streets and easements intercepting the boundary of the tract;

C. Boundary Lines. Tract, boundary lines, street right-of-way and center lines, with dimensions, bearings or deflection angles, water lines for any creek or other body of water. Tract boundaries and street bearings shall be shown to the nearest one second with basis of bearings. Distances shall be shown to the nearest 0.01 feet. No ditto marks shall be used;

D. Streets. The width of the portion of street being dedicated, the width of existing right-of-way, and the width on each side of the centerline. For streets on curvature, curve data shall be based on the street centerline. In addition to the centerline dimensions, the radius and central angle shall be indicated;

E. Easements. Easements denoted by fine dotted lines, clearly identified and, if already of record, their recorded reference. If an easement is not definitely located of record, a copy of that easement shall be provided. The width of the easement, its length and bearing and sufficient ties to locate the easement with respect to the subdivision shall be shown. If the easement is being dedicated by the plat, it shall be properly referenced in the owner's certificates of dedication;

F. Lot Numbers. Lot numbers beginning with the number "1" and numbered consecutively;

G. Block Numbers. On or after the adoption date of the ordinance codified in this division, any subdivision submitted for final approval shall not use block numbers or letters unless such subdivision is a continued phase of a previously recorded subdivision, bearing the same name, that has previously used block numbers or letters, in which case the numbers shall be solid, of sufficient size and thickness to stand out and so placed as not to obliterate any figure. Block numbers in addition to a subdivision of the same name shall be a continuation of the numbering in the original subdivision;

H. Public Lands. Identification of land to be dedicated for any purpose, public or private, to distinguish it from lots intended for sale;

I. Zoning. Zoning classification of the property within the subdivision;

J. Certificate. The following certificates shall appear on the plat as submitted, which may be combined where appropriate:

1. Certificate signed and acknowledged by all parties having any record title interest in the subdivided land, consenting to the preparation and recording of the plat,

2. Certificate signed and acknowledged as above, dedicating all land intended for public use, except land which is intended for the exclusive use of the lot owners in the subdivision, their licensees, visitors, tenants and servants,

3. Certificate with the seal of and signed by the surveyor registered by the State of Oregon responsible for the survey of the final plat,

4. Certificate, on the required tracing of the final plat, signed by the Douglas County Clerk and the surveyor certifying that the tracing is a true and exact copy of the final plat,

5. Affidavit of post-monumentation, if applicable, for execution by the surveyor responsible for the survey of the final plat,

6. Certificate for execution by the chairperson of the Planning Commission,

7. Certificate for execution by the City Engineer,

8. Certificate for execution by the Douglas County Assessor.

9. Certificate for execution by the Douglas County Treasurer,

10. Certificate for execution by the Douglas County Board of Commissioners,

11. Certificate for execution by the Douglas County clerk,

12. Certificate for execution by any applicable special districts. (Ord. 2000-437-E § 5(C))

10.28.040 Supplemental information with plat.

The following data shall accompany the plat:

A. Title Report. An American Land Title Association title report issued by a title insurance company doing business in the state of Oregon showing the name of the owner of the land, and all parties with an interest in the real property, issued not more than thirty (30) days prior to submission of the final plat, together with a signed consent from all such parties;

B. Survey Data Sheets. Sheets and drawings showing the following:

1. Traverse data including the coordinates of the boundary of the subdivision and ties to section corners and donation land claim corners, and showing the error of closure, if any,

2. The computation sheets showing the bearings, distances, angles, latitudes, departures, and error of closure, if any, and the curve data of each lot in the subdivision,

3. Ties to existing monuments, proposed monuments, adjacent subdivisions, street corners, and state highway stationing;

C. Deed Restrictions. A copy of any deed restrictions applicable to the subdivision;

D. Dedication. A copy of any dedication requiring separate documents;

E. Assessments. A list of all assessments on the tract which have, or may have, become a lien on the tract;

F. City Engineer Certificate. A certificate by the City Engineer that the developer has complied with the requirements of Sections 10.52.010 and 10.52.020 on improvement guarantees;

G. Improvements. If grading, street improvements, sewer facilities and/or water facilities are required as the conditions of approval of the final plan the following shall be required to be submitted with the final plat:

1. Plans, profiles, cross sections of the proposed streets showing width of roadways, types of surfacing, curb locations, and width and location of sidewalks. Proposed streets with other than a standard symmetrical crown section shall be submitted with a three-line profile. Curb return data shall be provided for all returns,

2. Plans, specifications and profiles of the proposed water, sewer and storm distribution system showing pipe sizes and location of valves and fire hydrants,

3. Specifications for the construction of all proposed utilities,

4. Grading and planting plans and specifications for street trees and other plantings in public areas,

5. Complete tabulations of all quantities of all improvements and related materials, including but not limited to excavation, fill,

gravel, asphalt, concrete and pipe. (Ord. 2000-437-E § 5(D))

10.28.050 Technical plat review.

A. Ordinance Check. Upon receipt by the city, the final plat and other data shall be reviewed by the Community Development Director and the City Engineer who shall examine them to determine that the subdivision as shown is substantially the same as it appeared on the approved tentative plan, and that there has been compliance with this division, the comprehensive plan, and the zoning ordinance.

B. Field Check. The city officials may make such checks in the field as are desirable to verify that the map is sufficiently correct on the ground, and they may enter the property for this purpose.

C. Corrections. If the Planning Director or the City Engineer determines that full conformity has not been made, they shall advise the developer of the changes or additions that must be made. If the changes required to be made are minor, and the time period for submission of the final plat pursuant to this chapter has been complied with, except for such minor changes, the Planning Director of the City Engineer shall afford the developer an opportunity to make the changes or additions and set appropriate deadlines. (Ord. 2000-437-E § 5(E))

10.28.060 Agreement for improvements.

Before approval of the final subdivision plat, the applicant shall comply with the provisions and requirements of Sections 10.52.010 and 10.52.020. (Ord. 2000-437-E § 5(F))

10.28.070 Approval of the plat.

Upon receipt of the plat, and the reports of the Planning Director and the City Engineer, the Planning Commission shall determine whether it conforms to the approved tentative plan and all applicable requirements. If the Planning Commission does not approve the plat, it shall advise the developer of the changes or additions that must be made and shall afford him an opportunity to do so. If the Planning Commission determines that the plat conforms with the approved tentative plan and all applicable requirements, it shall give its approval, which shall be indicated by the signature of the chairperson of the Planning Commission.

The approval of the plat does not constitute or effect an acceptance by the city for maintenance of any street shown on the plat. (Ord. 2000-437-E § 5(G))

10.28.080 Filing of plat.

A developer shall, without delay, submit the plat for signatures of the other public officials listed in this chapter. Approval of the plat by the Commission shall be null and void if the plat is not recorded within sixty (60) days after the date the approval of the Commission has been obtained. After obtaining all required approvals and signatures, the developer shall file the plat and an exact copy thereof in the County Clerk's office.

A. No plat shall be recorded unless all taxes and all special assessments, fees, or other charges required by law have been paid which have become a lien upon the subdivision or which will become a lien during the calendar year.

B. Immediately after, recording such plat, the developer shall provide to the City

Engineer and City Recorder, without cost, such prints of the plat as they may request as well as such copies as may be required by the Douglas County Board of Commissioners. (Ord. 2000-437-E § 5(H))

Chapter 10.32

PARTITIONS

Sections:

10.32.010 Scope and procedure.

A partition is the process of dividing land into two or three parcels within a calendar year (see Section 10.20.010(C) for exclusions). Partitions are reviewed in two stages. The tentative partition plan is reviewed primarily for the design aspects, such as connection to existing and future streets, consideration of natural features, and compliance with requirements of other portions of this division. It is recommended that a surveyor prepare this plan. The review of this tentative plan is done as a limited land use decision.

The final plat is reviewed for conformation to the tentative partition plan, as approved with or without conditions, and applicable state or county laws or rules. The final plat must be prepared by a licensed land surveyor and is the instrument by which the land division is recorded. The review of the final plat is done as a limited land use decision. (Ord. 2000-437-E § 6(A))

10.32.020 Submission of partition plan.

An applicant shall prepare a partition plan together with supplementary material as may be required by the city, together with the appropriate fees (as set by resolution of the City Council) to indicate the nature and objectives of the partition, and shall submit a reproducible print and fifteen (15) copies of the plan to the Community Development Director to be distributed to the City Engineer, Fire Chief and Fire Marshal and Planning Commission for their review and comment. (Ord. 2000-437-E § 6(B))

10.32.030 Partition plan contents.

The tentative plan of a partition shall contain the information below, in the form of a narrative statement and depicted in a diagram. The diagram shall be drawn on a sheet eighteen (18) by twenty-four (24) inches in size, or a two-inch increment thereof, not to exceed forty-two (42) inches in width, at a scale of one-inch equals one hundred (100) feet. The scale may be increased or decreased, but in all cases shall be in multiples of two. All diagrammatic information shall be dated and shall indicate scale and north point.

The applicant shall also furnish the names of all property owners within one hundred (100) feet of the exterior boundaries of the proposed partition, as indicated by the latest property tax assessment roll. Incomplete applications shall be handled according to the rules outlined under the administrative provisions, Chapter 10.60.

A. Names:

1. Name and address of the owner, and engineer or surveyor;

2. Names and addresses of all property owners within one hundred (100) feet of the partition's proposed boundaries, as shown on the last preceding tax roll of the Douglas County Assessor;

3. Appropriate identification clearly stating the map as preliminary.

B. Location:

1. Vicinity map, at an appropriate scale showing adjacent property boundaries, abutting land uses and the partition's relationship to the city and major public facilities;

2. A legal description of the proposed partition;

3. North arrow, scale and date of drawing.

C. Natural features:

1. Water courses, including their direction of flow and probable flood plain;

2. Significant physical features such as wooded areas, wetlands and rock outcroppings.

D. Existing conditions:

1. The location, widths and names of existing or platted streets or other public ways (including easements) within or adjacent to the tract, existing permanent buildings, railroad rights-of-way, and other important features such as section lines etc.;

2. Zoning classifications of the partition and adjacent lands;

3. Boundary lines of any governmental jurisdiction, including special service districts, within or adjacent to the partition;

4. Existing sewers, water mains, culverts, drainage ways or other underground utilities or structures within the tract immediately adjacent thereto, together with pipe sizes, grades and locations indicated.

E. Proposed development:

1. Location, width, names, approximate grades and radii of curves of proposed streets;

2. Location, width and purpose of proposed easements;

3. Location and dimensions of areas to be partitioned;

4. Location, dimensions, and characteristics of areas proposed for public or nonresidential uses;

5. Schedule indicating the tentative timetable of improvement construction, including initiation and completion dates;

6. Description of the area proposed for partial recording of a final plat, if phased development and recording is contemplated. If the partition proposal pertains to only part of the tract owned or controlled by the partitioner, the Planning Commission may require a preliminary diagrammatic plan for streets, sewers, and drains in the partitioned portion;

7. Draft of proposed deed restrictions and/or covenants, if any, which affect the partition. (Ord. 2000-437-E § 6(C))

10.32.040 Specific approval requirements.

In addition to the requirements set forth in this division and in applicable local and state regulations, specific requirements for tentative plan approval are as follows:

No tentative plan for a proposed partition shall be approved unless:

A. The streets and roads are laid out to conform to the plats of subdivisions and maps of partitions already approved for adjoining property as to width, general direction and in all other respects, unless the Planning Commission determines it is in the public interest to modify the street or road pattern.

B. Streets for public use are to be dedicated without any reservation or restriction.

C. Streets held for private use are clearly indicated on the tentative plan and all reservations or restrictions relating to such private streets are set forth thereon.

D. The plan contains provisions for the donation to the city of all common improvements, including but not limited to streets, parks, sewage disposal and water supply systems, the donation of which was made a condition of the approval of the tentative plan for the subdivision. (Ord. 2000-437-E § 6(D))

10.32.050 Notice.

Notice of the proposed partition shall be mailed to all property owners within one hundred (100) feet of the proposed partition, naming a fourteen (14) calendar day period in which written comments may be submitted to the city regarding the proposed partition plan. These comments shall be considered by the Community Development Director and City Engineer in their review of the partition.

Notice of the proposed partition shall also be sent to agencies whose jurisdiction includes the area of the proposed partition, such as: fire districts, police districts, State Department of Environmental Quality, and special districts, and utility districts. (Ord. 2000-437-E § 6(E))

10.32.060 Wetlands notice.

The Community Development Director shall determine if the proposed partition is located within, or contains, wetlands as determined by local wetlands inventory maps. If so, the Director shall send notice, on the appropriate form, to the Division of State Lands within five days of receiving the complete application for the proposed partition. The Director shall notify the applicant of this action and explain that the location of the proposed partition within, or containing, wetlands may require a permit by state and/or federal agencies. The city may continue to process the application and proceed with a final decision to approve or deny it independent of the response from the Division of State Lands. (Ord. 2000-437-E § 6(F))

10.32.070 Partition plan review criteria.

The plan shall be reviewed by the City Engineer, the Community Development Director and the Planning Commission, taking the following criteria into consideration:

A. Development of any remainder property under the same ownership may be accomplished in accordance with this division.

B. Adjoining land can be developed or is provided access that will allow its development in accordance with this division.

C. The proposed street access affords the best economic, safe, and efficient circulation of traffic possible under the circumstances.

D. The location and design allows development to be conveniently served by various public utilities and emergency vehicles.

E. Any special features of the sites (such as topography, floodplains, wetlands, vegetation, historic sites) have been adequately identified, considered and utilized.

F. The proposal complies with the current city comprehensive plan and any applicable local and county ordinances and state and federal regulations.

The city may attach conditions of approval to a partition plan to ensure that the proposal will conform to the applicable review criteria outlined above. The Community Development

Director shall provide the developer with written notice, including findings of the action within five days. (Ord. 2000-437-E § 6(G))

10.32.080 Dedications required.

Right-of-way dedications shall be required on a partition plan as necessary, however, requirements for dedications or conditions imposed, shall not be greater than would be required if the tract were subdivided. (Ord. 2000-437-E § 6(H))

10.32.090 Appeal of partition plan decision.

Appeal of the decision to approve, approve with conditions, or deny the partition plan can be made as by following the provisions of Sections 10.192.010 and 10.192.020. All local appeal avenues must be exhausted prior to appeal to the Land Use Board of Appeals. (Ord. 2000-437-E § 6(I))

10.32.100 Final partition plat.

Within one year after approval of the partition plan, the developer shall submit a final partition plat to the city, prepared by a licensed surveyor. However, if parcels created by the partition are in excess of ten (10) acres, a surveyed partition plat is not required, but is the option of the applicant. Final partition plats shall be in conformance with the initial plan as approved.

A. If the developer fails to submit the final plat to the city before the expiration of the twelve (12) month period following approval of the partition plan, the plan shall be deemed void, unless an extension is granted by the Commission prior to such expiration. Any request for an extension shall be submitted in writing to the Community Development Director stating the reasons for the requested extension.

B. The final partition plat shall be in a form prescribed by Chapter 10.28. The City Engineer may make exceptions to these requirements.

C. The Community Development Director and City Engineer shall review the final partition plat to ensure that it is substantially the same as it appeared on the approved tentative partition plan, and that there has been compliance with this division, the comprehensive plan and the zoning ordinance. The decision to approve, approve with condition, or deny the final partition plat shall be made by the City Community Development and/or Public Works Directors. Approval shall be indicated by the signature of same on the final plat.

D. Appeal of the decision on a final partition plat may be made as described in Section 10.32.090. (Ord. 2000-437-E § 6(J))

10.32.110 Filing requirements.

The developer shall file the approved plat with the Douglas County Clerk's office within ninety (90) days of the date of the city's approval. If a surveyed partition plat was not required, the partition shall be recorded with the County Clerk by a conveyance conforming to the approved partition parcels, and a partition deed. Approval of the partition by the city shall be null and void ab initio if the partition is not recorded within this time period. The developer must then file the recorded partition with the city. The partition is in effect when the recorded plat has been filed with the city. (Ord. 2000-437-E § 6(K))

Chapter 10.36

CONSOLIDATION OF LOTS

Sections:

10.36.010 Scope and effect.

A consolidation of lots involves the creation of one unit of land (by combining two or more units of land) where more than one unit of land previously existed. Once recorded, the original property lines may not then be recovered except through a partition process. Approval of consolidations of lots is made by the Community Development Director as an administrative decision. (Ord. 2000-437-E § 7(A))

10.36.020 Application requirements.

An application for the consolidation of lots consists of a letter of intent, signed by all property owners involved, stating the reason for the request and identifying the properties in question by assessor's map, tax lot number, and zoning designation. The letter shall be accompanied by the appropriate fee and a map showing the property lines before and after the proposed consolidation, the existing structures on the subject properties, and a description of the existing uses on each property. Incomplete applications shall be handled according to the rules outlined under Chapter 10.60. (Ord. 2000-437-E § 7(B))

10.36.030 Criteria for approval of consolidation of lots.

The Community Development Director shall approve the consolidation if the proposal meets the following criteria:

The consolidated property configuration does not create a substandard condition relative to the applicable standards of this division, or the city's current comprehensive plan, and zoning ordinance, such as the placement of two single family dwellings on one lot where only one single-family dwelling per zone lot is allowed. (Ord. 2000-437-E § 7(C))

10.36.040 Signatures required.

The Director shall sign the final map/legal description verifying that the requirements have been met. (Ord. 2000-437-E § 7(D))

10.36.050 Appeal of Director's decision.

Appeal of the Director's decision may be made to the Planning Commission, pursuant to Section 10.60.080(E). (Ord. 2000-437-E § 7(E))

10.36.060 Filing a consolidation.

The applicant shall file the approved consolidation with the County Clerk, and shall file one duplicate original print or exact copy of the recorded consolidation with the city. (Ord. 2000-437-E § 7(F))

10.36.070 Expiration of consolidation approval.

The consolidation shall become null and void if not filed and recorded with the County Clerk within sixty (60) days of approval. (Ord. 2000-437-E § 7(G))

Chapter 10.40

PROPERTY LINE ADJUSTMENTS

Sections:

10.40.010 Scope and effect.

The common property line between abutting properties may be relocated to add and remove land from the properties in accordance with the provisions of this section. No new lots or parcels may be created. Once a property line has been adjusted, the adjusted property line shall be the boundary or property line, not the original line. The Community Development Director, City Engineer and/or Planning Commission has the authority to approve a property line adjustment as an administrative decision. (Ord. 2000-437-E § 8(A))

10.40.020 Application requirements.

An application for a property line adjustment consists of a letter of intent, signed by all property owners involved in the proposed adjustment stating the reason for the request. The letter shall be accompanied by the appropriate fee (as set by resolution of the City Council) and a map showing the following:

A. The scale, north point and date of map;

B. The assessor's map and tax lot number identifying each parcel involved in the adjustment;

C. A vicinity map locating the proposed line adjustment in relation to adjacent subdivisions, partitions and other units of land and roadways;

D. A plot plan showing the existing property lines of the lots or parcels affected by the property line adjustment and the location for the proposed property line adjustment. The plot plan shall also show:

1. The location, width, and purpose of any easements, and driveway access to public right-of-way, existing or proposed,

2. The location of all structures within ten (10) feet of the adjusted line,

3. The area, before and after the property line adjustment, of each parcel,

4. Existing and proposed utility services and stub locations including water, sanitary sewer, drainage, power, gas and telephone, as well as utility easements,

5. Adjacent rights-of-way with width shown.

E. Incomplete applications shall be handled according to the rules listed in Chapter 10.60. (Ord. 2000-437-E § 8(B))

10.40.030 Criteria for approval of property line adjustments.

The Community Development Director, City Engineer or Planning Commission shall approve, approve with conditions, or deny the request for a property line adjustment based on the following criteria:

A. The property line adjustment does not create a new lot or a land-locked parcel;

B. All resulting lots or parcels must be no more substandard than the original lots or parcels with respect to minimum lot or parcel area, dimensions and building setback requirements for the given zone;

C. All adjustments shall occur within the given zone and shall not be permitted among differing zones;

D. The lot line adjustment shall not alter or impede the public right-of-way and shall have no affect on any easement;

E. The adjusted property configuration shall not create a substandard condition relative to the applicable standards of this division or the current city zoning ordinance;

F. Comply with all local, county, state and federal laws and regulations. (Ord. 2000-437-E § 8(C))

10.40.040 Survey requirements.

A survey map that complies with ORS 209.250 shall be prepared for property line adjustments unless one of the following conditions would result:

A. The property line adjustment results in parcels that would be greater in size than ten (10) acres; or

B. The new property lines created by the property line adjustment would be parallel to the property lines before the adjustment.

The survey map shall show all structures within ten (10) feet of the adjusted line, and shall show established monuments marking the adjusted line. All monuments shown shall be placed in the ground by the surveyor and shall be a type approved by the City engineer. (Ord. 2000-437-E § 8(D))

10.40.050 Approval and filing requirements.

Upon determination that the requirements of this chapter have been met, the Community Development Director shall advise the applicant in writing that the property line adjustment has been tentatively approved.

A. Within six months from the date of tentative approval, the applicant shall prepare and submit to the Community Development Director any survey map required by Section 10.28.040. If no map is required, the applicant shall submit proof that the requirements of the tentative approval have been met. The Community Development Director shall indicate final approval by endorsement upon the map or, if no map is required, written approval shall be granted.

B. Once city approval has been given, the applicant shall file the survey map, if such was required, with the County Surveyor's office. If no survey map was required, the line adjustment as approved by the city shall be filed with the County Recorder by deed. One copy of the survey map with the County Surveyor's filing information, or the document as recorded with the County Recorder, shall be filed with the city. The property line adjustment shall be in effect upon filing with the city.

C. Appeal of an administrative decision may be made to the Planning Commission pursuant to Section 10.60.080(E)). (Ord. 2000-437-E § 8(E))

Chapter 10.44

ACCEPTANCE AND DEDICATION OF STREETS

Sections:

10.44.010 Written application required.

Any person desiring to submit a street for acceptance and dedication, other than those in a subdivision, shall make written application to the City Engineer. Such application shall be accompanied by a deed in favor of the city, in a form acceptable to the City Attorney, covering the area in question. (Ord. 2000-437-E § 9(A) (part))

10.44.020 Procedure for street acceptance and dedication.

A. Upon receipt of a written application for acceptance and dedication, the City Engineer shall determine if the street is in compliance with the standards prescribed in Chapter 10.48, and with any applicable plat or map.

B. If the street in question does not comply with the design standards of Chapter 10.48, or any applicable plat or map, the City Engineer shall deny the application in writing, explaining this noncompliance. If the street in question does comply, the City Engineer shall refer the application to the City Council for acceptance and dedication.

C. If the street in question is in the urban growth area, the City Engineer shall follow the procedures set forth in the "Urban Growth Management Agreement" for the city of Reedsport and Douglas County. (Ord. 2000-437-E § 9(A) (part))

Chapter 10.48

DESIGN STANDARDS

Sections:

10.48.010 Principles of acceptability.

A land development shall conform to development plans already approved by the city, take into consideration any tentative plans made in anticipation of approval, and shall conform to the design standards as established by the city. (Ord. 2000-437-E § 11(A))

10.48.020 Streets.

A. General. The location, width and grade of streets shall be considered in their relation to existing and planned streets, topographical conditions, public convenience and safety, and the proposed use of land to be served by the streets. The street system shall assure an adequate traffic circulation system with intersection angles, grades, tangents and curves appropriate for the traffic to be carried considering the terrain. Where location is not shown on a development plan, plat or map, the arrangement of streets in a subdivision shall either:

1. Provide for the continuation or appropriate projection of existing principal streets in surrounding areas;

2. Conform to a plan for the neighborhood approved or adopted by the Planning Commission to solve a particular problem in which topographical, or other conditions, make continuance or conformance to existing streets impractical.

B. Design Standards. The design standards, as set forth in Table A, shall be used for all street designs within the City. The design standards shall include paved streets with such appurtenances as curbs, sidewalks, storm drainage, lighting and other amenities. Minimum dimensions and criteria are listed in the following table. Where existing conditions, such as topography or the size or shape of land parcels make it otherwise impractical to provide these minimum standards, the Planning Commission may make exceptions, in accordance with the variance procedure requirements as noted in this chapter.

C. Minimum Right-of-Way and Roadway Width. Unless otherwise indicated on an applicable plan, plat or map, the street right-of-way and roadway widths shall not be less than the minimum width in feet shown in Table A.

D. Emergency Vehicle Access. Access for emergency apparatus shall be per local fire code provisions.

E. Reserve Strips. Reserve strips or street plugs controlling the access to streets shall not be approved unless necessary for the protection of the public welfare or of substantial property rights, in which cases they may be required. The control and disposal of the land comprising such strips shall be placed within the jurisdiction of the city under conditions approved by the Planning Commission on a case-by-case basis.

F. Alignment. As far as is practical, all streets, other than minor streets and cul-de-sacs shall be in alignment with existing streets by continuations of the center lines thereof.

Staggered street alignment resulting in "T" intersections shall, wherever practical, leave a minimum distance of two hundred (200) feet between the center lines of streets having approximately the same direction and, in no case, shall be less than one hundred (100) feet.

G. Future Extensions of Streets. Where necessary to give access to or permit a satisfactory future division of adjoining land, streets shall be extended to the boundary of the land development and the resulting dead-end streets may be approved without a turnaround. Reserve strips and street plugs may be required to preserve the objectives of street extensions.

H. Intersections. The intersections of more than two streets at one point shall be avoided wherever possible, unless there is a special intersection design approved by the City Engineer. Streets shall intersect one another at an angle as near to a right angle as possible. If an intersection occurs at an angle other than a right angle, it shall be rounded with a curve of a radius acceptable to the City Engineer.

I. Existing Streets. Whenever existing streets, adjacent to or within a tract, are of inadequate width, additional right-of-way shall be provided by the developer at the time of the land development to provide adequate width.

J. Half Street. Half streets shall be prohibited except where essential to the reasonable development of the subdivision or partition, when in conformity with the other requirements of this division and when the Planning Commission finds it will be practical to require the dedication of the other half upon development of the adjoining property. Whenever a half street is adjacent to a tract to be divided or partitioned, the other half of the street shall be provided within such tract. Reserve strips and street plugs may be required to preserve the objectives of half streets.

K. Cul-De-Sac. Cul-de-sacs shall be as short as possible and should generally not exceed two hundred twenty (220) feet in length or serve more than twenty-five (25) dwelling units. A cul-de-sac shall terminate in a circular turnaround.

L. Street Names. All new streets shall be approved by the Planning Commission, and be named in accordance with existing street names and extensions and projections thereof within the city limits and the UGB. Names of new streets shall not duplicate existing or platted street names unless a new street is a continuation of, or in alignment with, the existing or platted street. Street names and numbers shall conform to the established pattern in the city and shall be subject to the approval of the Planning Commission.

M. Grades and Curves. Grades shall not exceed six percent on arterials, fifteen (15) percent on collector streets or twenty (20) percent on other streets. Centerline radii of curves shall not be less than three hundred (300) feet on major arterials, two hundred (200) feet on secondary arterials or one hundred (100) feet on other streets. Where existing conditions, particularly the topography, make it otherwise impractical to provide buildable sites, the Planning Commission may accept steeper grades and sharper curves. In flat areas allowance shall be made for finished street grades having a minimum slope of at least 0.5 percent. In no case shall a street be designed with a twelve (12) percent or more grades, together with one hundred (100) feet or less radii measured on centerline.

N. Streets Adjacent to Railroad Right-of-Way. Wherever the proposed land development contains or is adjacent to a railroad right-of-way, a provision may be required for a street approximately parallel to and, on each side of such right-of-way, at a distance suitable for the

appropriate use of the land between the streets and the railroad. The distance shall be determined, with due consideration at cross streets, by the minimum distance required for approach grades to a future grade separation and to provide sufficient depth for screen planting along the railroad right-of-way.

O. Marginal Access Streets. Where a land development abuts, or contains, an existing or proposed arterial street, the Planning Commission may require marginal access streets, reverse frontage lots with suitable depth, screen planting contained in a nonaccess reservation along the rear of side property line or other treatment, to provide adequate protection of residential properties and to afford separation of through and local traffic.

P. Alleys shall be provided in commercial and industrial districts, unless other permanent provisions for access to off-street parking and loading facilities are approved by the Planning Commission.

Q. Street Access Through an Existing Subdivision. Whenever there is an existing, city-approved subdivision, access to streets within that subdivision from outside parcels shall not be allowed unless they have been planned, connect directly with arterial streets and are approved by the Planning Commission.

R. Through Streets. Where appropriate and practicable, through streets should generally be provided not more than five hundred (500) feet apart.

S. Pedestrian Connections. Where appropriate and practicable, pedestrian connections (sidewalks or pathways) should be provided not more than three hundred (300) feet apart.

TABLE A

	Functional Class					
	4-Lane Arterial	**3-Lane Arterial**	**Collector**	**Neighborhood**	**Local**	**Alley**
Travel lane width	48 ft. (4x12 ft.)	24 ft. (2x12 ft.)	20 ft. (2x11 ft.)	20 ft. (2x10 ft.)	20 ft. (2x10 ft.)	20 ft. (2x10 ft.)
Center turn lane (optional)	14 ft.	14 ft.	N/A	N/A	N/A	N/A
On-street parking (8 ft.)	N/A**	N/A**	16 ft.	16 ft.	8 ft.	N/A
Bike lanes (6 ft.)	12 ft.	12 ft.	N/A*	N/A	N/A	N/A
Sidewalks (6 ft.)	12 ft.	12 ft.	12 ft.	12 ft.	12 ft.	N/A
Paved width	74 ft.	50 ft.	36 ft.	36 ft.	28 ft.	20 ft.
Utility easement	N/A	N/A	10 ft. 2x5'	10 ft. 2x5'	10 ft. 2x5'	
Minimum grade	0.5%	0.5%	0.5%	0.5%	0.5%	0.5%
Maximum grade	6%	6%	15%	15%	20%	20%
Minimum center line radius	400 ft.	400 ft.	200 ft.	200 ft.	100 ft.	100 ft.
Minimum angle of street intersections	80°	80°	80°	80°	80°	80°
Minimum distance between street intersections (same side)	400 ft.	400 ft.	300 ft.	300 ft.	200 ft.	N/A
Minimum distance between street intersections (opp. side)	300 ft.	300 ft.	200 ft.	200 ft.	100 ft.	N/A
Minimum right-of-way width	102 ft.	78 ft.	70 ft.	58 ft.	50 ft.	20 ft.

Notes:

* Six-foot bike lanes on each side of the street are not required unless traffic volumes exceed 5,000 vehicles a day.

** On-street parking on state highways is regulated by ODOT, not the City of Reedsport. "Business district" cross sections include on-street parking paved width.

(Ord. 2006-1057; Ord. 2000-437-E § 11(B))

10.48.030 Blocks.

A. General. The length, width and shape of blocks shall take into account the need for adequate building site size and street width and shall recognize the limitations of the topography.

B. Size: No block shall be more than one thousand (1,000) feet in length between street corner lines unless it is adjacent to an arterial street or unless the topography or the location of adjoining streets justifies an exception as determined by the Planning Commission. The recommended minimum length of block along an arterial street is one thousand eight hundred (1,800) feet. A block shall have sufficient width to provide for two tiers of building sites unless topography or the location of adjoining streets justifies an exception as determined by the Commission.

C. Easements.

1. Utility Lines. Easements for sewers, water mains, electric lines or other public utilities shall be dedicated. The easement shall be at least sixteen (16) feet wide and either centered on lot or parcel lines, or street right-of-way.

2. Watercourses. If a land development is traversed by a watercourse, such as a drainage way, channel or stream, there shall be provided to the city, a stormwater easement or drainage right-of-way conforming substantially with .the lines of the watercourse, and such further width as will be adequate for the purpose. Streets parallel to the major watercourse may be required.

3. Sidewalks and Bikeways. When desirable for public convenience, a sidewalk or bikeway may be required to connect to a cul-de-sac, to pass through an unusually long or oddly shaped block, or to otherwise provide appropriate circulation for bicycle and/or pedestrian traffic. (Ord. 2000-437-E § 11(C))

10.48.040 Building sites.

A. Size and Shape. The size, width, shape and orientation of building sites shall be appropriate for the location of the land development and the type of use contemplated, and shall be consistent with the residential lot size provisions of the zoning ordinance with the following exceptions:

1. Where property is zoned and planned for business or industrial use, other standards may be permitted at the discretion of the Planning Commission.

2. The depth and width of properties reserved or laid out for commercial and industrial purposes shall be adequate to provide for the off-street service and parking facilities required by the type of use.

B. Access. Each lot and parcel shall abut upon a public street other than an alley for a width of at least twenty-five (25) feet.

C. Through Lots and Parcels. Through lots and parcels shall be avoided, except where they are essential to provide separation of residential development from major traffic arterials or adjacent nonresidential activities or to overcome specific disadvantages of topography and orientation. A planting screen easement at least ten feet wide, across which there shall be no right of access (except for routine utility maintenance), may be required along the line of building sites abutting such a traffic arterial or other incompatible uses.

D. Lot and Parcel Side Lines. The lines of lots and parcels, as far as is practical, shall run at right angles to the street upon which they face. Lot lines which are radial to curved

streets shall be so indicated on applicable plans, plats, or maps. (Ord. 2000-437-E § 11(D))

10.48.050 Grading of building sites.

Lot grading shall conform to the city grading excavation and fill ordinance No. 538, Uniform Building Codes, current Reedsport zoning ordinance, and/or Uniform Building Code and amendments thereto. (Ord. 2000-437-E § 11(E))

10.48.060 Building lines.

If building setback lines, other than those required by the current zoning ordinance in effect at the time of the application, are to be established in a land development, they shall be shown on the tentative or partition plan. (Ord. 2000-437-E § 11(F))

10.48.070 Large building site.

When dividing tracts into large lots or parcels, which in the future are likely to be re-divided, the Planning Commission on a case by case basis may require that the blocks to meet size and shape regulations. Under these regulations, the blocks may be divided into building sites with restrictions which provide for the extension and opening of streets at intervals which will permit a subsequent land development of any tract into lots or parcels of similar size. (Ord. 2000-437-E § 11(G))

10.48.080 Design standards for other improvements.

Standards of design for other improvements, including but not limited to, sidewalks, streetlights, storm drains and appurtenances, fire hydrants, sanitary sewer and appurtenances, domestic water systems, and underground utilities, shall comply with adopted city specifications and applicable state and/or federal regulations. (Ord. 2000-437-E § 11(H))

Chapter 10.52

IMPROVEMENTS

Sections:

10.52.010 Agreement for improvements.

Before the Planning Commission approves a final subdivision plat or partition map, the developer shall either:

A. Install the required improvements and repair existing streets and other public facilities damaged in the development of the subdivision; or

B. Execute and file an agreement with the City Recorder between the developer and the city, specifying the period within which the required improvements and repairs shall be completed. This agreement shall provide that, if the work is not completed within the specified period, the city may complete the work and recover the full cost and expense of that work, together with court costs and attorney fees necessary to collect the amounts from the developer on trial or appeal, together with interest from the time of the city's expenditure of funds until repaid in full. (Ord. 2000-437-E § 10(A))

10.52.020 Bond.

A. Type of Security. The developer shall file with the agreement, to assure his full and faithful performance thereof, one of the following:

1. A surety bond executed by a surety company authorized to transact business in the state of Oregon in a form approved by the City Attorney;

2. Cash, certified check, time deposit certificate and/or savings account assigned to the city.

B. Amount Required. Such assurance of full and faithful performance shall be for a sum approved by the City Engineer as sufficient to cover the total cost of the improvements and repairs, including related engineering and incidental expenses, and the cost of city inspection.

C. Default Status. If the developer fails to carry out provisions of the agreement and the city has unreimbursed costs or expenses resulting from such failure, the city shall utilize the securities listed in Section 10.52.010 and this section to recover such unreimbursed costs or expenses. If the amount of the securities exceeds costs and expense incurred by the city, it shall release the remainder. If the amount of the securities is less than the cost and expense incurred by the city, the developer shall be liable to the city for the difference and, upon demand, pay all sums due to the city forthwith. (Ord. 2000-437-E § 10(B))

10.52.030 Improvement procedure.

In addition to other requirements of this division, improvements installed by a developer, either as a requirement of these regulations or at the developer's own option, shall conform to the following procedures:

A. Plan Preparation. The developer shall retain the services of an engineer, registered in Oregon, to prepare the plans required to construct the proposed improvements.

B. Plan Approval. Improvement work shall not commence until plans have been checked for adequacy and approved by the city in writing. To the extent necessary for evaluation of the proposal, the plans may be required before approval of the tentative plan of a land development.

C. City Notification. Improvement work shall not commence until after the city is notified in writing and if work is discontinued, for any reason, it shall not be resumed until after the city is again notified in writing.

D. Inspection.

1. Improvements shall be constructed under the inspection and to the satisfaction of the City Engineer. The city may require changes in typical sections and details in the public interest if unusual conditions arise during construction to warrant the change.

2. The developer shall retain the engineer, who prepared the improvement plans, to provide full inspection services during all phases of construction unless a change of engineers is approved in writing by the City Engineer. The inspector shall be on the job site whenever work on the improvements is proceeding. Failure to provide the required inspection may result in nonacceptance of the improvements by the city.

E. Utilities. Underground utilities, sanitary sewers and storm drains installed in streets shall be constructed by the developer prior to the surfacing of the streets. Stubs for service connections for all underground utilities and sanitary sewers shall be placed at a length obviating the necessity for disturbing the street improvements when service connections are made.

F. As-Built Plans. A map showing public improvements as-built shall be filed with the City Engineer upon completion of the improvements.

G. Plan Changes. Any changes in approved plans during construction must be approved by the City Engineer in writing before construction may continue. (Ord. 2000-437-E § 12(A))

10.52.040 Specifications for improvements.

Specifications shall be prepared for the design and construction of required public improvements and other public facilities a developer may elect to install. The City Engineer must approve such specifications prepared by the developer to supplement the standards of this division based on engineering standards appropriate for the improvements concerned. (Ord. 2000-437-E § 12(B))

10.52.050 Improvements in land development.

The following improvements shall be installed at the expense of the developer and at the time of land development.

A. Streets. All public streets, including alleys, within the land development shall be improved to city standards. Unimproved streets adjacent to the land development, which the City Engineer determines will be used as access to the land development, shall also be improved. Catch basins shall be installed and connected to drainage tile leading to storm sewers or drainage ways. Upon completion of the street improvements, monuments shall be reestablished and protected in monument boxes

at every public street intersection and all points of curvature and all points of tangency of their center lines. Street grades shall be established before any improvement construction is begun.

B. Surface Drainage and Storm Sewer System. Drainage facilities shall be provided within the land development and to connect the land development drainage to drainage ways or storm sewers outside the land development. Designs of drainage shall be in accordance with the standards established by the city, and shall allow for the extension of the system to serve other areas. The developer shall submit detailed drainage calculations. On site storm water retention facilities may be required to limit storm water discharges to those in an undeveloped state for that particular development.

C. Sanitary Sewers shall be installed to serve the land development with designs approved by both the Department of Environmental Quality and the City Engineer. Designs shall take into account the capacity and grade to allow for desirable extension beyond the land development.

D. Water System. Water lines and fire hydrants serving each building site in the land development and connecting the land development to existing water mains shall be installed. The design shall take into account provisions for extension beyond the land development.

E. Sidewalks. Shall be installed on both sides of all streets, as well as in any special pedestrian ways within the land development, which the Planning Commission determines are required.

F. Bikeway Routes. If appropriate to the extension of a system of bikeway routes, existing or planned, the Planning Commission may require the installation of separate bicycle lanes within streets and separate bicycle paths.

G. Street Name Signs. Upon completion of streets, street name signs shall be installed by the developer, at his/her expense. In residential areas, one set of signs shall be installed at each intersection. In commercial or industrial areas, and on arterials, two sets of signs shall be installed on diagonally opposite corners of each intersection.

H. Street lights shall be installed and shall be served from an underground supply source. The city shall arrange for the installation. The cost of street lights, other than standard wood pole residential lights, shall be paid by the developer.

I. Other. The developer shall make necessary and reasonable arrangements with utility companies, or other persons or corporations affected, for the installation of underground lines and facilities. Electrical lines and other wires including, but not limited to, communication, street lighting and cable television, shall be placed underground.

J. Dedication and Preservation of Public Land. The subdivider shall pay to the city for public park and recreation purposes one hundred dollars ($100.00) per lot within the plat. These funds will be used for improvement and maintenance of existing public parks. (Ord. 2000-437-E § 12 (C))

10.52.060 Improvements in partitions.

The same improvements shall be installed to serve each building site of a partition as is required of other subdivisions. However, if the Commission finds that the nature of development in the vicinity of the partition makes installation of some improvement unreasonable, the Commission may grant a

variance. In lieu of granting a variance, the Commission may recommend to the City Council that the improvement be installed in the area under special assessment financing or other facility extension policies of the city. (Ord. 2000-437-E § 12(D))

Chapter 10.56

EXPEDITED LAND DIVISIONS

Sections:

10.56.010 Expedited land division defined.

An "expedited land division" is an action of the Planning Commission that:

A. Involves land zoned and used exclusively for residential and accessory purposes within the urban growth boundary;

B. Does not involve land designated for full or partial protection of natural features under statewide planning goals;

C. Satisfies minimum street or other right-of-way standards;

D. Creates enough lots or parcels to meet or exceed eighty (80) percent of the maximum density standard;

E. Creates three or fewer parcels.

It is not a land use decision or a limited land use decision. An expedited land division is based on clear objective standards and is applicable to land division and planned unit division standards that regulate the physical characteristics of permitted uses, the dimensions of lots or parcels to be created, and necessary facilities and services. (Ord. 2000-437-E § 14 (part))

10.56.020 Application procedure.

A. Upon receipt of a completed application for an ELD, the Planning Commission shall provide notice to affected state agencies, local governments, special service districts, recognized neighborhood or community organizations and property owners within one hundred (100) feet.

B. Written comments will be accepted for a fourteen (14) day calendar period prior to the decision. No hearing may be held on the application.

C. A written decision must be rendered within sixty-three (63) days of receipt of a completed application. After seven days notice to the applicant, the governing body may take action at a regularly scheduled meeting to extend the sixty-three (63) day period to a period not to exceed one hundred twenty (120) days. (Ord. 2000-437-E § 14(A))

10.56.030 Appeals.

A. An appeal must be filed with the Planning Director within fourteen (14) days of the mailing of the decision and shall be accompanied by a three hundred dollar ($300.00) deposit for costs.

B. The applicant or any person or organization, who filed written comments prior to the decision may file an appeal.

C. A referee shall be appointed to decide the appeal. Within seven days of appointment the referee shall notify all related parties of the hearing. At the hearing the referee may hear evidence not previously presented to the Planning Commission.

D. If the referee determines the application does not qualify as an expedited land division he/she may remand the decision. In all other cases the referee is to identify means by which the application can meet the applicable requirements. In cases where the applicant materially improves his/her position, the referee shall order a refund of the deposit.

E. The Land Use Board of Appeals does not have jurisdiction to consider appeals of expedited land divisions. Appeals of the referee's decision shall proceed directly to the Court of Appeals. (Ord. 2000-437-E § 14(B))

Chapter 10.60

ADMINISTRATIVE PROVISIONS

Sections:

10.60.010 Variance application.

The Commission may authorize variances to requirements of this division. Application for a variance shall be made by a petition of the developer, stating fully the grounds of the application. The petition shall be filed with the tentative plan. A variance may be granted only in the event that all of the following circumstances are considered:

A. Exceptional Circumstances. Exceptional or extraordinary circumstances apply to the property which do not apply generally to other properties in the same vicinity, and result from tract size or shape, topography or other circumstances over which the owner of the property, since enactment of this division, has had no control.

B. Preservation of Property Right. The variance is necessary for the preservation of a property right of the applicant that is substantially the same as owners of other property in the same vicinity possess.

C. Not Detrimental. The variance would not be materially detrimental to the purposes of this division, or to property in the same vicinity in which the property is located, and would not otherwise conflict with the objectives of any applicable laws or regulations.

D. Minimum. The variance requested is the minimum variance, which would alleviate the hardship. (Ord. 2000-437-E § 13(A))

10.60.020 Planning commission action on variance.

In granting or denying a variance, the Planning Commission shall make a written record of its findings and the facts in connection therewith, and shall describe the variance granted, or denied, and the conditions designated. The city shall keep the findings as a matter of public record. A variance request shall follow the procedures set forth in this division for land use decisions. (Ord. 2000-437-E § 13(B))

10.60.030 Minor variance.

In the public interest, the Community Development Director and/or City Engineer may consider and render a decision on a minor variance as an administrative decision, per the requirements of this division. Such minor variances shall be limited to those requirements which are qualified in this division, and in no case shall be more than ten (10) percent of any such requirement. (Ord. 2000-437-E § 13(C))

10.60.040 Amendments.

An amendment to this division may be initiated by the City Council, the City Planning Commission or by application of a property owner and shall follow the standards, public hearing procedures, record of amendments and limitation of reapplication as set forth in Sections 10.188.020 through 10.188.050. (Ord. 2000-437-E § 13(D))

10.60.050 Fees.

A. Filing fee shall be as set by the latest revision of Ordinance 593 (see Appendix to this title).

B. Inspection Fee. An inspection fee, no part of which is refundable, shall be submitted to the City Engineer in the amount not to exceed five percent of the estimated cost of anticipated improvements, with such estimation to be determined in accordance with Sections 10.52.010 and 10.52.020. The inspection fee shall be paid in full prior to the commencement of any construction within approved tentative plans or final plats. (Ord. 2000-437-E § 13(E))

10.60.060 Public hearing procedures.

Public hearing procedures will be the same as outlined in Chapter 10.196 and Section 10.52.100. (Ord. 2000-427-E § 13(F))

10.60.070 Time limit for city decision.

The city shall render a decision regarding all land use applications within its control within one hundred twenty (120) days of receipt of a complete application. The applicant may submit a written request for an extension on a land use decision or action beyond the one hundred twenty (120) day limit.

A. Applications. All plans, documents, and applications submitted under this division shall be checked for completeness by the Community Development Director who shall notify the applicant in writing of any missing materials within thirty (30) days of the receipt of the application, plan or document.

B. Incomplete Applications. The application shall be deemed complete upon receipt of the missing materials. If the applicant refuses to submit the missing information, the application shall be deemed complete for the purpose of the one hundred twenty (120) day time limit for the land use decision on the thirty-first day after the government body first received the application.

C. Concurrent Processing. Any application applied for under this division and under the zoning ordinance for one development shall be processed concurrently if requested by the applicant. For each action the appropriate fee shall be paid. (Ord. 2000-437-E § 13(G))

10.60.080 Procedures for administrative decisions.

Applications for the following actions under this division shall be reviewed as administrative decisions: variances, consolidations of lots, property line adjustments and time extensions for tentative plats.

A. Applications received by the Community Development Director for these actions shall be reviewed for completeness as outlined in the appropriate sections of this division.

B. The Community Development Director or City Engineer shall review all complete applications for actions requiring administrative review under this division. As per ORS Chapter 92 such decisions may be

referred to the Planning Commission as appropriate.

C. In rendering a decision for approval, approval with conditions, or denial of an application, the approval/review criteria outlined in this division shall be utilized. Any administrative decision shall be referenced to applicable review criteria.

D. All decisions must be made in writing and signed by the Director to be effective. Notice of the decision shall be sent to the applicant and to the Planning Commission within five days of the date of the decision. Such notice shall contain an explanation of the right to appeal the decision.

E. Appeal of any administrative decision by the Community Development Director or City Engineer made under this division may be made to the Planning Commission. Written notice of the appeal must be filed with the city within ten (10) days after the decision is made. The notice of appeal shall state the date of the decision, the exact nature of the decision or requirement, and the grounds for the appeal. Appeals may only be made by the applicant or any member of the Planning Commission. If no appeal is filed, the decision becomes final on the eleventh day after the date the decision was made. (Ord. 2000-437-E § 13(H))

10.60.090 Procedures for limited land use decisions.

Applications for the following actions under this division shall be reviewed as limited land use decisions: subdivision tentative plan and final plat; partition tentative plan and final plat.

A. Applications received for these actions shall be reviewed for completeness by the Community Development Director and distributed to the City Engineer, Fire Marshal and Fire Chief for review and comment.

B. Notice of all applications to be processed as limited land use decisions under this division shall be made to all property owners within one hundred (100) feet of the exterior boundaries of the applicant property, as determined by the latest tax assessment roll. Notice shall also be mailed to any recognized neighborhood organization which includes the applicant property within its boundaries. This notice shall contain the following information:

1. The applicant property shall be identified by address, or other appropriate manner and the nature of the application shall be stated.

2. A fourteen (14) day period must be specified for which written comments may be submitted pertaining to the application. The place, date and time that comments are due must be stated.

3. The notice must state that citizens must raise an issue in writing during this fourteen (14) day period or lose the right to appeal the issue.

4. The notice must summarize the decision making process, and list the criteria within this division that shall be used in the decision of the city regarding the application.

5. The name and phone number of a local government contact person must be provided.

6. The notice must also state that copies of all documents related to the decision are available from City Hall to interested parties.

C. The limited land use decision on the application shall be made by the Planning Commission at a regularly scheduled meeting within thirty (30) days of receipt of the complete application by the city.

D. The decision shall be made to approve the application, deny the application, or

approve with conditions as may be necessary to carry out the purposes of this division. The decision shall be made by applying the criteria outlined in the appropriate section of this division.

E. Approval or denial shall be based upon and accompanied by a brief statement that explains the criteria and standards considered relevant to the decision, states the facts relied upon in rendering the decision, and explains the justification for the decision based on the criteria, standards and facts set forth.

F. Notice of the decision shall be sent to the applicant and to all citizens who submitted comments. Notice of the decision must include an explanation of appeal rights.

G. Appeal of the decision of the Planning Commission may be made by following the provisions of 10.192.010 and 10.192.020. All local appeal avenues must be exhausted prior to appeal to the Land Use Board of Appeals. (Ord. 2000-437-E § 13(I))

10.60.100 Procedures for land use decisions.

Decisions on the adoption, amendment or application of land use regulations, planning goals, provisions of the Comprehensive Plan or determinations of state agencies shall be conducted as land use decisions. The Planning Commission shall be the deliberating body and shall conduct the land use decision acting in a quasi-judicial capacity. A public hearing shall be required for all land use decisions. Notice of the public hearing and procedures for the public hearing shall meet ail requirements for quasi-judicial decisions, as set forth in ORS 197.763.

A. Following the receipt of an application to be processed as a land use decision under this division, the Community Development Director shall determine if all information is complete, following the provisions of Section 10.60.080.

B. Following a determination that the application is complete, the Community Development Director shall schedule a public hearing before the Planning Commission to review the application. The public hearing shall be scheduled within thirty (30) days of receiving the complete application.

C. Notice of the public hearing shall be given to the City Recorder following the provisions of the Section 10.196.030.

D. Submission of evidence, staff report, continuance/record, and burden of proof shall all follow the provisions of Sections 10.196.040 through 10.196.070

E. Order of the procedure for the public hearing shall follow the provisions of Section 10.196.080.

F. The action of the Planning Commission in making the land use decision may be to approve the application as submitted, to deny the application, or approve the application with such conditions as may be necessary to carry out the city's comprehensive plan and ordinances. In the case of amendments, Planning Commission shall make a recommendation for approval or denial to the City Council.

G. Written notice of the decision shall be given to all parties in the proceedings within ten (10) days of the decision.

H. Appeal of the Planning Commission decision may be made by following the provisions set forth in Sections 10.192.010 and 10.192.020. (Ord. 2000-437-E § 13(J))

10.60.110 Violation—Penalty.

A person violating a provision of this division shall, upon conviction, be punished by imprisonment for not more than sixty (60) days or by fine of not more than five hundred dollars ($500.00) or both. A violation of this division shall be considered a separate offense for each day the violation continues. (Ord. 2000-437-E § 15(A))

10.60.120 Violation—Alternative remedy.

In case a building or other structure is, or is proposed to be, located, constructed, maintained, repaired, altered or used, or in case land is, or is proposed to be, developed in violation of this division, the building or land shall constitute a nuisance. The city may, as an alternative to other legal remedies available for enforcing this division, institute an injunction, mandamus, abatement or other appropriate proceeding to prevent, temporarily or permanently enjoin, abate or remove the unlawful location, construction, maintenance, repair, alteration or use. (Ord. 2000-437-E § 15(B))

10.60.130 Violation—Procedure.

A. Within ten (10) days after notification of a violation of this division, the City Manager or his designated representative shall notify the property owner that such a violation exists.

B. Where the violation does not involve a structure, action to rectify such violation shall be completed within thirty (30) days by the violator.

C. Where the violation involves a structure, action to rectify such shall be completed within sixty (60) days by the violator.

D. If no action has been taken to rectify the violation within the specified time, the City Manager, or his designated representative, shall notify the City Attorney, or his designated representative, of such law, of corrective action.

E. The City Attorney shall set the date for a hearing with the person violating this division and the City Manager to consider whether subsequent legal action should be taken to rectify the violation. If necessary, the City Attorney shall take such legal action as required to insure compliance with this division. (Ord. 2000-437-E § 15(C))

DIVISION III. ZONING

Chapter 10.64

INTRODUCTORY PROVISIONS

Sections:

10.64.010 Title.

This division shall be known as the Reedsport zoning ordinance and shall consist of the text hereof and a map entitled, "Reedsport Zoning Map" (amended March 1, 1999), and identified by the approving signature of the Mayor as attested by the City Recorder. (Ord. No. 2015-1139, § 2, 1-5-2015; Ord. 2003-1038 (part))

10.64.020 Purpose.

The following regulations for the zoning of land within the city are hereby adopted to promote and protect the public health, safety and general welfare. (Ord. No. 2015-1139, § 2, 1-5-2015; Ord. 2003-1038 (part))

10.64.030 Definitions.

For the purpose of this division, certain words, terms and phrases are defined as follows:

Words used in the present tense include the future; the singular number includes the plural; and the word "shall" is mandatory and not directory. Whenever the term "this division" is used herewith, it shall be deemed to include all amendments thereto as may hereafter from time to time be adopted.

"Access" means the right to cross between public and private property.

"Accessory dwelling unit" means a subordinate dwelling unit which provides complete, independent living facilities for one (1) or more persons including permanent provisions for living, sleeping, cooking, eating and sanitation on the same lot or parcel as the primary dwelling unit and which is incidental to the main use of the property. In no case shall the accessory dwelling unit exceed in area, extent or purpose, the principal lawful use of the main structure or land.

"Accessory use" or "accessory structure" means a use or structure incidental and subordinate to the main use of the property and located on the same lot as the main use. An accessory structure, such as a shop, garage, and garden shed, or the like shall not exceed twenty-five (25) feet in height and shall not exceed fifty (50) percent of the overall floor area of the main dwelling. The floor area of a dwelling shall exclude the footprint of any attached garages.

"Administrative decision" means a decision made by the Planning Director or designated staff with public notice and an opportunity for a public hearing. The appeal of an administrative decision is heard by the Planning Commission.

"Alley" means a public or private way not more than thirty (30) feet wide affording only secondary means of access to abutting property.

Apartment House. See "dwelling, multifamily."

"Assembly" or "meeting hall" means a building owned used for social, organizational, ecumenical, business or educational purposes.

"Assisted living facility" means a program, within a prescribed physical structure, which provides or coordinates a range of supportive personal and health services, available on a twenty-four (24)-hour basis, for the support of residents living independently in a residential setting.

"Auto wrecking yards (junk yards)" means premises used for the storage or sale

of used automobile parts or for the storage, dismantling or abandonment of junk, obsolete automobiles, trailers, machinery or parts thereof.

"Basement" means a story partly or wholly underground. A basement shall be counted as a story for purposes of height measurement where more than one-half (1/2) of its height is above the average level of the adjoining ground.

"Bed and breakfast" means an accessory use to be carried on within a structure designed for and occupied as a single-family dwelling in which (1) an onsite manager/owner resides in the dwelling; (2) no more than three (3) guest bedrooms, with no more than six (6) guests, are provided on a daily or weekly period; (3) not to exceed thirty (30) consecutive days for the use of travelers or transients for a charge or fee. Provision of a morning meal is customary as implied by title.

"Bee" is any stage of the common domestic honey bee, Apis mellifera.

"Beehive or Hive" is a structure in which bees are kept, typically in the form of a dome or box.

"Bee colony or Colony" is a hive and related equipment and appurtenances including bees, comb, honey, pollen, and brood.

"Beekeeper" is a person who raises honeybees; apiculturist.

"Beekeeping" is the keeping, rearing and breeding of honeybees; apiculture. At a minimum, beekeeping uses shall meet the following requirements:

A. Based on the size of the property, the following number of hives are permitted:

1. Less than one (1) acre: a maximum of three (3) hives.

2. One (1) to two (2) acres: a maximum of six (6) hives.

3. More than two (2) acres: An additional three (3) hives per acre are permitted.

B. A beekeeper who owns five (5) or more hives is required by the State of Oregon to register them with the Oregon Department of Agriculture.

C. The beehives must be isolated from public access by a security fence.

D. Hive entrances shall face away from the nearest lot line.

E. Only docile common honey bees shall be permitted. African honey bees or any hybrid thereof are prohibited.

F. A person may not keep a hive that causes a threat to human or animal health or interferes with normal use and enjoyment of public or private property.

"Benthic" means living on or within the bottom sediments in water bodies.

"Boarding and/or rooming house" means a building where lodging, with or without meals, is provided for compensation, but shall not include homes for the aged, nursing homes or group care homes.

"Building" means a structure or a mobile home built for the support, shelter or enclosure of persons, animals, chattels or property of any kind and having a fixed base on or fixed connection according to the uniform building code standards.

"Building coverage" means the usable floor area under the horizontal projection of any roof or floor above, excluding eaves.

"Cemetery" means land used or intended to be used for the burial of the dead and dedicated for cemetery purposes, including columbaria, crematories, mausoleums and mortuaries, when operated in conjunction with and within the boundary of such cemetery.

"City" means the city of Reedsport, Oregon.

"Cluster Box Unit (CBU)" means a free-standing mailbox unit, with multiple, locked mailboxes, parcel lockers, and potentially a

slot for mail collection that can only be accessed by the postal service and the persons who have a key to their mailbox.
Exclusion: This definition does not include CBUs on private property that comply with the property development standards of the zoning district, nor does it include individual, residential mailboxes that are grouped together.

"Commission" means the City Planning Commission of the city of Reedsport, Oregon.

"Community building" means a publicly owned and operated facility used for meetings, recreation or education.

"Community Development Planner" means the administrative official of Reedsport Planning Department or their duly authorized representative, officially designated to administer the responsibilities of the Planning Department.

"Common open space" means an area within a development designed and intended for the use or enjoyment of all residents of the development or for the use or enjoyment of the public in general.

"Comprehensive plan" means a generalized, coordinated land use map and policy statement of the governing body of the city of Reedsport that interrelates all functional and natural systems and activities relating to the use of lands, including but not limited to sewer and water systems, recreational facilities and natural resources and air and water quality management programs. "Comprehensive" means all-inclusive, both in terms of the geographic area covered and functional and natural activities and systems occurring in the area covered by the plan.

"Condominium" means land, whether leasehold or in fee simple, and all buildings, improvements and structures thereon where the ownership of such land is shared undivided interests except for exclusive and separate ownership or right of residency of each residential unit located on the land. "Condominium" shall include all property subject to the provisions of ORS 94.004 through 94.480.

"Conflict of interest" means when a personal bias or prospect of personal gain prevents a member of some public body from carrying out the purposes of that body in a fair and objective fashion, Oregon Law requires that a Planning Commissioner not take part in a decision in which he or she may have such a conflict, reference ORS 244.135 regarding cities.

"Country club" means a club organized and operated primarily for social indoor and outdoor recreation purposes, including incidental accessory uses and structures.

"Day care facility/nursery school" means any institution, establishment or place which provides care to three (3) or more children for periods of less than twenty-four (24) hours.

"Drugstore" means a store that contains a pharmacy and also sells products such as toiletries, cosmetics, household goods, and snacks.

Dwelling, Multifamily. "Multifamily dwelling" means a building or portion thereof designed for occupancy by three (3) or more families living independently of each other.

Dwelling, Single-family. "Single-family dwelling" means a detached building containing one (1) dwelling unit and designed for occupancy by one (1) family only.

Dwelling, Two-family (Duplex). "Two-family (duplex) dwelling" means a single structure containing two (2) dwelling units with a common wall and/or a common roof existing on a single lot or parcel and designed for occupancy by two (2) families.

"Dwelling unit" means one (1) or more rooms in a building that are designed for occupancy by one (1) family and that have

not more than one (1) cooking facility, but not including space in a mobile home or in a structure or vehicle designed for camping or other temporary occupancy such as a tent or vacation vehicle.

Dwelling units with attached accessory uses, such as RV garages or shops, shall be constructed of the same material as the area designed for occupancy. If an attached accessory use exceeds forty (40) percent of the overall floor area of the structure, the developer shall insure that any portion of the building visible from a public road is designed in such a manner that the accessory use is not apparent to the traveling public [e.g., garage doors located on the side of the building, parapets and facade improvements to the area of the structure that contains the accessory use are designed to mimic the area intended for occupancy (plantings and screening are not approved forms of mitigation)].

"Easement" means a grant of the right to use a strip of land for specific purposes.

"Ex parte contact" means private meetings or discussions between a member of a reviewing body and a person or persons who have some interest in a case to be heard by that body.

Oregon law doesn't forbid such contact but requires that decision makers disclose them publicly. ORS 227.180 is the pertinent statute for cities.

"Family" means an individual or two (2) or more persons related by blood, marriage, legal adoption or legal guardianship, living together as one (1) housekeeping unit using one (1) kitchen and providing meals or lodging to not more than two (2) additional persons, excluding servants; or a group of not more than five (5) unrelated persons living together as one (1) housekeeping unit using one (1) kitchen.

Fence, Sight-Obscuring. "Sight-obscuring fence" means a continuous fence, wall, evergreen planting or combination thereof constructed and/or planted in such a way as to effectively screen the particular use from view.

"Floor area" means the sum of the area included in surrounding walls of the several floors of a building, or portion thereof, exclusive of vent shafts and courts.

Garage, Private. "Private garage" means an accessory building or portion of a main building used for the parking or temporary storage of vehicles owned or used by occupants of the main building.

Garage, Public. "Public garage" means a building other than a private garage used for the care and repair of motor vehicles or where such vehicles are parked or stored for compensation, hire or sale.

Grade, Ground Level. "Ground level grade" means the average elevation of the finished ground elevation at the centers of all walls of a building, except that if a wall is parallel to and within five (5) feet of a sidewalk, the sidewalk elevation nearest the center of the wall shall constitute the ground elevation.

"Height of building" means the vertical distance from the grade to the highest point of the coping of a flat roof, to the deck line or a mansard roof, or to the average height of the highest gable of a pitch or hip roof.

Home occupation, minor. "Minor home occupations" are professions that are secondary to the main use of a structure as a dwelling and meet the following standards:

A. The home is used as a place of work, only by the residents;

B. Customers contacts shall be primarily by telephone, internet, mail or in the client's home or place of business;

C. The business is conducted within not over twenty-five (25) percent of the floor area of the dwelling;

D. No structural alteration including the provision of an additional entrance is

necessary to accommodate the home occupation, unless required by law. Such alterations shall not detract from the outward appearance of the property as a dwelling;

E. No window displays and no sample commodities are displayed outside the dwelling;

F. Deliveries to the home occupation shall be made only by vehicles normally associated with residential delivery service, such as UPS, FedEx, USPS, and similar vehicles. No materials or commodities shall be delivered to or from the property in such bulk that require delivery by a commercial vehicle or trailer;

G. No use shall create noise, dust, vibration, smell, smoke, glare, electrical interference, fire hazard or any other hazard or nuisance to any greater or more frequent extent than that usually experienced in an average residential occupancy in the district in question under normal circumstances wherein no home occupation exists;

H. There shall be no outside storage of any kind related to the home occupation;

I. No dwelling shall be used as headquarters for the assembly of employees for instruction or other purpose, or for dispatch for work at other locations; and

J. The renting for hire of not more than two (2) rooms for rooming or boarding use for not more than two (2) persons, neither or whom is a transient.

Home occupation, major. "Major home occupations" exceed the limits of a minor home occupation are considered major. Major home occupations are secondary to the main use of a structure as a dwelling and meet the following criteria:

A. All business operations are conducted within either:

1. A accessory structure of not over five hundred (500) square feet, or

2. Not over twenty-five (25) percent of the floor area of a dwelling;

B. If retail sales are offered, sales must be accessory to the primary service (e.g., hair care products in conjunction with a hair salon);

C. Adequate, off street parking is provided as prescribed in Section 10.76.020;

D. Schools of specialized education do not exceed four (4) pupils at any given time;

E. No window displays and no sample commodities are displayed outside the dwelling;

F. Deliveries to the home occupation shall be made only by vehicles normally associated with residential delivery service such as UPS, FedEx, USPS, and similar vehicles. No materials or commodities shall be delivered to or from the property in such bulk that require delivery by a commercial vehicle or trailer;

G. No use shall create noise, dust, vibration, smell, smoke, glare, electrical interference, fire hazard or any other hazard or nuisance to any greater or more frequent extent than that usually experienced in an average residential occupancy in the district in question under normal circumstances wherein no home occupation exists; and

H. There shall be no outside storage of any kind related to the home occupation.

"Hospitals" means institutions devoted primarily to the rendering of healing, curing and nursing care, which maintain and operate facilities for the diagnosis, treatment and care of two (2) or more nonrelated individuals suffering from illness, injury or deformity, or where obstetrical or other healing, curing and nursing care is rendered over a period exceeding twenty-four (24) hours.

"Hotel" means a building which is designed, intended or used for the accommodation of tourists, transients and permanent guests for compensation.

"Kennel" means a lot or premises on which three (3) or more dogs, cats or other

small domesticated animals over the age of four (4) months are kept commercially for board, propagation, training, sale or lease.

"Kitchen" means any room, all or any part of which is designed, built, equipped, used or intended to be used for the preparation of food and/or the washing of dishes.

"Landscaping" means the placement of trees, grass, bushes, shrubs, flowers and garden areas, but may also include the arrangement of foundations, patios, decks, street furniture and ornamental concrete or stone walk areas and artificial turf or carpeting.

"Legislative decision" means matters involving the creation, revision or large scale implementation of public policy, zone changes and comprehensive plan amendments which apply to entire districts. Legislative decisions are initially considered by the Planning Commission with the final decision being made by the City Council.

"Livestock" means domestic animals of types customarily raised or kept on farms for profit or other purposes.

"Loading space" means an off-street space or berth on the same lot with a building for the temporary parking of a commercial vehicle while loading or unloading merchandise or materials, and which abuts upon a street, alley or other appropriate means of access.

"Lot" means a parcel of land of a least sufficient size to meet minimum zoning requirements for use, coverage and area, and to provide such yards and other open spaces as are herein required; such lot shall have frontage of a public street or easement approved by the Planning Commission or City Council. A lot may be:

A. A single lot of record;

B. A combination of complete lots of record, or complete lots of record and portions of lots of record;

C. A parcel of land described by metes and bounds; provided that in case of division there shall have been approval given to said division by the Commission under the conditions set forth in the Reedsport subdivision ordinance.

"Lot area" means the total horizontal area within the lot lines of a lot exclusive of streets and easements of access to other property.

Lot, Corner. "Corner lot" means a lot abutting on two (2) or more streets other than an alley, at their intersection. A lot abutting on a curved street or streets shall be considered a corner lot if straight lines drawn from the foremost points of the side lot to the foremost points of the lot meet at an interior angle of less than one hundred thirty-five (135) degrees.

Lot, Coverage. "Coverage lot" means the total horizontal area within the vertical projection of the exterior walls of the buildings on a lot expressed as a percentage of the lot area.

"Lot frontage" means the front of a lot shall be construed to be the lot line nearest the street. For the purposes of determining yard requirements on corner lots and through lots, all sides of a lot adjacent to a street other than an alley shall be considered frontage, and yards shall be provided as indicated under "yards" in this section.

Lot, Interior. "Interior lot" means a lot other than a corner lot with only one (1) frontage on a street.

"Lot line" means the property line bounding a lot.

Lot Line, Front. "Front lot line" means the lot line or lines common to the lot and a street other than an alley, and in the case of a corner lot, the shortest lot line along a street other than an alley.

Lot Line, Rear. "Rear lot line" means the lot line or lines opposite and most distant from the front lot line. In the case of an irregular, triangular or other shaped lot, a

line ten (10) feet in length within the lot parallel to and at a maximum distance from the front lot line.

"Lot of record" means a lot created prior to the effective date of the ordinance codified in this division as shown as a lot on a final plat of a recorded subdivision.

A parcel of land described by metes and bounds in a deed, record of survey or other appropriate document, recorded in the office of the County Clerk prior to the effective date of the ordinance codified in this division, the creation of which was not in violation of any state statute or city ordinance.

Any lot created pursuant to the Reedsport subdivision ordinance within a subdivision for which a preliminary plat has been approved by official Planning Commission or action pursuant to said subdivision ordinance prior to the effective date of the ordinance codified in this division.

"Lot width" means the average horizontal distance between the side lot lines, ordinarily measured parallel to the front lot line.

"Lowest floor" means 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 such enclosure is not built so as to render the structure in violation of the applicable nonelevation design requirements of the ordinance from which this section is derived.

"Manufactured dwelling" means:

A. Residential trailers constructed before January 1, 1962; and

B. Mobile homes constructed between January 1962 and June 15, 1976, which met Oregon construction requirements then in effect.

"Manufactured home" means a transportable single-family dwelling conforming to the Manufactured Housing Construction and Safety Standards Code of the US Department of Housing and Urban Development, but is not regulated by the Oregon State Structural Specialty Code and Fire Life Safety Regulations, and is intended for permanent occupancy.

"Manufacturing" means establishments engaged in the mechanical or chemical production, processing, assembling, packaging, or treatment of materials or substances into new products usually by power-driven machines and materials-handling equipment. Products of these establishments are primarily for wholesale markets or transfer to their industrial users but may include direct sale to consumers.

"Marijuana" means all parts of the plant 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. It does not mean 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 therefrom), fiber, oil, or cake, or the sterilized seed of the plant which is incapable of germination. Nor does it mean industrial hemp, as defined in ORS 571.300 (Definitions for ORS 571.300 to 571.315), or industrial hemp commodities or products.

"Marijuana Dispensary" means a retail medical or recreational facility licensed by the state that is designed, intended or used for the purposes of delivering, dispensing or transferring marijuana to individuals eligible to receive such product.

"Marijuana Facility" means a facility or laboratory that grows, produces, processes, prepares and/or wholesales marijuana as provided by state law.

"Marina" means public or private piers, docks, boat launching and moorage facilities used for both commercial and pleasure craft, including fueling and other similar service activities, but not including industrial activities.

"Medical Marijuana" means all parts of marijuana plants that may be used to treat or alleviate a qualified patient's debilitating medical condition or symptoms associated with the patient's debilitation medical condition.

"Medical Marijuana Dispensary" means a facility or operation designed, intended or used for the purposes of delivering, dispensing or transferring marijuana to Oregon Medical Marijuana Register Identification Card holders pursuant to ORS 475.300—475.346.

"Medical services" means establishments primarily engaged in the provision of personal health services ranging from prevention, diagnosis and treatment, or rehabilitation services provided by physicians, dentist, nurses and other health personnel as well as the provision of medical testing and analysis services. Typical uses include medical offices, dental laboratories, health maintenance organizations or detoxification centers.

"Ministerial decision" means decisions made by the Planning Director or designated staff where there is clear and objective criteria and the decision requires no use of discretion. These decisions are made without public notice or public hearing.

"Mini-warehouse/storage units" means a structure or structures divided into units, used only for storage of goods by an individual or business on a rental basis.

"Mitigate" means to provide measures which will enable an estuarine area to develop similar flora and fauna to compensate for areas where intertidal marshes are filled.

"Mobile home" means a vehicle or structure constructed for movement on the public highways, that has sleeping, cooking and plumbing facilities, is intended for human occupancy and is being used for residential purposes which was built prior to June 15, 1976 under the State Mobile Home Code in effect at the time of construction.

"Mobile home park" means a mobile home park is a lot, tract or parcel with four (4) or more spaces for rent within five hundred (500) feet of one (1) another.

"Motel" means a building or group of buildings on the same lot containing guest units, which building or group is intended or used primarily for the accommodation of transient automobile travelers.

"Motor vehicle" means motor vehicle shall mean every device in, upon or by which any person or property is or may be transported or drawn upon a public highway, except devices moved by human power or used exclusively upon stationary rails or tracks.

"Nonconforming lot of record" means a parcel of land which lawfully existed as a lot in compliance with all applicable ordinances and laws, but which because of the application of a subsequent zoning ordinance, no longer conforms to the lot dimension requirement for the zoning district in which it is located.

"Nonconforming structure" means a structure or portion thereof, which was lawfully established in compliance with all applicable ordinances and laws, but which, because of the application of a subsequent zoning ordinance:

A. No longer conforms to the setback, height, maximum lot coverage or other building development requirements of this ordinance; or

B. Is clearly designed and intended for uses other than any use permitted in the zoning district in which it is located.

"Nonconforming use" means use of structure or land or structure and land in combination, which was lawfully established in compliance with all applicable ordinances and laws, but which, because of the application of a subsequent zoning ordinance no longer conforms to the use requirements for the zoning district in which it is located.

"Nursing home" means a public or private establishment where maintenance and personal or nursing care are provided for persons who are unable to care for themselves properly.

"Oregon Medical Marijuana Program (OMMP)" means the state medical marijuana registry program administered by the Oregon Health Authority Public Health Division.

"OMMP Qualified Patient" means a person who has been issued a medical marijuana card from the Oregon Health Authority to engage in the medical use of marijuana and, if the person has a designated primary caregiver under ORS 475.312, the person's designated primary caregiver.

"Parking space" means an off-street enclosed or unenclosed surfaced area of not less than eighteen (18) feet by nine (9) feet in size, exclusive of maneuvering and access area, permanently reserved for the temporary storage of one (1) automobile, and connected with a street by a surfaced driveway which affords ingress and egress for automobiles.

"Person" means a natural person, firm, partnership, association, social or fraternal organization, corporation, trust, estate, receiver, syndicate, branch of government, or any group or combination action as a unit.

"Pharmacy" means a place where drugs and medicines are prepared and dispensed by a licensed pharmacist. A pharmacy may also be a drug store.

"Planned unit development" means the development of an area of land as a single entity for a number of dwelling units or a number of uses, according to a plan which does not correspond in lot size, bulk or type of dwelling, density, lot coverage or required open space, to the regulations otherwise required by the ordinance codified in this division.

"Planning Commission" means the Planning Commission of Reedsport, Douglas County, Oregon.

"Professional office" means the place of business of a person engaged in a profession such as, but not limited to: accountant, architect, artist, attorney-at-law, doctor or practitioner of the human healing arts.

"Public utility" means any corporation, company, individual, association of individuals or its lessees, trustees or receivers, that owns, operates, manages or controls all or any part of any plant or equipment for the conveyance of telegraph, telephone messages with or without wires, for the transportation as common carriers or for the production, transmission, delivery or furnishing of heat, light, water or power, directly or indirectly, to the public.

"Quasi-judicial" means decisions made by the Planning Commission after public notice and a public with appeals to the City Council.

"Recreation vehicle" means a vacation trailer or other vehicular or portable unit which is either self-propelled or towed or is carried by a motor vehicle which is intended for human occupancy and is designated for vacation or recreation purposes but not residential use.

"Recreation vehicle park" means a development designed primarily for transient service on which travel trailers, pickup campers, tent trailers and self-propelled motorized vehicles are parked and used for the

purpose of supplying to the public a temporary location while traveling, vacationing or recreating.

"Residential care facility" means a facility licensed by or under the authority of the Department of Human Resources under ORS 443.400 to 443.460 which provides residential care alone or in conjunction with treatment or training or a combination thereof for six (6) to fifteen (15) individuals who need not be related to each other or to any resident of the residential facility. Staff persons required to meet Department of Human Resources licensing requirements shall not be counted in the number of facility residents, and need not be related to each other or to other residents of the residential facility.

"Residential care home" means a home licensed by or under the authority of the Department of Human Resources under ORS 443.400 to 443.825 which provides residential care alone or in conjunction with treatment or training or a combination thereof for five (5) or fewer individuals who need not be related. Staff persons required to meet Department of Human Resources licensing requirements shall not be counted in the number of facility residents, and need not be related to each other or to any resident of the residential home.

"Residential quarters as a secondary use." Unless otherwise specified in this division, residential quarters as a secondary use means a single family dwelling unit that is ancillary to a city authorized business, which has been in operation for more than thirty (30) days and meets one (1) of the following:

A. Residential use above ground floor commercial is considered a secondary use; or

B. Residential use on the ground floor may be allowed as a secondary use only if all of the following standards are met:

1. At least sixty (60) percent of the total gross floor area of the ground floor shall be dedicated to commercial use;

2. Buildings facing a street (or streets if a corner lot) shall include a first story commercial use that occupies the first twenty-five (25) feet of the building facing the street(s);

3. Residential use on the ground floor cannot face the street;

4. Must have a separate entrance from the commercial use;

5. A partition wall (with or without doorway) shall separate the residential use from the commercial use;

6. There is no indication from the exterior of the ground floor that a residential use is inside (e.g., lawn/patio furniture, personal use BBQ, etc); and

7. In the downtown (i.e., between 3rd and 6th Street) vehicles in conjunction with a residential use shall not park on Highway 38, except temporarily, to load or unload items.

"Resource capability" means the degree to which a natural resource can be physically, chemically or biologically altered or otherwise assimilate an external use and still function to achieve the purposes of the management unit in which it is located.

Resource Capabilities Test.

A. Natural Management Unit. A use or activity is consistent with the resource capabilities of the area when either the impacts of the use on estuarine species, habitats, biological productivity and water quality are not significant or that the resources of the area are able to assimilate the use and activity and their effects and continue to function in a manner to protect significant

wildlife habitats, natural biological productivity and values for scientific research and education.

B. Conservation Management Unit. A use or activity is consistent with the resource capabilities of the area when either the impacts of the use on estuarine species, habitats, biological productivity and water quality are not significant or that the resources of the area are able to assimilate the use and activity and their effects and continue to function in a manner which conserves long-term renewable resources, natural biological productivity, recreational and aesthetic values and aquaculture.

"Restore" means revitalizing, returning or replacing original attributes and amenities, such as natural biological productivity, aesthetic and cultural resources, which have been diminished or lost by past alterations, activities or catastrophic events.

Active restoration involves the use of specific positive remedial actions, such as removing fills, installing water treatment facilities or rebuilding deteriorated urban waterfront areas.

Passive restoration is the use of natural processes, sequences and timing of which occurs after the removal or reduction of adverse stresses without other specific positive remedial action.

"Retail sales" means the sale or rental of commonly used goods and merchandise for person or household use. Typical uses include department stores, apparel stores, furniture stores, hardware stores or florists.

"Retirement home" means a private or public establishment for elderly persons who are self-sufficient.

"Riparian vegetation" means vegetation situated on the edge of the bank of the river or other body of water which contributes to the water quality of controlling erosion of the banks and lowering temperature levels of the water.

"Row houses" means a series of individual houses having architectural unity and a common wall between each unit.

"School" means any institution for learning, whether public or private, meeting state of Oregon accreditation standards.

"Seasonal or special event." Seasonal or special event means a use associated with the sale of goods for a specific holiday, activity or celebration, or uses operated in conjunction with an established full-time business operating from a permanent structure.

"Service station" means that part of any lot used in the normal course of business for the retail sale of motor vehicle fuel and lubricants for delivery into the consuming vehicle on the premises and, in addition, at operator's option:

A. The sale and installation of motor vehicle accessories;

B. The performance of motor tune-ups, tire patching, battery charging and other similar minor or emergency repairs to motor vehicles;

Any other sale, service or use customarily incidental to the operation of a service station where the sale of such products or the rendering of such services or such uses are otherwise permitted within the zone, when conducted in the manner prescribed by the zoning regulations for such sale, service or use.

"Short-term rental" means a dwelling unit, an accessory dwelling unit, or a room (or rooms) within a dwelling unit that is rented out for lodging for a period of less than thirty (30) days in length. A short-term rental is an accessory use to a primary residence and allowed as a conditional use permit, subject to these minimum requirements:

A. The primary residence shall be occupied by the owner or operator for no less than two hundred seventy (270) days per calendar year.

B. A short-term rental may be hosted (where the primary occupants are present on-site during the rental period) or un-hosted (where the primary occupants vacate the unit or site during the rental period).

1. For hosted rentals, one (1) parking space per two (2) guests is required in addition to the minimum residential parking requirement for the main dwelling on the property.

2. For un-hosted rentals, at least one (1) parking space per two (2) guests is required on site.

C. Occupancy is limited to not more than six (6) guests per rental period.

D. The property owner shall obtain a Short-Term Rental Operator's license and comply with the business licensing regulations.

E. The property owner shall comply with the Transient Room Tax provisions.

"Sign" means an identification, description, illustration or device which is affixed to or is presented directly or indirectly upon a building, structure or land, and which directs attention to a product, place, activity, person, institution or business.

"Street" means an officially approved public thoroughfare or right-of-way dedicated, deeded or condemned for use as such, other than an alley which affords the principal means of access to abutting property, including avenue, place, way, drive, lane, boulevard, highway, road and any other thoroughfare, except as excluded in this division. The word "street" shall include all arterial highways, freeways, traffic collector streets and local streets.

"Structure" means something constructed or built or a piece of work artificially built or composed of parts joined together in some definite manner.

"Structural alteration" means a change to the supporting members of a structure including foundations, bearing walls or partitions, columns, beams, girders or any structural change in the roof or in the exterior walls.

"Temporary Uses." Temporary uses are characterized by their short term or seasonal nature and by the fact that permanent improvements are not made to a site.

"Town house" formerly referred to as a residence in town, is now used to describe those residential developments which permit single-family construction on high cost land by use of row houses.

Trailer House, Travel. "Travel trailer house" means a portable vehicular unit mounted on wheels designed to be drawn by a motorized vehicle not more than eight (8) feet in body width or more than thirty-two (32) feet in body length and designed and constructed primarily for temporary human occupancy for travel, recreational and vacation uses.

"Use" means the purpose for which land or a structure is designed, arranged or intended, or for which it is occupied or maintained.

"Vacation rental" means a dwelling unit that is rented out to a single party for a period of less than thirty (30) days in length where there are no primary occupants or where the residents who occupy the unit do so for less than two hundred seventy (270) days per year. A vacation rental is similar to a commercial lodging use. It is a primary use and is more commercial in nature than is a short-term rental.

A. At least one (1) parking space per two (2) guests is required on site.

B. Occupancy is limited to not more than eight (8) guests per rental period.

C. The property owner shall obtain a Vacation Rental Operator's license and comply with the business licensing regulations.

D. The property owner shall comply with the Transient Room Tax provisions.

"Vehicular storage" means a vehicular storage area and area for the storage of abandoned, impounded, dismantled, obsolete or wrecked vehicles.

"Vision clearance" means a triangular area at the street or highway corner of a corner lot, or the alley-street intersection of a lot, the space being defined by a line across the corner, the ends of which are on the street or alley right-of-way lines an equal and specified distance from the corner and containing no planting, wall structures or temporary or permanent obstruction exceeding two and one-half (2½) feet in height above the curb level.

"Watchman's quarters" means a subordinate dwelling unit of which the use is located on the same lot as the main use of the property and is incidental to the main use of the property.

"Water-dependent" means a use or activity which can be carried out only on, in or adjacent to water areas because the use requires access to the water body for waterborne transportation, recreation, energy production or source of water.

"Water-oriented" means uses which are not dependent upon access to a water body, but which utilize the view or proximity of a water body to enhance the quality of goods or services offered to the public.

"Water-related" means uses which are not directly dependent upon access to a water body but which provide goods or services that are directly associated with water-dependent land or waterway use, and which if not located adjacent to water, would result in a public loss of quality in the goods or services offered.

"Wholesale, storage, and distributing" means establishments or places of business primarily engaged in the wholesaling, storage, distribution and handling of materials and equipment other than live animals and plants.

"Yard" means an open space on a lot which is unobstructed from the ground upward except as otherwise provided in this division.

Yard, Front. "Front yard" means a yard between side lot lines and measured horizontally at right angles to the front lot line from the front line to the nearest wall of a building or other structure.

Yard, Rear. "Rear yard" means a yard between side lot lines and measured horizontally at right angles to the rear lot line from the rear lot line to the nearest wall of a building or other structure.

Yard, Side. "Side yard" means a yard between the front and rear yard measured horizontally at right angles from the side lot line to the nearest wall of a building or other structure.

Yard, Street Side. "Street side yard" means a yard adjacent to a street between the front yard and rear lot line measured horizontally and at right angles from the side lot line to the nearest wall of a building or other structure. (Ord. 2003-1038 (part)) (Ord. No. 2015-1139, § 2, 1-5-2015; Ord. No. 2015-1143, § 2, 5-4-2015; Ord. No. 2016-1150, § 2, 1-4-2016; Ord. No. 2017-1161, § 2, 4-3-2017)

ZONING DISTRICT STANDARDS						
Zoning District	**Minimum Lot Size**	**Maximum Height**	**Max. Lot Coverage**	**Required Front Yard Setback**	**Required Side Yard Setback**	**Required Rear Yard Setback**
R-A	Width: 70 ft. Area: 20,000 sq. ft.	2½ stories and 35 ft.[2]	40%	15 ft.	Interior Lot: One 5 ft., one 8 ft.[6] Corner Lot: 15 ft.[6]	If alley: None[6] If no alley: 5 ft.[6]
R-1	Width: 60 ft. Area: 6,000 sq. ft.	2½ stories and 35 ft.[2]	40%	15 ft.	Interior Lot: 5 ft., each side[6] Corner Lot: 15 ft.[6]	If alley: None[6] If no alley: 5 ft.[6]
R-2	Width: 60 ft. Area: 6,000 sq. ft.[1]	3 stories and 45 ft.	50%	15 ft.	Interior Lot: 5 ft., each side Corner Lot: 15 ft.	If alley: None If no alley: 5 ft.
C-1	Width: 60 ft. Area: 6,000 sq. ft.	3 stories and 45 ft.	60%	15 ft.	Interior Lot: 5 ft., each side [4] Corner Lot: 10 ft.	None
C-2	None	3 stories and 45 ft.	100%[3]	None, except where specified for road widening purposes	None, but if created min. 3 ft. wide by 3 ft. deep	10 ft. from center line of alley

ZONING DISTRICT STANDARDS						
Zoning District	**Minimum Lot Size**	**Maximum Height**	**Max. Lot Coverage**	**Required Front Yard Setback**	**Required Side Yard Setback**	**Required Rear Yard Setback**
CMU	None	45 ft.	100%[3]	None except for buildings fronting Greenwood Ave. or Rainbow Plz.[5]	None, but if created min. 3 ft.	10 ft. from center line of alley
M-1	None	50 ft.	100%[3]	None, except where specified for road widening purposes	None, but if created min. 5 ft.	None, but if created min. 5 ft.
M-2	None	50 ft.	100%[3]	None	None, but if created min. 5 ft.	None, but if created min. 5 ft.
M-3	None	3 stories and 50 ft.	100%[3]	None, except where specified for road widening purposes	None, but if created min. 3 ft.	10 ft. from center line of alley
PL	None	50 ft.	100%[3]	None	None, but if created min. 5 ft.	None, but if created min. 5 ft.
CS	None	None	N/A	30 ft.	10 ft. each side	10 ft.
AR	Width: None Area: 10 acres	50 ft.	N/A	30 ft. from street right-of-way	10 ft. each side	10 ft.

[1] Minimum lot area per dwelling unit shall be one thousand (1,000) square feet. Boarding houses shall have a minimum lot area of three hundred (300) square feet per each occupant.

[2] Hospitals, public schools, or churches may be increased in height to three (3) stories with a maximum of forty-five (45) feet.

[3] Full coverage is allowed provided minimum parking, loading and setbacks are provided.

[4] Accessory buildings located less than seventy (70) feet from the front property line shall conform to the setbacks established for the main building.

[5] Building Orientation. Where a new building or major remodel of existing building is proposed fronting on Greenwood Ave. or Rainbow Plaza (Street) is shall be placed within ten (10) feet of said street right-of-way and have primary entrance(s) oriented towards the street. "Fronting" means facing or abutting a public right-of-way, not an alley.

[6] Churches must maintain a twenty (20) foot setback from side and rear property lines of at least twenty (20) feet, except on the street side of corner lots; an alley contiguous to or within the property being used may be included in the required setback.

(Ord. No. 2015-1139, § 2, 1-5-2015)

Chapter 10.68

ESTABLISHMENT OF ZONES

Sections:

10.68.010 Classification of zones.

For the purposes of this division the following zones are hereby established:

Zone	Abbreviated Designation
Residential	
Rural suburban (low density)	R-A
Single-family residential (med. density)	R-1
Multifamily residential (high density)	R-2
Commercial	
Commercial transitional	C-1
Commercial	C-2
Marine commercial (water-related)	C-3
Commercial mixed-use	CMU
Industrial	
Light industrial	M-1
Industrial	M-2
Marine industrial (Water-dependent)	M-3
Public/semi-public land	PL
Other	
Estuarine natural	EN
Estuarine conservation	EC
Estuarine development	ED
Urban conservation shorelands	CS
Agricultural resource	AR

(Ord. No. 2015-1139, § 2, 1-5-2015; Ord. 2003-1038 (part))

10.68.020 Location of zones.

The boundaries for the zones listed in this division are indicated on Reedsport Zoning Map, amended April 1, 2013, which is hereby adopted by reference. The boundaries shall be modified in accordance with zoning map amendments which shall be adopted by reference. (Ord. No. 2015-1139, § 2, 1-5-2015; Ord. 2003-1038 (part))

10.68.030 Zoning map.

A zoning map or amendment thereto adopted by Section 10.68.020 or by amendment thereto shall be prepared by authority of the Planning Commission or be a modification by the City Council of a map or map amendment so prepared.

The map or amendment thereto shall be dated with the effective date of the ordinance which adopts the map or amendment thereto. A certified print of the adopted map or amendment thereto shall be maintained in the office of the City Planner as long as the ordinance codified in this division remains in effect. (Ord. No. 2015-1139, § 2, 1-5-2015; Ord. 2003-1038 (part))

10.68.040 Zoning boundaries.

Unless otherwise specified, zone boundaries are section lines, subdivision lines, lot

lines, center lines of street or railroad right-of-way or such lines extended. (Ord. No. 2015-1139, § 2, 1-5-2015; Ord. 2003-1038 (part))

10.68.050 Zoning of annexed areas.

Unzoned areas annexed to the city shall be zoned in accordance with the city's comprehensive plan. (Ord. No. 2015-1139, § 2, 1-5-2015; Ord. 2003-1038 (part))

10.68.060 Compliance.

Land may be used and a structure or part of a structure may be constructed, reconstructed, altered, occupied or used only as this division permits. (Ord. No. 2015-1139, § 2, 1-5-2015; Ord. 2003-1038 (part))

Chapter 10.72

USE ZONES

Sections:

10.72.010 (R-A) Rural suburban zone—Low density.

A. Purpose. To provide low density larger suburban type residential developments.

B. Uses Permitted Outright. No building, structure or land shall be used and no building or structure shall be hereafter erected, structurally altered, enlarged or maintained except for the following uses:

1. A single family dwelling or duplex;

2. Accessory buildings on the rear half of the building site used as garages, storerooms, woodsheds, workshops, laundries, greenhouses, poultry houses, animal shelters or similar and related accessory uses for which a conditional use has been granted, provided, however, that there shall be not more than four (4) buildings allowed as accessory to any single-family dwelling;

3. Churches, provided setbacks are maintained from the side and rear property lines of at least twenty (20) feet, except on the street side of corner lots; an alley contiguous to or within the property being used may be included in the required setback. A parsonage, (freestanding or attached to a church by a vestibule), shall be considered as a residential structure;

4. Crop cultivation or farm and truck gardens, including wholesale plant nurseries;

5. Minor home occupations;

6. Hospitals, provided that any buildings used for hospital purposes shall provide and maintain a setback of at least fifty (50) feet from side and rear property lines, except on the street side of corner lots; provided, however, alleys contiguous to or

within the property being used for hospital purposes may be included in the required setback;

7. Manufactured home subject to standards in Section 10.76.050;

8. Planned unit developments subject to standards in Section 10.72.130;

9. Privately operated day care facilities provided the residential character of the building is maintained;

10. Public buildings and structures such as fire stations, libraries, substations, pump stations, reservoirs, public utility facilities, government buildings and community centers;

11. Residential care homes and residential care facilities;

12. Schools (elementary, junior high and high); provided that any buildings used for school purposes shall provide and maintain setbacks of at least fifty (50) feet from side and rear property lines, except on the street side of corner lots. Alleys contiguous to or within the property being used for school purposes may be included in the required setback.

13. The hatching and raising of poultry and fowl, the raising of rabbits, bees and the like and the keeping of domestic animals except swine, as an incidental use, provided that:

a. Cows, horses, sheep or goats cannot be kept on lots having an area of less than twenty thousand (20,000) square feet, and under no circumstances shall they be kept for commercial purposes. The total number of all such animals (other than their young under the age of six (6) months) allowed on a lot shall be limited to the square footage of the lot divided by the total minimum areas required for each animal as listed:

Horse	20,000 sq. ft.
Cow	20,000 sq. ft.
Goat or sheep	20,000 sq. ft.

b. The number of chickens, fowl and/or rabbits (over the age of six (6) months) shall not exceed one (1) for each five hundred (500) square feet of property; provided that no roosters over the age of six (6) months shall be kept. The number of young chickens, fowls and/or rabbits (under the age of six (6) months) allowed on the property at any one (1) time shall not exceed three (3) times the allowable number of chickens fowl, and/or rabbits over the age of six (6) months,

c. Reserved.

d. Animal runs or barns, chicken or fowl pens, and colonies of bees shall be located on the rear half of the property but not closer than seventy (70) feet from the front property line nor closer than fifty (50) feet from any residence,

e. Animals, chickens and fowl shall be properly caged or housed and proper sanitation shall be maintained at all times. All animal or poultry food shall be stored in metal or other rodent-proof receptacles.

14. When an R-A zoned area is reclassified to another zone as hereinafter listed, all those land uses granted under this section shall be completely discontinued within a period of six (6) months from the date of reclassification.

15. Forest uses, including the propagation and harvesting of forest products and ancillary uses consistent with State Forest Practices Act.

C. Uses Permitted with Standards.

1. Temporary uses;

2. Cluster Box Unit placement may be allowed as provided for in Section 10.76.075.

D. Uses Permitted Conditionally.

1. Accessory dwelling unit subject to standards in Section 10.72.040;

2. Beekeeping;

3. Major home occupations;

4. Assisted living facility;

5. Parks, playgrounds, golf courses or community centers.

6. Short-term rental.

7. Vacation rental.

E. Parking Requirements. Parking shall be provided as specified under Section 10.76.020.

F. Signs. Signs shall be provided as specified under Section 10.76.040.

G. Height. No building or structure nor the enlargement of any building or structure shall be hereafter erected to exceed two and one-half (2½) stories with a maximum of thirty-five (35) feet in height, except hospitals, public schools or churches, which may be increased in height to three (3) stories with a maximum of forty-five (45) feet.

H. Area.

1. Size of Lot. Residential lots shall have a minimum average width of seventy (70) feet and the minimum lot area per dwelling shall be twenty thousand (20,000) square feet, except that where a lot has an average width of less than seventy (70) feet and an area of less than twenty thousand (20,000) square feet at the time the ordinance codified in this chapter became effective, such lot may be occupied by any use permitted in this section.

2. Percent of Coverage. The main building and accessory buildings located on any building site or lot shall not cover in excess of forty (40) percent of the lot area.

I. Building Setback Requirements.

1. Front Yard. No structure shall be located less than fifteen (15) feet from the property line.

2. Side Yards. On interior lots and the interior side of corner lots there shall be a side yard on each side of the main building of not less than five (5) feet on one (1) side and eight (8) feet on the other side. On corner building sites no building shall be closer than fifteen (15) feet to the property line.

3. Rear Yard. For lots which have an alley no rear yard setback is required. If there is no platted alley a five (5) foot rear yard shall be required.

J. Vision Clearance. Vision clearance shall be provided as specified under Section 10.76.080.

K. Landscaping, Screening, and Buffering. Landscaping, screening, and buffering shall be provided as specified under Section 10.76.028. (Ord. No. 2015-1139, § 2, 1-5-2015; Ord. 2003-1038 (part))
(Ord. No. 2017-1161, § 2, 4-3-2017)

10.72.020 (R-1) Single-family residential—Medium density.

A. Purpose. To provide a quality environment for medium density single-family residences, duplexes and other compatible land uses determined to be desirable and/or necessary.

B. Uses Permitted Outright. No building, structure or land shall be used and no building or structure shall be hereafter erected, structurally altered, enlarged or maintained except for the following uses:

1. A dwelling arranged, intended and designated exclusively for one (1) family;

2. A dwelling for two (2) families (duplex);

3. Accessory buildings on the rear half of the property used as garages, storerooms, woodsheds, workshops, laundries, playhouses or similar and related accessory uses for which a special permit has been issued; provided, however, that there shall be not more than two (2) buildings allowed as accessory to any single family dwelling;

4. Churches (except rescue missions or temporary revival), provided setbacks are maintained from the side and rear property lines of at least twenty (20) feet, except on the street side of corner lots; an alley contiguous to or within the property being used may be included in the required setback. A

parsonage, (freestanding or attached to a church by a vestibule), shall be considered as a residential structure;

5. Minor home occupations;

6. Manufactured home subject to standards in Section 10.72.030;

7. Manufactured homes will be allowed in an approved planned unit development;

8. Outdoor nursery for the growth, sale and display of trees, shrubs and flowers when side of R-1 lot abuts a commercial or industrial zone;

9. Parks and playgrounds owned and operated by a governmental agency;

10. Parking lots associated with uses and buildings permitted outright and conditionally in conformance with Section 10.76.020;

11. Planned unit developments subject to standards in Section 10.72.130;

12. Privately operated day care facility; providing residential character of the building is not changed;

13. Public buildings and structures such as fire stations, libraries, substations, pump stations, reservoirs, public utility facilities, government buildings and community centers;

14. Residential care homes;

15. Schools (elementary, junior high and high), provided that any buildings used for school purposes shall provide and maintain setbacks of at least fifty (50) feet from side and rear property lines, except on the street side of corner lots; alleys contiguous to or within the property being used for school purposes may be included in the required setback;

16. The office of a physician, dentist, minister of religion or other person authorized by law to practice medicine or healing, provided that:

a. Such office is situated in the same dwelling unit as the home of the occupant;

b. Such office shall not be used for the general practice of medicine, surgery and dentistry, but may be used for consultation and emergency treatment as an adjunct to a principal office;

c. There shall be no assistants employed.

17. Forest uses including propagation and harvest of forest products and ancillary uses consistent with State Forest Practices Act.

C. Uses Permitted with Standards.

1. Temporary uses;

2. Cluster Box Unit placement may be allowed as provided for in Section 10.76.075.

D. Uses Permitted Conditionally.

1. Accessory dwelling unit subject to standards in Section 10.72.040;

2. Beekeeping;

3. Major home occupations;

4. Assembly or meeting halls may be allowed as a conditional use after an examination of the location and a public hearing has convinced the Planning Commission that the proposed use will not be detrimental to adjacent and surrounding property and further provided:

a. The use of the building shall be restricted to the applicant without right to lend, rent or sublease the building to another person or organization;

b. The use of the building shall meet all standards of this division unless specific variances are requested and granted at the time of the conditional use hearing;

c. There shall be no gambling, sale or use of alcoholic beverages on premises;

d. Signing shall be limited to one (1) sign not to exceed twelve (12) square feet and shall be attached to the building; signs may be illuminated but may not be of the flashing or moving type.

5. Assisted living facility;

6. Bed and breakfast establishments;

7. Short-term rental;

8. Vacation rental;

9. Hospitals may be allowed under a conditional use after public hearing and examination of the location has convinced the Planning Commission that such a structure will not be detrimental to adjacent and surrounding property, and provided that any buildings used for hospital purposes shall provide and maintain setbacks from side and rear property lines (except on the street side of corner lots) of at least fifty (50) feet; provided, however, alleys contiguous to or within the property being used for hospital purposes may be included in the required setback;

10. Manufactured home parks;

11. Parking lots other than those associated with uses and buildings permitted outright and conditionally in conformance with Section 10.76.020 for which a conditional use permit has been granted;

12. Private, noncommercial playgrounds.

E. Parking Requirements. Parking shall be provided as specified in Section 10.76.020.

F. Signs. Signs shall be allowed as specified in Section 10.76.040.

G. Height. No building or structure nor the enlargement of any building or structure shall be hereafter erected to exceed two and one-half (2½) stories with a maximum of thirty-five (35) feet in height, except hospitals, public schools or churches, which may be increased in height to three (3) stories with a maximum of forty-five (45) feet.

H. Area.

1. Size of Lot. Residential lots shall have a minimum average width of sixty (60) feet and the minimum lot area per dwelling shall be six thousand (6,000) square feet at the time the ordinance codified in this division became effective, such lot may be occupied by any use permitted in this section;

2. Percent of Coverage. The main building and accessory buildings located on any building site or lot shall not cover in excess of forty (40) percent of the lot area.

I. Building Setback Requirements.

1. Front Yard. No structure shall be located less than fifteen (15) feet from the property line.

2. Side Yards. On interior lots there shall be a side yard on each side of the main building of not less than five (5) feet. On corner building sites no building shall be closer than fifteen (15) feet to the property line.

3. Rear Yard. For lots which have an alley no rear yard setback is required. If there is no platted alley a five (5) foot rear yard shall be required.

J. Vision Clearance. Vision clearance shall be provided as specified under Section 10.76.080.

K. Landscaping, screening, and buffering. Landscaping, screening, and buffering shall be provided as specified under Section 10.76.028. (Ord. No. 2015-1139, § 2, 1-5-2015; Ord. 2003-1038 (part))
(Ord. No. 2017-1161, § 2, 4-3-2017)

10.72.030 Standards for manufactured homes in single-family residential zone.

These standards shall apply only to manufactured housing on single-family lots within zones that allow single-family dwelling units. It does not apply to manufactured homes within a mobile home park.

A. The manufactured home shall be multi-sectional and enclose a space of not less than one thousand (1,000) square feet.

B. The manufactured home shall be placed on an excavated and permanent backfilled foundation and enclosed at the perimeter such that the bottom edge of manufactured home exterior wall is located not more than sixteen (16) inches above grade. Where

the building site has a sloped grade, no more than sixteen (16) inches of the enclosed material shall be exposed on the up hill side.

C. The manufactured home shall have a pitched roof with a slope of three (3) feet in height for each twelve (12) feet in width.

D. The manufactured home shall have exterior siding and roofing which, in material and appearance, is similar to the exterior siding and roofing material commonly used on residential dwellings within the community or which is comparable to the predominant materials used on surrounding dwellings as determined by the local permit approval authority.

E. The manufactured home shall be certified by the manufacturer to have an exterior thermal envelope meeting performance standards which reduce levels equivalent to the performance standards required of single-family dwellings constructed under the state building code as defined in ORS 455.010.

F. The manufactured home shall have a garage or carport constructed of like materials.

G. The manufactured home shall not be sited adjacent to any structure listed on the register of historic landmarks and districts.

H. All other standards listed in the applicable zone shall apply. (Ord. No. 2015-1139, § 2, 1-5-2015; Ord. 2003-1038 (part))

10.72.040 Standards for accessory dwelling units.

A. The structure shall comply with the Oregon Structural Specialty Code.

B. The main use of the property shall be a residential conforming use.

C. Either the primary residence or accessory dwelling unit shall be owner-occupied. A family member may be resident caretaker of the principal house and manager of the accessory dwelling unit.
Accessory dwelling units under this section shall not be separated in ownership under the provision of ORS 94 or any other law or ordinance allowing unit ownership of a portion of a building.

D. A maximum of one (1) accessory dwelling unit is allowed per lot, and no lot or property shall contain more than two (2) dwelling units.

E. The maximum floor area of the accessory dwelling shall not exceed seven hundred fifty (750) square feet.

F. The building height of a detached accessory dwelling unit shall not exceed twenty-five (25) feet.

G. A four (4) to six (6) foot hedge or site-obscuring fence may be required on the side or rear yard to buffer a detached accessory dwelling from dwellings on adjacent lots, or for the privacy and enjoyment of yard areas by the occupants on adjacent residential properties.

H. A detached accessory residence shall be located within the side or rear yard and physically separated from the primary residence by a minimum distance of five (5) feet. A covered walkway which contains no habitable space may connect the two (2) buildings without violation of the setback requirements.

I. A detached accessory dwelling unit must be residential in character with an exterior finish that is similar in materials and color to the primary residence.

J. A separate address shall be required for each residence.

K. One (1) additional off-street parking space is required to accommodate the accessory dwelling unit.

L. All other standards of the applicable zone shall apply. (Ord. No. 2015-1139, § 2, 1-5-2015; Ord. 2003-1038 (part))

10.72.050 (R-2) Multifamily residential—High density.

A. Purpose. To provide suitable high density residential developments while preserving the residential character of the area.

B. Uses Permitted Outright. No building, structure or land shall be used and no building or structure shall be hereafter erected, structurally altered, enlarged or maintained, except for the following uses:

1. Any use permitted in the R-1 single-family residential zoned areas;

2. Apartment houses;

3. Boarding and lodging houses;

4. Clubs, lodges and assembly halls (private or nonprofit);

5. Convalescent/nursing homes including necessary and incidental services;

6. Minor home occupations;

7. Manufactured homes will be allowed in approved planned unit developments;

8. Multifamily dwellings;

9. Day care facilities;

10. Orphanages and charitable institutions;

11. Outdoor nursery for the growth, sale and display of trees, shrubs and flowers when side of R-2 lot abuts a commercial or industrial zone;

12. Parking lots associated with uses and buildings permitted outright and conditionally in conformance with Section 10.76.020;

13. Planned unit developments subject to standards in Section 10.72.130;

14. Public buildings and structures such as fire stations, libraries, substations, pump stations, reservoirs, public utility facilities, government buildings and community centers;

15. Public or private schools;

16. Residential care facilities.

C. Uses Permitted with Standards.

1. Temporary uses;

2. Cluster Box Unit placement may be allowed as provided for in Section 10.76.075.

D. Uses Permitted Conditionally.

1. Accessory dwelling unit subject to standards in Section 10.72.040;

2. Beekeeping;

3. Short-term rental;

4. Vacation rental;

5. Major home occupation;

6. Assisted living facility;

7. Parking lots other than those associated with uses and buildings permitted outright and conditionally in conformance with Section 10.76.020 for which a conditional use permit has been granted.

E. Parking Requirements. Parking shall be provided as specified in Section 10.76.020.

F. Signs. Signs shall be allowed as specified in Section 10.76.040.

G. Height. No building or structure nor the enlargement of any building or structure shall be hereafter erected or maintained to exceed three (3) stories with a maximum of forty-five (45) feet.

H. Area.

1. Size of Lot. Every lot shall have a minimum average width of sixty (60) feet and a minimum area of six thousand (6,000) square feet. The minimum lot area per dwelling unit shall be one thousand (1,000) square feet. Boarding houses shall have a minimum lot area of three hundred (300) square feet for each occupant thereof.

However, where a lot has an average width of less than sixty (60) feet at the time the ordinance codified in this division became effective, such lot may be occupied by any use permitted in this section.

2. Percent of Coverage. The main building and accessory buildings located on any building site or lot shall not cover in excess of fifty (50) percent of the lot area.

I. Building Setback Requirements.

1. Front Yard. No structure shall be located closer than fifteen (15) feet to the front property line.

2. Side Yards. On interior lots there shall be a side yard on each side of the main building of not less than five (5) feet. On corner building sites no building shall be closer than fifteen (15) feet from the property line.

3. Rear Yard. For lots which have an alley no rear yard setback is required. If there is no platted alley a five (5) foot rear yard shall be required.

J. Vision Clearance. Vision clearance shall be provided as specified in Section 10.76.080.

K. Landscaping, Screening, and Buffering. Landscaping, screening, and buffering shall be provided as specified under Section 10.76.028. (Ord. No. 2015-1139, § 2, 1-5-2015; Ord. 2003-1038 (part))
(Ord. No. 2017-1161, § 2, 4-3-2017)

10.72.060 (C-1) Commercial transitional zone.

A. Purpose. Commercial transitional zone shall serve the purpose of providing a desirable mixing of residential land uses with limited commercial land uses in close proximity to adjacent residential districts. The zone is also intended to serve local neighborhood needs rather than provide a full commercial area for an entire community. The limited commercial uses allowed in this district are selected for their compatibility to meet frequently recurring needs of the neighborhood.

B. Uses Permitted Outright.

1. All business and professional offices selling services only;

2. Any use permitted in the R-1 and R-2 zones, subject to regulations of the R-1 and R-2 zones;

3. Barber shop or beauty parlor;

4. Book or stationery store;

5. Clinics (does not include veterinarian clinics);

6. Clubs or lodges, fraternal and religious associations;

7. Confectionery store;

8. Craft or hobby shop;

9. Drugstore or pharmacy;

10. Dry goods or notions store;

11. Florist or gift shop;

12. Framing shop;

13. Grocery store;

14. Minor home occupation;

15. Laundromat;

16. Tailor, millinery or custom dressmaking shop;

17. Photographer;

18. Parking lots associated with uses and buildings permitted outright and conditionally in conformance with Section 10.76.020;

19. Public buildings and structures such as fire stations, libraries, substations, pump stations, reservoirs, public utility facilities, government buildings and community centers;

20. Residential quarters as a secondary use;

21. Clothing and wearing apparel shops;

22. Telephone and telegraph exchanges.

23. Single family/multifamily dwellings located above a commercial use.

C. Uses Permitted with Standards.

1. Temporary uses;

2. Cluster Box Unit placement may be allowed as provided for in Section 10.76.075.

D. Uses Permitted Conditionally.

1. Major home occupations;

2. Mobile home parks;

3. Short-term rental.

4. Vacation rental.

5. Marijuana Dispensaries as specified in Section 10.76.035;

E. Limit of Floor Space. All retail businesses will be limited to two thousand five hundred (2,500) square feet of retail floor space.

F. Limit of Business Hours. Grocery stores, laundromats and retail businesses shall be limited to operating between the hours of seven a.m. to nine p.m.

G. Parking Space Required. Parking space and loading space shall be provided as specified under Section 10.76.020.

H. Signs. Exterior signs shall be provided as specified under Section 10.76.040.

I. Height. No building or structure, no enlargement of any building or structure shall be hereafter erected to exceed three stories with a maximum of forty-five (45) feet in height.

J. Area.

1. Size of Lot. Lots shall have a minimum average width of sixty (60) feet and a minimum area of six thousand (6,000) square feet, except that where a lot has an average depth of less than sixty (60) feet and an area of less than six thousand (6,000) square feet at the time the ordinance codified in this division became effective, such lot may be occupied by any use permitted in this section.

2. Percent of Coverage. The main building or buildings (including accessory buildings) shall not occupy in excess of sixty (60) percent of the ground area.

K. Building Setback Requirements.

1. Front Yard. No structure shall be located closer than fifteen (15) to the front property line.

2. Side Yards. On interior lots there shall be a side yard on each side of the main building of not less than five (5) feet. Accessory buildings located less than seventy (70) feet from the front property line shall conform to the setback established for the main building. On corner building sites no building shall be closer than ten (10) feet to the exterior side lot line.

L. Vision Clearance. Vision clearance for corner lots shall be provided as specified in Section 10.76.080.

M. Other Required Conditions.

1. All uses shall be conducted wholly within an enclosed building, except for off-street parking and loading facilities;

2. Items produced or wares and merchandise handled shall be limited to those sold at retail on the premises;

3. The use shall not be objectionable in relationship to surrounding residential zones because of odor, dust, smoke, cinders, fumes, noise, glare, heat or vibration.

N. Landscaping, screening, and buffering. Landscaping, screening, and buffering shall be provided as specified under Section 10.76.028. (Ord. 2003-1038 (part)) (Ord. No. 2015-1139, § 2, 1-5-2015; Ord. No. 2015-1143, § 2, 5-4-2015; Ord. No. 2016-1150, § 2, 1-4-2016; Ord. No. 2017-1161, § 2, 4-3-2017; Ord. No. 2021-1192, Exh A., 12-6-2021)

10.72.070 (C-2) Commercial zone.

A. Purpose. To provide areas suitable and desirable within which a wide range of retail sales and business may occur.

B. Uses Permitted Outright. No building, structure or land shall be used, and no building or structure shall be hereafter erected, structurally altered, enlarged or maintained except for the following uses:

1. Any use permitted in the C-1 zone, (excluding new R-1 and R-2 uses), subject to regulations of the C-1 zone;

2. Legally established residential use types pre-existing the adoption of the ordinance codified in this division; however in the event of destruction of structure, it must be rebuilt within eighteen (18) months in order to continue as a residential use unless

an extension of time is approved by the Planning Commission. If the structure is converted to another use permitted within this zone, said structure shall not revert to residential use;

3. Advertising business;

4. Agricultural supplies and machinery sales rooms;

5. Automobile sales agencies;

6. Auto maintenance and repair shops within an enclosed building;

7. Bakery;

8. Bank;

9. Building supplies including retail sales of lumber;

10. Catering service;

11. Clothing store;

12. Curios and antiques;

13. Delicatessen store;

14. Department store;

15. Dry cleaning, laundry or pressing establishment;

16. Feed and fuel stores;

17. Furniture, household goods and furnishings;

18. Hotels and motels;

19. Indoor theaters;

20. Manufactured home sales;

21. Meat market;

22. Musical instruments and supplies;

23. Office supplies and equipment;

24. Outdoor storage related to an outright permitted use within an enclosed, view-obscured area;

25. Paint and wallpaper supplies;

26. Parking lots associated with uses and buildings permitted outright and conditionally in conformance with Section 10.76.020;

27. Places of amusement such as billiard parlors, taverns, bowling alleys, dance halls and games of skill and science if conducted wholly within a completely enclosed building;

28. Plumbing supplies;

29. Printing and newspaper facilities;

30. Public buildings and structures such as fire stations, libraries, substations, pump stations, reservoirs, public utility facilities, government buildings and community centers;

31. Recreational vehicle sales;

32. Restaurants, tea rooms, cafes;

33. Secondhand stores if conducted wholly within an enclosed permanent building;

34. Seeds and garden supplies;

35. Self-service dry cleaning establishments using not more than two (2) clothes cleaning units, neither of which shall have a rated capacity of more than forty (40) pounds, using cleaning fluid which is nonodorous as well as nonexplosive and nonflammable at temperatures below one hundred thirty-eight and five-tenths (138.5) degrees Fahrenheit;

36. Service stations, providing greasing and tire repairing are performed completely within an enclosed permanent building;

37. Shoe or shoe repair shop;

38. Short-term rental;

39. Single family/multifamily dwellings located above a commercial use;

40. Sporting goods;

41. Stores, retail and wholesale;

42. Surgical supplies and equipment;

C. Uses Permitted with Standards.

1. Temporary uses;

2. Cluster Box Unit placement may be allowed as provided for in Section 10.76.075;

3. Marijuana Dispensaries as specified in Section 10.76.035.

D. Uses Permitted Conditionally.

1. Any use permitted outright operating from a temporary structure or building;

2. Mini-warehouses;

3. Recreational vehicle park;

4. Residential quarters as a secondary use;

5. Churches (excluding the Hwy. 101 commercial corridor);

6. Day care facilities;

7. Stores, retail and wholesale with limited manufacturing provided, that:

a. Where there is manufacturing, compounding, processing or treatment of products for wholesale, a minimum of twenty-five (25) percent of the total floor area shall be used for retail sales,

b. Use is not objectionable due to odor, dust, smoke, vibration, appearance or noise,

c. All uses shall be conducted wholly within an enclosed building, except for off-street parking and loading facilities. Temporary sales displays may be permitted adjacent to a permanent building;

8. Multifamily dwelling in the commercial C2 zone only in the area between the Schofield Bridge and 22nd Street;

9. Vacation rental.

10. Other uses not specified in this or any other district if the Planning Commission finds them to be similar to the uses listed above.

E. Parking Requirements. Parking shall be provided as specified in Section 10.76.020.

F. Area. Percentage of coverage. Full coverage is allowable providing minimum loading space, parking and setbacks have been provided.

G. Building Setback Requirements.

1. Front Yard. Front yards shall not be required except where setbacks are established for road widening purposes;

2. Side Yard. Side yards shall not be required, but if side yards are created they shall be a minimum of three (3) feet wide and three (3) feet deep;

3. Rear Yard. No structural improvements except road surfacing will be allowed within ten (10) feet of the center line of the alley.

H. Vision Clearance. Vision clearance shall be provided as specified in Section 10.76.080.

I. Signs. Signs shall be allowed as specified in Section 10.76.040.

J. Storage. All storage kept in conjunction with outright and conditional shall provide adequate screening such as fencing, walls or site-obscuring landscaping, all of which shall be maintained.

K. Height. No building or structure, nor enlargement of any building or structure shall be hereafter erected to exceed three (3) stories with a maximum of forty-five (45) feet in height.

L. Landscaping, Screening, and Buffering. Landscaping, screening, and buffering shall be provided as specified under Section 10.76.028. (Ord. 2008-1082; Ord. 2003-1038 (part))

(Ord. No. 2011-1109, § I, 12-5-2011; Ord. No. 2015-1139, § 2, 1-5-2015; Ord. No. 2015-1143, § 2, 5-4-2015; Ord. No. 2016-1150, § 2, 1-4-2016; Ord. No. 2017-1161, § 2, 4-3-2017; Ord. No. 2018-1166, 9-10-2018; Ord. No. 2021-1192, Exh A., 12-6-2021)

10.72.080 (C-3) Marine commercial (water-related/oriented commercial shorelands).

A. Purpose. To provide shoreland areas suitable and desirable for water-dependent, water-related/oriented retail business activities. Intended to provide areas for attractive development of tourist, lodging, restaurants and related facilities.

B. Uses Permitted Outright. The following uses and activities and their accessory structures and uses are permitted, subject to the applicable development standards and provisions set forth in this division:

1. Aids to navigation;

2. Bait, tackle shop and charter service;

3. Boat launching and moorage facilities, marina;

4. Facilities for refueling and providing other services for boats, barges, ships and related marine equipment;

5. Handicraft, novelties and curio shops;

6. Laboratory for research of marine products and resources;

7. Maintenance and rehabilitation of existing structures;

8. Gift or specialty shop;

9. Motel, hotel and bed-and-breakfast establishments;

10. Office in conjunction with a permitted or conditionally permitted use;

11. Parking lots associated with uses and buildings permitted outright and conditionally in conformance with Section 10.76.020;

12. Public buildings and structures such as fire stations, libraries, substations, pump stations, reservoirs, public utility facilities, government buildings and community centers;

13. Public outdoor recreation area;

14. Public waterfront access;

15. Research and education observation;

16. Restaurants;

17. Sales, service and rental of marine supplies and equipment;

18. Storage of marine/estuarine products, fishing gear and marine equipment in buildings of less than five thousand (5,000) square feet of total floor space;

19. Stores (retail and wholesale), and business uses similar to the above and normally located in a marine/commercial district, provided that:

a. Where there is manufacturing, compounding, processing or treatment of products for wholesale, a minimum of twenty-five (25) percent of the total floor area shall be used for retail sales,

b. Use is not objectionable due to odor, dust, smoke, vibration, appearance or noise.

20. Wholesale or retail markets for marine/estuarine products limited to two thousand five hundred (2,500) square feet.

21. Cluster Box Unit placement may be allowed as provided for in Section 10.76.075.

C. Uses Permitted Conditionally. The following uses and activities and their accessory buildings and uses may be permitted on the C-3 zone subject to the provisions set forth in this division and to the applicable standards and criteria set forth in this section, and Chapter 10.80:

1. Flood and erosion-prevention structures;

2. Laundromat;

3. Marine-oriented professional office building;

4. Processing of seafood in conjunction with retail sales operation;

5. Public utility or communications facilities;

6. Recreational vehicle park;

7. Residential quarters as a secondary use;

8. Storage of products and material transported by means of estuarine waters such as logs and gravel;

9. Other uses not specified in this district, but similar to permitted uses and demonstrated to be water-related/oriented commercial by applicant as evidenced by their design, use and character.

D. Uses Permitted with Standards. The following uses and activities and their accessory buildings and uses are permitted in the C-3 zone subject to the provisions set forth in this division the applicable standards and criteria set forth in this section and Chapter 10.80:

1. Disposal of dredged material;

2. Non-dependent uses which are temporary and do not preclude the timely use of the site for water-dependent uses when need arises; for example, parking and open storage;

3. Transportation facilities essential to service water-dependent uses.

E. Standards and Criteria. In the C-3 zone, approval of uses permitted with standards and uses permitted conditionally shall be based on findings which show that the proposed use complies with the following applicable criteria and standards:

1. Uses not listed as permissible may be allowed upon demonstration by the applicant that the uses are in fact water-dependent or water-related consistent with the criteria set forth in the definitions.

2. Storage of materials or products shall be permitted if found to be directly associated with water transportation and an integral part of the operation of a proposed or existing use or activity.

3. Any applicant for a use shall furnish evidence of compliance with or intent to comply with all applicable permit and rule requirements of:

a. City of Reedsport;

b. The port of Umpqua;

c. The Department of the Environmental Quality;

d. The Division of State Lands;

e. The U.S. Army Corps of Engineers; and

f. All other agencies having interest applicable to the proposed use. If a statement of intent to comply is submitted, the approving authority may conditionally approve subject to compliance.

4. Non-dependent and non-related uses such as marine-oriented public office buildings, grocery store, laundromats and restaurants may be permitted upon a demonstration of public need; findings that sufficient quantity of land has been established and preserved to meet the projected need for water-related uses and if shown that the goods and services provided by these areas are directly associated with water-related or water-dependent uses and the quality of these products or services is dependent on being located adjacent to those uses or the water.

5. Dwellings for caretakers and attached single-family dwellings may be allowed in urban water-related shorelands if such uses are an integral part of a water-related use and do not interfere with the location and operation of other water-related uses.

F. Parking Requirements. Parking and loading shall be provided as specified in Section 10.76.020.

G. Area. Full coverage is allowed provided minimum parking spaces are provided.

H. Building Setback Requirements.

1. Front Yard. Front yards will not be required, except where setbacks are established for road widening purposes.

2. Side Yards. Side yards will not be required, but if side yards are created, they shall be a minimum of three (3) feet wide.

3. Rear Yard. No structural improvements except road surfacing will be allowed within ten (10) feet of the center line of the alley.

I. Vision Clearance. Vision clearance shall be provided as specified in Section 10.76.080.

J. Signs. Signs shall be allowed as specified in Section 10.76.040.

K. Height. No building or structure, no enlargement of any building or structure, shall be hereafter erected or remodeled to exceed three (3) stories with a maximum of forty-five (45) feet in height.

L. Landscaping, screening, and buffering. Landscaping, screening, and buffering shall be provided as specified under Section 10.76.028. (Ord. No. 2015-1139, § 2, 1-5-2015; Ord. 2003-1038 (part))

10.72.085 (CMU) Commercial mixed-use zone.

A. Purpose. To implement the Reedsport Waterfront and Downtown Plan by providing for a wide range of employment and residential uses close to the waterfront and downtown core.

B. Uses Permitted Outright. In the CMU Zone, the following uses and their accessory buildings and uses are permitted subject to the general provisions and exceptions set forth by this section:

1. Residential Buildings and Uses:

a. Condominiums.

b. Multifamily dwellings and townhouses.

c. Short-term rental;

d. Vacation rental;

e. Single family/multifamily dwellings located above a commercial use.

2. Commercial Buildings and Uses:

a. Antique shop.

b. Art shop—Gallery, studio, supplies.

c. Book store.

d. Business and professional offices.

e. Clubs, lodges and assembly halls.

f. Delicatessen.

g. Gift shop.

h. Grocery store limited to two thousand five hundred (2,500) square feet.

i. Handicraft shop.

j. Hotel, motel.

k. Laundromat.

l. Medical and dental clinics.

m. Mercantile.

n. Novelties and curious shop.

o. Pharmacy.

p. Photography gallery.

q. Places of amusement such as billiard parlors, taverns, bowling alleys, dance halls and games of skill and science.

r. Pottery sales.

s. Public and semipublic buildings and uses.

t. Restaurant.

u. Sporting goods, retail.

v. Temporary mobile commercial uses such as vendors.

w. Other uses similar to the above.

3. Industrial Buildings and Uses. Industrial uses are to be primarily conducted within a building or structure and only be allowed if the use does not emit: continues, frequent or repetitive noises or vibrations; or, noxious or toxic fumes, odors or emissions.

a. Brewery, distillery or winery.

b. Building supply store less than twenty thousand (20,000) square feet in size.

c. Light fabrication and repair shops.

d. The manufacture, compounding, processing, packaging or treatment of such products as bakery goods, candy, cosmetics, dairy products, drugs, electronic and communications components and supplies, leather and leather products, lumber and wood products, building specialties, objects or specialty items, perfumes, toiletries, soft drinks, food products, except for fish, sauerkraut, vinegar, yeast and rendering of fats and oils.

e. Wholesale business sales room.

C. Uses Permitted with Standards.

1. Preexisting or lawfully established uses existing on January 1, 2013.

2. Temporary uses.

3. Cluster Box Unit placement may be allowed as provided for in section 10.76.075.

4. Marijuana Dispensaries as specified in Section 10.76.035.

D. Buildings and Uses Permitted Conditionally. In the CMU zone, the following uses and activities and their accessory buildings and uses are permitted subject to the provisions of Chapter 10.96.

1. Residential Buildings and Uses:

a. One (1) single family dwelling where adjacent properties within a one hundred (100) feet are predominately developed with uses other than single family dwellings.

2. Commercial Buildings and Uses:

a. Veterinary Clinic provided the use shall be conducted wholly within enclosed structures and there shall be no outside animal runs.

3. Industrial Buildings and Uses:

a. Marijuana facilities, provided that the marijuana grow facility is:

i. Not located at the same site as a registered marijuana dispensary;

ii. Is located in an enclosed building from which there is no indication from the exterior that the site is being used for the manufacture of marijuana.

E. Property Development Standards.

1. Area: No Standard established.

2. Coverage: Full coverage is allowable.

3. Setbacks:

a. Front Yard: Front yards shall not be required, except for buildings fronting onto Greenwood Ave. or Rainbow Plaza (Street) as follows:

Building Orientation. Where a new building or major remodel of existing building is proposed fronting on Greenwood Ave. or Rainbow Plaza (Street) is shall be placed within ten (10) feet of said street right-of-way and have primary entrance(s) oriented towards the street.

"Fronting" for the purposes of this section means facing or abutting a public right-of-way, not an alley.

b. Side Yard: Side yards shall not be required; except that where side yards are created they shall be a minimum of three (3) feet.

c. Rear Yard: No structural development shall be allowed within ten (10) feet of the centerline of an alley.

4. Height: No structure shall exceed a height of forty-five (45) feet.

5. Signs: Signs shall be allowed as specified in Section 10.76.040.

6. Parking: Parking shall be provided as specified in Section 10.76.020, except that the Community Development Planner may reduce the number of required automobile parking spaces, as follows:

a. A reduction of one (1) off-street parking space is permitted for every one (1) space of on-street parking* abutting the subject site; and

b. A reduction of one (1) off-street parking space is permitted for every two (2) bicycle parking spaces (e.g., one (1) U-style rack) provided on or adjacent to the subject site, not to exceed a total reduction of two (2) automobile parking spaces.

c. Off-street parking shall not be placed between any new building and the street right-of-way for Greenwood Avenue or Rainbow Plaza (Street).

* "On-street parking space" for the purpose of this section means a surfaced area within the public street right-of-way of not less than twenty-two (22) feet in length by eight (8) feet in width that is approved by the roadway authority for parking.

F. Landscaping, screening, and buffering. Landscaping, screening, and buffering shall be provided as specified under Section 10.76.028.

(Ord. No. 2013-1119, § 4, 4-1-2013; Ord. No. 2015-1139, § 2, 1-5-2015; Ord. No. 2015-1143, § 2, 5-4-2015; Ord. No. 2016-1150, § 2, 1-4-2016; Ord. No. 2017-1161, § 2, 4-3-2017)

10.72.090 (M-1) Light industrial zone.

A. Purpose. To provide areas suitable and desirable for secondary manufacturing and related establishments and more intense commercial use with limited external impact.

B. Uses Permitted Outright. No building, structure or land shall be used, and no

building or structure shall be hereafter erected, structurally altered or maintained, except for the following uses:

1. Accessory buildings and uses normally associated with buildings permitted outright and conditionally;

2. Any use permitted in the C-3 and C-2 zone (excluding marijuana dispensaries except on properties that front on a state highway and C-1 uses), subject to regulations of C-3 and C-2 zones;

3. Building supply stores less than twenty thousand (20,000) square feet in size;

4. Implement, machinery, heavy equipment and truck repair;

5. Kennels;

6. Laboratories (research, development, testing);

7. Light fabrication and repair shops such as cabinet, electric motor, heating, machine, sheet metal, auto body and welding;

8. Manufacture of electric, electronic, precision components or optical instruments;

9. The manufacturing, compounding, processing, packaging or treatment of such products as apparel and other finished products made from fabric and similar materials; cosmetics; drugs, electronic and communications components, systems, equipment and supplies; high technology components; leather and leather products; lumber and wood products; paper and allied products; precision testing, medical and optical goods; perfumes; toiletries; objects or decorative items; novelties; millwork; sporting goods; building specialties; signs; food, beverage and related products except fish, meat products, sauerkraut, vinegar, yeast and the rendering or refining of fats and oils;

10. Parking lots associated with uses and buildings permitted outright and conditionally in conformance with Section 10.76.020;

11. Public buildings and structures such as fire stations, libraries, substations, pump stations, reservoirs, public utility facilities, government buildings and community centers;

12. Storage buildings or warehouses, freight and truck terminals;

13. Transportation and freight yards and terminals;

14. Veterinary clinic;

15. Wholesale business salesrooms;

16. Wholesale trade.

C. Uses Permitted Conditionally.

1. Firing ranges;

2. Residential quarters, (including mobile home for watchman's quarters), as a secondary use;

3. Building supply stores exceeding twenty thousand (20,000) square feet in size;

4. Marijuana facility, provided that the marijuana grow facility is:

a. Not located at the same site as a registered marijuana dispensary;

b. Is located in an enclosed building from which there is no indication from the exterior that the site is being used for the manufacture of marijuana.

D. Parking Requirements. Parking shall be provided as specified in Section 10.76.020.

E. Area. Percent of coverage. Full coverage is allowable, providing minimum parking space, servicing space and setbacks have been provided.

F. Building Setback Requirements.

1. Front Yard. Front yards shall not be required except where specified setbacks are established for road widening purposes.

2. Side and Rear Yards. Side or rear yards shall not be required, but if the side or rear yards are created, they shall be a minimum of five (5) feet.

G. Height. No structure shall exceed a height of fifty (50) feet.

H. Vision Clearance. Vision clearance shall be provided as specified in Section 10.76.080.

I. Signs. Signs shall be allowed as specified in Section 10.76.040.

J. Storage. All storage kept in conjunction with outright and conditional uses where abutting commercial and residential zones shall provide adequate screening such as fencing, walls or site-obscuring landscaping, all of which shall be maintained.

K. Landscaping, Screening, and Buffering. Landscaping, screening, and buffering shall be provided as specified under Section 10.76.028. (Ord. 2003-1038 (part)) (Ord. No. 2015-1139, § 2, 1-5-2015; Ord. No. 2015-1143, § 2, 5-4-2015; Ord. No. 2016-1150, § 2, 1-4-2016; Ord. No. 2017-1161, § 2, 4-3-2017; Ord. No. 2018-1166, 9-10-2018)

10.72.100 (M-2) Industrial zone.

A. Purpose. To provide areas suitable and desirable for medium and heavy industrial development and uses free from conflict with commercial, residential and other non-compatible land uses.

B. Uses Permitted Outright. No building, structure or land shall be used and no building or structure shall be hereafter erected, structurally altered, enlarged or maintained except for the following uses which are permitted subject to special provisions and regulations of this division:

1. Accessory buildings and uses normally associated with uses permitted outright and conditionally;

2. Any manufacturing, processing, repair, research, testing, assembly, wholesale or storage uses;

3. Any use permitted in the M-1 zone (excluding C-2 uses), subject to regulations of the M-1 zone;

4. Bottling works;

5. Cement concrete batching plants and the manufacture and sale of concrete products;

6. Collection, packaging, storage and reprocessing of recyclable materials such as newspaper, cardboard, glass, metal, plastic or oil;

7. Contractor's equipment storage yards;

8. Freight and truck yards or terminals;

9. Laundry, cleaning and dyeing works, carpet and rug cleaning;

10. Lumber yards, retail, including mill work;

11. Parking lots associated with uses and buildings permitted outright and conditionally in conformance with Section 10.76.020;

12. Plumbing and sheet metal shops;

13. Poultry or rabbit killing and processing;

14. Public buildings and structures such as fire stations, substations, pump stations, reservoirs, public utility facilities and government buildings;

15. Wholesale business, storage buildings, warehouses and bulk fuel storage facilities.

16. Cluster Box Unit placement may be allowed as provided for in Section 10.76.075.

C. Uses Permitted Conditionally.

1. Auto wrecking yards;

2. Firing ranges;

3. Residential quarters, (including mobile home for watchman's quarters), as secondary use;

4. Marijuana facility, provided that the marijuana grow facilities is:

a. Not located at the same site as a registered marijuana dispensary;

b. Is located in an enclosed building from which there is no indication from the exterior that the site is being used for the manufacture of marijuana.

D. Parking Requirements. Parking shall be provided as specified in Section 10.76.020.

E. Area. Percent of coverage. Full coverage is allowable providing minimum parking space, servicing space and setbacks have been provided.

F. Building Setback Requirements.

1. Front Yard. No front yard will be required.

2. Side and Rear Yards. Side or rear yards will not be required, but if side or rear yards are created, they shall be a minimum of five (5) feet.

G. Vision Clearance. Vision clearance shall be provided as specified in Section 10.76.080.

H. Signs. Signs shall be allowed as provided in Section 10.76.040.

I. Height. No building or structure, no enlargement of any building or structure shall be hereafter erected to exceed a maximum of fifty (50) feet in height.

J. Landscaping, Screening, and Buffering. Landscaping, screening, and buffering shall be provided as specified under Section 10.76.028. (Ord. 2003-1038 (part))
(Ord. No. 2015-1139, § 2, 1-5-2015; Ord. No. 2015-1143, § 2, 5-4-2015; Ord. No. 2016-1150, § 2, 1-4-2016; Ord. No. 2017-1161, § 2, 4-3-2017)

10.72.110 (M-3) Marine industrial zone (water-dependent industrial shorelands).

A. Purpose. To provide shoreland areas suitable for water-dependent manufacturing, industrial and other compatible land uses.

B. Uses Permitted Outright. The following uses and activities and their accessory structures and uses are permitted, subject to the applicable development standards and provisions set forth in this division:

1. Aids to navigation;

2. Boat launch or moorage facility, marina and boat charter;

3. Cold storage and ice processing for marine/estuarine products;

4. Communication facilities essential to service water-dependent use;

5. Energy production facilities, forest products processing and other industrial complexes dependent on the estuarine or marine waters for processing, transportation of material, loading or unloading from ships and barges, etc.;

6. Extraction, processing or storage of aggregate from within or adjacent to estuarine waters;

7. Facilities for construction, repair, maintenance and dismantling of boats, barges, ships and related marine equipment;

8. Facilities for processing of products harvested from the estuary or ocean;

9. Facilities for refueling and providing other services for boats, barges, ships and related marine equipment;

10. Laboratory for research on marine/estuarine products and resources;

11. Loading and unloading facilities;

12. Maintenance and rehabilitation of existing structures;

13. Manufacture of products where the raw materials or finished products are transported upon estuarine waters;

14. Marine ways and dry dock facilities for boat, barge and ship repair and maintenance;

15. Office in conjunction with a permitted or conditionally permitted use;

16. Parking lots associated with uses and buildings permitted outright and conditionally in conformance with Section 10.76.020;

17. Public waterfront access;

18. Research and education observation;

19. Utilities such as power and telephone lines and their support structures, gas lines, water lines and sewer lines;

20. Wharves, docks and piers.

21. Cluster Box Unit placement may be allowed as provided for in section 10.76.075.

C. Uses Permitted Conditionally. The following uses and activities and their accessory buildings and uses may be permitted, subject to provisions of this division and applicable standards and criteria set forth in this section, Chapter 10.80:

1. Aquaculture;

2. Flood and erosion-prevention structures;

3. Manufacture of structural devices to be used in the storage, extraction and processing of resources found in coastal waters;

4. Residential quarters (including mobile home for night watchman), as secondary use;

5. Retail seafood market in conjunction with seafood packing and processing plant;

6. Uses not listed above which must locate next to the estuary because of a demonstrated relationship to the water, proven unavailability of upland locations or specialized citing requirements.

D. Uses Permitted with Standards. The following uses and activities and their accessory building and uses are permitted in the M-3 zone, subject to the provisions set forth in this division, the applicable standards and criteria set forth in this section, and Chapter 10.80:

1. Disposal of dredged materials;

2. Non-water-dependent uses may be allowed in water-dependent areas of shorelands only if these uses are temporary in nature and do not preclude timely use of the site for water-dependent uses;

3. Transportation facilities essential to service water-dependent uses.

E. Standards and Criteria. In the M-3 zone, approval of uses permitted with standards or permitted conditionally shall be based on findings which show that the proposed use complies with the following applicable criteria and standards:

1. Uses not listed as permissible may be allowed upon a demonstration by the applicant that the uses are in fact water-dependent, consistent with the criteria set forth in the definitions.

2. Any applicant for a use shall furnish evidence of compliance or intent to comply with all applicable permit and rule requirements of:

a. City of Reedsport;

b. The port of Umpqua;

c. Department of Environmental Quality;

d. Division of State Lands;

e. U.S. Army Corps of Engineers; and

f. All other agencies having interest applicable to the proposed use.

3. Dwellings for caretakers and attached single-family dwellings may be allowed in an M-3 zone if such uses are a necessary and accessory part of a water-dependent use and do not interfere with the location and operation of other water-dependent uses.

F. Parking Requirements. Parking and unloading shall be provided as specified in Section 10.76.020.

G. Area. Full coverage is allowable as long as parking and loading spaces and setbacks are provided.

H. Building Setback Requirements.

1. Front Yard. Front yards shall not be required, except where setbacks are established for road widening purposes.

2. Side Yards. Side yards shall not be required, but if side yards are required, they shall be a minimum of three (3) feet wide.

3. Rear Yard. No structural improvements, except road surfacing, shall be allowed within ten (10) feet of the center line of the alley.

I. Vision Clearance. Vision clearance shall be provided as specified in Section 10.76.080.

J. Signs. Signs shall be allowed as specified in Section 10.76.040.

K. Height. No building or structure, no enlargement of any building or structure shall be hereafter erected to exceed three (3) stories with a maximum of fifty (50) feet in height.

L. Landscaping, Screening, and Buffering. Landscaping, screening, and buffering shall be provided as specified under Section 10.76.028. (Ord. No. 2015-1139, § 2, 1-5-2015; Ord. 2003-1038 (part))

10.72.120 (PL) Public/semipublic lands.

A. Purpose. To provide and preserve desirable areas for public recreational activities and a variety of public service activities.

B. Uses Permitted Outright. The following uses and their accessory buildings and uses are permitted, subject to provisions set forth in this division:

1. Cemeteries;

2. Churches;

3. Fairgrounds;

4. Fire prevention, detection and suppression facilities;

5. Fish and wildlife management;

6. Golf course, public and private;

7. Hospital, medical services and nursing homes;

8. Orphanages and charitable institutions;

9. Parking lots associated with uses and buildings permitted outright and conditionally in conformance with Section 10.76.020;

10. Parks, playgrounds, campgrounds, boating facilities and other such recreational facilities;

11. Public buildings and structures such as fire stations, libraries, substations, pump stations, reservoirs, public utility facilities, government buildings and community centers;

12. Public and semiprivate building structures and uses essential to the physical, social and economic welfare of the area;

13. Schools;

14. Cluster Box Unit placement may be allowed as provided for in Section 10.76.075.

C. Uses Permitted with Standards.

1. Temporary uses.

D. Uses Permitted Conditionally.

1. A single-family dwelling customarily provided in conjunction with a use permitted in this classification.

2. Country club.

3. The placement of hydroelectric, solar, wind or geothermal generation facilities, transmission lines or pipes, substations and communication facilities.

E. Parking Requirements. Parking shall be provided as specified in Section 10.76.020.

F. Area. Percent of coverage. Full coverage shall be allowed as long as parking and loading spaces and setbacks are required.

G. Height. Structure shall not exceed fifty (50) feet.

H. Building Setback Requirements.

1. Front Yard. No front yard shall be required.

2. Side and Rear Yards. None required, but if created they shall be a minimum of five (5) feet.

I. Vision Clearance. Vision clearance shall be provided as specified in Section 10.76.080.

J. Signs. Signs shall be allowed as specified in Section 10.76.040.

K. Landscaping, Screening, and Buffering. Landscaping, screening, and buffering shall be provided as specified under Section 10.76.028. (Ord. No. 2015-1139, § 2, 1-5-2015; Ord. 2003-1038 (part))

10.72.130 (PUD) Planned unit development.

A. Purpose. The purpose of planned unit development approval is to allow and make possible greater variety and diversification in the relationships between buildings and open spaces in planned building groups, while ensuring compliance with the purposes and objectives of the various zoning district regulations and the intent and purpose of these land development sections. These provisions are intended to allow developers the freedom to design and construct projects whose objectives may be inhibited by strictly applying the provisions of this Code, thereby providing more harmony with site conditions, aesthetics, economy and similar considerations than might otherwise be possible.

The use of these provisions is dependent upon the submission of a complete and acceptable conceptual master plan accompanied by satisfactory assurances it will be carried out. Such conceptual, preliminary master plan shall conform to and be in compliance with the goals and objectives of the comprehensive plan.

B. Planning Commission Approval Required. Where use is made of the planned unit development process as provided in this section, no building or other permit shall be issued for such development or part thereof until the Planning Commission has approved said development.

C. General Requirements for Approval.

1. A planned unit development may be allowed in the following zones: R-A, R-1 and R-2.

2. Planned unit development application shall be for an area of not less than one (1) acre of residentially zoned property.

3. The minimum lot area, width, frontage and yard requirements otherwise applying to individual buildings in the zone, in which a planned unit development is proposed, do not apply within a planned unit development.

4. If the spacing between main buildings is not equivalent to the spacing which would be required between buildings similarly developed under this division on separate parcels, other design features shall provide light, ventilation and other characteristics equivalent to that obtained from the spacing standards.

5. The planned unit development may result in a density in excess of the density otherwise permitted within the underlying zone in which the planned unit development is to be constructed, not to exceed ten (10) percent, if the arrangement of yards and common open space is found to provide superior protection to existing or future development on adjacent property.

An increase of over ten (10) percent but not more than twenty (20) percent, may be additionally permitted by the Planning Commission if the increase is compensated for by the provision of amenities. Examples of such amenities are architectural design regulation, extraordinary landscaping, recreational amenities, traffic and parking regulation and provisions, protection of environmentally sensitive areas and natural resources, etc.

D. Application. The owner or his authorized agent may make application for planned unit development approval by filing an application with and on the forms provided by the Community Development Department. The application shall be accompanied by the following:

1. A filing fee in an amount established by general resolution of the City Council;

2. Applicant shall submit the application form, appropriate fees, and ten (10) copies of a preliminary site plan and related support documents for review by the Planning Commission. The preliminary site plan drawn to scale and related support documents shall include, but not be limited to, the following information:

a. Proposed use, location, dimensions, height and type of construction of all buildings; proposed number of dwelling units if any to be located in each building;

b. Proposed circulation pattern including the location, width, and surfacing of streets, private drives, and sidewalks and/or pedestrian ways; the location of any curbs; the status of street ownership; and the location of parking areas and the number of spaces therein;

c. Proposed location and use of all open spaces including a plan for landscaping;

d. Proposed grading and drainage pattern;

e. Proposed method and plan for provision of water supply and fire hydrants, sewerage disposal, electrical facilities, solid waste disposal and street lights;

f. Drawings and sketches demonstrating the design and character of the proposed uses and the physical relationships of the uses to the surrounding area;

g. Existing natural features such as trees, streams, topography;

h. Documentation regarding establishment of ownership and maintenance of all common space and facilities, (i.e., streets, open areas, recreational facilities, recreation areas, etc.);

i. Development schedule;

j. Site plan, showing location of immediate adjacent infrastructure, structures, fire hydrants, street lights, etc.

E. Standards for Approval. In granting approval for a planned unit development, the Planning Commission shall seek to determine, based upon evidence, both factual and supportive, provided by the applicant, that:

1. The applicant has, through investigation, planning and programming, demonstrated the soundness of his proposal and his ability to carry out the project as proposed, and that the construction shall begin within twelve (12) months of the conclusion of any necessary actions by the city, or within such longer period of time as may be established by the Planning Commission;

2. The proposal conforms to the Comprehensive Plan and implementing measures of the city in terms of goals, policies location, and general development standards;

3. The project will assure benefits to the city and the general public in terms of need, convenience, service and appearance sufficient to justify any necessary exceptions to the regulations of the zoning district;

4. There are special physical conditions or objectives of development which the proposal will satisfy so that a departure from standard zoning district regulations may be warranted;

5. The project will be compatible with adjacent developments and will not adversely affect the character of the area;

6. The project will satisfactorily take care of the traffic it generates both on and off-site by means of adequate off-street parking, access points and additional street right-of-way improvements;

7. The proposed utility and drainage facilities will be adequate for the population densities and type of development proposed and will not create major problems or impacts outside the boundaries of the proposed development site.

F. Accessory Uses in a Planned Unit Development. In addition to the accessory uses typical of the primary uses authorized in the zoning district, accessory uses approved as part of a planned unit development may include the following uses:

1. Golf course;

2. Private park, lake or waterway;

3. Recreation area;

4. Recreation building, clubhouse or social hall;

5. Privately operated pre-schools or day nurseries;

6. Cluster Box Unit placement may be allowed as provided for in Section 10.76.075;

7. Other accessory structures, which the Planning Commission finds, are designed to serve primarily the residents of the planned unit development and are compatible to the design of the planned unit development.

G. Planning Commission Action.

1. Before the Planning Commission may act on an application for planned unit development, it shall hold a public hearing thereon following procedure as established in Sections 10.112.010 through 10.112.090.

2. The Planning Commission may continue a public hearing in order to obtain more information or to serve further notice.

3. In taking action, the Planning Commission may approve, approve with conditions or deny an application as submitted. Any planned unit development as authorized shall be subject to all conditions imposed and shall be accepted from the other provisions of this code on to the extent specified in said authorization.

4. Any approval of a planned unit development granted hereunder shall become void if, within twelve (12) months after the

final granting of approval or within such other period of time as may be stipulated by the Planning Commission as a condition of such approval, construction of the buildings or structures involved in the development has not been commenced and diligently pursued. The Planning Commission may further impose other conditions limiting the time within which the development or portions thereof must be completed.

5. In approving the conceptual, preliminary master plan for the planned unit development, the Planning Commission may attach conditions it finds necessary to carry out the purposes of this section. These conditions may include, but are not limited to, the following:

a. Increasing the required setbacks;

b. Limiting the height of buildings;

c. Controlling the location and number of vehicular access points;

d. Establishing new streets, increasing the right-of-way or roadway width of existing streets and, in general, improving the traffic circulation system;

e. Increasing the number of parking spaces;

f. Limiting the number, size, location and lighting of signs;

g. Designating sites for open space and recreational development;

h. Requiring additional fencing, screening and landscaping;

i. Requiring performance bonds to assure that the development is completed as approved within the time limit established by the Planning Commission;

j. Requiring that a contractual agreement be established with the city to assure development of streets, curbs, gutters, sidewalks, and water and sewer facilities to city standards.

5. The decision of the Planning Commission shall be final unless appealed to the City Council according to the procedures set forth in Section 10.104.020.

H. Variations to be Authorized. The Planning Commission may authorize standards of site area and dimensions, site coverage, yard spaces, heights of structures, distances between structures, off-street parking and loading facilities and landscaped areas not equivalent to the standards prescribed within the regulations for the zoning district within which the planned unit development is located, if the applicant has demonstrated by his design proposal that the objectives of the land development regulations and of this section will be achieved.

I. Exception to Subdivision Regulations. When a planned unit development involves design proposals which would also necessitate the granting of exceptions to land division regulations, the Planning Commission may grant tentative approval of the proposal subject to the condition that final approval may not be granted until the applicant submits and receives approval of a tentative subdivision map in the manner prescribed by land division regulations.

J. Violation of Conditions. The Planning Commission on its own motion may revoke any planned unit development approval for noncompliance with the conditions set forth in the order granting the said approval after first holding a public hearing and giving notice of such hearing as provided in Chapter 10.112. The foregoing shall not be the exclusive remedy, and it shall be unlawful and an offense punishable hereunder for any person to construct any improvement in violation of any condition imposed by the order granting the planned unit development approval.

K. Minor Change. The applicant may apply to the Planning Commission for a minor change to the site plan and/or condi-

tions of approval of an approved planned unit development. The Planning Commission shall hold a public hearing to consider the nature of the requested change, impacts the change may have on the city's services and facilities. The Commission may approve or deny the minor change.

If the change is approved it may be incorporated into the project. If it is denied, the project remains as originally approved, and the change shall not be incorporated. Applications for a minor change must be submitted with the following:

1. A site plan or revised subdivision map showing the proposed changes and how they compare to the originally approved project. If the change does not include the physical site plan of the project, a text explaining the desired change must be submitted;

2. A statement explaining how the proposed change related to the approved project and any impacts it may have on the project and or adjoining property holders and city services and facilities. (Ord. No. 2015-1139, § 2, 1-5-2015; Ord. 2003-1038 (part))

10.72.140 (EN) Estuarine natural.

A. Purpose. The estuarine natural classification is intended to preserve and protect areas containing significant natural resources in the estuary. The classification provides for uses of designated natural resource areas which are consistent with the natural management unit designation of the comprehensive plan and its objective to protect significant habitats, biological productivity and scientific, research and educational values.

B. Uses Permitted Outright. In the EN zone, the following uses and activities and their accessory buildings and uses are permitted, subject to the provisions and standards set forth by this division.

1. Aids to navigation, such as beacons and buoys;

2. Commercial harvest of fin fish in the water column;

3. Grazing of livestock that does not require establishment of dikes, tidegates or other permanent structures;

4. Hunting and fishing;

5. Low intensity, water-dependent recreation not requiring development;

6. Maintenance of existing facilities and structures;

7. Dredging necessary for on-site maintenance of existing functional tidegates and associated drainage channels and bridge crossings support structures;

8. Passive restoration measures;

9. Protection of habitat, nutrient, fish, wildlife and aesthetic resources;

10. Research and educational observation without permanent structures;

11. Bridge crossings;

12. Riprap for protection of uses existing as of October 7, 1977, unique natural resources, historical and archeological values, and public facilities.

C. Uses Permitted with Standards. The following uses and activities and their accessory buildings and uses are permitted in the EN zone, subject to the provisions of this division, the applicable standards and criteria set forth in this section and Chapter 10.80:

1. Active restoration of fish and wildlife habitat or water quality and estuarine enhancement;

2. Aquaculture and commercial harvest of benthic organisms (clams, oysters, shrimp, etc.) which does not involve dredge or fill of other estuarine alteration other than incidental dredging for commercial harvest of benthic species or removable in-water structures such as stakes or racks;

3. Communication facilities;

4. Rehabilitation of existing wing dams, sanitary waste outfalls and bridges;

5. Boat ramps and associated dredging for public use where no dredging or fill for navigational access is needed;

6. Pipelines, cables and utility crossings, including incidental dredging necessary for their installation;

7. Installation of tidegates in existing functional dikes;

8. Temporary alterations;

9. Bridge crossing—support structures and dredging necessary for their installation.

D. Standards and Criteria. In the EN zone, approval of uses permitted with standards and uses permitted conditionally shall be based on findings which show that the proposed use complies with the following applicable standards and criteria. Approval may be subject to conditions deemed necessary to ensure that conformance is achieved.

1. The use is found to be consistent with the provisions of Chapter 10.80, including:

a. Resource capabilities of the area;

b. Purpose of the resource management unit as explained in this section of this zone classification;

c. Other alterations of Section 10.80.050;

d. Standards and criteria applicable to specific uses.

2. The use is found to be consistent with any of the following applicable special standards:

a. Rehabilitation of existing wing dams, sanitary waste outfalls and bridges shall be permitted if such will not conflict with permitted uses in the zoned area;

b. Riprap shall be permitted to the extent necessary to protect uses existing on June 17, 1980, and to protect natural resources and historical and archaeological values and public facilities only if land use management practices and nonstructural solutions are inadequate and adverse impacts on water currents, erosion and accretion patterns are minimized;

c. Commercial harvest of benthic organisms which disturb the bottom sediments of the water body must be limited to methods other than dredging in natural management units;

d. Active restoration shall be consistent with the definition contained in Chapter 10.64. Proposals for active restoration shall identify the historical existence and cause of the lost or dredged estuarine resource being restored. (Ord. No. 2015-1139, § 2, 1-5-2015; Ord. 2003-1038 (part))

10.72.150 (EC) Estuarine conservation.

A. Purpose. The estuarine conservation classification is intended to establish and protect areas of the estuary for the long-term use of renewable resources. The classification primarily is intended to apply to areas to be managed for uses of low to moderate intensity that do not require a major alteration of the estuary. Areas included in the classification have less biological significance than areas classified as estuarine natural.

B. Uses Permitted Outright. In the EC zone, the following uses and activities and their accessory buildings and uses are permitted, subject to the applicable standards and provisions set forth in this division:

1. With the exception of temporary alterations and other alterations, all uses and activities permitted outright and permitted with standards in the estuarine natural zone.

C. Uses Permitted with Standards. The following uses and activities and their accessory buildings and uses are permitted in the EC zone, subject to procedures set forth in this division, the applicable standards and criteria set forth in this section and Chapter 10.80:

1. Active restoration for purposes other than protection of habitat, nutrient, fish and wildlife and aesthetic resources;

2. High intensity, water-dependent recreation including:

a. Boat ramps, marinas and new dredging for boat ramps and marinas,

b. Fishing piers,

c. Associated dredging of above.

3. Individual or community docks;

4. Maintenance dredging of existing facilities and future marinas/moorages; boat ramps and fishing piers;

5. Minor navigational improvements including maintenance dredging of recognized channels and construction of wing dams;

6. Piling and mooring dolphins for the purpose of mooring craft, barges and log rafts;

7. Sanitary waste outfalls;

8. Storage of products and materials transported by means of estuarine waters (including logs);

9. Utilities and their support structures;

10. Other water-dependent uses requiring occupation of water surface area by means other than dredge or fill;

11. Temporary alterations in support of uses permitted outright or conditionally permitted in this section;

12. Aquaculture requiring dredge or fill or other alteration of the estuary;

13. Temporary alterations;

14. Mining and mineral extraction including dredging necessary for mineral extraction.

D. Standards and Criteria. In an EC zone, approval of uses permitted with standards or permitted conditionally shall be based on findings which show that the proposed use complies with the following standards and criteria. Approval may be subject to conditions deemed necessary to ensure that conformance is achieved.

1. The use if found to be consistent with the provisions of Chapter 10.80, including:

a. Resource capabilities of the area;

b. Purpose of the resource management unit as explained in this section of t his zone classification;

c. Other alterations test of Chapter 10.80.050;

d. Standards and criteria applicable to specific uses.

2. The use is found to be consistent with any of the following applicable special standards:

a. High intensity water-dependent recreation, maintenance dredging of existing facilities, minor navigational improvement, mining and mineral extraction, utilities, sanitary waste outfalls, water-dependent uses requiring occupation of water surface area by means other than fill and bridge crossings shall be permitted if found to be consistent with the objective of providing for and maintaining long-term uses of renewable resources that do not require major alteration of the estuary.

b. Riprap and other bank-protective measures shall be permitted to protect existing or allowed uses if land use management practices and nonstructural solutions are inadequate and adverse impacts on water currents, erosion and accretion patterns are minimized.

c. Fills may be allowed in an EC zone only as part of the following uses or activities:

i. Maintenance and protection of manmade structures existing as of October 7, 1977;

ii. Active restoration of the estuarine area if a public need is demonstrated;

iii. Temporary low-water bridges if an estuarine location is required, if there are no alternative locations within a "development" management unit and if adverse impacts are minimized as much as feasible;

iv. Aquaculture;

v. High intensity water-dependent recreation and minor navigational improvements if no alternative upland locations exist for the portion of the use requiring fill, and allowing the use is found to be consistent with the objective of providing for and maintaining long-term uses of renewable resources;

vi. Flood and erosion-control structures, if required to protect water-dependent uses allowed in the management unit and if land use management practices and nonstructural solutions are inadequate to protect the use;

vii. Dredge crossing support structures if there are no alternative locations in an estuarial development (ED) zone and if findings required in subsection (D)(2)(c)(v) section are made.

d. Dredging for material for dike repair/maintenance may be allowed in subtidal areas within EC zones on Scholfield Creek if no alternative source of suitable material is available or the cost of obtaining and placing the material is prohibitive (cost of using alternative sources is two hundred (200) percent or more of the cost of dredging for material). An application for a permit to dredge for dike repair/maintenance shall include an evaluation of the availability and suitability of alternative sources of material including specific upland and dredged material stockpile sites and a cost comparison of using alternative sources.

e. Dredging for dike repair/maintenance shall be carried out in such a manner that the impact on aquatic life and disruption of tide flats and marshes is minimized.

f. Proposals for active restoration shall identify the historical existence and cause of the lost or degraded estuarine resource being restored. (Ord. No. 2015-1139, § 2, 1-5-2015; Ord. 2003-1038 (part))

10.72.160 (ED) Estuarine development.

A. Purpose. The estuarine development classification is intended to establish and preserve adequate area for navigation and other public, commercial and industrial water-dependent uses. This classification is intended to apply to an area designated in the comprehensive plan as a development management unit and to be managed for uses of high intensity which may significantly alter the estuarine resource.

B. Uses Permitted Outright. In the ED zone, the following uses and activities and their accessory buildings and uses are permitted subject to the provisions and standards set forth in this division:

1. Commercial water-dependent uses including:

a. Boat launch or moorage facility, marina and boat charter services,

b. Facilities for refueling and providing other services for boats, barges, ships and related marine equipment;

2. Developed high-intensity, water-dependent recreation uses including:

a. Marinas and moorages,

b. Boat charter services,

c. Boat ramps and hoists,

d. Fishing piers.

3. Industrial water-dependent uses including:

a. Wharves, docks and piers,

b. Loading and unloading facilities,

c. Marine ways and dry dock facilities for boat, barge and ship repair and maintenance.

4. Interim uses and activities which do not preclude or interfere with the future development of water-dependent uses and activities;

5. Log transport;

6. Maintenance dredging of water-dependent and other existing uses;

7. Maintenance of existing facilities and structures;

8. Irrigation channels and improvements including:

a. Maintenance dredging of authorized channels,

b. Extension of channels and turning basins to authorized depth and width,

c. Maintenance of jetties.

9. Public water-dependent uses including:

a. Aids to navigation such as beacons and buoys,

b. Laboratories for research of physical and biological characteristics of the estuary,

c. Sanitary waste outfalls.

10. Utilities.

C. Uses Permitted with Standards. In the ED zone, the following uses and their accessory buildings and uses may be permitted subject to the provisions of this division, applicable standards and criteria set forth in this section and Section 10.80.030 (applicable standards in parentheses):

1. Active restoration (Section 10.80.030(B)(7));

2. Dredge and fill including maintenance dredging (Sections 10.80.030(B)(1) and (B)(8));

3. In-water (subtidal) disposal of dredged materials (Sections 10.80.030(B)(1) through (B)(8));

4. Laboratories for commercial research on marine/estuarine products and resources;

5. Riprap and other erosion-protective measures (Section 10.80.030(B)(3));

6. Storage of products and materials transported by means of estuarine waters (including logs) (Section 10.80.030(B)(4));

7. Uses permitted in natural and conservation management units but not listed as permitted in development management units (Section 10.80.030(B)(5));

8. Uses shown to be water-dependent by an applicant (Section 10.80.030(B)(6));

9. Flow lane disposal of dredge materials (Section 10.80.030(B)(8));

D. Uses Permitted Conditionally. In the ED zone, the following uses and their accessory buildings and uses may be permitted, subject to the provisions of this division, applicable standards and criteria set forth in this section and Chapter 10.80, including:

1. Bridge crossings;

2. Mining and mineral extraction, including sand and gravel;

3. Where consistent with the purpose of this management unit water-related uses and non-dependent, non-related uses not requiring dredging or fill and activities listed in the estuarine natural and conservation zones including the following shall also be appropriate:

a. Bait and tackle shop,

b. Dwelling for caretaker,

c. Grocery store,

d. Houseboat,

e. Marine-related gift or specialty shop,

f. Marine supplies and equipment store,

g. Restaurant,

h. Single-family dwelling attached to a permitted or conditionally permitted use,

i. Storage of marine estuarine products, fishing gear and marine equipment,

j. Wholesale and retail market for marine/estuarine sea products.

E. Standards and Criteria. In an ED zone, approval of uses permitted with standards or permitted conditionally shall be based on findings which show that the pro-

posed use complied with the following applicable standards and criteria. Approval may be subject to conditions deemed necessary to ensure that conformance is achieved.

1. The use is found to be consistent with the provisions of Chapter 10.80, including:

a. Resource capabilities of the area;

b. Purpose of the resource management unit, as explained in this section of this zone classification;

c. Other alterations of Section 10.80.050;

d. Special policies for specific uses.

2. The use is found to be consistent with any of the following applicable special standards:

a. Water-related, non-dependent and non-related uses may be allowed only if:

i. The site has minimum biological or recreational significance;

ii. The site and adjacent shorelands are not suitable or needed for water-dependent uses;

iii. The use is consistent with and does not preempt or interfere with the objective of providing for and maintaining navigational and other needed public, commercial and industrial water-dependent uses;

iv. The use will not result in dredging, filling or other similar reduction/degradation of estuarine natural values.

b. In-water disposal of dredged materials shall be permitted if found to be consistent with the dredge and fill requirements of Chapter 10.80 and the objective of providing for and maintaining navigational and other public, commercial and industrial water-dependent uses and state and federal laws.

c. Riprap and other bank-protective measures shall be permitted in ED zones to protect existing or allowed uses if land use management practices and nonstructural solutions are inadequate and adverse impacts on water currents, erosion and accretion patterns are minimized.

d. Water storage of materials or products shall be permitted in ED zones if found to be directly associated with water transportation and an integral part of the operation of a proposed or existing facility; if there are no feasible upland alternatives; if adverse impacts are minimized as much as possible and if consistent with the objective of providing for and maintaining navigational and other water-dependent uses.

e. Uses permitted in natural and conservation management units, bridge crossings and mining and mineral extraction may be allowed in an ED zone if found to be consistent with the objective or providing for and maintaining navigational and other needed public, commercial and industrial water-dependent uses.

f. Uses not listed as water-dependent in the plan or this division may be allowed in an ED zone if the applicant demonstrates that the uses meet the criteria for water-dependency contained within the definition.

g. Proposals for active restoration shall identify the historical existence and causes of the lost or degraded estuarine resource being restored.

h. Flow lane disposal of dredge material must be monitored to assure that estuarine sedimentation is consistent with the resource capabilities and purposes of affected natural and conservation management units.

i. Other uses and activities which could alter the estuary shall only be allowed once an impact assessment is completed and once the following requirements are satisfied:

i. If a need (i.e., substantial public benefit) is demonstrated and the use or alteration does not unreasonably interfere with public trust rights; and

ii. If no feasible alternative upland locations exist; and

iii. If adverse impacts are minimized. (Ord. No. 2015-1139, § 2, 1-5-2015; Ord. 2003-1038 (part))

10.72.170 (CS) Urban conservation shorelands.

A. Purpose. The conservation shorelands classification is intended to preserve and protect shoreland areas containing major freshwater marshes, significant wildlife habitat, historic and archaeological sites or having exceptional scenic or aesthetic quality due to their association with coastal waters. The classification provides for uses of these shorelands which are consistent with the objective of protecting their natural values.

B. Uses Permitted Outright. In the CS zone, the following uses and activities and their accessory buildings and uses are permitted subject to the provisions and exceptions set forth by this division:

1. Activities which maintain, enhance or restore major marshes, significant wildlife habitat, exceptional aesthetic resources or historical and archaeological sites;

2. Aids to navigation;

3. Grazing of livestock;

4. Harvesting wild crops;

5. Maintenance of dikes, culverts, roads, bridges and other existing structures;

6. Propagation and harvesting of forest products consistent with the Oregon Forest Practices Act and Forest Practices Rules administered by the Department of Forestry for the protection of coastal shoreland resource values;

7. Research and educational observation without structures;

8. Developed, low intensity, water-dependent recreation including boat launching, fishing, hunting, wildlife observation, photography, etc.

C. Uses Permitted with Standards. The following uses and activities and their accessory buildings and uses are permitted in the CS zone, subject to the provisions of this division, the applicable standards and criteria set forth in this section and Chapter 10.80:

1. Aquaculture;

2. Communication facilities such as communication towers, support structures, utilities and pipelines;

3. Disposal of dredged material;

4. Maritime museums;

5. Public parks, historical monuments;

6. Rehabilitation of dikes, culverts, roads, bridges and other existing structures;

7. Sanitary outfalls;

8. Transportation facilities;

9. Uses and activities necessary to protect the natural or cultural resource values present in the unit.

D. Uses Permitted Conditionally. In the CS zone, the following uses and activities and their accessory buildings and uses may be permitted, subject to the provisions of this division, applicable standards and criteria set forth in this section and Chapter 10.80:

1. Estuary restoration when identified in the comprehensive plan as a restoration site;

2. Flood and erosion-preventive measures;

3. One single-family dwelling on a lot of record, as defined in Section 10.64.030, when compatible with the objectives and implementation standards of the coastal resources element of the plan.

E. Standards and Criteria. In the CS zone, approval of uses permitted with standards and uses permitted conditionally shall be based on findings which show that the proposed use complies with the following applicable standards and criteria.

1. Utilities, public communication facilities and aquaculture shall be permitted

only if found to be consistent with the resource capabilities of the area and if there is no conflict with uses listed as permitted.

2. Transportation facilities, sanitary outfalls, disposal of dredged material, public parks, historical monuments and maritime museums shall be permitted only in urban shoreland areas and only when consistent with existing resources and use.

3. Structures allowed shall not have a long term negative effect on the natural and cultural resource values being protected.

F. Property Development Standards.

1. Area. No standard established.

2. Setbacks:

a. Front Yard. No structure shall be located closer than thirty (30) feet from the front property line.

b. Side Yard. No structure shall be located closer than ten (10) feet from side property line.

c. Rear Yard. No structure shall be located closer than ten (10) feet from rear property lines. (Ord. No. 2015-1139, § 2, 1-5-2015; Ord. 2003-1038 (part))

10.72.180 (AR) Agricultural resource.

A. Purpose. To provide areas for the continued practice of agriculture and permit the establishment of only those new uses which are compatible with agricultural activities.

B. Uses Permitted Outright. In an AR zone, the following uses and their accessory uses are permitted outright:

1. Buildings and structures necessary to the uses listed in subsection (B);

2. Farm uses;

3. Fire prevention, detection and suppression facilities;

4. Fish and wildlife management;

5. Forest management;

6. Minor home occupations;

7. Nursery for the culture, sale and display of trees, shrubs and flowers;

8. Buildings and structures such as fire stations, libraries, substations, pump stations, reservoirs, public utility facilities, government buildings and community centers;

9. Publicly owned facilities such as parks, playgrounds, campgrounds, boating facilities, lodges, camps and other such recreational facilities;

10. Single-family dwellings customarily provided in conjunction with a use permitted in this classification, providing that a minimum average density of ten (10) acres per dwelling shall be maintained;

11. The development of water impoundments and canals;

12. Other uses later deemed by the Planning Commission to be conditional.

C. Uses Permitted Conditionally.

1. Major home occupations;

2. Beekeeping;

3. Use or keeping of animals other than livestock, excluding swine which are prohibited.

D. Lot Size. The minimum lot area shall be ten (10) acres.

E. Building Setback Requirements. No structure other than a fence or sign shall be located closer than thirty (30) feet from the right-of-way of a public road and ten (10) feet from all other property lines.

F. Height. No building or structure, no enlargement of any building or structure shall be hereafter erected to exceed fifty (50) feet. (Ord. No. 2015-1139, § 2, 1-5-2015; Ord. 2003-1038 (part))
(Ord. No. 2017-1161, § 2, 4-3-2017)

10.72.190 Reserved.

Editor's note—Ord. No. 2015-1139, § 2, adopted January 5, 2015, repealed § 10.72.190 in its entirety; and similar provisions were enacted as § 10.72.085. Former § 10.72.190 pertained to (CMU) commercial mixed-use zone and was derived from Ord. No. 2013-1119, § 4, adopted April 1, 2013.

Chapter 10.76

SPECIAL PROVISIONS AND REGULATIONS

Sections:

10.76.010 Flood hazard area.

The State of Oregon has in ORS 197.175 delegated the responsibility to local governmental units to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry. Therefore, the city of Reedsport does ordain as follows:

A. The flood hazard areas of city of Reedsport are subject to periodic inundation which may result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare.

B. These flood losses may be caused by the cumulative effect of obstructions in special flood hazard areas which increase flood heights and velocities, and when inadequately anchored, cause damage in other areas. Uses that are inadequately flood proofed, elevated, or otherwise protected from flood damage also contribute to flood loss.

A. Purpose. To promote the public health, safety and general welfare and to minimize public and private losses due to flood conditions in flood hazard areas by provisions designed to:

1. Protect human life and health;

2. Minimize expenditure of public money and costly flood control projects;

3. Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;

4. Minimize prolonged business interruptions;

5. Minimize damage to public facilities and utilities such as water, electric, telephone and sewer lines, streets and bridges located in areas of special flood hazard;

6. Help maintain a stable tax base by providing for the sound use and development of areas of flood hazard so as to minimize future flood blight areas;

7. Notify potential buyers that property is in an area of special flood hazard;

8. Notify those who occupy the areas of special flood hazard that they assume responsibility for their actions.

In order to accomplish its purposes, this section includes methods and provisions for:

1. Restricting or prohibiting uses which are dangerous to health, safety and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities;

2. Requiring that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;

3. Controlling the alteration of natural floodplains, stream channels and natural protective barriers, which help accommodate or channel flood waters;

4. Controlling filling, grading, dredging and other development which may increase flood damage;

5. Preventing or regulating the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards in other areas.

6. Coordinating and supplementing the provisions of the state building code with local land use and development ordinances

B. Definitions. Unless specifically defined in this subsection, words or phrases used in this section shall be interpreted so as to give them the meaning they have in common usage and to give this division its most reasonable application.

"Appeal" means a request for a review of the interpretation of any provision of this ordinance or a request for a variance.

"Area of shallow flooding" means a designated AO or AH zone on a community's flood insurance rate map (FIRM) with a one (1) percent or greater annual chance of flooding to an average depth of one (1) to three (3) feet where a clearly defined channel does not exist where the path of flooding is unpredictable, and where velocity flow may be evident. Such flooding is characterized as sheet flow and AH indicates ponding.

"Area of special flood hazard" means the land in the floodplain within a community subject to a one (1) percent or greater chance of flooding in any given year. It is shown on the Flood Insurance Rate Map (FIRM) as Zone A, AO, AH, A1-30, AE, A99, AR. "Special flood hazard area" is synonymous in meaning with the phrase "area of special flood hazard".

"Base flood" means the flood having a one (1) percent chance of being equaled or exceeded in any given year. Also referred to as "100-year flood."

"Base flood elevation" (BFE): The elevation to which floodwater is anticipated to rise during the base flood.

"Basement" means any area of the building having its floor subgrade (below ground level) on all sides.

"Below-grade crawl space" means an enclosed area below the base flood elevation in which the interior grade is not more than two (2) feet below the lowest adjacent exterior grade and the height, measured from the interior grade of the crawlspace to the top of the crawlspace foundation, does not exceed four (4) feet at any point.

"Critical facility" means facilities for which even a slight chance of flooding might be too great. Critical facilities include, but are not limited to schools, nursing homes, hospitals police, fire and emergency response installations, installations which produce, use or store hazardous materials or hazardous waste.

"Development" means any manmade change to improved or unimproved real estate including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling

operations or storage of equipment or materials located within the area of special flood hazard.

"Flood" or "flooding" means:

1. A general and temporary condition of partial or complete inundation of normally dry land areas from:

a. The overflow of inland or tidal waters

b. The unusual and rapid accumulation of runoff of surface waters from any source.

c. Mudslides (i.e., mudflows) which are proximately caused by flooding as defined in paragraph (1)(b) of this definition and are akin to a river of liquid and flowing mud on the surfaces of normally dry land areas, as when earth is carried by a current of water and deposited along the path of the current.

2. The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding as defined in paragraph (1)(a) of this definition.

"Flood elevation study" [means] an examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations, or an examination, evaluation and determination of mudslide (i.e., mudflow) and/or flood-related erosion hazards.

"Flood insurance rate map (FIRM)" means the official map of a community, on which the Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the community. A FIRM that has been made available digitally is called a Digital Flood Insurance Rate Map (DFIRM).

"Flood insurance study" (FIS). See "Flood elevation study."

"Flood proofing" [means] any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate risk of flood damage to real estate or improved real property, water and sanitary facilities, structures, and their contents.

"Floodway" means 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 a designated height. Also referred to as "Regulatory Floodway."

"Functionally water dependent use" [means] a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water.

"Habitable floor" means any floor usable for living purposes which includes working, sleeping, eating, cooking or recreation, or a combination thereof. A floor used only for storage purposes is not a "habitable floor."

"Highest adjacent grade" means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

"Historic structure" [means] any structure that is:

1. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;

2. Certified or preliminarily determined by the Secretary of the Interior as contrib-

uting to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;

3. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of Interior

"Lowest floor" means the lowest floor of the lowest enclosed area (including basement). An unfinished or floor 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 such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this chapter.

"Manufactured dwelling" means a structure, transportable in one (1) or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured dwelling" does not include a "recreational vehicle" and is synonymous with "manufactured home".

"Manufactured dwelling park or subdivision" means a parcel (or contiguous parcels) of land divided into two (2) or more manufactured dwelling lots for rent or sale.

"Mean sea level." For purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929 or other datum, to which Base Flood Elevations shown on a community's Flood Insurance Rate Map are referenced.

"New construction" means structures for which the "start of construction" commenced on or after the effective date of the ordinance, adopted by the city of Reedsport, codified in this chapter and includes any subsequent improvements to such structures.

"New mobile home/manufactured dwelling park" or "mobile home/manufactured dwelling subdivision": A parcel (or contiguous parcels) of land divided into two (2) or more mobile/manufactured dwelling lots for rent or sale for which the construction of facilities for servicing the lot (including at a minimum the installation of utilities, either final site grading or the pouring of concrete pads and the construction of streets) is completed on or after the effective date of this ordinance codified in this chapter.

"Recreational vehicle" means a vehicle which is:

1. Built on a single chassis;

2. Four hundred (400) square feet or less when measured at the largest horizontal projection;

3. Designed to be self-propelled or permanently towable by a light duty truck; and

4. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel or seasonal use.

"Special Flood Hazard Area" (SFHA). See "area of special flood hazard."

"Start of construction" includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement or other improvement was within one hundred eighty (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 slabs or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured dwelling 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 foundations or the erection of temporary forms; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

"State building code" means the combined specialty codes adopted by the State of Oregon.

"Structure" means a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured dwelling.

"Substantial damage" means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed fifty (50) percent of the market value of the structure before the damage occurred.

"Substantial improvement" means any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds fifty (50) percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage," regardless of the actual repair work performed. The term does not, however, include either:

1. Any project for improvement of a structure to correct existing violations of state or local health, sanitary or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or

2. Any alteration of a "historic structure," provided that the alteration will not preclude the structure's continued designation as a "historic structure".

"Variance" means a grant of relief by the city of Reedsport from the terms of a floodplain management regulation.

"Violation" means the failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in this ordinance is presumed to be in violation until such time as that documentation is provided.

C. General Provisions.

1. Lands to Which this Division Applies. This section shall apply to all areas of special flood hazard areas within the jurisdiction of the city of Reedsport.

2. 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 Douglas County, Oregon, and Incorporated Areas" dated March 23, 2021, with accompanying flood insurance rate maps are hereby adopted by reference and declared to be a part of this chapter. The flood insurance study and FIRM panels are on file at Reedsport City Hall, 451 Winchester Avenue, Reedsport, Oregon.

3. Pursuant to the requirement established in ORS 455 that the city of Reedsport administers and enforces the State of Oregon Specialty Codes, the city of Reedsport does hereby acknowledge that the Oregon Specialty Codes contain certain provisions that apply to the design and construction of buildings and structures located in special flood hazard areas (SFHA). Therefore, this

ordinance is intended to be administered and enforced in conjunction with the Oregon Specialty Codes.

4. All development within special flood hazard areas is subject to the terms of this ordinance and required to comply with its provisions and all other applicable regulations.

5. Penalties for Violation. No structure or land shall hereafter be constructed, located, extended, converted or altered without full compliance with the terms of this division and other applicable regulations. Failure to comply (including violations of conditions and safeguards established in connection with conditions) shall constitute a violation subject to Section 10.04.110 Violations—Penalties. Nothing herein contained shall prevent the city of Reedsport from taking such other lawful action as is necessary to prevent or remedy any violation.

6. Abrogation and Greater Restrictions. This section is not intended to repeal, abrogate or impair any existing easements, covenants or deed restrictions. However, where this section, division and other ordinance, state building code, easement, covenant or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

7. Interpretation. In the interpretation and application of this division all provisions shall be:

a. Considered as minimum requirements;

b. Liberally construed in favor of the governing body;

c. Deemed neither to limit nor repeal any other powers granted under state statutes and rules including the state building code.

8. Warning and Disclaimer of Liability. The degree of flood protection required by this section is considered reasonable for regularity purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by manmade or natural causes. This section does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This section shall not create liability on the part of city of Reedsport, any officer or employee thereof, or the Federal Insurance Administration, for any flood damages that result from reliance on this section or any administrative decision lawfully made thereunder.

D. Administration.

1. Commencement of Development. A permit shall be obtained before construction or development begins within any area laterally (horizontally) within the special flood hazard area established in subsection (C)(2) The development permit shall be required for all structures including manufactured dwellings, as defined in[Section] 10.76.010 B., and for all other development including fill and other development activities, also as set forth in the Section 10.76.010 B.

Application for a permit shall be made on forms furnished by the city of Reedsport and may include, but not be limited to, plans in duplicate drawn to scale showing the nature, location, dimensions and elevations of the area in question; existing or proposed structures, fill, storage of materials, drainage facilities; and the location for the foregoing. Specifically, the following information is required:

a. In riverine flood zones, the proposed elevation (in relation to mean sea level), of the lowest floor (including basement) and all attendant utilities of all new

and substantially improved structures; in accordance with the requirements of [sub-]section D.6;

b. Proposed elevation in relation to mean sea level to which any nonresidential structure will be floodproofed;

c. Certification by a registered professional engineer or architect that the floodproofing methods for any nonresidential structure meet the floodproofing criteria in this section;

d. Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.

e. Base Flood Elevation data for subdivision proposals or other development when required per [sub]sections D.3 and E.1.e.

f. Substantial improvement calculation for any improvement, addition, reconstruction, renovation, or rehabilitation of an existing structure.

g. The amount and location of any fill or excavation activities proposed.

2. Floodplain Administrator. The City Planner and/or Building Inspector are hereby appointed to administer, implement, and enforce this section by granting or denying development permit applications in accordance with its provisions.

3. Duties and Responsibilities of the Floodplain Administrator. Duties of the Floodplain Administrator shall include, but are not limited to:

a. Review all development permits to determine that the permit requirements of this division 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;

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 this section are met.

d. Review all development permits to determine if the proposed development is located in an area where Base Flood Elevation (BFE) data is available either through the Flood Insurance Study (FIS) or from another authoritative source. If BFE data is not available then ensure compliance with the provisions of subsection D.5; and

e. Provide to building officials the Base Flood Elevation (BFE) applicable to any building requiring a development permit.

f. Review all development permit applications to determine if the proposed development qualifies as a substantial improvement as defined in subsection B.

g. Review all development permits to determine if the proposed development activity is a watercourse alteration. If a watercourse alteration is proposed, ensure compliance with the provisions in subsection D.8.

h. Review all development permits to determine if the proposed development activity includes the placement of fill or excavation.

4. Community Boundary Alterations. The Floodplain Administrator shall notify the Federal Insurance Administrator in writing whenever the boundaries of the community have been modified by annexation or the community has otherwise assumed authority or no longer has authority to adopt and enforce floodplain management regulations for a particular area. To ensure that all Flood Hazard Boundary Maps (FHBM) and Flood Insurance Rate Maps (FIRM) accurately represent the community's boundaries. Include within such notification a copy of a map of the community suitable for reproduction, clearly delineating the new corporate limits or new area for which the

community has assumed or relinquished floodplain management regulatory authority.

5. Use of Other Base Flood Data. When base flood data has not been provided in accordance with subsection C.2, the Floodplain Administrator 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 subsections E.2.a, E.2.b and D. For subdivision proposals or other development proposals Base Flood Elevation data shall be generated for all proposals of fifty (50) lots or five (5) acres, whichever is the lesser.

Base Flood Elevations shall be generated for all development proposals in compliance with Oregon Specialty Codes, with the exception of development proposals located within a riverine Zone A. Development proposals located within a riverine Zone A shall be reasonably safe from flooding. The test of reasonableness includes use of historical data, high water marks, photographs of past flooding, etc., where available. Failure to elevate the lowest floor at least two (2) feet above grade in these zones may result in higher insurance rates.

6. Information to be Obtained and Maintained. The Floodplain Administrator shall:

a. Obtain and record the elevation (in relation to mean sea level) of the natural grade of the building site for a structure prior to the start of construction and the placement of any fill and ensure that the requirements of [sub]section D are adhered to.

b. Upon placement of the lowest floor of a structure (including basement) but prior to further vertical construction, obtain an Elevation Certificate (EC) recording the actual elevation (in relation to mean sea level) of the lowest floor (including basement), all attendant utilities in place, and the location and height of all flood openings.

c. For all new or substantially improved floodproofed structures obtain an As-built Elevation Certificate (EC) recording the actual elevation (in relation to mean sea level) of the lowest floor (including basement), all attendant utilities, and the location and height of all flood openings, prior to the final inspection, and:

i. Verify and record the elevation (in relation to mean sea level),

ii. Maintain the floodproofing certifications required in this section.

d. Record and maintain all variance actions, including justification for their issuance;

e. Obtain and maintain all hydrologic and hydraulic analyses performed as required under [cite appropriate sub section of code.}

f. Record and maintain all Substantial Improvement and Substantial Damage calculations and determinations as required under [subsection] D.7.

g. Maintain for public inspection all records pertaining to the provisions of this division.

7. The Floodplain Administrator shall conduct Substantial Improvement (SI) (as defined in [sub]section B) reviews for all structural development proposal applications and maintain record of SI calculations within permit files in accordance with [sub]section D.3.a. Conduct Substantial Damage (SD) (as defined in [sub]section B) assessments when structures are damaged due to a natural hazard event or other causes. Make SD determinations whenever structures within the special flood hazard area (as established in [sub]section C.2 are dam-

aged to the extent that the cost of restoring the structure to its before damaged condition would equal or exceed fifty (50) percent of the market value of the structure before the damage occurred.

8. Alteration of Watercourses. The Community Development Planner shall:

a. Notify adjacent communities and the Department of Land Conservation and Development, Department of State Lands, and other appropriate state and federal agencies prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Insurance Administration as a Letter of Map Revision (LOMR) along with either:

i. A proposed maintenance plan to assure the flood carrying capacity within the altered or relocated portion of the watercourse is maintained; or

ii. Certification by a registered professional engineer that the project has been designed to retain its flood carrying capacity without periodic maintenance.

b. Require that the flood carry capacity within the altered or relocated portion of said watercourse is maintained. Require that maintenance is provided within the altered or relocated portion of said watercourse to ensure that the flood carrying capacity is not diminished. Require compliance with [sub]sections D.8.a and D.8.c.

c. Require that the applicant shall notify FEMA within six (6) months of project completion when an applicant has obtained a Conditional Letter of Map Revision (CLOMR) from FEMA, or when development altered a watercourse, modified floodplain boundaries, or modified Base Flood Elevations (BFE). This notification to FEMA shall be provided as a Letter of Map Revision (LOMR).

9. Interpretation of Flood Insurance Rate Map. The Floodplain Administrator shall make interpretations where needed as to exact locations of the boundaries of the areas of special flood hazards. (For example, if there appears to be a conflict between a mapped boundary and actual field conditions.)

E. Provisions for Flood Hazard Reduction.

1. General Standards. In all areas of special flood hazards, the following standards are required:

a. Anchoring.

i. All new construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure.

ii. New or substantially improved manufactured dwellings shall be anchored to prevent flotation, collapse, and lateral movement during the base flood. 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), and;

b. Construction Materials and Methods.

i. All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.

ii. All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.

iii. Electrical, heating, ventilating, air-conditioning, plumbing, duct systems, and other equipment and service facilities shall be elevated above the base flood elevation or shall be designed and installed to prevent water from entering or accumulating within the components and to resist hydrostatic and hydrodynamic loads and stresses, including the effects of buoyancy, during conditions of flooding. In addition, electrical,

heating, ventilating, air-conditioning, plumbing, duct systems, and other equipment and service facilities, if replaced as part of a substantial improvement, shall meet all the requirements of this section.

c. Utilities.

i. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system.

ii. 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.

iii. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding consistent with the Oregon Department of Environmental Quality standards.

d. Tanks.

i. Underground tanks shall be anchored to prevent flotation, collapse and lateral movement under conditions of the base flood.

ii. Above-ground tanks shall be installed at or above the base flood elevation or shall be anchored to prevent flotation, collapse, and lateral movement under conditions of the base flood.

e. Subdivision Proposals.

i. All subdivision proposals shall be consistent with the need to minimize flood damage.

ii. All subdivision proposals shall have public utilities and facilities such as sewer, electrical and water systems located and constructed to minimize flood damage.

iii. All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage.

iv. All subdivision proposals of fifty (50) lots or five (5) acres whichever is the lesser shall include Base Flood Elevation data in compliance with [sub]sections D.3 and D.5.

f. Structures that Straddle Flood Zone Boundaries.

i. When a structure is located in multiple flood zones on the community's Flood Insurance Rate Maps (FIRM) the provisions for the more restrictive flood zone shall apply.

ii. When a structure is partially located in a special flood hazard area (SFHA), the entire structure shall meet the requirements for new construction and substantial improvements.

2. Specific Standards. In all areas of special flood hazards where base flood elevation data has been provided as set forth in subsection C.2 or C.4, the following provisions are required in addition to the general standards:

a. Flood Openings. Enclosed areas below the base flood elevation, including crawl spaces shall:

i. Be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters.

ii. Be used solely for parking, storage, or building access

iii. Be certified by a registered professional engineer or architect or must meet or exceed the following minimum criteria:

A. A minimum of two (2) openings;

B. the total net area of non-engineered openings shall be not less than one (1) square inch for every square foot of enclosed area where the enclosed area is measured on the exterior of the enclosure walls.

C. The bottom of all openings shall be no higher than one (1) foot above grade.

D. Openings may be equipped with screens, louvers, or other coverings or devices provided that they shall allow the automatic flow of floodwater into and out of

the enclosed areas and shall be accounted for in the determination of the net open area.

E. All additional higher standards for flood openings in the State of Oregon Residential Specialty Codes Section R322.2.2 shall be complied with when applicable.

iv. For structures that require building permits under the State of Oregon Specialty Code, flood openings shall be installed such that the comply with [sub]section E.2.i—iii and the following provisions:

A. There shall be not less than two (2) openings on different sides of each enclosed area; if a building has more than one (1) enclosed area below the base flood elevation each area shall have openings,

B. Openings shall be permitted to be installed in doors and windows on the condition that they fully comply with the requirements for flood openings stated in this section.

b. Residential Construction.

i. New construction and substantial improvement of any residential structure shall have the lowest floor, including basement, elevated a minimum of one (1) foot above base flood elevation.

ii. Enclosed areas below the lowest floor shall comply with the flood opening requirements in subsection E.2.a.

c. Garages.

i. Attached garages may be constructed with the garage floor slab below the base flood elevation (BFE) if the following requirements are met:

A. The floors are at or above grade on not less than one side;

B. The garage is used solely for parking, building access, and/or storage;

C. The garage is constructed with flood openings in compliance with [sub]section E.2.a to equalize hydrostatic flood forces on exterior walls by allowing for the automatic entry and exit of floodwater.

D. The portions of the garage constructed below the BFE are constructed with materials resistant to flood damage;

E. The garage is constructed in compliance with the standards in [subsection] E.1; and

F. The garage is constructed with electrical, and other service facilities located and installed so as to prevent water from entering or accumulating within the components during conditions of the base flood.

ii. Detached garages must be constructed in compliance with the standards for appurtenant structures in [sub]section E.2.i.

d. Nonresidential Construction.

i. New construction and substantial improvement of any commercial, industrial or other nonresidential structure shall

A. Have the lowest floor, including basement, elevated at or above the base flood elevation; or, together with a utility and sanitary facilities, shall:

B. Be floodproofed so that below the base flood elevation, the structure is watertight with walls substantially impermeable to the passage of water;

C. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy;

D. Be certified by a registered professional engineer or architect that the standards of practice for meeting provisions of this subsection are based on their development and/or review of the structural design, specifications, and plans. Such certifications shall be provided to the Floodplain Administrator as set forth in subsection D.6;

ii. Nonresidential structures that are elevated, not floodproofed, shall comply with the standards for enclosed areas below the lowest floor in [subsection] E.2.a.

iii. Applicants floodproofing nonresidential buildings shall be notified that flood insurance premiums will be based on rates

that are one (1) foot below the floodproofed level (e.g., a building constructed to the base flood elevation will be rated as one (1) foot below that level).

e. Reserved.

f. All manufactured dwellings that are to be placed or substantially improved within zones A1-A30, AH, and AE on Reedsport's FIRM on sites.

i. The bottom of the longitudinal chassis frame beam shall be at or above base flood elevation;

ii. The manufactured dwelling chassis is elevated as required in [subsection] f.i.) and is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than thirty-six (36) inches in height above grade and be securely anchored to an adequately designed foundation system to resist flotation, collapse and lateral movement.

iii. New, replacement, or substantially improved manufactured dwellings supported on solid foundation walls shall be constructed with flood openings that comply with [sub]section E.2.a;

iv. New, replacement, or substantially improved manufactured dwellings shall be anchored to prevent flotation, collapse, and lateral movement during the base flood. 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), and;

v. Electrical crossover connections shall be a minimum of twelve (12) inches above base flood elevation (BFE).

g. Recreational Vehicles: Recreational vehicles placed on sites are required to either:

i. Be on the site for fewer than one hundred eighty (180) consecutive days,

ii. Be fully licensed and ready for highway use, on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions, or

iii. Meet the requirements of subsections e. and E.2.f above, including the elevation and anchoring requirements for manufactured dwellings.

h. Below-grade crawl spaces: Below-grade crawl spaces allowed subject to the following standards as found in FEMA Technical Bulletin 11-01, Crawlspace Construction for Buildings Located in special flood hazard areas:

i. The building must be designed and adequately anchored to resist flotation, collapse, and lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy. Hydrostatic loads and the effects of buoyancy can usually be addressed through the required openings stated in subsection ii (below). Because of hydrodynamic loads, crawlspace construction is not allowed in areas with flood velocities greater than five (5) feet per second unless the design is reviewed by a qualified design professional, such as a registered architect or professional engineer. Other types of foundations are recommended for these areas.

ii. The crawl space is an enclosed area below the base flood elevation (BFE) and, as such, must have openings that equalize hydrostatic pressures by allowing the automatic entry and exit of floodwaters. The bottom of each flood vent opening can be no more than one (1) foot above the lowest adjacent exterior grade.

iii. Portions of the building below the BFE must be constructed with materials resistant to flood damage. This includes not only the foundation walls of the crawlspace used to elevate the building, but also any joists, insulation, or other materials that

extend below the BFE. The recommended construction practice is to elevate the bottom of joists and all insulation above BFE.

iv. Any building utility systems within the crawlspace must be elevated above BFE or designed so that floodwaters cannot enter or accumulate within the system components during flood conditions. Ductwork, in particular, must either be placed above the BFE or sealed from floodwaters.

v. The interior grade of a crawlspace below the BFE must no be more than two (2) feet below the lowest adjacent exterior grade.

vi. The height of the below-grade crawl space, measured from the interior grade of the crawlspace to the top of the crawlspace foundation wall, must not exceed four (4) feet at any point. The height limitation is the maximum allowable unsupported wall height according to the engineering analyses and building code requirements for flood hazard areas.

vii. There must be an adequate drainage system that removes floodwaters from the interior area of the crawl space. The enclosed area should be drained within a reasonable time after a flood event. The type of drainage system will vary because of the site gradient and other drainage characteristics, such as soil types. Possible options include natural drainage through porous, well-drained soils and drainage systems such as perforated pipes, drainage tiles or gravel or crushed stone drainage by gravity or mechanical means.

viii. The velocity of floodwaters at the site should not exceed five (5) feet per second for any crawlspace. For velocities in excess of five (5) feet per second, other foundation types should be used. Before regulatory floodway: In areas where a regulatory floodway has not been designated, no new construction, substantial improvements, or other development (including fill) shall be permitted within zones A1-30 and AE on the community's FIRM, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one (1) foot at any point within the community.

i. Appurtenant (Accessory) Structures: Relief from elevation or floodproofing requirements for residential and nonresidential structures in riverine (non-coastal) flood zones may be granted for appurtenant structures that meet the following requirements:

i. Appurtenant structures must only be used for parking, access, and/or storage and shall not be used for human habitation;

ii. In compliance with State of Oregon Specialty Codes, appurtenant structures on properties that are zoned residential are limited in size to less than two hundred (200) square feet, or four hundred (400) square feet if the property is greater than two (2) acres in area and the proposed appurtenant structure will be located a minimum of twenty (20) feet from all property lines. Appurtenant structures on properties that are zoned as nonresidential are limited in size to one hundred twenty (120) square feet.

iii. The portions of the appurtenant structure located below the base flood elevation must be built using flood resistant materials;

iv. The appurtenant structure must be adequately anchored to prevent flotation, collapse, and lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy, during conditions of the base flood.

v. The appurtenant structure must be designed and constructed to equalize hydrostatic flood forces on exterior walls and comply with the requirements for flood openings in [sub]section E.2.a;

vi. Appurtenant structures shall be located and constructed to have low damage potential;

vii. Appurtenant structures shall not be used to store toxic material, oil, or gasoline, or any priority persistent pollutant identified by the Oregon Department of Environmental Quality unless confined in a tank installed incompliance with [sub]section E.1.d.

viii. Appurtenant structures shall be constructed with electrical, mechanical, and other service facilities located and installed so as to prevent water from entering or accumulating within the components during conditions of the base flood.

F. Floodways. Located within areas of special flood hazard established in subsection C.2 are areas designated as floodways. 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:

a. Certification by a registered professional civil engineer is provided demonstrating through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed encroachment shall not result in any increase in flood levels during the occurrence of the base flood discharge; or

b. A Conditional Letter of Map Revision (CLOMR) is applied for and approved by the Federal Insurance Administrator, and the requirements for such revision as established under Volume 44 of the Code of Federal Regulations, Section 65.12 are fulfilled.

2. If the requirements of subsection F.1. is satisfied, all new construction, substantial improvements, and other development shall comply with all applicable flood hazard reduction provisions of subsection D. and E. New installations of manufactured dwellings are prohibited (2002 Oregon Manufactured Dwelling and Park Specialty Code). Manufactured dwellings may only be located in floodways according to one (1) of the following conditions:

a. If the manufactured dwelling already exists in the floodway, the placement was permitted at the time of the original installation, and the continued use is not a threat to life, health, property, or the general welfare of the public; or

b. A new manufactured dwelling is replacing an existing manufactured dwelling whose original placement was permitted at the time of installation and the replacement home will not be a threat to life, health, property, or the general welfare of the public and it meets the following criteria:

i. As required by 44 CFR Chapter 1, Subpart 60.3(d)(3), it must be demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practices that the manufactured dwelling and any accessory buildings, accessory structures, or any property improvements (encroachments) will not result in any increase in flood levels during the occurrence of the base flood discharge;

ii. The replacement manufactured dwelling and any accessory buildings or accessory structures (encroachments) shall have the bottom of the longitudinal chassis frame beam elevated to or above the base flood elevation;

iii. The replacement manufactured dwelling is placed and secured to a foundation support system designed by an Oregon professional engineer or architect and approved by the authority having jurisdiction and is anchored in compliance with the standards in [subsection] E.2.f;

iv. The replacement manufactured dwelling, its foundation supports and any accessory buildings, accessory structures, or property improvements (encroachments) do not displace water to the degree that it causes a rise in water level or diverts water in a manner that causes erosion or damage to other properties;

v. The location of a replacement manufactured dwelling is allowed by the local planning department's ordinances; and

vi. Any other requirements deemed necessary by the authority having jurisdiction.

G. Variance Procedure. The granting of a variance under this subsection is for floodplain management purposes only. Flood insurance premium rates are determined by federal statute according to actuarial risk and will not be modified by the granting of a variance.

1. The Planning Commission shall hear and decide appeals and requests for variances from the requirements of the flood hazard provisions of this division. The Planning Commission shall consider all technical evaluations, all relevant factors, standards specified in other sections of this division, and:

a. The danger that materials may be swept onto other lands to the injury of others;

b. The danger to life and property due to flooding or erosion damage;

c. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;

d. The importance of the services provided by the proposed facility to the community;

e. The necessity to the facility of a waterfront location, where applicable;

f. The availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;

g. The compatibility of the proposed use with existing and anticipated development;

h. The relationship of the proposed use to the comprehensive plan and flood plain management program for that area;

i. The safety of access to the property in times of flood for ordinary and emergency vehicles;

j. The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site; and

k. The costs of providing government services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems, and streets and bridges.

2. Upon consideration of the foregoing factors and the purposes of this division, the Planning Commission may attach such conditions to the granting of variances as it deems necessary to further the purposes of this division.

3. The City Planner shall maintain the records of all appeal actions and report any variances to the Federal Insurance Administration upon request.

4. Conditions for Variances.

a. Generally, variances may be issued is for new construction and substantial improvements to be erected on a lot of one-half (½) acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood elevation, in conformance with the provisions of d. and e. below. As the lot size increases the technical justification required for issuing the variance increases.

b. Variances may be issued for the repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.

c. Variances shall not be issued within a designated floodway if any increase in flood levels during the base flood discharge would result.

d. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

e. Variances shall only be issued upon:

i. A showing of good and sufficient cause;

ii. A determination that failure to grant the variance would result in exceptional hardship to the applicant;

iii. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense; create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.

f. Variances as interpreted in the National Flood Insurance Program are based on the general zoning law principle that they pertain to a physical piece of property; they are not personal in nature and do not pertain to the structure, its inhabitants, economic or financial circumstances. They primarily address small lots in densely population residential neighborhoods. As such, variances from the flood elevations should be quite rare.

g. Variances may be issued for nonresidential buildings in very limited circumstances to allow a lesser degree of floodproofing than watertight or dry-floodproofing, where it can be determined that such action will have low damage potential and comply with other variance criteria.

h. Variances may be issued for new construction and substantial improvements and for other development necessary for the conduct of a functionally water dependent use provided that the criteria of section (b) - (e) are met (if applicable), and the structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threats to public safety.

i. Any applicant to whom a variance is granted shall be given written notice that the issuance of a variance to construct a structure below the base flood elevation will result in increased premium rates for flood insurance and that such construction below the base flood elevation increases risks to life and property. Such notification and a record of all variance actions, including justification for their issuance shall be maintained in accordance with [sub]section D.6. (Ord. No. 2021-1186, Exh. A, 2-1-2021; Ord. No. 2020-1176, 3-2-2020; Ord. No. 2015-1139, § 2, 1-5-2015; Ord. No. 2010-1099, § 1, 2-1-2010; Ord. 2003-1038 (part))

10.76.020 Parking.

At the time of erection of a new structure or at the time of enlargement or change in use of an existing structure, off-street parking spaces shall be provided in accordance with this section. In an existing use, the parking space shall not be eliminated if elimination would result in less space than is required by this section. Where square feet are specified, the area measured shall be the gross floor area necessary to the functioning of the particular use but shall exclude restrooms, hallways and storage ar-

eas. Where employees are specified, persons counted shall be those working on the premises during the largest shift at peak season, including proprietors.

A. Design and Improvement Requirements for Parking Lots.

1. All parking areas and driveway approaches other than residential shall have a hard surface such as asphalt or concrete. Residential driveway approaches shall have a hard surface such as asphalt or concrete for a minimum distance of fifteen (15) feet back from the curb. All parking areas, except those in conjunction with a single-family or two-family dwelling, shall require grading plan approval from the City Engineer.

2. Parking areas for other than single- and two-family dwellings shall be designed so that no backing movements or other maneuvering within a street other than an alley shall be required.

3. Parking spaces along the outer boundaries of a parking area shall be contained by a curb or bumper so placed to prevent a motor vehicle from extending over adjacent property or a public right-of-way.

4. Access aisles shall be of sufficient width for all vehicular turning and maneuvering.

5. Service drives to off-street parking areas shall be designed and constructed to facilitate the flow of traffic, provide maximum safety of traffic access and egress, and maximum safety of pedestrian and vehicular traffic on the site. The number of service drives shall be limited to the minimum that will allow the property to accommodate and service the traffic to be anticipated.

6. Standard parking spaces shall be a minimum of nine (9) feet by eighteen (18) feet. Spaces for compact cars shall be a minimum of eight (8) feet by sixteen (16) feet.

7. No more than twenty-five (25) percent of spaces required for a structure or use shall be sized for compact cars.

8. All parking spaces shall be sufficiently marked with painted stripes or other permanent markings acceptable to the Community Development Planner.

9. Accessible parking spaces shall be required in accordance with ORS 447.210 to 447.280.

B. Off-street parking spaces for all uses shall be located on the same lot as the use they serve. If the lot size is inadequate, the owner may obtain the required off-street parking spaces through purchase, lease or a joint agreement with another landowner provided that:

1. The parking facility is located in the same or less restricted use zone;

2. The parking facility shall be no further than four hundred (400) feet from the building or use required to have the parking facility;

3. Substantial written proof of a lease or a joint use agreement be presented to the

City Manager. In the event of a joint agreement, owners of two (2) or more uses, structures or parcels of land may agree to use the same parking spaces jointly, provided the hours of operation do not overlap.

C. Credit may be given for required off-street spaces if a public parking lot is within four hundred (400) feet of the proposed use and only if it has been determined by the City Manager or his designee that no other alternatives exist to provide the required spaces on site.

D. The provision and maintenance of off-street parking spaces and landscape are continuing obligations of the property owner. No building, zoning or other permit shall be issued until plans are presented that show parking space. The subsequent use of property for which the permit is issued shall be conditional upon the unqualified continuance and availability of the amount of parking space required by this division.

E. Should the owner or occupant of a lot or building change or increase the use to which the lot or building is put, thereby increasing by more than two (2) spaces the number of spaces needed to meet the requirements of this division, it shall be unlawful and a violation of this division to begin or maintain such altered use until the required increase in off-street parking is provided.

F. In the event several uses occupy a single structure or parcel of land, the total requirements for off-street parking shall be the sum of the requirements of the several uses computed separately.

G. Required parking spaces shall be available for the parking of operable passenger automobiles of residents, customers, patrons and employees only, and shall not be used for the storage of vehicles or materials or for the parking of trucks used in conducting the business or use and shall not be used for sale, repair or servicing of any vehicle.

H. In any residential district, all off-street motor vehicles incapable of movement under their own power (except in an emergency) shall be stored in a garage, carport or completely screened place.

I. Space requirements for parking shall be as listed in this section. Fractional space requirements shall be counted as a whole space. When square feet are specified, the area measured shall be the gross floor area of the building excluding restrooms, hallways and storage areas.

USE		SPACE REQUIREMENT
Residential:		
1.	Single-family and two-family dwelling	2 spaces per dwelling unit
2.	Multiple-family dwelling	3 spaces per 2 dwelling units
3.	Motel or hotel	1 space per guest room and 1 additional space for the owner or manager
4.	Mobile home park	2 spaces per dwelling unit and 1 guest space for each 5 mobile home spaces
Institutional:		
5.	Hospital, nursing home	1 space per 2 beds
6.	Retirement center	1 space per 2 dwelling units
7.	Assisted living facility	1 space per 2 dwelling units

USE		SPACE REQUIREMENT
Places of Assembly:		
8.	Church	1 space for 4 seats or every 8 feet of bench length in the main auditorium or 1 space per 50 square feet of floor area in main auditorium if there is no fixed seating
9.	Library, reading room, museum and art gallery	1 space per 400 square feet of floor area plus 1 space per employee
10.	Preschool, nursery, kindergarten, child care center	2 spaces per teacher; plus off-street loading and unloading facility
11.	Elementary or junior high school	1 space per classroom plus 1 space per administrative employee or 1 space per 4 seats or every 8 feet of bench length in the main auditorium, whichever is greater
12.	High school	1 space per classroom plus 1 space per administrative employee plus 1 space for each 6 students or 1 space per 4 seats or 8 feet of bench length in the main auditorium, whichever is greater
13.	Other auditorium, lodges	1 space per 4 seats or every 8 feet of bench length or 1 space for each 50 square feet of floor area if there is no fixed seating
Commercial:		
14.	Stadium, arena, theater	1 space per 4 seats or every 8 feet of bench length or 1 space for each 50 square feet of floor area if there is no fixed seating
15.	Bowling alley	5 spaces per alley plus 1 space per 2 employees
16.	Dance hall, skating rink	1 space per 100 square feet of floor area plus 1 space per 2 employees
17.	Retail store except as subsection (I)(2) of this section	1 space per 200 square feet of floor area, plus 1 space per employee
18.	Service or repair shop, retail store handling exclusively bulk merchandise such as automobiles and furniture	1 space per 600 square feet of floor area plus 1 space per employee
19.	Bank, office (except medical and dental)	1 space per 600 square feet of floor area plus 1 space per employee
20.	Medical and dental clinic	1 space per 300 square feet of floor area plus 1 space per employee
21.	Eating or drinking establishment	1 space per 100 square feet of floor area

USE		SPACE REQUIREMENT
22.	Mortuaries	1 space per 4 seats or every 8 feet of bench length in chapels, or 1 space for each 50 square feet of chapel area if there is no fixed seating
Industrial:		
23.	Storage warehouse, manufacturing establishment, rail or trucking freight terminal	1 space per employee
24.	Wholesale establishment	2 spaces per employee plus 1 space per 700 square feet of patron serving area
25.	Sports, health and indoor recreation facilities	1 space per 300 square feet
26.	Outdoor recreation	Subject to site plan review

J. Other uses not specifically listed above shall be determined by Community Development Planner and such determination shall be based upon the requirements for the most comparable building or uses specified herein. A decision of the director may be appealed to the Planning Commission.

K. An engineered plan drawn to scale, indicating how the off-street parking and loading requirement is to be fulfilled, shall accompany the application for a building permit. The plan shall show all those elements necessary to indicate that these requirements are being fulfilled and shall include but not be limited to:

1. Access to streets, alleys and properties to be served;

2. Circulation area necessary to serve spaces;

3. Curb cuts;

4. Delineation of individual parking spaces;

5. Delineations of all structures or other obstacles to parking and circulation on the site;

6. Dimensions, continuity and substance of screening;

7. Grading, drainage, surfacing and subgrading details;

8. Specifications as to signs and bumper guards.

L. Off-Street Loading.

1. Schools. A driveway designed for continuous forward flow of passenger vehicles for the purpose of loading and unloading children shall be located on the site of any school having a capacity greater than twenty-five (25) students.

2. Merchandise, Materials or Supplies. Buildings or structures to be built or substantially altered to receive and distribute material or merchandise by truck, shall provide and maintain off-street loading berths in sufficient numbers and size to adequately handle the needs of the particular use. If loading space has been provided in connection with an existing use or is added to an existing use, the loading space shall not be eliminated if elimination would result in less space than is required to adequately handle the needs of the particular use. Off-street parking areas used to fulfill the requirements of this division shall not be used for loading and unloading operations except during periods of the day when not required to take care of parking needs.

3. Every hospital, institution, hotel, commercial or industrial building hereafter erected or established having a gross area of at least ten thousand (10,000) square feet shall provide and maintain at least one (1) off-street loading space plus one (1) additional off-street loading space for each additional twenty thousand (20,000) square feet of gross floor area. Each loading space shall be not less than ten (10) feet wide, twenty-five (25) feet in length with fourteen (14) feet of height clearance.

M. The provisions and maintenance of off-street parking and loading spaces shall be continuing obligations of the property owner. No building permit shall be issued until plans are presented that show property that is and will remain available for exclusive use of off-street parking and loading space. The subsequent use of property for which the building permit is issued shall be conditional upon the unqualified continuance and availability of the amount of parking and loading space required by this division.

N. Use of property in violation hereof shall be a violation of this division. Should the owner or occupant of a lot or building change the use to which the lot or building is put, thereby increasing off-street parking or loading requirements, it shall be unlawful and a violation of this division to begin or maintain such altered use until the required increase in off-street parking or loading is provided.

O. Bicycle Parking.

1. Bicycle parking facilities shall be provided as part of new multifamily residential developments of four (4) units or more and new retail, office and institutional developments with more than ten (10) vehicle parking spaces as follows:

Use	Standard
Multifamily residential 4+ units	1 space per dwelling unit
Retail	1 space per 3,000 sq. ft.
Office	1 space per 1,000 sq. ft.
Institutional	1 space per 1,000 sq. ft.

2. Bicycle parking for multifamily developments may be located within garage, storage shed, basement, utility room or similar area.

3. Bicycle parking for retail, office or institutional uses shall be conveniently located with respect to the street and building entrance, but not impede or create a hazard to pedestrians (at least thirty-six (36) inches between bicycles and other obstructions or buildings). (Ord. No. 2015-1139, § 2, 1-5-2015; Ord. 2006-1056 (part); Ord. 2003-1038 (part))

(Ord. No. 2018-1166, 9-10-2018)

Editor's note—Ord. No. 2018-1166, adopted September 10, 2018, amended the title of § 10.76.020 to read as set out herein. Previously § 10.76.120 was titled "Parking and loading."

10.76.024 Access standards.

A. Access onto State Highways.

1. ODOT has responsibility and authority in managing access to state highways. This section outlines the city coordination process with ODOT when an ODOT access permit for direct access to a state highway is required. The city of Reedsport will:

a. Provide applicants with information related to the need for a state access permit;

b. Refer land use permits with direct access to state highways to ODOT; and

c. Require applicants to provide either authorization of an approved state access permit, or a state access permit, prior to a land use application or permit being considered complete.

2. If the applicant and ODOT cannot agree on an access permit, the permit or application will not be accepted as complete.

3. If the applicant agrees to specific conditions for the access permit, the agreement may be referenced in the city's land use decision.

B. Access onto City Streets.

1. No new driveway shall be allowed within one hundred fifty (150) feet of a collector/arterial intersection. Existing lots or parcels that cannot meet these standards shall be limited to one (1) access point per lot.

2. New driveway accesses onto neighborhood or local streets shall be at least twenty-five (25) feet from a curb return, stop bar or crosswalk at a street intersection.

3. Each new access point (street or driveway) should have an access report demonstrating that the street/driveway is safe as designed and meets adequate stacking, site distance and deceleration requirements as set by ODOT, Douglas County and AASHTO.

4. The city may require the closing or consolidation of existing driveways or other vehicle access points, the recording of reciprocal access easements (i.e., for shared driveways), installation of traffic control devices or other mitigation measures as a condition of approval.

5. Access to and from off-street parking areas shall not permit backing onto a public street, except for single-family dwellings. (Ord. No. 2015-1139, § 2, 1-5-2015; Ord. 2006-1056 (part))

10.76.026 Transportation standards.

A. Transportation Facilities Permitted Outright.

1. The following transportation facilities, services and improvement are permitted outright provided they are consistent with the adopted transportation system plan:

a. Operations, maintenance and repair of existing transportation facilities;

b. Improvement projects identified in the adopted transportation system plan;

c. Dedication of right-of-way and the construction of facilities and improvements, where the improvements are consistent with the street standards.

2. Transportation facilities or improvements, including those identified in the transportation system plan, subject to additional standards, such as flood hazard, steep slope hazards, significant natural resources, or estuarine and coastal shoreland areas shall require permit approval of the Planning Department.

3. Transportation facilities or improvements that are not identified in the transportation system plan or not a part of an approved subdivision or partition shall be considered conditional uses subject to the following standards:

a. The project is consistent with the transportation system plan, in terms of the identified function, capacity and performance standards of the surrounding transportation system.

b. The project is compatible with abutting land uses in regard to noise and public safety.

c. The project minimizes environmental impacts compared to other practicable alternatives that meet the same transportation need.

d. Projects that are not consistent with the transportation system plan must be modified or approved through a comprehensive plan amendment to modify the transportation system plan.

B. Coordination of Development Review. The city will provide written notice and opportunity to comment to ODOT and Douglas County for the following land use applications or building permit reviews: reviews that involve a public hearing; land divisions; developments that affect access to a public street or are expected to generate

more than three hundred (300) trips per day; zone changes or comprehensive plan amendments.

C. Transportation Impact Study (TIS) Requirements.

1. Land divisions with more than thirty (30) lots and proposed developments that are expected to generate three hundred (300) or more daily trips shall evaluate the transportation impacts in a transportation impact study (TIS). Such evaluations shall be prepared by a professional engineer or if required by state regulation, a professional transportation engineer at the developer's expense. The TIS shall evaluate the access, circulation and other transportation requirements. The scope of the TIS shall be established by the City Engineer to address issues related to a specific development proposal. If the land use will affect a state highway or county road, then ODOT and/or Douglas County should be consulted on the scope of the TIS.

2. Projects that generate less than three hundred (300) daily trip ends may also be required to provide traffic analysis when, in the opinion of the City Engineer, there is a capacity problem and/or safety concern that is caused or is adversely impacted by the development. The City Engineer shall determine the scope of this special analysis.

3. Trips shall be defined by the Institute of Transportation Engineers (ITE), Trip Generation Manual, 7th Edition (or subsequent documents updates), or trip generation studies of comparable uses prepared by an engineer and approved by the Department of Community Services.

4. Level of Services (LOS). The level of service standard to determine what is acceptable or unacceptable traffic flow on streets shall be based on a volume to capacity ratio. State highways shall continue to operate according to the standards in the Oregon highway plan. Street intersections shall maintain a LOS of "D" during the PM peak hour of the day. A lesser standard may be accepted for local street intersections or driveway access points that intersect with collector or arterial streets, if these intersections are found to operate safely.

5. Mitigation. Where a development causes traffic impacts that bring a road below acceptable levels of service, or impacts a road that is already operating below acceptable levels of service, or impacts a road that has a documented safety problem, the TIS shall identify traffic impacts attributable to the development and appropriate mitigation measures. The developer may be required to implement mitigation measures as a condition of approval. The mitigation measures shall be implemented prior to the final inspection of the building permit for the development.

6. Traffic Signals. Traffic signals shall be required with development when traffic signal warrants are met, in conformance with the Highway Capacity Manual and the Manual of Uniform Traffic Control Devices.

D. Development Standards.

1. Streets within or adjacent to a development site shall be improved in accordance with the Reedsport transportation system plan. The applicant may be required to dedicate adequate public right-of-way and improvements consistent with the functional classification of the adjacent roadway as designated in the Reedsport transportation system plan and as shown in the following table:

	Functional Class					
	4-Lane Arterial	**3-Lane Arterial**	**Collector**	**Neighborhood**	**Local**	**Alley**
Travel lane width	48 ft. (4×12 ft.)	24 ft. (2×12 ft.)	20 ft. (2×11 ft.)	20 ft. (2×10 ft.)	20 ft. (2×10 ft.)	20 ft (2×10 ft.)
Center turn lane (14 ft.)	N/A	14 ft.	N/A	N/A	N/A	N/A
On-street parking (8 ft.)	N/A**	N/A**	16 ft.	16 ft.	8 ft.	N/A
Bike lanes (6 ft.)	12 ft.	12 ft.	N/A*	N/A	N/A	N/A
Sidewalks (6 ft.)	12 ft.	12 ft.	12 ft.	12 ft.	12 ft.	N/A
Paved width	62 ft.	50 ft.	36 ft.	36 ft.	28 ft.	20 ft.
Utility easement	N/A	N/A	10 ft. 2×5 ft.	10 ft. 2×5 ft.	10 ft. 2×5 ft.	N/A
Minimum grade	0.5%	0.5%	0.5%	0.5%	0.5%	0.5%
Maximum grade	6%	6%	15%	15%	20%	20%
Minimum center line radius	400 ft.	400 ft.	200 ft.	200 ft.	100 ft.	100 ft.
Minimum angle of street intersections	80°	80°	80°	80°	80°	80°
Minimum distance between street intersections (same side)	400 ft.	400 ft.	300 ft.	300 ft.	200 ft.	N/A
Minimum distance between street intersections (opp. side)	300 ft.	300 ft.	200 ft.	200 ft.	100 ft.	N/A
Minimum right-of-way width	102 ft.	78 ft.	70 ft.	58 ft.	50 ft.	20 ft.

Notes:

* Six (6) foot bike lanes on each side of the street are not required unless traffic volumes exceed five thousand (5,000) vehicles a day.

** On-street parking on state highways is regulated by ODOT, not the city of Reedsport. "Business district" cross sections include on-street parking paved width.

2. Where appropriate and practicable, the existing street pattern in the immediately surrounding area should be extended onto the site;

3. Where appropriate and practicable, through streets should be provided not more than five hundred (500) feet apart;

4. Where appropriate and practicable, cul-de-sacs or dead end streets should generally not exceed two hundred twenty (220) feet in length and should generally not serve more than twenty-five (25) dwelling units.

E. Pedestrian Circulation.

1. Public sidewalks shall be installed as part of new subdivisions, multifamily developments and within commercial zones. The sidewalks shall extend throughout the development site, including parking areas, and connect to all future phases of development, adjacent schools, public parks and open space areas, whenever possible.

2. Internal Pedestrian Circulation. Developments shall provide sidewalks or pathways that provide safe, reasonable, direct and convenient connections between primary building entrances and all adjacent streets, based on the following standards:

a. Reasonably Direct. A route that does not deviate unnecessarily from a straight line or a route that does not involve a significant amount of out of direction travel for likely users.

b. Safe and Convenient. Bicycle and pedestrian routes that are reasonably free from hazards and provide a reasonably direct route of travel between destinations.

c. For commercial, industrial, mixed use, public and institutional buildings, the "primary entrance" is the main public entrance to the building. In the case where no public entrance exists, connections shall be provided to the main employee entrance.

d. For residential buildings the "primary entrance" is the front door (i.e., facing the street). For multifamily buildings in which each unit does not have its own exterior entrance, the "primary entrance" may be a lobby, courtyard or breezeway which serves as a common entrance for more than one (1) dwelling. (Ord. No. 2015-1139, § 2, 1-5-2015; Ord. 2006-1056 (part))

10.76.028 Landscaping, screening and buffering.

A. Purpose. The purpose of Chapter 10.76.028 is to promote community health, safety, and welfare by setting development standards for landscaping, screening, buffering and street trees. Together, these elements of the natural and built environment contribute to the visual quality, environmental health, and character of the community.

B. Applicability. Except for Temporary Uses, at the time of development of a new structure or at the time of enlargement or change in use of an existing structure, the requirements of this Chapter shall be provided in accordance with this section. Except for single-family and duplex dwelling uses, landscaping standards apply to commercial, industrial, public and semi-public facilities, and multi-family developments. Residential subdivisions that include street trees in the development shall comply with subsection (G) "Street Trees" and subsection (I) "Maintenance and Irrigation".

1. New developments shall meet all landscaping standards.

2. Expansion or modification of an existing development or change in use of an existing structure shall be brought up to current landscaping code requirement in the same proportion as the increase in use and/or building size.

C. Landscaping Plan. A landscape plan is required. All landscape plans shall include the following information:

1. The location and height of existing and proposed fences and walls, buffering or screening materials.

2. The location of existing and proposed terraces, retaining walls, decks, patios, shelters, and play areas.

3. The location, size, and species of the new proposed plant materials (at time of planting).

4. Existing and proposed building and pavement outlines and property line boundaries.

5. Specifications for irrigation and anticipated planting schedule.

6. Other information as deemed appropriate by the City Planning Official.

D. Landscape Area and Planting Standards. The minimum landscaping area is five (5) percent of the lot area, unless the site has ninety-five (95) percent or greater building and off street parking area coverage, in which case the minimum landscaping area may be met with three (3) square feet of planter boxes and/or hanging plants for every twenty-five (25) feet of street frontage. Standards specified herein can be practically applied by the City Planning Official.

1. Except for sites with ninety-five (95) percent building and parking coverage, landscaping shall include planting and maintenance of the following minimum standards:

New Structure, Enlargement of an Existing Structure, or New Use on a Vacant Lot

a. One (1) tree per thirty (30) lineal feet as measured along all lot lines that are adjacent to a street.

b. Six (6) shrubs per thirty (30) lineal feet as measured along all lot lines that are adjacent to a street.

c. A minimum of fifty (50) percent of the required landscaped area and plant materials on-site shall be located in areas within the first twenty (20) feet of any lot line that abuts a street (where practical); plant materials may be installed in any arrangement and do not need to be equally spaced nor linear in design.

i. Where soils are no longer available due to existing paving or structures, planters or similar landscaping devices are allowed.

ii. Required trees may be located within the right-of-way and must comply with Section 10.76.028.H.

iii. Plantings and maintenance shall comply with the vision clearance standards of Section 10.76.080.

Change in Use or Redevelopment of an Existing Structure

a. Plant materials may be installed in any arrangement and do not need to be equally spaced nor linear in design.

iv. Where soils are no longer available due to existing paving or structures, planters or similar landscaping devices are allowed.

v. Trees may be located within the right-of-way and must comply with Section 10.76.028.G.

vi. Plantings and maintenance shall comply with the vision clearance standards of Section 10.76.080.

E. Buffering and Screening. Buffering and screening are required under the conditions listed below. Landscaped buffers may count toward meeting landscape area requirements.

1. Parking Areas. All parking areas shall provide:

a. A curb of not less than six (6) inches in height near abutting streets and interior lot lines. This curb shall be placed to prevent a motor vehicle from encroaching on adjacent private property, public walkways, sidewalks or landscaping.

b. A four (4) foot landscaped area wherever it abuts street right-of-way, except for places of ingress and egress. In areas of extensive pedestrian traffic or when design of an existing parking lot makes the requirements of this subsection unfeasible, the City may approve other landscaped areas on the property in lieu of the required four (4) foot landscaped area.

2. Screening of Outdoor Refuse Containers, Outdoor Storage, Mechanical Equipment, and Other Screening When Required. All outdoor refuse containers, outdoor storage and manufacturing, outdoor mechanical equipment shall be screened from view from all abutting public streets

and abutting Residential districts (abutting residential districts are those that lie directly adjacent to or share a boundary).

a. When these or other areas are required to be screened, such screening shall be provided by:

i. A decorative wall or fence (i.e., masonry, wood or similar quality material),

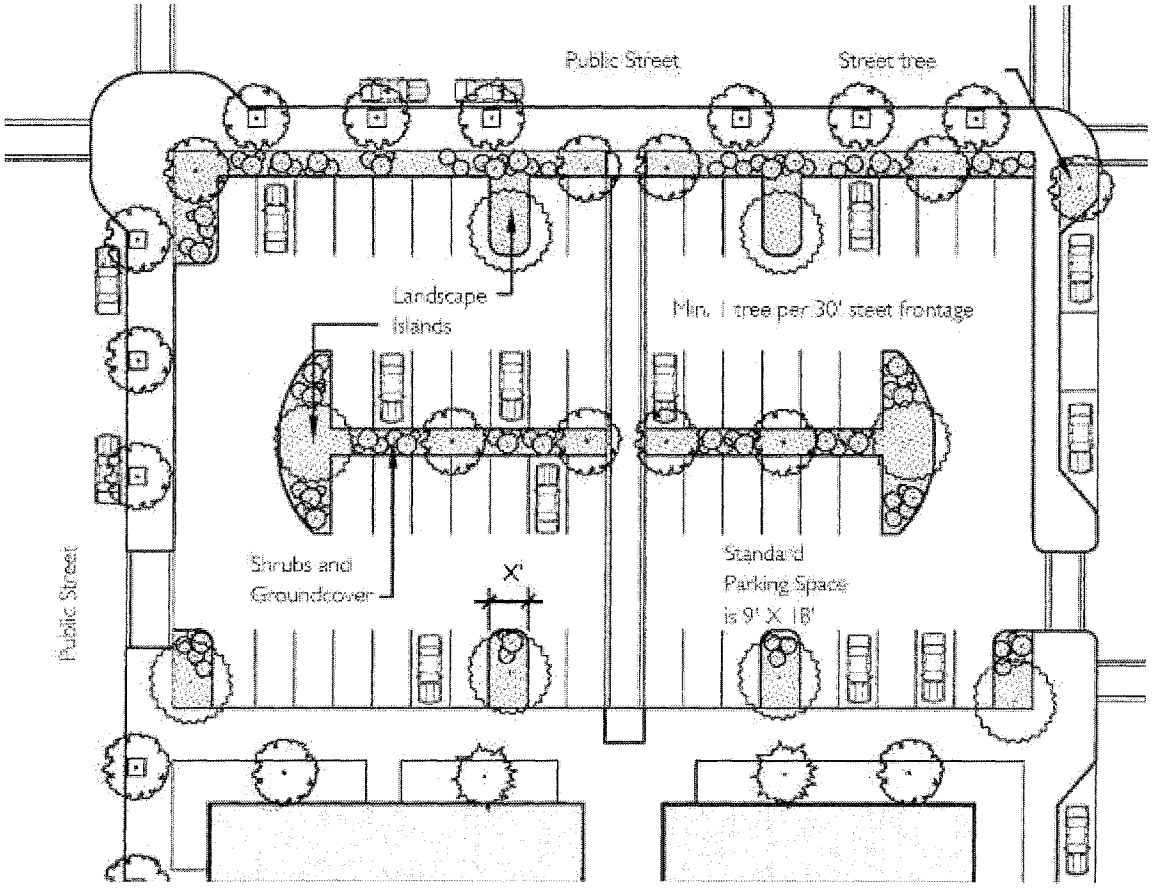
ii. Evergreen hedge, or

iii. A similar feature that provides a quality sight obscuring barrier.

b. Walls, fences, and hedges shall comply with the vision clearance requirements of Section 10.76.080.

3. Abutting Land Use Buffers and Screening. When a commercial, industrial, or other non-residential use abuts a residential district or residential land use (lies directly adjacent to or shares a boundary), a visual and noise buffer with screening shall be established and maintained immediately adjacent to the residential property line. In no case shall the buffer strip be less than twelve (12) feet in width unless reduced by the City where a lesser distance will provide adequate buffering. The buffer strip may include existing vegetation, landscape plantings, evergreen hedge, berm, fence, and/or wall components. Screening shall be provided with a solid fence or wall and/or evergreen hedge. Fence, wall and evergreen hedge shall be not less than six (6) feet and no more than eight (8) feet in height (also see Section 10.76.070).

Figure 1 General Landscape Areas (Typical)



F. Parking Lot Landscape Standards. All parking lots shall meet Parking Area Improvement Standards set forth in Section 10.76.020 "Parking and Loading." Parking areas with more than twenty (20) spaces shall include interior landscaped "islands" to break up the parking area. Interior parking lot landscaping shall count toward the minimum landscaping requirement of Section 10.76.028.D. The following standards apply:

1. Parking islands shall be evenly distributed to the extent practicable with a minimum of one (1) tree installed per island;

2. Species selection for trees and shrubs shall consider vision clearance safety requirements and trees shall have a high graft (lowest limb a minimum of five (5) feet high from the ground) to ensure pedestrian access.

G. Street Trees. Street trees are trees located within the right-of-way. Permission from the applicable jurisdiction, the City or the Oregon Department of Transportation, is required prior to installation of street trees. When street trees are installed, the following standards apply.

1. Street Tree Selection. Trees shall be selected based on climate zone, growth characteristics and site conditions, including available space, overhead clearance, soil conditions, exposure, and desired color and appearance. Street tree species selection must receive City approval prior to installation.

2. Caliper Size. The minimum diameter or caliper size at planting, as measured six (6) inches above grade, is one and one-half (1½) inches with a high graft (lowest limb a minimum of five (5) foot high from the ground) to ensure pedestrian access.

3. Spacing and Location. Street trees shall be planted within the street right-of-way within existing and proposed planting strips or in sidewalk tree wells on streets without planting strips, except when utilities prohibit installation in these locations. Street tree spacing shall be based upon the type of tree(s) selected and the canopy size at maturity and, at a minimum, the planting area shall contain sixteen (16) square feet, or typically, a four (4) foot by four (4) foot square. In general, trees shall be spaced no more than thirty (30) feet apart, except where planting a tree would conflict with existing trees, retaining walls, utilities and similar physical barriers. All street trees shall be placed outside utility easements, and shall comply with the vision clearance standards of Section 10.76.080.

4. Soil Preparation, Planting and Care. Street trees shall be planted with root guards to preserve the physical integrity of sidewalks and streets. The developer shall be responsible for planting street trees, including soil preparation, ground cover material, staking, and temporary irrigation for three (3) years after planting. The developer shall also be responsible for tree care (pruning, watering, fertilization, and replacement as necessary) during the first three (3) years after planting, after which the adjacent property owners shall maintain the trees.

H. Irrigation. The use of drought-tolerant plant species is encouraged, and may be required when irrigation is not available. Irrigation shall be provided for plants that are not drought-tolerant.

I. Maintenance. If the plantings fail to survive, the property owner shall replace them within one hundred twenty (120) days with an equivalent specimen (i.e., evergreen shrub replaces evergreen shrub, deciduous tree replaces deciduous tree, etc.). All man-made features required by this Code shall be maintained in good condition, or otherwise replaced by the owner.

(Ord. No. 2015-1139, § 2, 1-5-2015)

10.76.030 Temporary uses.

A. Purpose. The purpose of these regulations is to provide standards for the es-

tablishment of temporary businesses and/or uses within the City. A temporary use permit may be approved to allow the limited use of structures or activities which are temporary or seasonal in nature. All temporary structures are required to have appropriate state and local businesses licensing.

B. Review procedure. Applications for temporary uses shall be reviewed as ministerial decisions, unless otherwise specified within this section. The following information shall be provided:

1. The applicant for a temporary use shall submit a competed application with site plan on a form provided by the city.

2. The applicable fee for processing the application, as determined by the current fee resolution set by City Council.

C. Review criteria. The Planning Director shall approve or deny a temporary use application for the following types of temporary uses, based on the corresponding criteria being met:

1. Seasonal or special events and uses.

a. This use occurs for a period not to exceed the limits outlined in subsection (D) (unless approved upon review by the Planning Commission);

b. The use is provided for similar to a use as outlined subsection (D) and does not violate any previous land use decision for the property;

c. The use conforms with all other provisions of this division and does not conflict with City plan or policy;

d. Off street parking shall be provided for all vehicles associated with the gathering

e. The use does not create adverse impacts, including but not limited to, vehicle traffic, noise, odors, vibrations, glare or lights;

f. Signs are allowed in conjunction with the temporary use, as specified in Section 10.76.040 Signs, and shall run concurrent with the duration of the use;

g. The applicant shall be responsible for maintaining all required licenses and permits (e.g. city businesses license, food handlers license, liquor license);

h. Any structure, included as part of the temporary use, must be a temporary structure (self-contained, where applicable) and comply with all building codes and must be removed or stored appropriately upon cessation;

i. The applicant must provide a method for waste disposal and provisions for sanitation; and

j. The applicant shall provide adequate insurance for the event and be responsible for any incident of trespass or vandalism on adjacent or nearby properties.

2. Recreational vehicles or mobile homes used as residential quarters during construction.

a. Refer to Section 10.16.020 for requirements.

3. Temporary Office.

a. The temporary office shall be operated within a pre-fabricated structure that is constructed for movement on the public highway;

b. The temporary office must comply with applicable buildings codes;

c. The temporary office must remain road ready with chassis, wheels and trailer tong attached;

d. The parking requirements of Section 10.76.020 have been met.

4. Temporary Commercial Vendor.

a. The temporary commercial vendor shall be operated using pre-fabricated structure that is constructed for movement on the public highway or from a temporary structure designed to be constructed and removed in one (1) day;

b. Pre-fabricated structures for the sale of food or beverages must be licensed by the state and operators of the use must have a County Health Department license for food and beverage handling;

c. The temporary commercial vendor must remain road ready with chassis, wheels and trailer tong attached;

d. The temporary commercial vendor can be served by public utilities via quick disconnect only;

e. The applicant must provide adequate solid waste disposal and sanitation facilities if not able to be provided by an adjacent building; and

f. Parking requirements as provided for in Section 10.76.020 must be met.

D. Duration and Zone. The following uses may be allowed on a temporary basis as set out under Maximum days allowed and in the corresponding zone designation(s).

Type of use	Maximum days allowed (consecutively, in a calendar year)	Allowable Zone(s)
Christmas tree sales lots	60	C2, PL, CMU
Fireworks sales stands	60	C2, PL, CMU
Circuses, carnivals, fairs, animal & amusement rides	30	C2, PL, CMU
Recreational vehicle during construction	180	RA, R1, R2, C1*
Farmers markets	180	C2, PL, CMU
Individual agricultural product sales stands (vegetable stands)	90	C2, PL, CMU
Construction trailers (office)	180	C2, PL, CMU
Film production studio and trailers	180	C2, PL, CMU
Temporary Commercial Vendors	180	C2, PL, CMU
Other similar temporary uses to the types listed above, at the discretion of the Planning Commission.	TBD	TBD

* Only allowed during construction of a single family dwelling.

E. Lapsing of Approval. An approval for the temporary use by the Director shall lapse if construction or activity on the site is a departure from the approved plan.

F. Renewal. A temporary use permit for the same activity, on the same site may be renewed automatically, upon application, within one (1) year of the expiration date of the previously approved temporary use permit. However, a temporary use permit for a new or different activity on the same site as a previously approved permit shall be processed as a new application.

G. Compliance. At any such time after approval of the application, if the Planning Staff has cause to question the applicant's compliance with the criteria and conditions set forth in this division, the matter shall be referred to the Planning Commission for review.

The Planning Commission may void any temporary use permit for noncompliance with the criteria and conditions set forth in this division.

H. Exemptions. The following exemptions apply to Section 10.076.030:

1. Garage sales are exempt from all requirements of this section.

a. Refer to Chapter 7.16 for Garage sale requirements.

2. Non-profit organizations with proof of tax exempt status are also exempt from the applicable fee for a temporary use permit.

3. No fee shall be assessed for events and gatherings in the (PL) Public/Semi Public Land zone.

(Ord. No. 2015-1139, § 2, 1-5-2015)

Editor's note—Ord. No. 2015-1139, § 2, adopted January 5, 2015, repealed and replaced § 10.76.030 in its entirety. Former § 10.76.030 pertained to home occupation and was derived from Ord. No. 2003-1038 (part).

10.76.035 Marijuana dispensaries.

A. Purpose. The purpose of this section is to minimize any adverse public safety

and public health impacts that may result from allowing marijuana dispensaries in the city, by adopting particular time, place and manner requirements and a separate permitting process for both medical and recreational dispensaries.

This section does not apply to marijuana facilities, as defined in Chapter 10.64.

B. Minimum Standards. All marijuana dispensaries shall possess the required state and local licenses, including a current City of Reedsport Dispensary Operators license. In addition to obtaining the appropriate licenses and permits, the person responsible for a dispensary shall ensure that the following standards are also being met:

1. Medical Marijuana Dispensary. Medical marijuana dispensaries shall not be located:

a. Within one thousand (1,000) feet of a property comprising a school (including nursery school) that is primarily attended by minors, as defined by the Oregon Health Authority;

b. Within one thousand (1,000) feet of another property containing a medical marijuana dispensary in possession of a City of Reedsport Dispensary Operator license:

c. [Reserved.]

♦ For the purpose of this section "within one thousand (1,000) feet" means a straight line measurement in a radius extending for one thousand (1,000) feet or less in every direction from any point on the boundary line of the real property comprising an existing school;

d. Within two hundred (200) feet of a city park; and

♦ For the purpose of this section "within two hundred (200) feet" means a straight line measurement in a radius extending for two hundred (200) feet or less in every direction from any point on the boundary line of the real property of Barron, Centennial, Champion, Henderson and Lion Parks;

e. Within twenty-five (25) feet of the public library property and shall not have a storefront or public access facing the public library;

2. Recreational Marijuana Dispensary. Recreational marijuana dispensaries shall not be located:

a. Within one thousand (1,000) feet of a property comprising a school (including nursery school) that is primarily attended by minors, as defined by the Oregon Liquor Control Commission;

♦ For the purpose of this section "within one thousand (1,000) feet" means a straight line measurement in a radius extending for one thousand (1,000) feet or less in every direction from any point on the boundary line of the real property comprising an existing school;

b. Within two hundred (200) feet of a city park; and

♦ For the purpose of this section "within two hundred (200) feet" means a straight line measurement in a radius extending for two hundred (200) feet or less in every direction from any point on the boundary line of the real property of Barron, Centennial, Champion, Henderson and Lion Parks;

c. At the same site as a medical marijuana dispensary in possession of a City of Reedsport Dispensary Operator license:

d. Within twenty-five (25) feet of the public library property and shall not have a storefront or public access facing the public library;

3. No dispensary shall front a residential zone;

4. Primary entrances shall not be located facing an alleyway;

5. Primary entrances must be located on street-facing facades and clearly visible from a street;

6. No marijuana or paraphernalia shall be displayed or kept in a dispensary so as to be visible from the outside of the licensed premises, including views through doorways, windows, and other openings;

7. The exterior appearance of the structure shall be consistent with the appearance of existing commercial structures in the immediate neighborhood, so as not to cause blight;

8. Parking lots, primary entrances, and exterior walkways shall be sufficiently illuminated to provide after-dark visibility to employees and patrons;

9. Drive-through marijuana dispensaries are prohibited;

10. A marijuana dispensary must operate from a permanent structure and may not be mobile in nature (i.e., operated from a motor vehicle, cargo container, trailer, RV, tent, or similar type of structure or vehicle);

11. Marijuana and tobacco products must not be inhaled (smoked or vaporized), ingested (orally, sublingually or rectally), topically applied or otherwise consumed, in any manner that creates any pharmaceutical effect or chemical includes on a person while on the premises of the dispensary;

12. Sufficient measures and means of preventing odors, debris, fluids and other substances from exiting the dispensary must be in effect at all times;

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

14. The business shall provide for secure disposal of marijuana remnants or by-products; such remnants or by-products shall not be placed within the facility's exterior refuse containers;

15. Outdoor storage of merchandise, raw materials or other material associated with the dispensary is prohibited; and

16. Hours of operation for a marijuana dispensary are limited to Monday through Saturday from 9:00 a.m. to 7:00 p.m. and on Sunday from 9:00 a.m. to 5:00 p.m.;

C. Signage. All marijuana dispensaries shall meet the sign standards as prescribed in Section 10.76.040, applicable OLCC and OHA regulations, and the sign standards contained herein:

1. The proposed development shall display no signage or advertisement that is visible outside of the store, which contains any of the following:

a. Photos or illustrations of minors in the same frame as any words, logos, or photos intended to mean or replace the word marijuana.

(Ord. No. 2021-1187, Exh. A, 2-1-2021; Ord. No. 2015-1143, § 2, 5-4-2015; Ord. No. 2016-1150, § 2, 1-4-2016; Ord. No. 2017-1161, § 2, 4-3-2017)

Editor's note—Ord. No. 2016-1150, § 2, adopted January 4, 2016, amended § 10.76.035, to read as set out herein. Previously § 10.76.035 was titled "Medical marijuana dispensaries."

10.76.040 Signs.

A. Purpose. The provisions of this section are intended to provide an orderly process governing sign placement, alteration and design; establish clear and concise definitions of types of signs; and provide uniform sign standards and fair and equal treatment of sign users.

B. Sign Permits. A sign permit is required for the erection of any new sign or the structural alteration of an existing sign,

except those signs that are classified exempt (non-regulated or temporary) in this division. Application shall be made on forms furnished by the city.

Permits shall be issued only to the sign contractor, the owner, or authorized agent of owner of the business or property.

C. Regulated/Permitted Signs.

1. Animated sign;
2. Awning/canopy;
3. Bulletin/reader boards (non-moving);
4. Electronic reader/message boards (intermittent movement);
5. Free standing sign;
6. Marquee sign;
7. Mural signs;
8. Nameplate signs;
9. Nonconforming sign;
10. Off-premise signs;
11. Outside wall sign;
12. Permanent banners/flags (attraction devices);
13. Projecting sign;
14. Suspended signs.

D. Non-Regulated Signs.

1. Flags;
2. Incidental signs (i.e., no parking, emergency, loading, telephone, restrooms, directional and informational for public facilities, traffic, etc.);
3. Interior signs;
4. Interpretive signs;
5. Memorial signs and plaques;
6. On-premises holiday decorations (in season);
7. Temporary window signs (i.e., sales, specials, etc.);
8. Time and temperature;
9. Menu signs (under forty-eight (48) square feet);
10. Window signage.

E. Temporary Signs.

1. Attraction device signs (i.e., clusters of pinwheels, pennants, balloons, kites etc.);
2. Banners;
3. Construction signs;
4. Garage sale signs;
5. Out of business signs;
6. Political signs;
7. Public event signs;
8. Real estate signs (i.e., for sale, sale pending, etc.);
9. Special sale or message sign;
10. Special event signs.

F. Prohibited Signs.

1. Billboards;
2. Electronic reader/message board (continuous movement);
3. Moving and flashing signs and/or devices (other than emergency or traffic safety oriented);
4. Obscene or indecent signs;
5. Signs that create vision obstruction;
6. Signs interfering with traffic;
7. Vehicles used as signs;
8. Roof signs as defined in this division (other than qualified nonconforming signs).

G. Sign Definitions.

"Animated sign" means any sign that uses movement or change of lighting, either natural or artificial, to depict action or create a special effect or scene.

"Attraction device sign" means any device intended to draw attention to a specific activity (i.e., banners, balloons, kites, lights, pennants, etc.).

"Awning/canopy" means any structure made of cloth, metal, vinyl or similar material with a metal frame attached to a building and projecting over a public way or entrance.

"Awning/canopy sign" means any sign where the name/message/image is incorporated into the awning.

"Billboards" means a freestanding sign which has a single face greater than two hundred (200) square feet in area.

"Bulletin/reader boards" means a sign so designed that the message may be changed

by the removal or addition of specially designed letters that attach to the face of the sign.

"Electronic reader/message boards (intermittent movement)" means a sign on which the only movement is a periodic automatic change of message on a lampbank, use of fiber optics or through mechanical means.

"Electronic reader/message board (continuous movement)" means any sign that displays a message in continuous movement.

"Flag" means any fabric, banner or bunting containing distinctive colors, patterns or symbols, used as a symbol of a government, political subdivision or other entity.

"Free standing sign" means a sign which is attached to or a part of a completely self-supporting structure. The supporting structure (i.e., pole) shall be set firmly in or below the ground surface and shall not be attached to any building or any other structure, whether portable or stationary.

"Incidental sign" means a sign generally informational that has a purpose secondary to the use of the lot on which it is located, such as no parking, entrance, loading only, telephone and other similar directives. No sign with a commercial message legible from a position off the lot on which the sign is located shall be considered incidental.

"Interior signs" means any sign on the inside of a building not intended to be seen from outside.

"Interpretive sign" means a non-commercial sign that conveys an educational message.

"Mansard" means a roof having two (2) slopes on all sides with the lower slope steeper that the upper one.

"Mansard sign" means any sign attached to and made part of a mansard.

"Marquee" means a permanent roofed structure attached to and supported by the building, and projecting over public access.

"Marquee sign" means any sign attached to and made part of a marquee.

"Menu sign" means an outdoor sign advertising bill of fare and prices for restaurants with drive-through windows.

"Moving/flashing sign" means a sign (other than emergency type sign) incorporating intermittent electrical impulses to a source of illumination or revolving in a manner which can change color or intensity of illumination. "Moving/flashing sign" does not include electronic message centers with intermittent movement.

"Mural" means a painted wall highlight or painted wall decoration intended as a decorative or ornamental feature or to highlight a building's architectural or structural features. A mural is absent any message, and/or business identification.

"Mural signs" means a mural as described above with the added feature of a message, business identification and/or lettering. (See general requirements).

"Name plate sign" means non-illuminated, single-faced, wall mounted name plates indicating only the name, address and occupation of the occupant.

"Nonconforming sign" means a sign existing at the effective date of the adoption of the [ordinance co]dified in this division which could not be built under the terms of this division.

"Obscene or indecent signs" means any sign displaying obscenity, nudity, sex, etc. in State ORS Chapter 167.

"Off-premise sign" means any sign placed at a site other than the location of where the activity the sign advertises takes place.

"Outside wall sign" means any sign attached to, erected against, or painted on the

wall of a building or on the face of a marquee with the face in a parallel plane of the structure to which it is attached.

"Portable sign" means any mobile or portable sign or sign structure not securely attached to the ground or to any other structure. (i.e., sandwich board signs).

"Projecting sign" means any sign affixed to a building or wall in such a manner that its leading edge extends more than six (6) inches beyond the surface of such building or wall.

"Roof sign" means any sign erected and constructed wholly on and over the roof of a building, supported by the roof structure and extending vertically above the highest portion of the roof.

"Suspended sign" means a sign that is suspended from the underside of a horizontal plane surface and is supported by such a surface.

"Temporary sign" means any sign including sandwich boards, regardless of construction material, which is not permanently mounted and/or is intended to be displayed for a limited period of time only.

"Vehicle sign" means signs painted on or permanently affixed to lawfully parked and operable motor vehicles or trailers.

"Vehicle used as a sign" means the primary use of a vehicle is as a sign rather than transportation.

"Window sign" means any sign, pictures, symbol, message or combination thereof, designed to communicate information about an activity, business, commodity, event, sale or service, that is placed inside a window or upon the window panes or glass and is visible from the exterior of the window.

H. General Sign Requirements.

1. Abandoned Signs. Except as otherwise provided in this section, any sign that is located on property which becomes vacant and is unoccupied for a period of three (3) months, or any sign which pertains to a time, event, product or purpose which no longer applies, shall be deemed to have been abandoned. An abandoned sign is prohibited and shall be removed by the owner or agent of the owner of the sign and/or premises. An extension of time for removal of signage of an abandoned business may be granted by the Planning Commission upon request filed by the legal owner or agent of the owner of the premises or the person in control of the business.

2. Awning/Canopy Signs. Only the square footage of the actual name/message/logo will be calculated as sign area based on the length of the longest message line and by the distance between the top and bottom message line.

3. Business License. No person shall engage in the business of hanging, rehanging, placing, constructing, installing or structurally altering, or relocating any sign except signs exempted in this division without first having obtained a city business license.

4. Double Frontage. Buildings which contain frontage on two (2) parallel arterial streets or on an arterial street and a waterway, shall be entitled to the maximum allowed sign area for each street frontage.

5. Maintenance. All signs, together with their supporting structures, shall be kept in good repair and maintenance. Signs shall be kept free from excessive rust, corrosion, peeling paint or other surface deterioration. The display surfaces and vegetation surrounding all signs shall be kept in a neat appearance.

6. Materials. A sign subject to a permit shall meet the material and construction method requirements of the state of Oregon Uniform Sign Code and/or the Uniform Building Code.

7. Maximum Height. The maximum height of all signs shall be no greater than thirty (30) feet above ground level.

8. Mural Signs. Mural signs will be calculated by the length of the longest message line and the height of the top and bottom lines to determine square footage.

9. Nonconforming Signs.

a. Nonconforming signs are those signs lawfully installed prior to the effective date of the September 9, 1996 Revised Sign Code or signs on property annexed to the city which do not conform to the requirements of the amended ordinance codified in this division.

b. Nonconforming signs shall not be changed, expanded or altered in any manner which would increase the degree of its nonconformity, or be moved in whole or in part to any other location where it would remain nonconforming. (See maintenance.)

c. Prohibited signs existing prior to adoption of the ordinance codified in this division, advertising current business or use, will be considered nonconforming.

d. Termination by Damage or Destruction. Any nonconforming sign and supporting structure damaged or destroyed by any means, to the extent of fifty (50) percent of its replacement cost (new) shall be terminated and shall not be restored.

10. Off-premise signs will be processed as a variance application and will require proof in the form of a signed agreement by the owner of the property on which the sign is to be placed. Off-premise advertising signs along Highway 101 and 38 are prohibited and not allowed through the variance process.

The combination of all signage for any given site shall not exceed the maximum allowed signage as provided in this division without the approval of a variance.

11. Sign Placement. Signs or sign supporting structures shall not be located in such a manner as to create a vision obstruction to vehicular or pedestrian traffic or to other traffic, safety or emergency signs. Signs or portions thereof shall not be so placed as to obstruct any fire escape or human exit from any portion of a building or ventilation.

All signs and sign structures shall be erected and attached totally within the site except when allowed to extend into the right-of-way.

All signs shall be so designed and located so as to prevent the casting of glare or direct light from artificial illumination upon adjacent publicly dedicated roadways and surrounding property.

All signs must be located on the same property on which the business activity is taking place, unless there is an approved variance for the off-premises sign.

Sign structures shall not be placed on the roof of a building, except as defined in this division. (See definition of roof sign.)

12. Temporary Signs. All temporary signs listed within this division shall be removed within sixty (60) days after placement or within seven (7) days after the election, project, sale of property or event being advertised.

13. Unsafe Signs. No person shall construct or maintain any sign or supporting structure except in a safe and structurally sound condition. If the building official shall find any sign so unsafe or insecure as to constitute a real and present danger to the public, a written notice shall be mailed to the last known address of the sign owner and the property owner. If such is not removed or altered so as to comply with the standards herein within thirty (30) days after such notice, the building official may cause such sign to be removed or altered to comply, at the expense of the sign owner or the property owner of the property upon which it is located. The building official may cause any sign which is an immediate peril to persons or property to be removed summarily and without notice.

I. Residential Sign Standards. The following standards shall apply to signs in all residential zones.

No signage is allowed in residential zones except as follows and for those services only if properly allowed or legally offered on the premises:

1. The total square footage of temporary signs is limited to eight (8) square feet and shall be subject to general requirements as stated in this division.

2. One (1) nameplate not exceeding four (4) square feet.

3. One (1) lighted identification sign (excluding illuminated signs of flashing or animated type) not to exceed thirty-two (32) square feet per street frontage.

(Note: This requirement would include church, school, subdivision, mobile home park, bed and breakfast, and apartment complex signs.)

4. Freestanding signs in residential zones shall not exceed ten (10) feet in height.

5. One (1) nameplate not exceeding one and one-half (1½) square feet for each dwelling unit indicating the name of occupant and/or site address.

J. Commercial and Industrial Sign Standards.

1. C-1 (Commercial Transitional) Zone. Commercial transitional zone is a mix of residential uses with limited commercial land uses. The zone is intended to serve local neighborhood needs rather than provide full commercial services for the entire community.

Signs shall pertain solely to uses permitted and conducted within the zone in which it is located and shall be attached to the building within which such use is conducted or attached to the ground of the parcel of land on which such use is conducted.

a. The total square footage of temporary signs is limited to eight (8) square feet and shall be subject to general requirements as stated in this division.

b. One (1) identification sign (excluding illuminated signs of flashing or animated type) not to exceed thirty-two (32) square feet of sign area per street frontage.

K. Commercial (C-2), Commercial Mixed-Use (CMU), Light Industrial (M-1), Heavy Industrial (M-2), Water-dependent Industrial (M-3), Public/Semi-Public (PL) and Estuarine Development (ED) Zones.

1. Interior Lots. The total aggregate sign area shall be based upon either the lot or building frontage of the business along a publicly-dedicated right-of-way or upon a building frontage along a parking lot. The total allowable sign area shall be computed at one (1) square foot for each linear foot of lot frontage or at one and one-half (1½) square feet for each linear foot of building frontage, whichever is greater. No sign shall exceed one hundred fifty (150) square feet and all businesses shall be allowed a minimum of fifty (50) square feet regardless of the amount of frontage.

2. Corner Lots or Double Frontages.

a. Primary Frontage. The total aggregate sign area shall be based upon either the lot or building frontage of the business along a publicly-dedicated right-of-way or upon a building frontage along a parking lot. The total allowable sign area shall be computed at one (1) square foot for each linear foot of lot frontage or at one and one-half (1½) square feet for each linear foot of building frontage, whichever is greater. No sign shall exceed one hundred fifty (150) square feet and all businesses shall be allowed a minimum of fifty (50) square feet regardless of the amount of frontage.

b. Secondary Frontage. The total aggregate area of all regulated (excluding temporary) signs shall not exceed fifty (50) percent of allowed formulated signage on primary frontage.

Primary and secondary frontages shall be designated by the applicant.

c. Shopping Centers. Each business in a shopping center shall be allowed sign area based upon the business's building frontage on a public right-of-way or parking lot. In addition the shopping center shall be allowed one (1) freestanding sign (not to exceed one hundred fifty (150) square feet), which shall identify the center itself and may also identify businesses in the center.

3. For purposes of this division, the area of a sign shall be the maximum area of surface which can be seen at one (1) time from a single point of observation.

4. The total square footage of temporary signs is limited to sixteen (16) square feet and shall be subject to general requirements as stated in this division.

L. Permit Application Requirements. A sign permit is required for the erection of any new sign or the structural alteration of an existing sign. Signs that are classified exempt (nonregulated or temporary), changes to the sign face or non-structural maintenance of a sign are exempt from a sign permit.

1. A sign permit review fee shall be ten dollars ($10.00) for all regulated signs unless a building permit is required for a structural sign, in which case, the fee shall be as indicated by Uniform Building Code, or separate ordinance.

2. All applications for a sign shall be accompanied by a site plan that will show type of sign, size of sign, location of sign and materials to be used.

3. Application form will be supplied by city and will require the following:

a. Name, address and telephone number of the applicant;

b. Name of person, firm, corporation or association erecting the structure;

c. Name of owner of the building, structure of land on which the sign will be placed.

4. All sign permits shall be required to have signed approval by the Community Development Planner and City Building Inspector.

5. All permits must have a site review before and after by city staff and/or Building Inspector. (Ord. No. 2015-1139, § 2, 1-5-2015; Ord. 2008-1081; Ord. 2003-1038 (part))
(Ord. No. 2017-1161, § 2, 4-3-2017)

10.76.050 Mobile home and recreational vehicle parks.

Mobile home and recreational vehicle parks may be permitted in certain zones as a conditional use, provided it meets the requirements of Oregon Revised Statues Chapter 446 and the standards of the Building Codes Division of the State of Oregon Department of Commerce and the Health Division of the State of Oregon Department of Human Resources. (Ord. No. 2015-1139, § 2, 1-5-2015; Ord. 2003-1038 (part))

10.76.060 Levee limitations.

Levee and flood wall design and encroachment shall be consistent with the standards and procedures of the U.S. Army Corps of Engineers. (Ord. No. 2015-1139, § 2, 1-5-2015; Ord. 2003-1038 (part))

10.76.070 Fences, hedges, walls and screening.

A. Residential Area.

1. Any view-obscuring fence, wall, hedge or screening located in the required front yard or the required street side yard shall not exceed two and one-half (2½) feet in height measured from the top of curb or existing street centerline grade where no curb exists.

2. Any non-view-obscuring fence, wall, hedge or screening located in the required front or required street side yard shall not exceed three and one-half (3½) feet in height measured from the top of curb or existing street centerline grade where no curb exists.

3. No fence, wall, hedge or screening which serves as a side and rear yard enclosure shall exceed six (6) feet in height.

B. Commercial and Industrial Areas. Fences or walls not to exceed eight (8) feet in height may be located in any yard except where the requirements of vision clearance apply.

C. General.

1. No person shall install, maintain or operate any electric fence along a sidewalk or public way or along the adjoining property line of another person.

2. No person shall construct or maintain any barbed wire fence unless such fence is used for agricultural purposes or unless the barbed wire is placed above the top of a non barbed-wire fence which is not less than six (6) feet in height.

3. No fence, wall, hedge, screen or landscaping appurtenances shall be planted or constructed within the public right-of-way in a manner or location that will be detrimental or hazardous to the public or that will interfere with or violate the vision clearance requirements established for corner lots in Section 10.76.080.

4. Screening shall exclude natural vegetation except under Section 10.76.080 or where it may cause vision obstruction or safety hazard. (Ord. No. 2015-1139, § 2, 1-5-2015; Ord. 2003-1038 (part))

10.76.075 Cluster box unit placement.

Purpose. The purpose of these regulations is to provide standards for the placement of Cluster Box Units (also referred to as Centralized Mailbox Units by the United States Postal Service) that comply with the provisions of the Americans with Disabilities Act and implementing federal regulations and the existing accessibility provisions within the State of Oregon Structural Specialty Code.

A. Review Procedure. Applications for the placement of Cluster Box Units (CBUs), not in conjunction with the development of a subdivision, shall be reviewed as an administrative decision, unless otherwise specified within this section.

Upon receiving application for a CBU, the Planning Director shall send written notification of the applicant's intent to all property owners (within one hundred (100) feet) of the proposed installation site and proposed recipients of service (list to be provided with addresses with the application), at least fifteen (15) days prior to the review and determination.

Notice shall also be provided to the Police Chief, Fire Chief, and City Engineer for comments.

Upon the conclusion of the fifteen (15) days the Planning Director shall review and issue a decision or refer the matter to the Planning Commission for review and decision.

B. Submittals. The following information shall be provided:

1. The applicant for a CBU placement shall submit a competed application and

site plan on a form provided by the City, which includes the general requirements of a site plan, as well as:

a. A plan view clearly depicting location and horizontal dimensions of required turning spaces and access routes.

b. Design running slopes and cross slopes for any curb ramps, blended transitions, and turning spaces.

2. The applicable fee for processing the application, as determined by the current fee resolution set by City Council.

3. An approved Encroachment Permit for placement of a CBU within the City right-of-way.

C. Review Criteria. The Planning Director shall approve, approve with conditions, or deny a CBU placement application based on the following criteria being met:

1. Location. CBU locations shall be coordinated with the United States Postal Service and shall not be permitted in the following locations:

a. Where the adjacent street slope exceeds ten (10) percent.

b. Within the areas seventy-five (75) feet upstream from an intersection or fifty (50) feet downstream from an intersection.

c. Boxes shall not be located on arterial or collector streets.

d. CBUs are not permitted in any other location where they are determined by the City to present a safety hazard.

2. Accessibility.

a. Turning Space. A concrete accessible turning area (six-foot-minimum by six-foot-minimum) shall be provided at the front of each CBU and shall be permitted to overlap other turning spaces and the public sidewalk. The running slope and cross slope of the turning space shall not exceed two (2) percent.

b. Access to Pedestrian Circulation. An accessible route shall connect the turning space to an ADA compliant public sidewalk.

c. Access to the Street. A pedestrian access route shall be provided within fifty (50) feet from the vehicular way to the turning space at the CBU.

3. Oregon Structural Specialty Code. CBUs shall comply with all other accessibility standards of the State of Oregon Structural Specialty Code, Section 1111.

4. Construction Timing. For new developments, all requirements of this section shall be constructed prior to city acceptance of street improvements.

D. Lapsing of Approval. An approval for the placement of a CBU by the Director shall lapse if construction does not begin within one (1) year of approval. However, an extension of time may be granted by the Planning Director upon timely written request.

E. Compliance. At any such time after approval of the application, the Planning Staff has cause to question the applicant's compliance with the criteria and conditions set forth in this division, the matter shall be referred to the Planning Commission for review.

The Planning Commission may void any CBU placement permit for noncompliance with the criteria and conditions set forth in this division.

(Ord. No. 2015-1139, § 2, 1-5-2015)

10.76.080 Vision clearance.

A. Establishment of Clear Vision Areas. In all zones a clear vision area shall be maintained on the corners of all property at the intersection of two (2) streets or a street and a railroad. A clear vision area shall contain no planting, fence, wall, structure or temporary or permanent obstruction exceeding two and one-half (2½) feet in height,

measured from the top of the curb, or where no curb exists, from the established street centerline grade, except that trees exceeding this height may be located in this area, provided all branches and foliage are removed to a height of eight (8) feet above the grade.

B. Measurement of Clear Vision Areas. A clear vision area shall consist of a triangular area, two (2) sides of which are lot lines for a distance specified in this regulation, or, where the lot lines have rounded corners, the lot lines extended in a straight line to a point of intersection and so measured, and the third side of which is a line across the corner of the lot joining the nonintersecting ends of the other two (2) sides. The following measurements shall establish clear vision areas:

R-1	15 feet on streets	7-1/2 feet on alleys
R-2	15 feet on streets	7-1/2 feet on alleys
R-A	20 feet on streets	7-1/2 feet on alleys
C-1	15 feet on streets	7-1/2 feet on alleys

C-2, C-3. Vision clearance for corner lots on streets with widths of less than sixty-six (66) feet shall be a minimum of one (1) foot vision clearance for each foot of street width under sixty-six (66) feet; provided that a vision clearance of more than ten (10) feet shall not be required. Said vision clearance shall be from the curb or walk level to a minimum height of eight (8) feet.

M-1, M-2, M-3. Vision clearance shall be negotiated upon the submittal of a plot plan for corner building sites with Planning Commission.

C. Exceptions. The foregoing provision shall not apply to public utility poles, trees (trimmed to the trunk, to a line at least eight (8) feet above the level of the intersection), saplings or plant species of open growth habits and not planted in the form of a hedge, which are so planted and trimmed as to leave at all seasons a clear and unobstructed cross-view; supporting members of appurtenances to permanent buildings existing on the date the ordinance codified in this division becomes effective; official warning signs or signals; places where the contour of the ground is such that there can be no cross visibility at the intersection; or to signs mounted ten (10) feet or more above the ground and whose supports do not constitute an obstruction as defined in subsection (B). (Ord. No. 2015-1139, § 2, 1-5-2015; Ord. 2003-1038 (part))

10.76.090 Building heights.

A. Height Limits Established for the Various Zones Refer to Height of the Building Proper. Roof structures such as housing for elevators, tanks, ventilating fans, towers, steeples, flagpoles, chimneys, smokestacks, wireless masts or similar structures may exceed the height limit herein prescribed.

B. On lots sloping down hill from the street, buildings may have an additional story, provided that the ceiling of the lowest story is not more than two (2) feet above the average curb level along the front of the lot. (Ord. No. 2015-1139, § 2, 1-5-2015; Ord. 2003-1038 (part))

10.76.100 Building setbacks.

A. Front Yard.

1. Where front yards are required, no buildings or structures shall be hereafter erected or altered so that any portion thereof shall extend into the required front yards, except that eaves, cornices, steps, terraces, platforms and porches having no roof covering and being not over three and one-half (3½) feet high may be built within a front yard.

2. When the master road plan or zoning plan indicates that a street is to be opened

or widened, the setbacks required shall be measured from the proposed right-of-way. The minimum future width of any road right-of-way shall be considered to be sixty (60) feet unless expressly designated otherwise.

3. Setbacks from Half Dedications of Streets. When a subdivision plat has been accepted and filed with half-width dedications of streets on the exterior boundary of the subdivision, setbacks for structures on land contiguous to or fronting upon half-width dedicated streets, but not within the subdivided tract, shall be a minimum of the required setbacks for the zone in which it is located and not less than thirty (30) feet nor less than the width of the half dedication of the street.

B. Side Yard.

1. No building or structure shall be hereafter erected or altered so that any portion thereof shall be nearer to the side lot line than the distance indicated under the zone classification, except that eaves or cornices may extend over the required side yard for a distance of not more than thirty-six (36) inches.

2. When the master road plan or zoning plan indicates that a street is to be opened or widened, the side yard setback required along a side street shall be measured from the proposed right-of-way. The minimum future width of any road right-of-way shall be considered to be sixty (60) feet unless expressly designated otherwise. (Ord. No. 2015-1139, § 2, 1-5-2015; Ord. 2003-1038 (part))

10.76.110 Access.

Every lot shall abut a public street, other than an alley, for at least twenty-five (25) feet. (Ord. No. 2015-1139, § 2, 1-5-2015; Ord. 2003-1038 (part))

10.76.120 Historical resources.

The purpose of this Historical Resources Section is to implement the resource goals and policies of the Reedsport comprehensive plan.

A. Designation of Historic Resources. In order to qualify as a site, structure or object having historical significance under the provisions of this division, it must be recommended for such status by the State Advisory Committee on Historic Preservation, and if it is not proposed by the landowner, it must meet the standards and criteria of the National Register of Historic Places. If it is a structure, it must meet the following additional standards:

1. It was used for an activity or was the site of events having important historic significance; or it contains unique architectural features of historic significance or was designed by a person whose work has influenced architectural design on a national, statewide or regional basis.

2. The historical significance must have existed for at least fifty (50) years.

3. There must not have been any significant alteration in the design or architectural features of the structure since it acquired historical significance.

4. The historical significance must relate directly to the site, structure or object, rather than being associated with or in the proximity of a historic event, property or person.

B. Authorization to Grant or Deny Alterations or Demolition of Historical Buildings. The Planning Commission may authorize the alteration, moving, renovation, demolition or change of use of any site, structure or object which has been determined by the City Council to have local, regional, statewide or national significance.

C. Circumstances for Granting a Permit. Whenever application shall be made for the alteration, moving, renovation, de-

molition or change of use of any historical site, and before any permit shall be issued, the following procedures shall be taken:

1. The applicant for a permit shall present to the Community Development Planner, information concerning the proposed action, and the Community Development Planner shall make findings and recommendations to the City Planning commission which shall include the following:

a. Whether the site, structure or object has maintained the characteristics for historic significance;

b. Whether it has deteriorated or changed so as to become hazardous to public health, safety or welfare;

c. Whether historical significance will be substantially affected by the proposed change;

d. Whether the financial or other hardship to the owner in preserving the historical significance is outweighed by the public interest in preserving historic values;

e. Whether there are alternative ways in which historic values may be preserved if the proposed action is carried out;

f. Whether the proposed action or change will have any substantial economic, social, environmental or energy consequences on the public and private interests involved;

g. Whether there are sources of compensation or financial assistance available to compensate the owner in the event that preservation of the property is recommended by the Commission.

2. After receiving a report from the Community Development Planner, the City Planning Commission shall hold a hearing after not less than twenty (20) days written notice mailed or delivered to the affected property owners.

3. The City Planning Commission shall receive evidence concerning the issuance of the permit and it shall make a determination of the matter, which may include determination that historic significance no longer exists, that the interests of the owner outweigh the public interest involved, that historic values can be preserved by issuing the permit either with or without conditions, or that compensation should be awarded to the owner for losses sustained in preserving historic values. The Planning Commission may recess the hearing to a specific time prior to making its decision. (Ord. No. 2015-1139, § 2, 1-5-2015; Ord. 2003-1038 (part))

10.76.130 Steep slope hazards.

The purpose of this section is to protect the public health, safety and welfare by assuring that development in hazardous or potentially hazardous areas is appropriately planned to minimize the threat to man's life and property.

For purposes of this section, development shall include any excavation or change in topography, such as home construction, associated roads, driveways, septic tank disposal fields, wells and water tanks.

This section shall be applied to areas identified as subject to steep slope hazards by the Reedsport comprehensive plan. Prior to any development, the following measures shall be utilized:

A. Any proposed development on slopes greater than twenty (20) percent shall be reviewed to ensure site suitability. Such review shall be conducted as part of the building permit approval process. Unless the site is identified as a hazard area, the provisions of the Uniform Building Code, as adopted by the city of Reedsport for protection of the public health, safety and welfare, shall govern.

B. Any proposed development in an identified hazard area shall be preceded by a written report by an engineering geologist or an engineer who certifies he is qualified

to evaluate soils for suitability. The written report of the engineering geologist or engineer shall certify that the development proposed may be completed without threat to public safety or welfare and shall be used in ministerially reviewing the development proposal.

C. Conditions may be imposed at the time of approval to ensure site and area stability and may include, but are not limited, to the following:

1. Maintenance of vegetation and avoidance of widespread destruction of vegetation;

2. Careful design of new roads and building with respect to:

a. Placement of roads and structures on the surface topography,

b. Surface drainage on and around the site,

c. Drainage from buildings and road surfaces,

d. Placement of septic tank seepage fields.

3. Careful construction of roads and buildings:

a. Avoid cutting toeslopes of slump blocks,

b. Careful grading around the site, especially avoiding oversteepened cut banks,

c. Revegetation of disturbed areas as soon as possible. (Ord. No. 2015-1139, § 2, 1-5-2015; Ord. 2003-1038 (part))

10.76.140 Dredge spoils and mitigation sites.

Areas identified in the Reedsport comprehensive plan as dredge spoils and mitigation sites shall be protected and managed for that identified use. (Ord. No. 2015-1139, § 2, 1-5-2015; Ord. 2003-1038 (part))

10.76.150 Significant natural resources overlay zone.

A. Purpose. The significant natural resources overlay zone is intended to provide protection for identified significant natural resources within the city of Reedsport as designated under Statewide Planning Goal 5 and Goal 17. For the purpose of this overlay zone, significant natural resources are designated as Significant Wetlands and Riparian Corridors under Goal 5, and Major Marshes and Riparian Vegetation under Goal 17. These resources have been inventoried within the city of Reedsport according to procedures, standards and definitions established under Goal 5 and Goal 17 and are identified on the significant natural resources map as adopted in the comprehensive plan.

The significant natural resources overlay zone is intended to ensure reasonable economic use of property while protecting valuable natural resources within the city of Reedsport's urban growth boundary. This division establishes clear and objective standards to protect these resources.

Significant wetlands and riparian areas provide valuable fish and wildlife habitat, including habitat for anadromous salmonids; improve water quality by regulating stream temperatures, trapping sediment, and stabilizing streambanks and shorelines; provide hydrologic control of floodwaters; and provide educational and recreational opportunities. It is recognized that not all resources will exhibit all of these functions and conditions.

B. Definitions.

"Bankfull stage" means the elevation at which water overflows the natural banks of the stream.

"Bioengineering" means a method of erosion control and landscape restoration using live plants, such as willows.

"Building envelope" means the land area, outside of all required setbacks, which is available for construction of a primary structure on a particular property.

"Delineation" means an analysis of a resource by a qualified professional that determines its boundary according to an approved methodology.

"Excavation" means removal of organic or inorganic material (e.g. soil, sand, sediment, muck) by human action.

"Fill" means deposition of organic or inorganic material (e.g. soil, sand, sediment, muck, debris) by human action.

"Impervious surface" means any material (e.g. rooftops, asphalt, concrete) which reduces or prevents absorption of water into soil.

"Lawn" means grass or similar materials usually maintained as a ground cover of less than six (6) inches in height. For purposes of this division, lawn is not considered native vegetation regardless of the species used.

"Major marsh" means a wetland designated as significant under Statewide Planning Goal 17.

"Mitigation" means a means of compensating for impacts to a significant natural resource or its buffer including restoration, creation or enhancement. Some examples of mitigation actions are construction of new wetlands to replace an existing wetland that has been filled, replanting trees, removal of nuisance plants and restoring streamside vegetation where it is disturbed.

"Native vegetation" means plants identified as naturally occurring and historically found within the city of Reedsport.

"Natural resource enhancement" means a modification of a natural resource to improve its quality.

"Natural resource overlay" means designation given to all significant wetlands and riparian corridors indicated on the significant natural resources map.

"Nonconforming" means a structure or use that does not conform to the standards of this division but has been in continuous existence from prior to the date of adoption of this division up to the present. Nonconforming uses are not considered violations and are generally allowed to continue, although expansion, re-construction, or substantial improvements are regulated.

"Non-significant wetland" means a wetland mapped on the city of Reedsport local wetlands inventory which does not meet the primary criteria of the Oregon Division of State Lands Administrative Rules, OAR Chapter 141 (July, 1996 or as amended), for Identifying Significant Wetlands. For additional criteria information please refer to Statewide Planning Goal 5 and Goal 17 City of Reedsport Periodic Review Report (July, 1999), Section 6.2.

"Qualified professional" means an individual who has proven expertise and vocational experience in a given natural resource field. A qualified professional conducting a wetland delineation must have the delineation approved by the Oregon Division of State Lands.

"Review authority" means the city of Reedsport.

"Riparian area" means the area adjacent to a river, lake or stream, consisting of the area of transition from an aquatic ecosystem to a terrestrial ecosystem. For purposes of this division, riparian areas are identified on the Significant Natural Resource Overlay Zone Maps 1-3, as set forth by the Statewide Planning Goal 5 and Goal 17 City of Reedsport Periodic Review Report (July, 1999) and incorporated by this reference.

"Riparian corridor" means a Goal 5 Resource that includes the water areas, fish habitat, adjacent riparian areas and wetlands within the riparian area boundary. For purposes of this division, riparian corridors are identified on the Significant Natural Resource Overlay Zone Maps 1-3, as set forth by the Statewide Planning Goal 5

and Goal 17 City of Reedsport Periodic Review Report (July, 1999) and incorporated by this reference.

"Riparian boundary" means an imaginary line that is a certain distance upland from the top bank and encompasses everything within the area between the wetland and the upper edge of the riparian area. The city of Reedsport has adopted safe harbor setback methodology for identification.

"Shrubs" means woody vegetation usually greater than three (3) feet but less than twenty (20) feet tall, including multistemmed, bushy shrubs and small trees and saplings.

"Significant natural resource" means significant wetlands and riparian corridors, major marshes and significant riparian vegetation within the city of Reedsport urban growth boundary and designated on the significant natural resources map.

"Significant wetland" means a wetland mapped on the city of Reedsport Local Wetlands Inventory which meets the primary criteria of the Oregon Division of State Lands Administrative Rules, OAR Chapter 141 (July 1996, or as amended), for Identifying Significant Wetlands. For additional criteria information refer to Statewide Planning Goal 5 and Goal 17 City of Reedsport Periodic Review Report (July, 1999), Section 6.2.

"State and federal natural resource agency" means the Oregon Division of State Lands, Oregon Department of Fish and Wildlife, U.S. Army Corps of Engineers, U.S. Department of Agriculture Natural Resources Conservation Service, U.S. Fish and Wildlife Service, U.S. Environmental Protection Agency and Department of Environmental Quality.

"Stream" means a channel such as a river or creek that carries flowing surface water, including perennial streams and intermittent streams with defined channels, and excluding manmade irrigation and drainage channels. For purposes of this division, streams are identified on the Significant Natural Resource Overlay Zone Maps 1-3, as set forth by the Statewide Planning Goal 5 and Goal 17 City of Reedsport Periodic Review Report (July, 1999) and incorporated by this reference.

"Structure" means a building or other major improvement that is built, constructed or installed, not including minor improvements, such as fences, utility poles, flagpoles or irrigation system components that are not customarily regulated through zoning ordinances.

"Substantial improvement" means any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds fifty (50) percent of the market value of the structure either:

1. Before the improvement or repair is started; or

2. If the structure has been damaged and is being restored, before the damage occurred. For the purposes of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure.

The term does not, however, include either:

3. Any project for improvement of a structure to comply with existing state or local health, sanitary or safety code specifications which are solely necessary to assure safe living conditions; or

4. Any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

"Trees" means a woody plant five (5) inches or greater in diameter at breast height and twenty (20) feet or taller.

"Top of bank" means a distinct break in slope between the stream bottom and the surrounding terrain which corresponds with the bankfull stage (the elevation at which water overflows the natural banks) of the stream.

"Variance" means a grant of relief from the requirements of this division which permits activity in a manner that would otherwise be prohibited by this division.

"Wetland" means those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Based on the above definition, three (3) major factors characterize a wetland: hydrology, substrate and biota. For purposes of this division, wetlands are identified on the Significant Natural Resource Overlay Zone Maps 1-3, as set forth by the Statewide Planning Goal 5 and Goal 17 City of Reedsport Periodic Review Report (July, 1999) and incorporated by this reference.

"Wetland boundary" means the edges of a wetland as delineated by a qualified professional.

C. Applicability.

1. Affected Property. The procedures and requirements of the significant natural resources (SNR) overlay zone:

a. Apply to any parcel designated as having a significant natural resource as mapped in the comprehensive plan;

b. Apply in addition to the standards of the property's underlying zone;

c. Supersede the property's underlying zone where the underlying zone does not provide the level of significant natural resource protection afforded by the SNR overlay zone.

2. Activities Subject to Review. Activities subject to the review shall include all development on properties outlined in subsection (C)(1) and not specifically exempted from review as outlined in subsection (C)(3), including:

a. Partitioning and subdividing of land;

b. New structural development;

c. Exterior expansion of any building or structure, or increases in impervious surfaces or storage areas;

d. Site modifications including grading, excavation or fill (as regulated by the Oregon Division of State Lands and the Army Corps of Engineers), installation of new above or below ground utilities, construction of roads, driveways or paths.

e. Removal of trees or the cutting or clearing of any native vegetation within the significant natural resource beyond that required to maintain landscaping on individual lots existing on the effective date of the ordinance codified in this division, and removal of diseased or damaged trees that pose a hazard to life or property.

f. Planting of native plants only within the significant natural resource area and related setbacks. A list of native plants can be obtained at City Hall and/or from a source approved by the Reedsport Planning Commission.

3. Exemptions. Activities exempt from this division include:

a. The sale of property;

b. Temporary emergency procedures necessary for the safety or protection of property;

c. Commercial forest practices regulated by the Oregon Forest Practices Act;

d. Normal and accepted farming practices other than the construction of buildings, structures or paved roads;

e. All water-related and water-dependent uses as described respectively in Section 10.72.080 and Section 10.72.110.

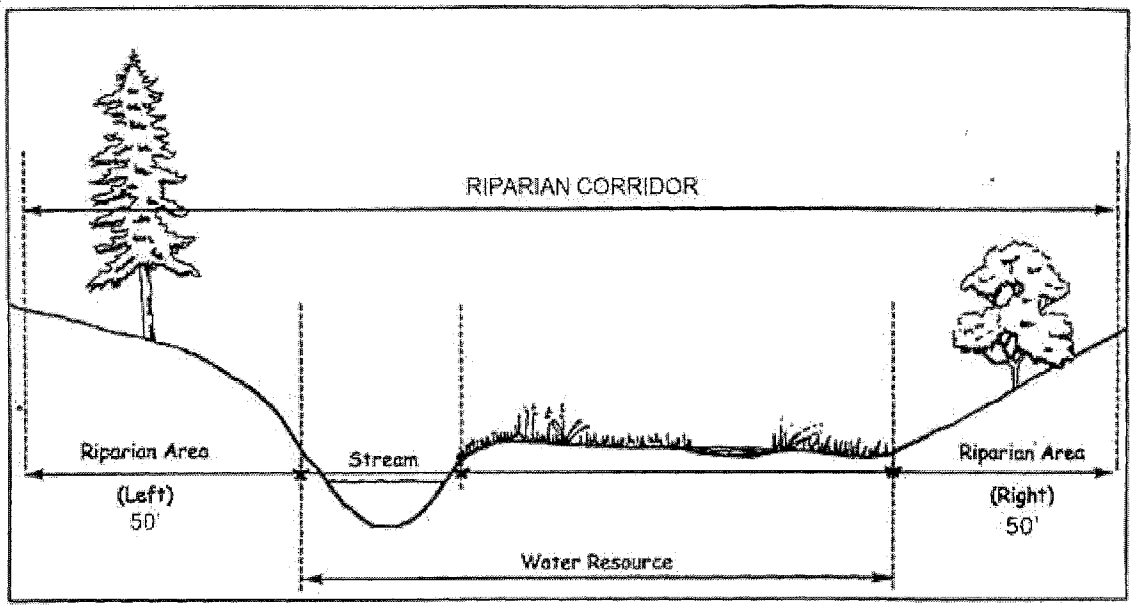
4. Agency Review. Decisions made by the city of Reedsport under this division do

not supersede the authority of the state or federal agencies which may regulate or have an interest in the activity in question. It is the responsibility of the landowner to ensure that any other necessary state or federal permits or clearances are obtained. In particular, state and federal mitigation requirements for impacts associated with approved water-related or water-dependent uses may still be required.

D. General Development Standards.

1. The city of Reedsport has adopted safe harbor setback methodology for the identification of the wetland riparian boundary. Wetlands that are hydrologically connected to streams have setbacks from the wetland riparian area a certain distance upland from the top bank and encompasses everything within the area between the wetland and the upper edge of the riparian area. Properties adjacent to significant riparian areas/corridors and riparian wetlands are subject to setback requirements. The property owner is responsible for having a qualified professional do a delineation to determine the riparian and riparian wetland boundary. It will only be the riparian and riparian related wetlands that safe harbor setbacks apply to. Riparian and riparian related wetlands have been identified on the Significant Natural Resource Overlay Zone Maps 1-3, as set forth by the Statewide Planning Goal 5 and Goal 17 City of Reedsport Periodic Review Report (July, 1999) and incorporated by this reference. Significant and non-significant non-riparian wetlands are not subject to a safe harbor setback. Property owners are responsible for having a qualified professional identify the wetland boundary interfacing their property. "Figure one" below is a cross section illustrating terms used in discussion of wetland riparian setbacks as defined by Oregon Statewide Planning Goal 5.

Figure 1: Cross section illustrating terms used in Statewide Planning Goal 5.



Source: Urban Riparian Inventory and Assessment Guide. Oregon Division of State Lands 1998.

2. The permanent alteration of the significant natural resource by grading, by excavation or fill, by the placement of structures or impervious surfaces, or by the removal of native vegetation is prohibited, except for the following uses provided they are designed to minimize intrusion into the significant natural resource, and no other options or locations are feasible:

a. Streets, Roads, Paths and Driveways. Public or private streets, driveways or paths may be placed within a significant natural resource to access development activities if it is shown to the satisfaction of the reviewing authority that no other practicable method of access exists. If allowed, the applicant shall comply with the following requirements:

i. Demonstrate to the reviewing authority that no other practicable e buildable area exists or access from an off-site location through the use of easements is not possible;

ii. Design roads, driveways and paths to be the minimum width necessary and for the minimum intrusion into the significant natural resource while also allowing for safe passage of vehicles and/or pedestrians consistent with the transportation component of the Reedsport comprehensive plan;

iii. Use bridges, arched culverts or box culverts with a natural bottom for crossing of a significant natural resource if the crossing is found unavoidable. The lower lip of any culvert must meet the channel bed at or below grade. The number of channel crossings shall be minimized through use of shared access for abutting lots and access through easements for adjacent lots;

iv. Consider the need for future extensions of shared access, access easements or private streets to access potential new building sites at the time of this application in order to avoid subsequent encroachments into the significant natural resource;

v. During construction, no stockpiling of fill materials, parking or storage of equipment shall be allowed within the significant natural resource;

vi. Erosion control measures, such as silt fences and biofilter bags, shall be used to reduce the likelihood of sediment and untreated stormwater entering the significant natural resource;

vii. Permanent alteration of the significant natural resource by the placement of public or private streets, driveways or paths is subject to the mitigation requirements of subsection (G).

b. Utilities and Drainage Facilities. Public and private utilities or drainage facilities may be placed within a significant natural resource when it is shown to the satisfaction of the review body that no other practicable alternative location exists. If a utility or drainage facility is allowed within a significant natural resource, the following standards shall apply:

i. Demonstrate to the reviewing authority that no other practicable access exists or access from an off-site location through the use of easements is not possible;

ii. The corridor necessary to construct utilities shall be the minimum width practical to minimize intrusion into the significant natural resource. Removal of trees and native vegetation shall be avoided unless absolutely necessary. The existing grade of the land shall be restored after construction. Native vegetation shall be used to restore the vegetative character of the construction corridor;

iii. No stockpiling of fill materials, parking or storage of equipment shall be allowed within the significant natural resource.

c. Replacement of existing structures with structures in the same location that do not disturb additional surface area.

d. Structures or other nonconforming alterations existing fully or partially within the significant natural resource may be expanded provided the expansion occurs outside of the significant natural resource. Substantial improvement of a nonconforming structure in the significant natural resource shall require compliance with the standards of this division.

e. Existing lawn within the significant natural resource may be maintained, but not expanded within the limits of the significant natural resource. Development activities shall not justify replacement of native vegetation, especially riparian vegetation, with lawn.

f. Existing shoreline stabilization and flood control structures may be maintained. Any expansion of existing structures or development of new structures shall be evaluated by the Planning Department and appropriate state or federal natural resource agency. Such alteration of significant natural resources shall be approved only if less invasive or non-structural methods, such as bioengineering, will not adequately meet stabilization or flood control needs.

3. Removal of vegetation from the significant natural resource is prohibited, except for:

a. Removal of non-native vegetation and replacement with native plant species. The replacement vegetation shall cover, at a minimum, the area from which vegetation was removed, shall maintain or exceed the density of the removed vegetation, and shall maintain or improve the shade provided by the vegetation.

b. Removal of vegetation necessary for the development of approved water-related or water-dependent uses or for the continued maintenance of dikes, drainage ditches, or other stormwater or flood control facilities. Vegetation removal shall be kept to the minimum necessary.

c. Trees in danger of falling and thereby posing a hazard to life or property may be removed, following consultation and approval from the Community Development Director. If no hazard will be created, the department may require such trees, once felled, to be left in place in the significant natural resource.

d. The control or removal of nuisance plants should primarily be by mechanical means (e.g. hand-pulling). If mechanical means fail to adequately control nuisance plant populations, a federally approved herbicide technology for use in or near open water is the only type of herbicide that may be used in a significant natural resource area. Pre-emergent herbicides or auxin herbicides that pose a risk of contaminating water shall not be used. Herbicide applications are preferred to be made early in the morning or during windless periods at least four (4) hours before probable rainfall. Any herbicide use must follow the label restrictions, especially the cautions against use in or near open water.

E. Natural Resource Enhancement. Enhancement of natural resources, such as riparian enhancement, in-channel habitat improvements, non-native plant control and similar projects which propose to improve or maintain the quality of a significant natural resource is encouraged; however, no enhancement activity requiring the excavation or filling of material in a wetland shall be allowed unless all applicable state and federal wetland permits have been granted.

F. Variances to this Section. A variance to the provisions of this section is permitted only as a last resort and may be considered only if necessary to allow reasonable economic use of the subject property. The property must be owned by the applicant and not created after the effective date of this section.

1. A variance shall only apply to:

a. Lots on which the location of a significant natural resource results in a building area depth for a single-family dwelling of fifty (50) feet or less; or a building envelope of one thousand six hundred (1,600) square feet or less;

b. Lots where strict adherence to the standards and conditions of subsection (D) would effectively preclude a use of the parcel that could be reasonably expected to occur in the zone, and that the property owner would be precluded a substantial property right enjoyed by the majority of landowners in the vicinity.

2. Permanent alteration of the significant natural resource by an action requiring a variance is subject to the procedures and criteria of Chapter 10.92 and the mitigation requirements of subsection (G).

G. Mitigations Standards. When approved impacts to any identified significant natural resource occurs, mitigation shall be required. For impacts to significant wetlands or major marshes, the standards and criteria of subsection (G)(1) shall apply. For impacts to riparian corridors or riparian vegetation, the standards and criteria of subsection (G)(2) shall apply.

1. When mitigation for impacts to a significant wetland or a major marsh is proposed, the mitigation plan shall comply with all Oregon Division of State Lands and U.S. Army Corps of Engineers wetland regulations. The city may approve a development but shall not issue a building permit until all applicable state and federal wetland permit approvals have been granted and copies of those approvals have been submitted to the city.

2. When mitigation for impacts to a non-wetland riparian area is proposed, a

mitigation plan prepared by a qualified professional shall be submitted to the review authority. The mitigation plan shall meet the following criteria:

a. Mitigation for impacts to a non-wetland riparian area shall require a minimum mitigation area ratio of one to one (1:1);

b. The mitigation plan shall document the location of the impact, the existing conditions of the resource prior to impact, the location of the proposed mitigation area, a detailed planting plan of the proposed mitigation area with species and density and a narrative describing how the resource will be replaced;

c. Mitigation shall occur on-site and as close to the impact area as possible. If this is not feasible, mitigation shall occur within the same drainage basin as the impact;

d. All vegetation planted within the mitigation area shall be native to the region. Species to be planted in the mitigation area shall replace those impacted by the development activity;

e. Trees shall be planted at a density of not less than five (5) per one thousand (1,000) square feet. Shrubs shall be planted at a density of not less than ten (10) per one thousand (1,000) square feet.

H. Plan Amendment Option. Any owner of property affected by the SNR overlay zone within the Goal 5 planning area, as designated in the comprehensive plan, may apply for a quasi-judicial comprehensive plan amendment. This amendment must be based on a specific development proposal. The effect of the amendment would be to remove the SNR overlay zone from all or a portion of the property. The applicant shall demonstrate that such an amendment is justified by completing an environmental, social, economic and energy (ESEE) consequences analysis prepared in accordance with OAR 660-23-040. If the application is approved, then the ESEE analysis shall be incorporated by reference into the Reedsport comprehensive plan, and the Reedsport significant natural resources map shall be amended to remove the significant natural resource overlay zone from the inventory.

The ESEE analysis shall adhere to the following requirements:

1. The ESEE analysis must demonstrate to the ultimate satisfaction of the Reedsport City Council that the adverse economic consequences of not allowing the conflicting use are sufficient to justify the loss, or partial loss, of the resource. The city should confer with the Department of Land Conservation and Development prior to making their ultimate decision;

2. The ESEE analysis must demonstrate why the use cannot be located on buildable land outside of the significant natural resource and that no other sites within the city of Reedsport that can meet the specific needs of the proposed use;

3. The ESEE analysis shall be prepared by a qualified professional experienced in the preparation of Goal 5 ESEE analyses, with review by DLCD. (Ord. No. 2015-1139, § 2, 1-5-2015; Ord. 2003-1038 (part))

10.76.160 Tsunami hazard overlay zone.

A. Purpose. The purpose of the Tsunami Hazard Overlay Zone is to increase the resilience of the community to a local source (Cascadia Subduction Zone) tsunami by establishing standards, requirements, incentives, and other measures to be applied in the review and authorization of land use and development activities in areas subject to tsunami hazards. The standards established by this section are intended to limit, direct and encourage the development of land uses within areas subject to

tsunami hazards in a manner that will: reduce loss of life; reduce damage to private and public property; reduce social, emotional, and economic disruptions; and increase the ability of the community to respond and recover.

Significant public and private investment has been made in development of areas which are now known to be subject to tsunami hazards. It is not the intent or purpose of this section to require the relocation of or otherwise regulate existing development within the Tsunami Hazard Overlay Zone. However, it is the intent of this section to control, direct and encourage new development and redevelopment such that, over time, the community's exposure to tsunami risk will be reduced.

B. Definitions.

"Essential facilities" means:

1. Hospitals and other medical facilities having surgery and emergency treatment areas;

2. Fire and police stations;

3. Tanks or other structures containing, housing or supporting water or fire-suppression materials or equipment required for the protection of essential or hazardous facilities or special occupancy structures;

4. Emergency vehicle shelters and garages;

5. Structures and equipment in emergency preparedness centers; and

6. Standby power generating equipment for essential facilities.

"Hazardous facility" means structures housing, supporting or containing sufficient quantities of toxic or explosive substances to be of danger to the safety of the public if released.

"Special occupancy structures" means:

1. Covered structures whose primary occupancy is public assembly with a capacity greater than three hundred (300) persons;

2. Buildings with a capacity of greater than two hundred fifty (250) individuals for every public, private or parochial school through secondary level or child care centers;

3. Buildings for colleges or adult education schools with a capacity of greater than five hundred (500) persons;

4. Medical facilities with fifty (50) or more resident, incapacitated persons not included in subsection (a) through (c) of this paragraph;

5. Jails and detention facilities; and

6. All structures and occupancies with a capacity of greater than five thousand (5,000) persons.

"Substantial improvement" means any repair, reconstruction, or improvement of a structure the cost of which equals or exceeds fifty (50) percent of the market value of the structure either:

1. Before the improvement or repair is started; or

2. If the structure is damaged and is being restored, before the damage occurred. For the purposes of this definition, "substantial improvement is considered to occur when the first alteration of any wall, ceiling, floor or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure.

The term does not, however, include either:

3. Any project for improvement of a structure to comply with existing state or local health, sanitary or safety code specifications which are solely necessary to assure safe living conditions; or,

4. Any alteration of a structure listed in the National Register of Historic Places or a State Inventory of Historic Places.

"Tsunami evacuation structure" means a building or constructed earthen mound that is accessible to evacuees, has sufficient height to place evacuees above the level of

tsunami inundation, and is designed and constructed with the strength and resiliency needed to withstand the effects of tsunami waves.

"Tsunami Inundation Map (TIM)" means the map in the DOGAMI Tsunami Inundation Map (TIM) Series published by the Oregon Department of Geology and Mineral Industries that covers the area within the City of Reedsport.

C. Applicability. All lands identified as subject to inundation from the "L" magnitude local source tsunami event as set forth on the Tsunami Inundation Map (TIM) published by the Oregon Department of Geology and Mineral Industries (DOGAMI) are subject to the requirements of the Tsunami Hazard Overlay Zone.

D. Uses. In the Tsunami Hazard Overlay Zone, except for the prohibited uses set forth in subsection E., all uses permitted pursuant to the provisions of the underlying zone may be permitted, subject to the additional requirements and limitations of this section.

E. Prohibited Uses. Unless authorized through a use exception in accordance with subsection F., the following uses are prohibited in the Tsunami Hazard Overlay Zone:

1. Hospitals and other medical facilities having surgery and emergency treatment areas.

2. Structures and equipment in government communication centers and other facilities required for emergency response.

3. Buildings with a capacity greater than two hundred fifty (250) individuals for every public, private or parochial school through secondary level or child care centers.

4. Buildings for colleges or adult education schools with a capacity of greater than five hundred (500) persons.

5. Jails and detention facilities.

6. Tanks or other structures containing, housing or supporting water or fire-suppression materials or equipment required for the protection of essential or hazardous facilities or special occupancy structures.

7. Emergency vehicle shelters and garages.

8. Structures and equipment in emergency preparedness centers.

9. Standby power generating equipment for essential facilities.

10. Covered structures whose primary occupancy is public assembly with a capacity of greater than three hundred (300) persons.

11. Medical facilities with fifty (50) or more resident, incapacitated patients.

Notwithstanding the provisions of Chapter 10.84, the requirements of this subsection shall not have the effect of rendering any lawfully established use or structure nonconforming.

F. Use Exceptions. A use listed in subsection E. may be permitted upon authorization of a Use Exception in accordance with the following requirements:

1. Public schools may be permitted upon findings that there is a need for the school to be within the boundaries of a school district and fulfilling that need cannot otherwise be accomplished.

2. Fire or police stations may be permitted upon findings that there is a strategic need for a location within the Tsunami Hazard Overlay Zone.

3. Other uses prohibited by subsection E. may be permitted upon the following findings:

a. There are no reasonable, lower-risk alternative sites available for the proposed use;

b. Adequate evacuation measures will be provided such that life safety risk to building occupants is minimized; and,

c. The buildings will be designed and constructed in a manner to minimize the risk of structural failure during the design earthquake and tsunami event.

4. The Planning Director may authorize a Use Exception in accordance with the requirements for an Administrative Decision as set forth in Section 10.60.080.

G. Evacuation Route Improvement Requirements. Except single family dwellings on existing lots and parcels, all new development, substantial improvements and subdivisions and partitions in the Tsunami Hazard Overlay Zone shall incorporate evacuation measures and improvements, which are consistent with and conform to the adopted Tsunami Evacuation Facilities Improvement Plan. Such measures shall include:

1. On-site Improvements.

a. Informational bulletins, brochures and other forms of communication posted in public areas, meeting rooms or common areas alerting residents, visitors and guest to the threat of Tsunami and nearby evacuation routes and assembly areas.

b. Wayfinding signage shall be posted in parking areas and pedestrian ways indicating the direction and location of the closest evacuation route and

c. Where identified in the Tsunami Evacuation Facilities Improvement Plan as the only practicable means of evacuation, tsunami evacuation structure(s) of sufficient capacity to accommodate the evacuation needs of the proposed development.

2. Off-site Improvements. Improvements to portions of designated evacuation routes that are needed to serve, but are not contiguous to, the proposed development site, where such improvements are identified in the Tsunami Evacuation Facilities Improvement Plan. Such improvements shall be proportional to the evacuation needs created by the proposed development.

3. Evacuation route signage consistent with the standards set forth in the Tsunami Evacuation Facilities Improvement Plan. Such signage shall be adequate to provide necessary evacuation information consistent with the proposed use of the site. Where multiple development could occur in the future, the City shall assess a cost proportionate to the development's impact to the overall land use pattern of the area. In no case shall this cost exceed five hundred dollars ($500.00).

H. Tsunami Evacuation Structures.

1. All tsunami evacuation structures shall be of sufficient height to place evacuees above the level of inundation for the XXL local source tsunami event as set forth on the Tsunami Inundation Map (TIM).

2. Tsunami evacuation structures are not subject to the building height limitations of this chapter.

I. Flexible Development Option.

1. The purpose of the Flexible Development Option is to provide incentives for, and to encourage and promote, site planning and development within the Tsunami Hazard Overlay Zone that results in lower risk exposure to tsunami hazard than would otherwise be achieved through the conventional application of the requirements of this chapter. The Flexible Development Option is intended to:

a. Allow for and encourage development designs that incorporate enhanced evacuation measures, appropriate building siting and design, and other features that reduce the risks to life and property from tsunami hazard; and

b. Permit greater flexibility in the siting of buildings and other physical improvements and in the creation of new lots and parcels in order to allow the full realization of permitted development while reducing risks to life and property from tsunami hazard.

2. The Flexible Development Option may be applied to the development of any lot, parcel, or tract of land that is wholly or partially within the Tsunami Hazard Overlay Zone.

3. The Flexible Development Option may include any uses permitted outright, with standards or conditionally in any zone, except for those uses prohibited pursuant to subsection E. unless a Use Exception is granted.

4. Overall residential density shall be as set forth in the underlying zone or zones. Density shall be computed based on total gross land area of the subject property, excluding street right-of-way.

5. Yards, setbacks, lot area, lot width and depth, lot coverage, building height and similar dimensional requirements may be reduced, adjusted or otherwise modified as necessary to achieve the design objectives of the development and fulfill the purposes of this section.

6. The Planning Commission may authorize a Flexible Development Option in accordance with the requirements as set forth in Section 10.60.

7. Approval of an application for a Flexible Development Option shall be based on findings that the following criteria are satisfied:

a. The applicable requirements of subparagraphs (b) and (d) of this subsection are met; and,

b. The development will provide tsunami hazard mitigation and/or other risk reduction measures at a level greater than would otherwise be provided under conventional land development procedures. Such measures may include, but are not limited to:

i. Providing evacuation measures, improvements, way finding techniques and signage at a level greater than required by subsection G.;

ii. Providing tsunami evacuation structure(s) which are accessible to and provide capacity for evacuees from off-site;

iii. Incorporating building designs or techniques which exceed minimum structural specialty code requirements in a manner that increases the capacity of structures to withstand the forces of a local source tsunami; and,

iv. Concentrating or clustering development in lower risk portions or areas of the subject property, and limiting or avoiding development in higher risk areas.

(Ord. No. 2018-1166, 9-10-2018)

Chapter 10.80

SUPPLEMENTARY PROVISIONS FOR ESTUARINE AND SHORELAND AREAS

Sections:

10.80.010 Consistency review of regulated activities.

A. All regulated activities in estuarine or shoreland areas shall be reviewed to determine conformance with the comprehensive plan and provisions of this division. Regulated activities are those uses which require state and/or federal permits, including but not limited to docks, erosion control structures, shoreline stabilization, dredging, filling, dikes, piling and dolphin installation.

B. The fact that a use or activity is permitted or that a use permit has been approved or denied shall be reported to the permit-granting agency. The report shall contain a statement of whether or not the use or activity is consistent with the plan and this division; the reasons the use or activity is not consistent; standards and conditions which should be applied if the permit is granted and the need, if any, for local permits for uses associated with the regulated activities.

C. If a proposed use which requires local approval has not been reviewed, notice shall be given to the permit-granting agency and the applicant within ten (10) working days of notification, stating what process is required to review the proposed use. Upon completion of the required review, the report mentioned above, including a decision on the request, shall be sent to the permit-granting agency. (Ord. No. 2015-1139, § 2, 1-5-2015; Ord. 2003-1038 (part))

10.80.020 Consistency determination.

A. If a use or activity is permitted outright in the zone classification, it shall be considered to be consistent with the comprehensive plan, the purpose of the applicable management unit within which it is located and the resource capabilities of the area, and shall be considered to have no potential of creating unacceptable degradations of the estuarine or shoreland area.

B. If a use or activity is permitted with standards or permitted conditionally, local approval of a use permit shall be required. Approval of a request shall be based on findings which constitute a determination that the use or activity is consistent with the comprehensive plan, the purpose of the applicable resource management unit and provisions of this division. For estuarine areas, a determination of conformance with the resource capabilities of the area and other unacceptable degradations of the estuarine environment shall not occur. Findings shall be preceded by a clear presentation of the impacts of the proposed alteration and a demonstration of the public's need and gain which warrant such modification or loss. (Ord. No. 2015-1139, § 2, 1-5-2015; Ord. 2003-1038 (part))

10.80.030 Application.

A. No application is necessary for regulated activities which do not require local approval. Local input shall be provided to permit-granting agencies in response to public notice provisions of their application procedures.

B. Application for a regulated activity which requires local approval, or other use permitted with standards or permitted conditionally in the zone classification, shall be processed as an administrative action. The application shall include the following types of information. This list is not intended to be all inclusive, and is subject to Director determination of what information is applicable to the request and necessary for a decision.

1. Identification of resources existing at the site;

2. Effects of the proposed use on physical characteristics of the estuary and the proposed site, such as: flushing, patterns of circulation and other hydraulic factors; erosion and accretion patterns; salinity, temperature and dissolved oxygen characteristics of the water;

3. Effects of the proposed use on biological characteristics of the estuary and the proposed site, such as: benthic habitats and communities; anadromous fish migration routes; fish and shellfish spawning and rearing areas; primary productivity, resting, feeding and nesting areas for migrating and resident shorebirds, wading birds and other waterfowl, riparian vegetation; wildlife habitat;

4. Effects of the proposed use on other established uses in the area;

5. Impacts of the proposed use on navigation and public access to shoreland or estuarine areas;

6. Assurance that structures have been properly engineered;

7. Alternative project designs and/or locations which have been considered in order to minimize preventable adverse impacts;

8. Steps which have been taken to minimize or avoid adverse impacts.

C. If application has been made to the Corps of Engineers or Oregon Division of State Lands for permit approval, applications for local approval shall include the federal/state permit application and information submitted with that request.

D. Based on the type of use proposed, the Director shall determine which information is applicable to the request and shall be submitted with the application. Federal Environmental Impact Statements or Impact Assessments, or other prepared material which addresses pertinent issues, may satisfy this requirement is available at the time of application. In any case, the Director may require additional information from the applicant prior to making a decision if it is determined that such information is necessary to assure consistency with applicable criteria.

E. In making a decision, the Director shall consider:

1. The proposed use and its location;

2. Conformity with the standards for such use in this division;

3. Conformity with the comprehensive plan;

4. Consistency of the proposed use with resource capabilities of the area and the purpose of the applicable resource management unit for estuarine uses;

5. Comments from agencies or other persons noticed during the administrative action process.

F. Decisions made by the city of Reedsport under this division do not supersede the authority of the state or federal agencies which may regulate or have an interest in the activity in question. It is the

responsibility of the property owner to ensure that any other necessary permits are obtained. (Ord. No. 2015-1139, § 2, 1-5-2015; Ord. 2003-1038 (part))

10.80.040 Resource capabilities test.

A. Certain uses are permitted in estuarine areas as long as the uses are consistent with the resource capabilities, as defined by this division of the area and the purpose of the management unit. Technical review of a proposed use shall ensure that, if approved, the use will be consistent with resource values.

B. A determination of consistency with resource capability shall be based on:

1. Identification of resources existing at the site, including environmental (e.g. aquatic life and habitat present, benthic populations, migration routes) and social and economic factors (navigational channels, public access facilities, areas especially suited for water-dependent use);

2. Evaluation of impacts on those resources by the proposed use;

3. Determination of whether the resources can continue to achieve the purpose of the management unit if the use is approved.

C. In determining consistency of a proposed use with resource capabilities of the area, the city of Reedsport shall rely on federal or state resource agencies for regulated activities in estuarine areas. Findings showing that the proposed use is consistent with resource capabilities must be made by those agencies before such permits are approved.

D. For other than regulated activities that may be permitted with standards or conditionally permitted by zoning regulations, the Director shall make a decision based on the information submitted by the applicant, information contained in the comprehensive plan and other published studies concerning the Umpqua estuary, and comments received from resource agencies which result from public notice provided pursuant to Section 10.112.030. Non-response by an affected agency shall indicate to the Director that no resource issues have been identified within that agency's area of interest or expertise. (Ord. No. 2015-1139, § 2, 1-5-2015; Ord. 2003-1038 (part))

10.80.050 Other alterations.

In addition to potential impacts on resources in the immediate area, certain fills, dredging and other uses have the potential of creating degradation of other resources in the estuary. Such uses have been identified as those permitted with standards or permitted conditionally in the estuarine zone classification. If a significant potential degradation is identified, approval of federal or state permits must show consistency of the proposed use with the following criteria:

A. Other alterations in the estuary shall be allowed only:

1. If a need (i.e., a substantial public benefit) is demonstrated and the use or alteration does not unreasonably interfere with public trust rights; and

2. If no feasible alternative upland locations exist; and

3. If adverse impacts are minimized.

B. In determining the impact of other alterations on the estuary the city of Reedsport shall rely on the expertise of affected state and federal resource agencies. Through consultation with each agency, the city of Reedsport shall determine if the alteration is (1) needed, (2) that no feasible alternative upland location exists, and (3) that adverse impacts are minimized. The city shall notify the affected agency of the proposed alteration. Input from each agency shall be used to assist in the impact analysis. Non-response shall indicate to the Director

that the proposed alteration is consistent with above criteria in the view of the affected agency. The affected agency responses shall be utilized by the city in making findings on other alteration impacts. (Ord. No. 2015-1139, § 2, 1-5-2015; Ord. 2003-1038 (part))

10.80.060 Standards and criteria applicable to uses and activities in estuarine and shoreland areas.

In addition to other provisions of this chapter, uses and activities permitted with standards or permitted conditionally in estuarine and shoreland zones shall comply with any of the following applicable standards and criteria. Applicants for a use permit shall provide information concerning applicable standards and criteria sufficient to allow an evaluation of compliance with these standards and criteria, and shall be apprised of specific requirements at the required pre-application conference. (Ord. No. 2015-1139, § 2, 1-5-2015; Ord. 2003-1038 (part))

10.80.070 Standards and criteria for estuarine zones.

A. General Application.

1. The amount of estuarine area consumed by any one (1) development shall be minimized in order to limit the commitment of estuarine surface area to the parts of developments that must locate in the estuary as opposed to shorelands and uplands.

2. Water quality, including newly created waterways, shall be maintained at levels which will support recognized beneficial uses.

3. Water surface area and volume shall be maintained wherever possible.

4. A proposed use or activity shall not result in substantial destruction of a type of natural habitat or biological function which currently exists in the estuary.

5. A proposed use or activity shall not diminish the productive capacity of spawning sites for fish species having significant value to humans.

6. The size and shape of a dock or pier shall be limited to that required for that use.

7. In order to encourage community facilities common to several uses, proposals for the establishment of individual, single-purpose docks and piers shall only be approved when alternatives, such as mooring buoys, dry land storage and launching ramps, have been investigated and considered.

B. Dredging and Filling.

1. Dredging and/or filling, shall be allowed only if:

a. The activity is required for navigation or other water-dependent uses that require an estuarine location; or if specifically allowed by the applicable management unit requirements of the estuarine goal; and

b. If a need (i.e., a substantial public benefit) is demonstrated and the use or alteration does not unreasonably interfere with public trust, rights; and

c. No feasible alternative upland location exists for the portion of use requiring fill;

d. Adverse impacts are minimized;

e. The activity is consistent with the objectives of the state's estuarine resources goal and with the state and federal law in conformance with city of Reedsport comprehensive plan.

2. Fills or structures, when permitted, shall be of minimum size required for the operation of that use or business.

3. Filling shall be authorized only to accommodate development which has been

determined to be in accord with a design approved by the appropriate governing bodies and permit-granting agencies.

4. Adverse impacts on estuarine resources resulting from dredge or fill activities permitted in intertidal or tidal marsh areas shall be mitigated by creation, restoration or enhancement of an estuarine area. (See standards and criteria for mitigation/restoration, Section 10.80.080.)

5. Dredging activity shall be consistent with the policies and procedures set forth in the "Channel Development and Dredged Material Management Program for the Umpqua River Estuary" included in the comprehensive plan.

6. Dredged material disposal is prohibited in intertidal and marsh areas unless part of an approved fill project.

C. Log Storage.

1. New water storage for logs may be approved only if such storage is an integral part of the operation of an existing wood products facility or new water-dependent facility approved by the state's Environmental Quality Commission; if there are no feasible upland alternatives; if the area is within a development or conservation management unit; if storage is limited to deep water where logs will not go aground at the lowest tide, except as provided in subsection (C)(2); if storage time for specific logs will not exceed one (1) year; and if water storage will not interfere with navigation.

2. In water, storage of logs shall not be permitted in areas where logs go aground at the lowest tide unless it is demonstrated that no other reasonable alternatives exist.

3. Historical and current log storage sites that are not used for log storage for a five (5) year period shall be removed from further use for log storage.

D. Temporary Alterations.

1. Temporary alterations shall be allowed only if:

a. The alteration is consistent with the purpose of the management unit;

b. The alteration is in support of the uses permitted by the specific management unit;

c. The area affected by the alteration is restored to its original condition upon termination of the temporary use. (Ord. No. 2015-1139, § 2, 1-5-2015; Ord. 2003-1038 (part))

10.80.080 Standards and criteria for shoreland zones.

A. General Application.

1. Uses and activities shall be compatible with the characteristics and resources of adjacent estuarine areas, lakes and oceans and any geologic or hydrologic hazards.

2. Riparian vegetation shall be maintained to the maximum extent possible. Vegetation destroyed or damaged as a result of allowed uses or activities shall be restored and enhanced when appropriate and consistent with the use.

3. In all shorelands except those classified for water-dependent uses, development other than flood and erosion control structures and public or private docks shall be set back fifty (50) feet from the line of nonaquatic vegetation or mean high water, unless the city finds, after consultation with the Oregon Department of Fish and Wildlife, that such setback is unnecessary as a mitigation measure for the protection of wildlife.

4. Bridges, roads and railroads, airports and other means of transportation shall be permitted if found to be consistent with the resources of the area, the objectives of the applicable zoning classification and the transportation element of the comprehensive plan, and if essential to serve permitted or coordinated uses.

5. Nonstructural solutions to problems of shoreline erosion and flooding shall be preferred over structural methods. Fill activities on shorelands and in adjacent wa-

ters, and flood and erosion control structures such as jetties, bulkheads and sea walls shall be permitted only upon a demonstration of need and only if designed and sited to minimize erosion and man-induced sedimentation in adjacent areas and to minimize negative impacts on water currents, water quality and fish and wildlife.

6. Public access to shorelands and waters shall be provided as part of an allowed use when such access will not conflict with the type of use or development, create a significant hardship or significantly impact the resources of the shoreland area.

7. The size (length and height) of structures permitted shall be consistent with the need to protect scenic access to the water body.

B. Dredged Material Disposal.

1. Disposal of dredged material shall not be permitted in subtidal or intertidal areas of the estuary unless it is part of an approved fill project or in approved flow lane disposal site and if disposal of the material in an approved upland or ocean water site is not feasible.

2. Disposal of dredged material shall be permitted if the eventual use of the disposal site is consistent with the uses permitted in the applicable district and if the method of disposal is consistent with the policies and procedures of the dredged material disposal program included in the comprehensive plan.

3. When disposal of dredged material will create opportunity for development and associated improvements, access and services shall be available or planned.

4. Shorelands identified in the comprehensive plan as suitable for fulfilling dredge spoils requirements shall be protected from new uses and activities which would prevent their ultimate use for dredge spoil material.

C. Restoration and Mitigation.

1. Shoreland areas identified in the comprehensive plan as suitable for fulfilling mitigation requirements shall be protected from new uses and activities which would prevent their ultimate restoration or addition to the estuarine ecosystem.

2. Restoration and mitigation activities shall be consistent with the policies set forth in the restoration and mitigation program of the Douglas County comprehensive plan. (Ord. No. 2015-1139, § 2, 1-5-2015; Ord. 2003-1038 (part))

Chapter 10.84

EXCEPTIONS

Sections:

10.84.010 Nonconforming uses.

A. Purpose. It is the intent of the nonconforming use section of this division to permit pre-existing uses and structures which do not conform to the use or dimensional standards of this division to continue under conditions specified herein. However, alterations or expansion of those nonconforming uses and structures thereby creating potentially adverse effects in the immediate neighborhood or the city as a whole are not permitted, except as outlined below:

1. Continuation of a Nonconforming Use or Structure. A nonconforming use or structure may be continued but may not be altered or extended. The extension of a nonconforming use to a portion of a structure which was arranged or designed for the nonconforming use at the time of passage of the ordinance codified in this division is not an enlargement or expansion of a nonconforming use. A nonconforming structure which conforms with respect to use may be altered or extended if the alteration or extension does not cause the structure to deviate further from the standards of this division.

2. Discontinuance of a Nonconforming Use. If a nonconforming use involving a structure is discontinued from active use for a period of one (1) year, further use of the property shall be for a conforming use.

3. Change of a Nonconforming Use. If a nonconforming use is replaced by another use, the new use shall conform to this division and shall not subsequently be replaced by a nonconforming use.

4. Destruction of a Nonconforming Use. Restoration or replacement of any structure containing a nonconforming use may be permitted when the restoration is made necessary by fire, other casualty or natural disaster. Restoration or replacement shall be commenced within one (1) year from the occurrence of the fire, casualty or natural disaster. In the event construction cannot be commenced within one (1) year, the property owner may retain the right to building by posting a performance bond in the amount of the value of the structure to be built.

5. Completion of Construction. Nothing contained in this division shall require any change in the plans, construction, alteration or designated use of a structure for which documented plans are available or a construction permit has been issued prior to the adoption of the ordinance codified in this division provided the structure, if nonconforming or intended for a nonconforming use is completed and in use within two (2) years from the time of adoption of the ordinance codified in this division. (Ord. No. 2015-1139, § 2, 1-5-2015; Ord. 2003-1038 (part))

10.84.020 Exceptions to yard requirements.

The following exceptions to yard requirements are authorized for a lot in any zone:

A. If there are buildings on both abutting lots which are within one hundred (100) feet of the intervening lot, and the buildings have front yards of less than the required depth for the zone, the depth of the front yard for the intervening lot need not exceed the average depth of the front yard of the abutting lots.

B. If there is a building on one (1) abutting lot which is within one hundred (100) feet of the lot, and this building has a front yard of less than the required depth for the zone, the front yard for the lot need not exceed a depth halfway between the depth of the front yard of the abutting lot and the required front yard depth. (Ord. No. 2015-1139, § 2, 1-5-2015; Ord. 2003-1038 (part))

10.84.030 Exceptions to building height limitations.

Vertical projections such as chimneys, spires, domes, elevator shaft housings, aerials and flagpoles not used for human occupancy are not subject to the building height limitations of this division. (Ord. No. 2015-1139, § 2, 1-5-2015; Ord. 2003-1038 (part))

10.84.040 Projections from buildings.

Architectural features such as cornices, eaves, canopies, sunshades, gutters, chimneys and flues shall not project more than thirty-six (36) inches into a required yard. (Ord. No. 2015-1139, § 2, 1-5-2015; Ord. 2003-1038 (part))

Chapter 10.92

VARIANCES

Sections:

10.92.010 Authorization to grant or to deny variances.

The Planning Commission may authorize a variance from the requirements of this division where it can be shown that owing to special and unusual circumstances related to a specific lot, strict application of the division would cause an undue or unnecessary hardship. No variance shall be granted to allow the use of property for a purpose not authorized within the zone in which the proposed use would be located. In granting a variance, the Planning Commission may attach conditions which it finds necessary to protect the best interests of the surrounding property or vicinity and otherwise achieve the purposes of this division. (Ord. No. 2015-1139, § 2, 1-5-2015; Ord. 2003-1038 (part))

10.92.020 Criteria for granting a variance.

A variance may be granted only in the event that all of the following circumstances are considered:

A. Exceptional or extraordinary circumstances apply to the property which do not apply generally to other properties in the same zone or vicinity, and result from lot size or shape, topography or other circumstances over which the owners of property since enactment of the ordinance codified in this division have had no control.

B. The variance is necessary for the preservation of a property right of the applicant substantially the same as owners of other property in the same zone or vicinity possess.

C. The variance would not be materially detrimental to the purposes of this division, or to property in the same zone or vicinity in which the property is located, or otherwise conflict with the objectives of any city plan or policy.

D. The variance requested is the minimum variance which would alleviate the hardship.

E. The variance is not the result of a self-created hardship. (Ord. No. 2015-1139, § 2, 1-5-2015; Ord. 2003-1038 (part))

10.92.030 Minor variances.

Minor variances may be denied or granted upon review by the Community Development Planner for the following:

A. Front and side yard setback encroachments up to one (1) foot;

B. Exceeding building height requirements up to eighteen (18) inches;

C. Exceeding maximum lot coverage up to fifty (50) square feet;

D. All setback encroachments and lot coverage requirements for lots five thousand (5,000) square feet or less in area;

E. Exceeding maximum square footage allowed for signs up to ten (10) percent.

Upon receiving application for a minor variance, the Planner shall send written notification of applicants intent to all property owners (within one hundred (100) feet), fifteen (15) days prior to review and determination. Upon the conclusion of the fifteen (15) days the applicant shall receive written notification of the Planner's determination. The decision of the Planner on a

minor variance may be appealed to the Planning Commission. (Ord. No. 2015-1139, § 2, 1-5-2015; Ord. 2003-1038 (part))

10.92.040 Procedure to taking action on a variance request.

The procedure for taking action on a request for a variance shall be as follows:

A. A property owner may initiate a request for a variance by submitting an application with the Planning Staff. The Planning Commission shall receive such application for review and/or action within thirty (30) days of receipt by the Planning Staff.

B. Before the Planning Commission may act on a variance request, it shall hold a public hearing thereon as provided in Sections 10.112.010 through 10.112.090.

C. Within five (5) days after a decision has been rendered with reference to a variance application, the Planning Staff shall provide the applicant with written notice of the decision of the Commission.

D. The application shall be accompanied by a plan showing the condition to be varied, and the dimensions and arrangement of the proposed development. The application shall also be accompanied by a narrative from the applicant that addresses each of the criteria outlined in Section 10.92.030. (Ord. No. 2015-1139, § 2, 1-5-2015; Ord. 2003-1038 (part))

10.92.050 Time limit on a permit for a variance.

Authorization of a variance shall be void after one (1) year unless substantial construction has taken place. However, the Planning Director may extend authorization for an additional period not to exceed one (1) year, on request. (Ord. No. 2015-1139, § 2, 1-5-2015; Ord. 2003-1038 (part))

(Ord. No. 2017-1161, § 2, 4-3-2017)

Chapter 10.96

CONDITIONAL USE

Sections:

10.96.010 Authorization to grant or deny conditional use.

A. Purpose. To provide for certain uses that are not permitted outright in various zones because of their different or unusual characteristics in comparison with the permitted uses and to provide qualifying criteria and standards designed to protect property values and reduce adverse impacts with the surrounding area or community. Nothing construed herein shall be deemed to require the Planning Commission to grant a conditional use permit if it fails to meet the standards set forth in Section 10.96.020.

B. A conditional use listed in this division may be permitted, enlarged or altered upon authorization of the Planning Commission in accordance with the standards and procedures of this chapter.

1. In permitting a new conditional use or the alteration of an existing conditional use, the Planning Commission may impose, in addition to those standards and requirements expressly specified by this division, additional conditions which the Planning Commission considers necessary to protect the best interest of the surrounding area or the city as a whole. These conditions may include, but are not limited to the following:

a. Increasing the required lot size or yard dimension;

b. Limiting the height, size or location of buildings;

c. Controlling the location and number of vehicle access points;

d. Increasing the street width;

e. Increasing the number of required off-street parking spaces;

f. Limiting the number, size, location and lighting of signs;

g. Requiring diking, fencing, screening, landscaping or other facilities to protect adjacent or nearby property;

h. Designating sites for open space.

2. In the case of a use existing prior to the effective date of the ordinance codified in this division and classified in this division as a conditional use, any change in the use or in lot area, or an alteration of structure shall conform with the requirements for conditional use.

3. The Planning Commission may require an applicant for conditional use to furnish the city a surety or cash bond of up to the value of the cost of the improvement to assure that the conditional use is completed according to the plans as approved by the Planning Commission, and that standards established in granting the conditional use are observed.

4. Changes or alteration to approved conditional use permits shall be processed as a new administrative action. (Ord. No. 2015-1139, § 2, 1-5-2015; Ord. 2003-1038 (part))

10.96.020 Standards to which a conditional use must conform.

That the location, size, design and operating characteristics of the proposed use are such that it will have minimal adverse

impact on the property value, livability and permissible development of the surrounding area. Consideration shall be given to compatibility in terms of scale, coverage and density to the alteration of traffic patterns and the capacity of surrounding streets and to any other relevant impact of the proposed use.

That the site planning of the proposed use will, as far as reasonably possible, provide an aesthetically pleasing and functional environment consistent with the nature of the use and the given setting. (Ord. No. 2015-1139, § 2, 1-5-2015; Ord. 2003-1038 (part))

10.96.030 Mobile home parks.

An application for conditional use permit for a mobile home park shall be approved if it meets all of the following:

A. The zone in which the mobile home park is to be developed provides for such parks as a conditional use.

B. The proposed mobile home park is consistent with applicable policies of the Reedsport comprehensive plan.

C. The proposed mobile home park complies with all applicable property development standards for the zone in which it is to be developed and with all applicable provisions of Chapter 10.76.

D. The city shall not prohibit placement of a mobile home due solely to its age, in a mobile home park in a zone with a density of eight (8) to twelve (12) units per acre. (Ord. No. 2015-1139, § 2, 1-5-2015; Ord. 2003-1038 (part))

10.96.040 Procedure for taking action on a conditional use application.

The procedure for taking action on a conditional use application shall be as follows:

A. A property owner may initiate a request for a conditional use by filing a request with the Planning Staff.

B. Before the Planning Commission may act on a conditional use request, it shall hold a public hearing thereon, following procedure as established in Sections 10.112.010 through 10.112.090.

C. Within five (5) days after a decision has been rendered with reference to a conditional use request, the Planning Staff shall provide the applicant with written notice of the decision of the Commission. (Ord. No. 2015-1139, § 2, 1-5-2015; Ord. 2003-1038 (part))

10.96.050 Time limit on conditional uses.

Authorization of a conditional use shall be void after one (1) year or such lesser time as the authorization may specify unless substantial documented plans are being developed or construction has taken place, or if the use approved by the conditional use permit is discontinued for any reason for more than one (1) year. The Planning Director may extend authorization for an additional period not to exceed one (1) year, on request. (Ord. No. 2015-1139, § 2, 1-5-2015; Ord. 2003-1038 (part))
(Ord. No. 2017-1161, § 2, 4-3-2017)

Chapter 10.100

AMENDMENTS

Sections:

10.100.010 Authorization to initiate amendments.

An amendment to the text of this division or to a zone boundary may be initiated by the City Council, the City Planning Commission, Douglas County or by application of a property owner. (Ord. No. 2015-1139, § 2, 1-5-2015; Ord. 2003-1038 (part))

10.100.020 Standards for amendments.

An amendment may be granted only in the event that the evidence presented to the Planning Commission satisfies criteria set forth in the following standards:

A. Is there sufficient burden of proof to show the action will be in the public interest?

B. Is said action detrimental to properties surrounding or adjacent to the area requested for the amendment?

C. Is the proposed amendment in conflict with the adopted comprehensive plan, including the transportation system plan for the area?

D. Will the proposed amendment adversely affect the public health, safety and general welfare?

E. What effect will the newly proposed amendment have on the existing developed land use pattern in the immediate area, specifically with respect to the question of land use compatibility?

F. Will the proposed amendment be consistent with the function, capacity and performance standards for the streets used for access, consistent with the Reedsport TSP, the Oregon highway plan, and the Transportation Planning Rule (OAR 660-12)? (Ord. No. 2015-1139, § 2, 1-5-2015; Ord. 2006-1056 (part); Ord. 2003-1038 (part))

10.100.030 Public hearings on amendments.

The Planning Commission shall conduct a public hearing on the proposed amendment at its earliest practicable meeting after the amendment is proposed and shall:

A. Within five (5) working days after the decision has been rendered, the City Planning Department shall provide the applicant with a written notice of the decision of the Planning Commission.

B. Within forty (40) days after the hearing, recommend to the City Council approval, disapproval or modified approval of the proposed amendment. After receiving the recommendation of the Planning Commission, the City Council shall hold a public hearing on the proposed amendment. (Ord. No. 2015-1139, § 2, 1-5-2015; Ord. 2003-1038 (part))

10.100.040 Notification procedures for amendments.

A. All zoning text amendments require thirty-five (35) days' prior notice to the Department of Land Conservation and Development pursuant to ORS 197.610.

B. Any amendment that limits or prohibits land uses previously allowed in the

affected area may be subject to measure fifty-six (56) notification, as specified in ORS 227.186.

C. Notice of the public hearing must be published in a newspaper of general circulation in the city not less than twenty (20) days before the evidentiary hearing is held or ten (10) days before the first evidentiary hearing, if two (2) or more evidentiary hearings are allowed. (Ord. No. 2015-1139, § 2, 1-5-2015; Ord. 2003-1038 (part))

10.100.050 Record of amendments.

The City Recorder shall maintain records of amendments to the text and zoning map of this division. (Ord. No. 2015-1139, § 2, 1-5-2015; Ord. 2003-1038 (part))

10.100.060 Limitation of reapplications.

No application of a property owner for an amendment to the text of this division or to a zone boundary shall be considered by the Planning Commission within the one (1) year period immediately following a previous denial of such request, except the Planning Commission may permit a new application if, in the opinion of the Planning Commission, new evidence or a change of circumstances warrant it. (Ord. No. 2015-1139, § 2, 1-5-2015; Ord. 2003-1038 (part))

Chapter 10.104

APPEALS

Sections:

10.104.010 Enforcement.

The City Manager or his designated representative shall have the power and duty to enforce the provisions of this division. An appeal from a ruling of the City Manager or his designated representative shall be made to the Planning Commission. (Ord. 2003-1038 (part))

10.104.020 Appeals from a ruling of the planning commission.

Any action or ruling of the Planning Commission authorized by this division may be appealed to the City Council in accordance with the following procedure:

A. Such appeal shall be made within fifteen (15) days of the date notice of the Planning Commission decision was mailed by filing written notice with the City Recorder. If no appeal shall be taken within such fifteen (15) day period, the decision of the Commission shall be final.

B. Appeals shall include:

1. A statement of the interest of the petitioner to determine his party status;

2. The specific grounds relied upon in the petition request for review;

3. The date of the decision of the initial action.

C. The following parties (or authorized agent) shall have standing:

1. Site Specific (Other than Minor Variance). Applicant, property owners within two hundred (200) feet of the subject site, City Manager or anybody determined to have standing by the deliberating body;

2. Site Specific Minor Variance. Applicant, adjacent property owners or anybody determined to have standing by the deliberating body. (Ord. 2003-1038 (part))

10.104.030 Scope of review.

A. Unless otherwise provided by the City Council, the review of the initial action shall be confined to the record of the proceeding below, which shall include:

1. All materials, pleadings, memoranda, stipulations and motions submitted by any party to the proceeding and received or considered by the Planning Commission as evidence;

2. All materials submitted by the city staff with respect to the application;

3. The transcript of the hearing below;

4. The findings and action of the Planning Commission and the notice of review;

5. Argument by the parties or their legal representatives at the time of review before the City Council.

B. The City Council may admit additional testimony and other evidence if it is satisfied that the testimony or other evidence could not have been presented upon initial hearing and action. In deciding such admission, the City Council shall consider:

1. Prejudice to parties;

2. Convenience of location of the evidence at the time of initial hearing;

3. Surprise to opposing parties;

4. When notice was given to other parties as to the attempt to admit;

5. The competency, relevancy and materiality of the proposed testimony or other evidence. (Ord. 2003-1038 (part))

10.104.040 Decision.

The City Council may affirm, reverse or amend the action of the Planning Commission and may reasonably grant approval subject to conditions necessary to carry out the comprehensive plan and ordinances. The council may also refer the matter back to the Planning Commission for additional information.

A. For all cases, the Council shall make finding based on the record before it and any testimony or other evidence received by it as justification for its actions.

B. The Council shall state all orders upon the close of its hearing or upon continuance of the matter to a time certain. (Ord. 2003-1038 (part))

10.104.050 Notification of appeal.

Written notice of the public hearing on an appeal shall be provided to the appellant, the applicant, if different, and all parties entitled to receive mailed notice prior to or after the original decision. (Ord. 2003-1038 (part))

10.104.060 Reapplication following denial.

After denial of a development proposal, no new application for the same area, or any portion thereof, may be submitted for a period of one year from the date of denial. However, the Planning Commission may waive this restriction if the proposal has been sufficiently modified or conditions have changed sufficiently to justify reconsideration. (Ord. 2003-1038 (part))

Chapter 10.108

ADMINISTRATIVE PROVISIONS

Sections:

10.108.010 Authorization of similar uses.

The Planning Commission may permit in a particular zone a use not listed in this division, provided the use is of the same general type as the uses permitted there by this division. However, this section does not authorize the inclusion in a zone where it is listed in another zone or which is of the same general type and is similar to a use specifically listed in another zone. (Ord. 2003-1038 (part))

10.108.020 Maintenance of minimum requirements.

No lot area, yard or other open space existing on or after the effective date of the ordinance codified in this division shall be reduced below the minimum required for it by this division, and no lot area, yard or other open space which is required by this division for one use shall be used as the required lot area, yard or other open space for another use. (Ord. 2003-1038 (part))

10.108.030 Building permits.

No permit shall be issued by the building inspector for the construction, reconstruction, alteration or change of use of a structure or lot that does not conform to the requirements of this division and does not have permit approval of the Planning Department. (Ord. 2003-1038 (part))

10.108.040 Filing fees.

Filing fees shall be established by a separate ordinance. (Ord. 2003-1038 (part))

10.108.050 Interpretation.

Where a provision of this division is in conflict with another provision of this division, or any other ordinance or requirement of the city, the provision or requirement which is more restrictive shall govern.

Some terms or phrases within this code may have two or more reasonable meanings. In order to resolve the difference an interpretation of the code maybe required. A request for an interpretation must be submitted in writing to the Planning Commission. The Planning Commission will hold a public hearing regarding the interpretation at the first regular meeting following the submittal. Notification procedures will follow the guidelines listed in Chapter 10.112. The Planning Commission's decision may be appealed to the City Council in accordance with Chapter 10.104 of this division. (Ord. 2003-1038 (part))

10.108.060 Severability.

The provisions of this division are severable. If a section, sentence, clause or phrase of this division is adjudged by a court of competent jurisdiction to be invalid, the decision shall not affect the validity of the remaining

portion of this division. (Ord. 2003-1038 (part))

10.108.070 Time limit for city decision.

A. The city shall render a final decision regarding all land use applications within its control within one hundred twenty (120) days of receipt of a complete application.

B. The applicant may submit a request for an extension on a land use decision or action beyond the one hundred twenty (120) day limit.

C. Land use regulations amendments or adoptions of new regulations that must be submitted to the Department of Land Conservation and Development Director may be exempt from the one hundred twenty (120) day limit.

D. Applicant whose applications have not been acted upon within the one hundred twenty (120) day limit may seek a writ of mandamus to compel issuance or action on a land use application. (Ord. 2003-1038 (part))

Chapter 10.112

PUBLIC HEARING PROCEDURES

Sections:

10.112.010 Scope of rules.

This chapter shall govern the conduct of hearings held by the City Council and the Planning Commission, hereafter referred to as the deliberating body, including all hearings and appeals provided for within this division, the comprehensive plan and any other land use matters requiring such hearing. Any other matters coming before the deliberating body for hearings may be governed by any and all of these rules at the discretion of the Councilors or Planning Commissioners. (Ord. 2003-1038 (part))

10.112.020 Nature and general conduct of hearing.

The deliberating body, in conducting a hearing which will result in a determination as to the permissible use of specific property, is acting in quasi-judicial capacity and all hearings shall be conducted accordingly. Parties with standing are therefore entitled to notice of hearing, if required by charter, ordinance or statute, an opportunity to be heard, to present and rebut evidence to a tribunal which is impartial, to have the proceedings recorded, and to have a decision based on evidence offered, supported by findings of fact as part of that record. (Ord. 2003-1038 (part))

10.112.030 Notice of public hearings.

Notice of public hearings shall be given by the City Recorder in the following manner, except where statutory requirements are given and then the statutory requirements shall be followed:

A. Notice shall also be presented in written form not less than twenty (20) days before the evidentiary hearing or ten (10) days before the first evidentiary hearing, if two or more evidentiary hearings are allowed to the owners of property within two hundred (200) feet of the exterior boundaries of the property involved where the site is wholly or partially within the city limits and/or the urban growth boundary.

B. The notice shall contain the following information:

1. An explanation of the nature of the application and the proposed use or uses which could be authorized;

2. A list of the applicable criteria from the ordinance and the plan that apply to the application;

3. The street address or other easily understood geographical reference to the subject property;

4. The date, time and location of the hearing;

5. Failure to raise an issue by the close of the record at or following the final evidentiary hearing in person or by letter precludes appeal to Land Use Board of Appeals (LUBA) based on that issue;

6. Failure to provide sufficient specificity to afford the decision maker an opportunity to respond to an issue that is raised precludes appeal to LUBA based on that issue;

7. The name of a local government representative to contact and a telephone number where additional information may be obtained;

8. A copy of:

a. The application,

b. All documents and evidence relied upon by the applicant, and

c. Applicable criteria are available for inspection at no cost and will be provided at reasonable cost;

9. A copy of the staff report will be available for inspection at no cost at least seven days prior to the hearing and will be provided at reasonable cost; and

10. A general explanation of the requirements for submission of testimony and the procedure for the conduct of hearings.

C. For each quasi-judicial land use hearing, an affidavit must be completed representing that the requisite notice was provided to the appropriate individuals.

D. Special notice regulations for hearings on a rezone of property containing mobile home parks.

Before enacting, at the request of a property owner, an ordinance which would change the zone of property which includes all or part of a mobile home park as defined in this division, the Planning Department shall give written notice by first class mail to each existing mailing address for tenants of the mobile home park at least twenty (20) days but not more than forty (40) days before the date of the first hearing on the ordinance. The applicant shall provide the Planning Department with a certified list, from a title company, of the mailing addresses for tenants of the mobile home park. The failure of a tenant to receive a notice which was mailed shall not invalidate any zone change. (Ord. 2003-1038 (part))

10.112.040 Submission of evidence.

A. Persons may submit documents or evidence:

1. In support of the application—as late as the hearing itself;

2. In opposition to the application:

a. At the hearing, and

b. For at least seven days after the hearing if someone submits documents or evidence in support of the application or a participant at the initial hearing asks before the hearing concludes that the record be kept open;

3. The applicant and other persons who have participated at the initial hearing may submit documents or evidence rebutting evidence submitted in opposition to the application:

a. At the hearing, and

b. For at least seven days after the hearing if a participant at the initial hearing asks before the hearing concludes that the record be kept open. (Ord. 2003-1038 (part))

10.112.050 Staff report.

Any staff report used at a hearing shall be made available at least seven days before the hearing. (Ord. 2003-1038 (part))

10.112.060 Continuance/record.

A. Any party shall be entitled to a continuance of the initial evidentiary hearing if anyone submits additional documents or evidence in support of the application supplementing the documents or evidence submitted by the applicant.

B. The record shall remain open for at least seven days after the initial evidentiary hearing if a participant asks before the hearing

concludes that the record be kept open. (Ord. 2003-1038 (part))

10.112.070 Burden and nature of proof.

The burden of proof is upon the proponent. The more drastic the change or impact of the proposal, the greater is the burden of the proponent. Unless otherwise provided, such burden shall be to prove:

A. The public interest is best carried out by approving the application for the proposed action at this time; and

B. The proposed action complies with the comprehensive plan. (Ord. 2003-1038 (part))

10.112.080 Order of procedure.

A. At the outset of the hearing, the presiding officer shall review the public hearing procedure and shall inquire whether any member of the deliberating body wishes to declare a conflict of interest or ex-parte contact.

B. List the applicable criteria.

C. State that testimony and evidence must be directed toward the criteria included in the list of applicable criteria or other criteria in the plan or land use regulations which a person believes to apply to the decision.

D. State that issues must be raised by the close of the record at or following the final evidentiary hearing, in person or by letter.

E. At the initial evidentiary hearing, state that if a participant at the hearing so requests before the hearing concludes, the record shall be kept open for at least seven days unless there is a continuance.

F. At the initial evidentiary hearing, state that any party shall be entitled to a continuance of the hearing if anyone submits documents or evidence in support of the application supplementing the documents or evidence submitted by the applicant.

G. State that failure to raise an issue with sufficient specificity to afford the decision maker and the parties an opportunity to respond to the issue precludes appeal to LUBA based on that issue.

H. City staff shall briefly review the basic facts involved in the proposal.

I. The presiding officer shall provide the opportunity for questions to be asked by the deliberating body or from the floor regarding clarification of the matter to be heard.

J. All those persons who support the proposed application shall first be permitted to present their case. The applicant or his representative shall proceed first, to be followed by all others who support the application.

K. All those who oppose the proposed application shall then present their case.

L. City staff shall then make further presentation, if appropriate. City staff may also answer questions or clarify issues during other stages of the hearing whenever permitted by the presiding officer during the hearing.

M. Following all presentation, brief rebuttal shall be permitted by all parties in the same general order as initial presentations. The presiding officer shall have broad discretion to limit rebuttal to avoid repetition and redundancy.

N. All testimony and exhibits presented during public hearing shall be considered permanent part of the record.

Members of the deliberating body may question anyone making a presentation at a hearing, but such questioning shall occur after, not during, the individual's presentation.

Any questions from the floor shall be addressed to the presiding officer. The presiding officer shall then direct the question to the appropriate person.

No person shall be disorderly, disruptive or abusive during the conduct of the hearing.

No person shall testify without receiving recognition from the presiding officer and stating his full name and address.

All presentations shall be as brief as possible, and redundancy and repetition shall be avoided.

The presiding officer shall have authority to:

1. Regulate the course and decorum of the hearing;
2. Dispose of procedural matters;
3. Rule on relevancy of testimony and request documentation at any time;
4. Impose reasonable limitations on the number of witnesses and time limits for presentations and rebuttal.

At the close of all presentations and rebuttal, the presiding officer shall declare that the hearing is closed, and thereafter no further evidence or argument shall be received. Once a hearing has been closed, it shall be reopened upon vote of the deliberating body.

Any person making a presentation may present one or more written exhibits, visual aids, affidavits and similar material to be considered as part of the evidence. Exhibits shall become part of the permanent record.

At City Council hearings, all Planning Commission minutes and records shall be a part of the record before the City Council. A Planning Commission spokesperson may testify as part of the city staff presentation at a City Council hearing.

The Planning commission or City Council may recess a public hearing in order to obtain additional information or to serve further notice upon other persons it decides may be interested in the proposal being considered. Upon recessing, the time and date when the hearing is to be resumed shall be announced. (Ord. 2003-1038 (part))

10.112.090 Deliberation and decision.

The action by the deliberating body may be to approve the application as submitted, to deny the application, or to approve the application with such conditions as may be necessary to carry out the comprehensive plan and ordinances of the city. The deliberating body shall first make findings and its decision may include findings proposed by the proponent, opponents, and the city staff. (Ord. 2003-1038 (part))

10.112.100 Administrative action decisions of the Director.

In making an administrative action decision, the Director consider the following:

A. The burden of proof is placed upon the applicant. Such burden shall be to prove:

1. The proposed action fully complies with the applicable goals, policies and map elements of the comprehensive plan; and
2. The proposed action is in accord with the applicable criteria of this division.

B. Notice of proposed administrative action shall be sent to all properties and all affected agencies within one hundred (100) feet of the property subject to the application at least fifteen (15) days prior to the decision.

C. The Director may impose conditions in making a decision to approve an administrative action. The following limitations shall be applicable to conditional approval:

1. Conditions shall be fulfilled within the time limitations set forth in the approval thereof;
2. Such conditions shall be reasonable to fulfill public needs;
3. Failure to fulfill any conditions of approval with the time limitations provided may be grounds for initiation of administrative action or revocation of approval by the Director.

D. Notice of administrative decision shall be filed in the records and also mailed to applicant and all property owners within the one hundred (100) feet notification boundary and shall contain the following information:

1. Identification of the application;

2. The findings of fact pertaining to the Director's decision;

3. Other information pertinent to the application, if any;

4. The date of the filing of the decision of the Director;

5. Notice that any party may appeal the decision to the Planning Commission by filing such intent with the Director within ten (10) days of the Director's mailed decision.

E. Planning Commission shall be notified of all administrative decisions within five days of the decision being rendered.

F. The administrative decision of the Director shall be final upon the expiration of fifteen (15) days from the date of approval or disapproval unless an appeal from an aggrieved person is received by the Director within such ten (10) day period or if two or more Planning Commissioners submit in writing to the Director within a ten (10) day period a request to review the Director's decision. (Ord. 2003-1038 (part))

Chapter 10.116

REMEDIES

Sections:

10.116.010 Penalty.

A person violating a provision of the division or such conditional use permit as is granted shall, upon conviction, be punished by imprisonment for not more than sixty (60) days or by fine of not more than five hundred dollars ($500.00) or both. A violation of this division shall be considered a separate offense for each day the violation continues. (Ord. 2003-1038 (part))

10.116.020 Alternative remedy.

In case a building or other structure is or is proposed to be located, constructed, maintained, repaired, altered or used, or land is or is proposed to be used, in violation of this division, the building or land thus in violation shall constitute a nuisance and the city may, as an alternative to other remedies that are legally available for enforcing this division, institute injunction, mandamus, abatement or other appropriate proceedings to prevent, enjoin, temporarily or permanently abate or remove the unlawful location, construction, maintenance, repair, alteration or use. (Ord. 2003-1038 (part))

10.116.030 Procedure.

A. Within ten (10) days after notification of a violation of this division, the City Manager or his designated representative shall notify the property owner that such a violation exists.

B. Where the violation does not involve a structure, action to rectify such shall be made within thirty (30) days.

C. Where the violation involves a structure, action to rectify such shall be made within sixty (60) days.

D. If no action has been taken to rectify the violation within the specified time, the City Manager or his designated representative shall notify the City Attorney or his designated representative of such.

E. The City Attorney shall set the date for a hearing with the person violating this division and the City Manager, to consider whether subsequent legal action should be taken to rectify the violation; and if necessary, he shall take such legal action as required to ensure compliance with this division. (Ord. 2003-1038 (part))

DIVISION IV.

REAL PROPERTY

Chapter 10.200

COMPENSATION CLAIMS

Sections:

10.200.010 Purpose.

To implement the provisions added to Chapter 197 of Oregon Revised Statutes by Ballot Measure 37 (November 2, 2004). These provisions establish a prompt, open, thorough and consistent process that enables property owners an adequate and fair opportunity to present their claims to the city; preserves and protects limited public funds; and establishes a record of the city's decision capable of circuit court review. (Ord. 2005-1051 (part))

10.200.020 Definitions.

As used in Sections 10.200.010 through 10.200.080, the following words and phrases mean:

"City manager" means the City Manager of the city or his or her designee.

"Claim" means a claim filed under Ballot Measure 37.

"Exempt land use regulation" means a land use regulation that:

1. Restricts or prohibits activities commonly and historically recognized as public nuisances under common law;

2. Restricts or prohibits activities for the protection of public health and safety, such as fire and building codes, health and sanitation regulations, solid or hazardous waste regulations, and pollution control regulations;

3. Is required in order to comply with federal law;

4. Restricts or prohibits the use of property for the purpose of selling pornography or performing nude dancing; or

5. Was enacted prior to the date of acquisition of the property by the owner or a family member of the owner.

"Family member" means and includes the wife, husband, son, daughter, mother, father, brother, brother-in-law, sister, sister-in-law, son-in-law, daughter-in-law, mother-in-law, father-in-law, aunt, uncle, niece, nephew, stepparent, stepchild, grandparent, or grandchild of the owner of the property, an estate of any of the foregoing family members, or a legal entity owned by anyone or combination of these family members or the owner of the property.

"Land use regulation" means and includes:

1. Any statute regulating the use of land or any interest therein;

2. Administrative rules and goals of the Land Conservation and Development Commission; and

3. Local government comprehensive plans, zoning ordinances, land division ordinances and transportation ordinances.

"Owner" means the present owner of the property or any interest therein.

"Valid claim" means a claim submitted by the owner of real property that is subject to a land use regulation, other than an exempt land use regulation, adopted or enforced by the city that restricts the use of the private real property in a manner that reduces the fair market value of the real property. (Ord. 2005-1051 (part))

10.200.030 Real property compensation-claim submittal procedure.

A. A person seeking to file a claim under Sections 10.200.010 through 10.200.080 of this code must be the present owner of the property that is the subject of the claim at the time the claim is submitted. The claim shall be filed with the City Manager's office.

B. A claim will not be accepted for filing and will not be considered filed under Ballot Measure 37 until all of the requirements contained in subsection C of this section are completed in the owner's filing with the city.

1. The City Manager will conduct a completeness review within fifteen (15) days after submittal of the claim and will advise the owner in writing of any material remaining to be submitted. The owner must submit the material needed for completeness within thirty (30) days of the written notice that additional material is required. If the owner fails to provide the additional materials within the thirty (30) day period, the claim will not be accepted for filing.

2. The one hundred eighty (180) day period required for accrual of a cause of action for compensation under Ballot Measure 37 begins on the date the City Manager deems the claim complete and accepts it for filing. The City Manager will mark the date of completeness and filing on the claim form and provide a copy to the claimant.

C. A claim shall include:

1. The name(s), address(es) and telephone number(s) of all owners, and anyone with any interest in the property, including lien holders, trustees, renters, lessees, and a description of the ownership interest of each;

2. The address, tax lot, and legal description of the real property that is the subject of the claim, together with a title report issued no more than thirty (30) days prior to the submission of the claim that reflects the ownership of the entire property by the claimant(s), and the date the property was acquired;

3. The current land use regulation(s) that allegedly restricts the use of the real property and allegedly causes a reduction in the fair market value of the subject property;

4. The amount of the claim, based on the alleged reduction in value of the real property supported by an appraisal by an appraiser who is licensed or certified by the Appraiser Certification and Licensure Board of the state of Oregon and who is not a business partner nor family member of any owner of the property; and

5. Copies of any leases or covenants, conditions and restrictions (CCR's) applicable to the real property, if any, that impose restrictions on the use of the property.

D. Notwithstanding a claimant's failure to provide all of the information required by subsection C of this section, the city may review and act on a claim. (Ord. 2005-1051 (part))

10.200.040 City manager recommendation.

A. Following an investigation of a claim, the City Manager shall forward to the City Council a recommendation, together with an explanation to support the recommendation, that the claim be:

1. Denied;

2. Investigated further;

3. Declared valid, and waive or modify the land use regulation, or compensate the claimant upon completion of an appraisal; or

4. Evaluated with the expectation of the city acquiring the property, by condemnation if necessary.

B. If the City Manager's recommendation is that a claim be denied, and no city elected official informs the City Manager within fourteen (14) days that the official disagrees, then the City Manager may deny the claim. If an elected official objects, then the City Manager shall wait an additional seven days to see whether three more elected officials object to the proposed denial. If they do, then the City Manager shall schedule a work session with the City Council. If not, the City Manager may deny the claim. (Ord. 2005-1051 (part))

10.200.050 City council decision.

A. The City Council may conduct a public hearing before taking final action on a recommendation from the City Manager. The City Council shall not waive or modify a land use regulation unless the Council first holds a public hearing. Notice of a public hearing shall be mailed at least fourteen (14) days prior to the public hearing, and shall at a minimum be sent to the claimant, to owners and occupants of property within two hundred (200) feet of the perimeter of the subject property, and neighborhood groups or community organizations officially recognized by the City Council whose boundaries include the subject property. Such notice shall be sent out with a proof of mailing certification from the post office.

B. Upon conclusion of any hearing, and prior to the expiration of one hundred eighty (180) days from the date the claim was filed, the City Council shall adopt a resolution that:

1. Determines that the claim is a valid claim and removes or modifies land use regulation(s) with respect to the subject property to allow the owner to use the property for a use permitted at the time the owner acquired the property;

2. Determines that the claim is a valid claim and compensation is due to the claimant in an amount set forth in the Council's resolution;

3. Determines that the claim is a valid claim and that the city should acquire the property; or

4. Denies the claim.

C. The City Council's decision to waive or modify a land use regulation or to compensate the owner shall be based upon consideration of whether the public interest would be better served by compensating the applicant, or by removing or modifying the challenged use regulation(s) with respect to the subject property.

D. If the City Council removes or modifies the challenged and use regulation, the Council may as part of the decision reimpose with respect to the subject property, all of the land use regulations in effect at the time the claimant acquired the property.

E. A decision by the City Council to remove or modify a land use regulation shall be transferable to a future purchaser of the property only to the extent required by the Ballot Measure 37.

F. If the City Council adopts a resolution under subsection (B)(1) or (B)(2) of this section, the City Manager shall record on the property a copy of the resolution with Douglas County records. (Ord. 2005-1051 (part))

10.200.060 Conditions of approval and revocation of decisions.

A. Failure to comply with any conditions of approval established under Section 10.200.050 is grounds for revocation of the approval of the compensation for the demand, grounds for recovering any compensation paid and grounds for revocation of any other action taken under this section.

B. In the event the owner, or the owner's successor in interest, fails to fully comply with the conditions of approval, the city may institute a revocation or modification proceeding before the City Council utilizing the same process established in this section. (Ord. 2005-1051 (part))

10.200.070 Processing fee.

A. The City Manager shall charge a four hundred dollar ($400.00) deposit to be paid at the time of filing of the claim. Following the filing of the application and deposit, the City Manager shall maintain a record of the city's costs in processing a claim, including the cost of obtaining information required by Section 10.200.030 of this chapter, which is not provided by the property owner. Following final action by the city on the claim at the local level, the City Manager shall either send the property owner a bill for the actual costs including staff and legal time that exceed the four hundred dollar ($400.00) deposit or refund any unspent portion of the deposit whichever is appropriate. (Ord. 2005-1051 (part))

10.200.080 Private cause of action.

A. If the City Council's approval of a claim by removing or modifying a land use regulation causes a reduction in value of other property located in the vicinity of the claimant, the neighbor(s) shall have a cause of action in state circuit court to recover from the claimant the amount of the reduction, and shall also be entitled to attorney's fees. (Ord. 2005-1051 (part))

APPENDIX A: FEES

Appendix A, Fees, was removed at the direction of the city. Fees are regulated by resolution.

STATUTORY REFERENCES FOR OREGON CITIES

The statutory references listed below refer the code user to state statutes applicable to Oregon cities. They are current through laws enacted in the 2020 Regular Session of the 80th Legislative Assembly, which adjourned sine die March 3, 2020; laws enacted in the First Special Session of the 80th Legislative Assembly, which adjourned sine die June 26, 2020; and laws enacted during the Second Special Session of the 80th Legislative Assembly, which adjourned sine die August 10, 2020, pending classification of undesignated material and text revision by the Oregon Reviser.

General Provisions

Incorporation of cities
ORS § 221.005 et seq.

City charters
Oregon Const. Art. XI, § 2

Charter amendments
ORS § 221.210

Boundary changes
ORS ch. 222

Ordinances
ORS § 221.275 et seq.

Enforcement of ordinances
ORS §§ 30.315 and 221.315

Procedures for infractions, violations and traffic offenses
ORS ch. 153

Elections
ORS §§ 221.180, 221.200, 221.230

Initiative and referendum
ORS §§ 221.210 and 250.255 et seq.

Administration and Personnel

City officers
ORS § 221.110 et seq.

Municipal courts
ORS §§ 221.140, 221.336 et seq.

Public meetings
ORS § 192.610 et seq.

Emergency management and services
ORS ch. 401

Planning commissions
ORS § 227.010 et seq.

Revenue and Finance

Financial administration
ORS ch. 294

Public contracts and purchasing
ORS chs. 279A—279C

Assessments for local improvements
ORS ch. 223

Limitations on powers of city to assist corporations
Oregon Const. Art. XI § 9

Revenue sharing for cities
ORS § 221.770

Business Licenses and Regulations

Taxation of liquor prohibited
ORS § 473.190

Animals

Animal control
ORS ch. 609

Rabies control
ORS § 433.340 et seq.

Health and Safety

General authority
ORS § 221.410

Health Hazard Abatement Law
ORS § 222.840 et seq.

Camping by homeless
ORS § 203.077 et seq.

Fireworks
ORS § 480.111 et seq.

Public Peace, Morals and Welfare

General authority
ORS § 221.410

State penal code
ORS title 16

Curfew
ORS § 419C.680

Firearms regulation
ORS § 166.170 et seq.

Public intoxication
ORS § 430.402

Vehicles and Traffic

Oregon vehicle code
ORS title 59

Local authority
ORS §§ 801.038, 801.040

Rules of the road
ORS ch. 811

Driving under influence of intoxicants
ORS ch. 813

Off-road vehicles
ORS ch. 821

Abandoned vehicles
ORS ch. 819

Parking offenses
ORS § 221.275 et seq.

Bicycles
ORS § 814.400 et seq.

Streets, Sidewalks and Public Places

City improvements and works
ORS ch. 223

City parks, memorials and cemeteries
ORS ch. 226

Public Services

Municipal utilities
ORS ch. 225

Regulation of public utilities
ORS § 221.420 et seq.

City sewers and sanitation
ORS ch. 224

System development charges
ORS § 223.297 et seq.

Buildings and Construction

State building code
ORS ch. 455

Adoption of codes by reference
ORS § 221.330

Radio antennas
ORS § 221.295

Subdivisions

Subdivisions and partitions
ORS ch. 92

Zoning

City planning and zoning
ORS ch. 227

ORDINANCE LIST AND DISPOSITION TABLE*

Beginning with Supplement No. 12, this table will be replaced with the "Code Comparative Table and Disposition List."

* The ordinances in this list are arranged numerically by ordinance number, and not chronologically. The city frequently reused ordinance numbers to revise older ordinances, so a particular ordinance number may be used several times. In most cases, the first four digits are the year an ordinance was adopted, and the second set of digits is the ordinance number. In some cases, the ordinance number is followed by an alphabetical suffix which represents a particular revision of that ordinance number.

Ordinance Number	
1919-1	Initiative and Referendum powers to voters (1.12)
1919-2	City meetings (Repealed by 276)
1919-3	(Repealed by 276)
1919-4	Bond issuance (Special)
1919-5	Prohibits gambling (Repealed by 276)
1919-6	City meetings (Repealed by 276)
1919-7	Taxes for 1920; authorizes interest payment on water bonds (Special)
1919-8	Bond issuance (Repealed by 276)
1920-9	Salaries of city employees (Repealed by 276)
1920-10	Prohibits civil processes (Repealed by 276)
1920-11	Grants Coos & Curry Telephone Company right to place poles, wires, etc. (Special)
1920-12	Rules of evidence and presumptions (Repealed by 493)
1920-13	Prohibits lotteries (Repealed by 276)
1920-14	Prohibits lotteries (Repealed by 276)
1920-15	Prohibits disturbance of assemblies (Repealed by 276)
1920-16	Prohibits disturbance of assemblies (Repealed by 276)
1920-17	Liquor prohibitions (Repealed by 276)
1920-18	Prohibits gambling (Repealed by 276)
1920-19	Vagrancy (Repealed by 276)
1920-20	Prohibits assault and battery (Repealed by 276)
1920-21	Firearms (Repealed by 276)
1920-22	Prohibits gambling (Repealed by 276)
1920-23	Prohibits cruelty to animals (Repealed by 276)
1920-24	Checks and drafts (Repealed by 276)
1920-25	Prohibits pornography (Repealed by 276)
1920-26	Tobacco restrictions (Repealed by 276)
1920-27	Prohibits minors from smoking in public (Repealed by 276)
1920-28	Delinquency of minors (Repealed by 276)

Ordinance Number	
1920-29	Dependency of minors (Repealed by 276)
1920-30	Prohibits carrying weapons (Repealed by 276)
1920-31	Employment restrictions (Repealed by 276)
1920-32	Secret and fraternal societies (Repealed by 276)
1920-33	Unauthorized uniforms (Repealed by 276)
1920-34	Bawdy houses (Repealed by 276)
1920-35	Trespassing (Repealed by 276)
1920-36	Trespassing (Repealed by 276)
1920-37	Trespassing (Repealed by 276)
1920-38	Prohibits removal of posted notices (Repealed by 276)
1920-39	Destruction of monuments (Repealed by 276)
1920-40	Defrauding of lodging houses and restaurants (Repealed by 276)
1920-41	Malicious injury to animals (Repealed by 276)
1920-42	Indecent and immoral acts (Repealed by 276)
1920-43	Transportation routes (Repealed by 276)
1920-44	Injurious substances on public roads (Repealed by 276)
1920-45	Injury to wharfs (Repealed by 276)
1920-46	Injury to water system (Repealed by 276)
1920-47	Injury to buildings and foliage (Repealed by 276)
1920-48	Indecent exposure (Repealed by 276)
1920-49	Prostitution (Repealed by 276)
1920-50	Prostitution (Repealed by 276)
1920-51	Traveling amusement companies (Repealed by 276)
1920-52	(Repealed by 276)
1920-53	(Repealed by 276)
1920-54	(Repealed by 276)
1920-55	(Repealed by 276)
1920-56	Bond issuance (Special)
1920-57	Election candidacy (Repealed by 276)
1920-58	Special tax for interest payment on bonds (Special)
59	(Repealed by 276)
1921-60	Trades and occupations tax (Repealed by 1927-178-B)
61	(Repealed by 276)
1921-62	Authorizes signature on water bonds (Special)
1921-63	Water commissioner (Repealed by 276)
1921-64	Water rates (Repealed by 276)
1921-65	(Repealed by 276)
1921-66	(Repealed by 276)
1921-67	(Repealed by 287)
1921-68	(Repealed by 276)
1921-69	(Repealed by 276)
1921-70	(Repealed by 276)
1921-71	Gasoline (Repealed by 493)
1921-72	Fire inspection (Repealed by 276)

Ordinance Number	
1921-73	Streets and alleys (Repealed by 276)
1921-74	Fire chief (Repealed by 276)
1921-75	Public garages (Repealed by 276)
1921-76	Levies property tax (Special)
1921-77	Storage of explosives (Repealed by 493)
1922-78	Fire regulations (Repealed by 276)
1922-79	Drunkenness (Repealed by 276)

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1919-3	(Repealed by 276)	1920-19	Vagrancy (Repealed by 276)
1919-4	Bond issuance (Special)	1920-20	Prohibits assault and battery (Repealed by 276)
1919-5	Prohibits gambling (Repealed by 276)	1920-21	Firearms (Repealed by 276)
1919-6	City meetings (Repealed by 276)	1920-22	Prohibits gambling (Repealed by 276)
1919-7	Taxes for 1920; authorizes interest payment on water bonds (Special)	1920-23	Prohibits cruelty to animals (Repealed by 276)
1919-8	Bond issuance (Repealed by 276)	1920-24	Checks and drafts (Repealed by 276)
1920-9	Salaries of city employees (Repealed by 276)	1920-25	Prohibits pornography (Repealed by 276)
1920-10	Prohibits civil processes (Repealed by 276)	1920-26	Tobacco restrictions (Repealed by 276)
1920-11	Grants Coos & Curry Telephone Company right to place poles, wires, etc. (Special)	1920-27	Prohibits minors from smoking in public (Repealed by 276)
1920-12	Rules of evidence and presumptions (Repealed by 493)	1920-28	Delinquency of minors (Repealed by 276)
1920-13	Prohibits lotteries (Repealed by 276)	1920-29	Dependency of minors (Repealed by 276)
1920-14	Prohibits lotteries (Repealed by 276)	1920-30	Prohibits carrying weapons (Repealed by 276)
1920-15	Prohibits disturbance of assemblies (Repealed by 276)	1920-31	Employment restrictions (Repealed by 276)
1920-16	Prohibits disturbance of assemblies (Repealed by 276)	1920-32	Secret and fraternal societies (Repealed by 276)
		1920-33	Unauthorized uniforms (Repealed by 276)

Ordinance Number	
1920-34	Bawdy houses (Repealed by 276)
1920-35	Trespassing (Repealed by 276)
1920-36	Trespassing (Repealed by 276)
1920-37	Trespassing (Repealed by 276)
1920-38	Prohibits removal of posted notices (Repealed by 276)
1920-39	Destruction of monuments (Repealed by 276)
1920-40	Defrauding of lodging houses and restaurants (Repealed by 276)
1920-41	Malicious injury to animals (Repealed by 276)
1920-42	Indecent and immoral acts (Repealed by 276)
1920-43	Transportation routes (Repealed by 276)
1920-44	Injurious substances on public roads (Repealed by 276)
1920-45	Injury to wharfs (Repealed by 276)
1920-46	Injury to water system (Repealed by 276)
1920-47	Injury to buildings and foliage (Repealed by 276)
1920-48	Indecent exposure (Repealed by 276)
1920-49	Prostitution (Repealed by 276)
1920-50	Prostitution (Repealed by 276)
1920-51	Traveling amusement companies (Repealed by 276)
1920-52	(Repealed by 276)
1920-53	(Repealed by 276)
1920-54	(Repealed by 276)
1920-55	(Repealed by 276)
1920-56	Bond issuance (Special)
1920-57	Election candidacy (Repealed by 276)
1920-58	Special tax for interest payment on bonds (Special)
59	(Repealed by 276)
1921-60	Trades and occupations tax (Repealed by 1927-178-B)
61	(Repealed by 276)
1921-62	Authorizes signature on water bonds (Special)
1921-63	Water commissioner (Repealed by 276)
1921-64	Water rates (Repealed by 276)
1921-65	(Repealed by 276)
1921-66	(Repealed by 276)
1921-67	(Repealed by 287)
1921-68	(Repealed by 276)
1921-69	(Repealed by 276)
1921-70	(Repealed by 276)
1921-71	Gasoline (Repealed by 493)
1921-72	Fire inspection (Repealed by 276)
1921-73	Streets and alleys (Repealed by 276)
1921-74	Fire chief (Repealed by 276)
1921-75	Public garages (Repealed by 276)
1921-76	Levies property tax (Special)
1921-77	Storage of explosives (Repealed by 493)
1922-78	Fire regulations (Repealed by 276)
1922-79	Drunkenness (Repealed by 276)

Ordinance Number	
1922-80	Trades and occupations tax (Repealed by 276)
1922-81	(Repealed by 276)
1922-82	(Repealed by 276)
1922-83	(Repealed by 276)
1922-84	(Repealed by 276)
1922-85	(Repealed by 276)
1922-86	(Repealed by 276)
1922-87	(Repealed by 276)
1922-88	(Repealed by 276)
1922-89	(Repealed by 276)
1922-90	Livestock (Repealed by 276)
1922-91	Franchise agreement (Repealed by 387)
1922-92	Public drunkenness (Repealed by 276)
1922-93	(Repealed by 276)
1922-94	Levies property tax (Special)
1922-95	Bond issuance (Special)
96	(Repealed by 276)
1923-97	Water rates (Repealed by 276)
1923-98	Places of amusement (Repealed by 276)
1923-99	Licensing of hotels and lodging houses (Repealed by 493)
1923-100	Regulation of heavy vehicles (Repealed by 276)
1923-101	Bus regulations (Repealed by 276)
1923-102	Travel and traffic (Repealed by 276)
1923-103	Dancing and dance halls (Repealed by 276)
1924-104	Business regulations (Repealed by 493)
1924-105	Business regulations (Repealed by 276)
1924-106	(Repealed by 276)
1924-107	Animals (Repealed by 276)
1924-108	Creates sewer improvements districts (Repealed by 1924-109)
1924-109	Repeals Ord. 1924-108 (Repealer)
1924-110	Levies property tax (Special)
111	Licensing of animals (Repealed by 276)
112	(Repealed by 276)
1924-113	Construction of sewer system (Special)
1924-114	Construction of sewer system (Special)
1924-115	Construction of sewer system (Special)
1925-116	Establishes datum plan and controlling bend (Repealed by 1998-762)
117	(Repealed by 276)
118	(Repealed by 276)
1925-119	Street improvements (Special)
1925-120	Street improvements (Special)
1925-121	Street improvements (Special)
1925-122	Street improvements (Special)
1925-123	Street improvements (Special)
1925-124	Curfew for minors (Repealed by 276)
1925-125	Franchise agreement with Umpqua Mills & Timber Company (Special)
1925-126	Street dedication (Special)
1925-127	(Repealed by 276)

Ordinance Number	
1925-128	Levies sewer construction assessments (Special)
1925-129	Levies sewer construction assessments (Special)
1925-130	Levies sewer construction assessments (Special)
1925-131	Authorizes Standard Oil Company land location use (Special)
1925-132	(Repealed by 276)
1925-133	(Repealed by 276)
1925-134	(Repealed by 276)
1925-135	Street improvements (Special)
1925-136	Street improvements (Special)
1925-137	Street improvements (Special)
1925-138	Tax assessment (Repealed by 1925-150)
1925-139	Levies assessments for street improvements (Special)
1925-140	Bond issuance (Special)
1925-141	Street vacation (Special)
1925-142	Street vacation (Special)
1925-143	Street vacation (Special)
1925-144	Levies assessments for street improvements (Special)
1925-145	Levies assessments for street improvements (Special)
1925-146	Allows temporary additional compensation to city recorder (Repealed by 2000-1013)
1925-147	Allows re-advertisement of sale of sewer bonds (Special)
1925-148	Tax assessment (Repealed by 1925-150)
1925-149	Bond issuance (Special)
1925-150	Repeals Ords. 1925-138 and 1925-148 (Repealer)
1925-151	Bond issuance (Special)
1925-152	Bond issuance (Special)
1925-153	Levies property tax (Special)
1925-154	Fire regulations (Repealed by 276)
1925-155	Indexed Inactive F
1925-156	Levies assessments for street improvements (Special)
1925-157	Garbage disposal (Repealed by 493)
1925-158	Bond issuance (Special)
1925-159	Bond issuance (Special)
1926-160	Levies assessments for street improvements (Special)
1926-161	Authorizes action on condemnation of property (Special)
1926-162	Fire regulations (Repealed by 186)
1926-163	Fire regulations (Repealed by 276)
1926-164	Bond issuance (Special)
1926-165	Amends §1 of Ord. 1925-125 (Repealed by 1926-167)
1926-166	Street improvements (Special)
1926-167	Amends §1 of Ord. 1925-125, franchise agreement, Umpqua Mills & Timber; Repeals Ord. 1926-165 (Special)
1926-168	Levies assessments for street improvements (Special)
1926-169	Levies assessments for street improvements (Special)

Ordinance Number	
1926-170	Franchise agreement confirmation, Umpqua Mills & Timber Company (Special)
1926-171	(Repealed by 276)
1926-172	Bond issuance (Special
1926-173	Bond issuance (Special)
1926-174	Levies property tax (Special)
1926-175	Levies assessments for street construction (Special)
1927-176	Bond issuance (Special)
1927-177	Grants railroad construction franchise to Southern Pacific and Umpqua Dredging & Construction Company (Special)
1927-178	Repeals Res. 69 (Repealer)
1927-178-B	Repeals Ord. 1921-60 (Repealer)
1927-179	Grants Union Oil Company land location use (Special)
1927-180	(Repealed by 493)
1927-181	(Repealed by 276)
1927-182	Alley vacation (Special)
1927-183	Acceptance of land deeds (Special)
1927-184	Bond issuance (Special)
1927-185	Business licensing and taxes (Repealed by 276)
1927-186	Fire limits and building construction (Repealed by 276)
1927-187	Property tax levy (Special)
1927-188	Delinquent liens (Repealed by 276)
1928-189	Health regulations (Repealed by 276)
1927-190	Business licensing (Repealed by 276)
1928-191	Radio interference (Repealed by 493)
1928-192	Bond issuance (Special)
1928-193	Street grades (Special)
1928-194	Street designation (Repealed by 1930-207)
1928-195	Street grades (Special)
1928-196	Tax levy (Special)
1929-197	(Repealed by 276)
1929-198	Water rates (Repealed by 493)
1929-199	Traffic (Repealed by 276)
1929-200	Sewer connections (Repealed by 276)
1929-201	Vacation of lots (Special)
1929-202	Alley vacation (Special)
1929-203	Alley vacation (Special)
1929-204	Vacation of lots (Special)
1929-205	Vacation of blocks (Special)
1929-206	Property tax levy (Special)
1930-207	Repeals Ord. 1928-194 (Repealer)
1930-208	Streets (Repealed by 276)
209	(Repealed by 276)
1930-210	Levies property tax (Special)
1931-211	City employee salaries (Repealed by 276)
1931-212	Licensing of dance halls (Repealed by 276)
1931-213	Levies property tax (Special)
1931-214	Fire limits (Repealed by 276)
1932-215	Prohibits curb pumps (Repealed by 493)
1932-216	Filing for elective office (Repealed by 276)
1932-217	Indexed Inactive E
1932-218	City employee salaries (Repealed by 276)
1932-219	Alcohol sales (Repealed by 276)

Ordinance Number	
1932-220	Bicycle riding (Repealed by 276)
1933-221	Alcohol licensing (Repealed by 276)
1933-222	Liquor licensing (Repealed by 276)
1933-223	Truck licensing (Repealed by 493)
1933-224	Alcohol licensing (Repealed by 276)
1933-225	Levies property tax (Special)
1933-226	Bond issuance (Repealed by 290)
1934-227	City employee salaries (Repealed by 276)
1934-228	Alcohol beverage regulations (Repealed by 276)
1934-229	City planning commission (Repealed by 276)
1934-230	Alcohol licensing (Repealed by 276)
1934-231	Bond issuance (Special)
1934-232	Alcoholic beverage regulations (Repealed by 276)
1934-233	Levies property tax (Special)
1935-234	City employee salaries (Repealed by 276)
1935-235	Milk vendor licensing (Repealed by 493)
1935-236	Bond issuance (Special)
1935-237	Peddling (Repealed by 493)
1935-238	Levies property tax (Special)
1936-239	City officers salaries (Repealed by 276)
1936-240	Water rates (Repealed by 493)
1936-241	Street vacation (Special)
1936-242	Grants railroad track franchise to Oregon Pilchard Company, Inc. (Special/expired)
1936-243	Streets and sidewalks (Repealed by 493)
1936-244	Levies property tax (Special)
1937-245	Disorderly conduct (Repealed by 276)
1937-246	Business licensing (Repealed by 276)
1937-247	Bicycle registration and licenses (Repealed by Ord. 1980-588)
1937-248	Levies property tax (Special)
1938-249	Business licensing (Repealed by 276)
1938-250	Business licensing (Repealed by 493)
1938-251	Tax Levy (Superseded by 531)
1938-252	City meetings (Repealed by 252-A)
1980-252-A	City meetings (Repealed by 1981-252-B)
1981-252-B	City meetings (Repealed by 1998-252-C)
1998-252-C	Establishes time/place for city council meetings; repeals Ord. 1938-252-B (2.04)
1938-253	City employee salaries (Repealed by 493)
1938-254	City employee bonds (Repealed by 493)
1938-255	Water commissioner (Repealed by 493)
1938-256	Election candidates (Repealed by 1968-499)
1938-257	Violation penalties (Repealed by 493)

Ordinance Number	
1938-258	Traffic (Repealed by 495 and 526)
1938-259	Offenses against public peace, safety, morals and general welfare (Repealed by 496)
1938-260	(Repealed by 260-B)
260-A	(Repealed by 260-B)
260-B	(Repealed by 260-C)
260-C	(Repealed by 260-D)
260-D	(Repealed by 260-E)
260-E	(Repealed by 260-F)
260-F	(Repealed by 260-G)
260-G	(Repealed by 260-H)
1996-260-H	Criminal offenses; repeals Ords. 260-G and 615 (Repealed by 1997-260-I)
1997-260-I	Criminal offenses; repeals Ord. 1996-H (Repealed by 2000-260-J)
2000-260-J	Criminal offenses; repeals Ord. 1997-260-I (Repealed by 2000-1009)
1938-261	Fire prevention and inspection (Repealed by 493)
1938-262	Fire limits (Repealed by 493)
1938-263	Livestock (Repealed by 493)
1938-264	Dogs (Repealed by 493)
1938-265	Bees (Repealed by 493)
1938-266	Pigsty, slaughterhouse and tannery prohibition (Repealed by 494)
1938-267	Noise regulations (Repealed by 494)
1938-268	Sewer regulations (Repealed by 493)
1938-269	(Repealed by Ord. 1968-497)
1938-270	Solicitors (Repealed by 1984-270-A)
1984-270-A	Repeals Ord. 1938-270, nuisance (Repealer)
1938-271	Business licensing (Repealed by 493)
1938-272	Dancing and dance halls (Repealed by 436)
1938-273	Music regulations in beer parlors (Repealed by 493)
1938-274	Adopts National Electrical Code (Repealed by 493)
275	(Superseded by 275-B)
275-A	(Superseded by 275-B)
275-B	(Superseded by 1981-275-C)
1981-275-C	Establishes planning commission (Repealed by 1998-275-D)
1998-275-D	Establishes planning commission; repeals Ord. 1981-275-C (2.08)
276	Repealing Ord (Special)
1939-277	(Repealed)
1939-278	(Not enacted)
279	Tax Levy (Special)
1939-280	Alley vacation (Special)
1940-281	Alley vacation (Special)
1940-282	Rezone (Superseded by 513)
1940-283	Street vacation (Special)
1940-284	Amends Ord. 258; traffic regulation (Repealed by 495 and 526)
1940-285	Business licensing (Repealed by 493)

Ordinance Number	
1940-286	Pinball licensing (Repealed by 1985-286-A)
1985-286-A	Repeals Ord. 1940-286 (Repealer)
1940-287	Building permits (Repealed by 493)
1940-288	Rezone (Superseded by 513)
1941-289	Levies property tax (Special)
1940-290	Repeals Ord. 226 (Special)
1941-291	City employee salaries (Repealed by 493)
1941-292	Authorizes sale of city property (Special)
1941-293	Authorizes land exchange (Special)
1941-294	Levies property tax (Special)
1941-295	Bond issuance (Special)
1942-296	National defense measures (Repealed by 493)
1942-297	Amends § 1 of Ord. 1941-295, bond issuance (Special)
1942-298	Bond issuance (Special)
1942-299	City employee salaries (Repealed by 493)
1942-300	Levies property tax (Special)
1942-301	Water rates (Repealed by 493)
1942-302	City employee salaries (Repealed by 493)
1942-303	Water rates (Repealed by 493)
1942-304	City office candidates (Repealed by 1968-499)
1942-305	Restricted lighting (Repealed by 493)
1942-306	Vehicle operation (Repealed by 495 and 526)
1943-307	Dogs (Repealed by 493)
1943-308	Bond issuance (Special)
1943-309	Water regulations (Repealed by 493)
1943-310	Levies property tax (Special)
1943-311	City employee salaries (Repealed by 493)
1944-312	Building permits (Repealed by 493)
1944-313	Levies property tax (Special)
1944-314	Levies property tax (Special)
1944-315	City employee salaries (Repealed by 493)
1945-316	Street regulations (Repealed by 493)
317	(Repealed by 317-A)
317-A	(Repealed by 317-B)
317-B	(Repealed by 317-C)
317-C	(Repealed by 317-D)
317-D	(Repealed by 317-I)
317-I	(Repealed by 1999-317-J)
1999-317-J	Water rates and regulations; repeals Ord. 317-I (Repealed by 317-K)
1999-317-K	City water system (3.04)
1945-318	City council meetings (Repealed by 1998-762)
1945-319	Street vacation (Special)
1945-320	Establishes financial reserve fund for municipal facilities (Repealed by 2000-1013)

Ordinance Number	
1945-321	Establishes financial reserve fund for street maintenance equipment (Repealed by 2000-1013)
1945-322	Establishes financial reserve fund for fire fighting equipment (Repealed by 2000-1013)
1945-323	Levies property tax (Special)
1945-324	Street/alley vacation (Special)
1946-325	Rezone (Superseded by 513)
326	Franchises (Special)
1946-327	Taxicab licensing (Repealed by 327-A)
1998-327-A	Regulates city taxicab operations (Repealed by 2007-1073)

Ordinance Number		Ordinance Number	
1946-328	Levies property tax (Special)	1950-352	Franchises (Special)
1946-329	Traffic regulations (Repealed by 495 and 526)	1950-353	Public ways (Special)
		1950-354	Franchises (Special)
1946-330	City employee salaries (Repealed by 493)	1950-355	Amends building code (Repealed by 493)
1946-331	(Repealed by 493)	1950-356	Levies property tax (Special)
1947-331	(Repealed by 331-A)	1950-357	Water rates (Not codified)
1985-331-A	Repeals Ord. 331 (Repealer)	1950-358	Miscellaneous (Special)
1947-332	Rezone (Superseded by 513)	1950-359	Establishes local organization for civil defense (Repealed by 1998-762)
1947-333	Street vacation (Special)		
1947-334	Tax levy 1947-48 (Special)		
1947-335	Bicycle and salary ordinance (Not sent)	1951-360	Repealing Ord. (Enacted February 5, 1951) (Repealer)
1947-336	Building construction and repair (Repealed by 493)	1951-360	Public ways (Enacted April 9, 1951) (Special)
1947-337	Public ways (Special)	1951-361	Rezone (Superseded by 513)
1948-338	Establishes building set-back (Repealed by 493)	1951-362	Rezone (Superseded by 513)
		1951-363	Fire zone (Repealed by 493)
1951-339	Garbage franchise (Repealed by 360)	1951-364	Tax levy (Special)
		1951-365	Bond issuance (Special)
1948-340	Levies property tax (Special)	1951-366	Franchises (Special)
1948-341	Levies property tax (Special)	1951-367	Bond issuance (Special)
1949-342	Sale of gas (Not sent)	1951-368	Public ways (Special)
1949-343	Street vacation (Special)	1951-369	Bond issuance (Special)
1949-344	Franchises (Special)	1951-370	Public ways (Special)
1949-345	Levies property tax (Special)	1951-371	Public ways (Special)
1949-346	Regulates city purchases of supplies and materials (Repealed by 493)	1952-372	Motor vehicle wrecking regulations (Repealed by 493)
1949-347	Annexation of new territory (Special)	1952-373	Public ways (Special)
		1952-374	Nominations of city officers (Repealed by 499)
1949-348	Annexation of new territory (Special)	1952-375	Water rates (Repealed by 493)
1949-349	Annexation of new territory (Enacted August 24, 1949) (Special)	1952-376	Annexation of new territory (Special)
		377	(Superseded by 377-A)
1950-350	Amends electric franchise agreement (Special)	377-A	(Repealed by 1981-377-B)
		1981-377-B	(Repealed by 1991-377-C)
1950-351	Franchises (Special)		

Ordinance Number	
1991-377-C	(Repealed by 377-D)
377-D	(Repealed by 1986-377-E)
1986-377-E	(Repealed by 2000-1011)
1991-377-F	Business licenses; repeals Ord. 377-E (Repealed by Ord. 1991-377-G)
1991-377-G	Requires business licenses; repeals Ord. 1991-377-F (Repealed by 2000-1011)
1952-378	Levies property tax (Special)
1952-379	Establishes building set-back line (Repealed by 493)
1953-380	Bond issuance (Repealed by 493)
1953-381	Bond adjustment (Repealed by 493)
1953-382	Public ways (Special)
1953-383	Levies property tax (Special)
1954-384	Streets and sidewalks (Repealed by 493)
1954-385	Streets and sidewalks (Repealed by 493)
1954-386	Installation of antennae and other towers (Repealed by 493)
1954-387	Grants utility district franchise (Special)
1954-388	Franchises (Special)
1954-389	Franchises (Special)
1954-390	Annexations (Special)
1954-391	Levies property tax (Special)
1954-392	Franchises (Special)
1954-393	Franchises (Special)
1954-394	Parking restrictions (Repealed by 98-734G)
1954-395	Franchises (Special)
1954-396	(Repealed by 1895-396-A)
1985-396-A	Repeals Ord. 1954-396 (Repealer)
1954-397	Franchises (Special)
1954-398	Annexations (Special)
1954-399	Franchises (Special)
1955-400	Public ways (Special)
1955-401	Public ways (Special)
402	Annexations (Special)
1955-403	Franchises (Special)
1955-404	Levies property tax (Special)
1955-405	Public ways (Special)
1956-406	Rezone (Superseded by 513)
1956-407	Fire zone (Repealed by 493)
1955-408	Traffic regulation (Repealed by 495 and 526)
1956-409	Streets and sidewalks (Repealed by 1981-409-A)
1981-409-A	Establishes method and procedure of public improvements (Repealed by 409-B)
1998-409-B	Establishes method and procedure of public improvements (2.16)
1956-410	Public ways (Special)
1956-411	Franchises (Special)
1956-412	Streets and sidewalks (Superseded by 513)
1956-413	Annexations (Special)
1956-414	(Not enacted)
1956-415	Levies property tax (Special)
1956-416	Public ways (Special)
1956-417	Trailer house regulations (Repealed by 417-A)
1982-417-A	Mobilehomes; repeals Ord. 1956-417 (Repealed by 1982-417-B)
1982-417-B	Parking regulations of mobilehomes and trailer houses (10.16)
1956-418	Franchises (Special)

Ordinance Number	
1956-419	Authorizes sale of property to state of Oregon (Special)
1956-420	Annexations (Special)
1956-421	Franchises (Special)
1957-422	Levies property tax (Special)
1958-423	Franchises (Special)
1958-424	Annexations (Special)
1959-424-A	Annexations (Special)
1958-425	Tax levy (Special)
1959-425	Land maintenance (Repealed by 494)
1959-426	Provides for pro-tem judge (Repealed by 503-A)
1959-427	Public peace, morals and welfare (Repealed by 496)
1958-427-A	Public ways (Special)
1958-428	Nominations of city officers (Repealed by 499)
1958-429	Public ways (Special)
1959-430	Levies property tax (Special)
1960-431	City employee personnel policy (Repealed by 1985-431-A)
1985-431-A	Repeals Ord. 1960-431 (Repealer)
1960-432	Rezone (Superseded by 513)
1960-433	Levies property tax (Special)
1960-434	Public ways (Special)
1961-435	Dog regulations (Repealed by 1982-627)
1961-436	Repeals Ord. 272 (Repealer)
437	(Repealed by 437-B)
437-A	(Repealed by 437-B)
437-B	(Repealed by 1983-437-C)
1983-437-C	Subdivision standards; repeals Ord. 437-B (Repealed by 2000-437-E)
1995-437-D	Establishes standards and procedures for subdivisions (Repealed by 2000-437-E)
2000-437-E	Subdivisions; Repeals Ord. 1995-437-D (10.20, 10.24, 10.28, 10.32, 10.36, 10.40, 10.44, 10.48, 10.52, 10.56, 10.60)
1961-438	Levies property tax (Special)
1961-439	Zoning (Superseded by 513)
1961-440	Public ways (Special)
1962-441	Public ways (Special)
1962-442	Zoning (Superseded by 513)
1962-443	Handling of petroleum gases (Repealed by 493)
1962-444	Annexations (Special)
1962-445	Annexations (Special)
1962-446	Levies property tax (Special)
1962-447	Annexations (Special)
1962-448	Annexations (Special)
1962-449	Public ways (Special)
1962-450	Annexations (Special)
1963-451	Rezone (Superseded by 513)
1963-452	Annexations (Special)
1963-453	Rezone (Superseded by 513)
1963-454	Public ways (Special)
1963-455	Levies property tax (Special)
1963-456	Building regulations (Repealed by 493)
1964-457	Annexations (Special)
1964-458	Franchise (Special)
1964-459	Annexations (Special)
1964-460	Levies property tax (Special)
1964-461	Annexations (Special)
1964-462	Annexations (Special)
463	(Repealed by 463-C)
463-B	(Repealed by 463-E)
83-463-C	(Repealed by 463-D and 317-A)

Ordinance Number	
463-D	(Repealed by 463-E)
463-E	(Repealed by 463-F)
463-F	(Repealed by 463-G)
463-G	(Repealed by 463-H)
463-H	(Repealed by 1991-463-I)
1991-463-I	(Repealed by 463-J)
463-J	(Repealed by 463-K)
463-K	(Repealed by 463-L)
463-M	(Repealed by 463-M)
463-N	(Repealed by 463-O)
1998-463-O	Sewer charges; repeals Ord. 463-N (Repealed by 1999-463-P)
1999-463-P	Establishes sewer user charges; repeals Ord. 1999-463-O (Repealed by 2001-2021)
1965-464	Prohibits and provides penalties for destruction/interference of cable/radio equipment (Repealed by 2000-1013)
1965-465	Traffic regulations (Repealed by 495 and 526)
1965-466	Trailer park regulations (Not codified)
1965-467	Levies property tax (Special)
1965-468	Annexations (Special)
1965-469	Redevelopment of deteriorated areas (Special)
1966-470	Peddlers (Repealed by Ord. 1968-497)
1966-471	Tax levy (Special)
1966-471-A	Sanitation facility health standards (Repealed by 493)
1966-472	Public ways (Special)
1966-473	Zoning (Superseded by 513)
1966-474	Annexations (Special)
1966-475	Levies property tax (Special)
1966-476	City employee salaries (Repealed by 493)
1966-477	Annexations (Special)
1966-478	Annexations (Special)
1967-479	Garbage and refuse (Repealed by 1979-562)
1967-480	Amends Ord. 1960-431, city personnel policy (Repealed by 1985-480-A)
1985-480-A	Repeals Ord. 480 (Repealer)
1967-481	Levies property tax (Special)
1967-482	Bond issuance (Special)
1967-483	Bond issuance (Special)
1967-484	Larceny and shoplifting (Repealed by 496-A)
1967-485	Annexations (Special)
1967-486	Rural suburban zone (Superseded by 513)
1967-487	Bond issuance (Special)
1967-488	Bond issuance (Special)
1967-489	Adopts fire prevention code (Repealed by 514)
1967-490	Building construction and repair (Repealed by 493)
1968-491	Franchise (Special)
1968-492	Building regulations and licensing (Superseded by 506)
1968-493	Repeals Ords. 1920-12, 1921-71, 1921-77, 1923-99, 1924-104, 1925-157, 1928-191, 1929-198, 1932-215, 1935-235, 1935-237, 1936-240, 1936-243, 1938-250, 1938-253, 1938-254, 1938-255, 1938-257, 1938-261, 1938-262, 1938-263, 1938-264, 1938-265, 1938-268, 1938-271, 1938-273, 1938-274, 1939-277, 1940-285,

Ordinance Number	
	1940-287, 1941-291, 1942-296, 1942-299, 1942-301, 1942-302, 1942-303, 1942-305, 1943-307, 1943-309, 1943-311, 1943-312, 1944-315, 1945-316, 1946-330, 331, 1947-336, 1948-338, 1949-346, 1950-355, 1951-363, 1952-372, 1952-375, 1952-379, 1954-384, 1954-385, 1955-386, 1956-407, 1962-443, 1963-456, 1966-471-A, 1966-476, and 1967-490 (Repealer)
494	(Repealed by 494-A)
494-A	(Repealed by 494-F)
1990-494-E	Nuisances; repeals Ord. 494-D (Repealed by 1991-494-F)
1991-494-F	Nuisances; repeals Ord. 1990-494-E (6.04, 6.08)
1968-495	Traffic regulations; repeals Ords. 258, 284, 306, 329, 408 and 465 (Repealed by 526)
496	(Repealed by 260-B)
1975-496-A	(Repealed by 260-B)
1968-497	Amends Ord. 377, business licenses; repeals Ords. 1938-269 and 1966-470 (Repealed by 2000-1013)
1968-498	Amends Ord. 1919-1, initiative and referendum procedures (1.12)
1968-499	Repeals Ords. 1938-256, 1942-304, 1952-374, 1958-428 (Repealer)
1969-500	Rezone (Superseded by 513)
1969-501	Street vacation (Special)
1969-502	Bond issuance (Special)
1970-503	(Repealed by 503-A)
503-A	(Repealed by 1981-503-B)
1981-503-B	Provides procedures for municipal court (Repealed by 1989-503-C)
1989-503-C	Creates office of municipal judge; provides for pro tempore judge; repeals Ord. 503-B (2.12)
1970-504	Land annexation (Special)
1971-505	Zoning (Superseded by 513)
1971-506	Building regulations and licensing (Superseded by 523)
1971-507	Vehicle licensing fees (Superseded by 507-A)
1981-507-A	Repeals Ord. 1971—507 (Repealer)
1972-508	Assessment on property for street improvements (Special)
1972-509	Planned-unit development districts (Repealed by 2000-1013)
1972-510	Amends Ord. 1940-282, zoning (Special)
1972-511	Fire zone requirements for commercial/industrial construction (Repealed by 2000-1012)
1972-512	Fair housing (9.40)
513	Zoning (Repealed by 513-D)
1978-513-A	Repeals and replaces §§ 8.050 and 8.060 of Ord. 513, zoning ordinance (Repealed by 2000-1013)
1978-513-B	Adds new § 7.010; renumbers § 7.010 to be 7.000; repeals and replaces § 7.020 of Ord. 513, zoning ordinance (Repealed by 2000-1013)
513-C	Zoning (Repealed by 513-Y)

Ordinance Number	
513-D	Zoning (Repealed by 513-E)
513-E	Zoning (Repealed by 513-F)
513-F	Zoning (Repealed by 513-G)
513-G	Zoning (Repealed by 1983-513-H)
1983-513-H	Zoning (Repealed by 1983-513-I)
1983-513-I	Zoning (Repealed by 1984-513-J)
1984-513-J	Zoning (Repealed by 1985-513-K)
1985-513-K	Zoning (Repealed by 1985-513-L)
1985-513-L	Zoning (Repealed by 1986-513-M)
1986-513-M	Zoning (Repealed by 1986-513-N)
1986-513-N	Zoning (Repealed by 1987-513-P)
1987-513-P	Zoning (Repealed by 1991-513-Q)
1991-513-Q	Zoning (Repealed by 1991-513-R)
1992-513-R	Zoning (Repealed by 1992-513-S)
1992-513-S	Zoning (Repealed by 1994-513-T)
1994-513-T	Zoning (Repealed by 1994-513-U)
1994-513-U	Zoning (Repealed by 1995-513-V)
1995-513-V	Zoning (Repealed by 1995-513-W)
1995-513-W	Zoning (Repealed by 1996-513-X)
1996-513-X	Zoning ordinance (Repealed by 1999-513-Y)
1999-513-Y	Zoning ordinance; repeals and replaces Ord. 1996-513-X (Repealed by 2003-1038)
1973-514	Adopts fire prevention code (Repealed by 522)
1973-515	Property annexation (Special)
1975-515-A	Amends Ord. 1973-515, land annexation (Special)
1974-516	(Repealed by 317-A)
1974-517	(Repealed by Ord. 1981-517-A)
1981-517-A	Repeals Ord. 1974-517 (Repealer)
1974-518	Street vacation (Special)
1974-519	Zoning change (Special)
1974-520	Zoning (Repealed by 523-D)
1974-521	Zoning change (Special)
522	(Repealed by 1976-522-A)
1979-522-A	Adopts fire prevention codes (Repealed by 522-B)
1983-522-B	Adopts fire prevention codes; repeals Ord. 1979-522-A (Repealed by 2000-1012)
523	(Repealed by 523-A)
523-A	(Repealed by 523-B)

Ordinance Number	
523-B	(Repealed by 523-C)
523-C	(Repealed by 523-E)
1993-523-D	Adopts Oregon State Specialty Codes, Rules and Standards; repeals Ords. 523-C; 666-B and 667-B (Repealed by 1996-523-E)
1996-523-E	Building code administrative rules (10.04)
524	(Repealed by 1981-524-A)
1981-524-A	Garage sales regulations (Repealed by 524-B)
1993-524-B	Garage sales regulations and requirements (part missing) (7.16)
1974-525	Heating regulations (Superseded by 1996-523-E)
1974-526	(Repealed by 1976-537)
1974-527	Franchise agreement (Superseded by 1981-527-A)
1981-527-A	Franchise agreement (Special)
1994-527-B	Franchise agreement with Central Lincoln People's Utility District (Repealed by 2007-1079)
1975-528	Authorization required by Council regarding security patrol license; amends Ord. 377, business licenses (Repealed by 2000-1011)
1975-529	Street vacation (Special)
1975-530	Disposition of abandoned/seized personal property (2.16)
1975-531	Building regulations (Superseded by 1999-531-A)
1999-531-A	Adopts Uniform Code for Abatement of Dangerous Buildings, 1997 edition (10.08)
1975-532	Water rates (Repealed by 317-A)
533	(Superseded by 533-A)
1981-533-A	(Repealed by 533-B)
1984-533-B	(Repealed by 533-C)
1990-533-C	Establishes local contract review board; repeals Ord. 1984-533-B (Repealed by 2008-1087)
1976-534	Regulates special sales (Special)
1976-535	Zoning change (Special)
1976-536	Zoning change (Special)
1976-537	Repeals Ord. 1974-526 (Repealer)
1976-538	Adopts excavation and grading code (Repealed by 2000-1007)
539	(Repealed by 539-B)
539-A	(Repealed by 1983-539-B)
1983-539-B	Utility systems development charge (Repealed by 1991-539-C)
1991-539-C	Establishes utilities system development charge (3.20)
1976-540	Establishes bicycle route; restricts parking on Oregon Coast Highway (5.12, 5.20)
1977-541	Establishes Doyle Street (Special)
1977-542	Annexations (Special)
1977-542-A	Land annexation (Special)
1977-543	City elects to receive state revenues (Special)
1977-544	Street vacation (Special)
1977-545	Zoning change (Special)
1977-546	Street vacation (Special)

Ordinance Number	
1977-547	City water system (3.04)
1977-548	Establishes city personnel system (2.20)
1977-549	Assessment on property for curb and gutter construction (Special)
1977-550	Bicycle regulations and licensing (Superseded by 550-A)
550-A	(Superseded by 550-B)
1990-550-B	Bicycle licenses (5.12)
551	Comp. 11-6
1990-551-A	Franchise agreement (Repealed by 1990-551-B)
1990-551-B	Grants franchise to GTE Telephone Company (Repealed by 2008-1089)
552	(Repealed by 552-A)
552-A	(Repealed by 552-B)
552-B	(Repealed by 1982-552-C)
1982-552-C	Franchise agreement (Repealed by 654)
1978-553	(Repealed by 1982-553-B)
553-A	(Repealed by 1982-553-B)
1982-553-B	(Repealed by 553-C)
553-C	(Repealed by 1986-553-D)
1986-553-D	Adoption of motor vehicle laws; repeals and replaces Ord. 553-C (Repealed by 1999-553-E)
1999-553-E	Adopts state motor vehicle laws; repeals and replaces Ord. 1986-553-D (Repealed by 2000-1008)
1978-554	Provides for retention and disposal of records (Repealed by 1999-554-A)
1999-554-A	Provides for retention and disposal of records (2.24)
1978-555	Adopts proposed measure for tax levy (Special)
1978-556	City elects to receive state revenues (Special)
1978-557	Street vacation (Special)
1978-558	Property annexation (Special)
1978-559	Upgrading/enlargement of sanitary sewer system (Special)
1978-560	New territory annexation (Special)
1978-561	Notice of special election (Special)
1979-562	Grants franchise for solid waste management to Horning Bros. Sanitary Service; repeals Ord. 1967-479 (3.24)
1979-563	New territory annexation (Special)
1979-564	Bond issuance (Special)
1979-565	Bond issuance (Special)
1979-566	Bond issuance (Special)
1980-566-A	Bond issuance (Special)
1979-567	Bond issuance (Special)
1979-568	Tax levy (Special)
1979-569	Tax levy (Special)
1979-570	Tax levy (Special)
1979-571	Property annexation (Special)
1979-571-A	Amends Exhibit A, property annexation descriptions, of Ord. 1979-571 (Special)
1979-572	Adopts rules/regulations for use of flashing red lights on vehicles of medical technicians on emergency response calls (Not codified)
1979-573	Public ways (Special)

Ordinance Number	
1979-574	Tax levy (Special)
1979-575	New territory annexation (Special)
1979-576	City elects to receive state revenues (Special)
1979-577	Street vacation (Special)
1979-578	Street vacation (Special)
1980-579	Public/private sewer system (3.08)
1980-580	Creation of Citizens Advisory Committee for Community Development (Repealed by 1980-580-A)
1980-580-A	Creation of Citizens Advisory Committee for Community Development (2.28)
1980-581	Tax levy (Special)
1980-582	City elects to receive state revenues (Special)
1980-583	Special tax levy (Special)
584	Amends comprehensive land use plan (Repealed by 584-B)
584-A	(Repealed by 584-B)
584-B	Adopts comprehensive plan (Special)
1985-584-B-1	Amends comprehensive plan (Special)
1984-584-C	Amends comprehensive land use plan (Special)
1986-584-D	Amends comprehensive land use plan (Special)
1991-584-E	Adopts comprehensive plan and map amendments periodic review (Special)
1980-585	Adopts standard specifications for public works construction (Repealed by 585-A)
1981-585-A	Adopts standard specifications for public works construction (10.08)
1982-586-A	Prohibits parking on Oregon Highway 38; repeals Ord. 586 (Repealed by 99-766)
587	(Repealed by 587-A)
1981-587-A	(Repealed by 1999-734-J)
1980-588	Creates bicycles restrictions; repeals Ord. 1937-247 (Repealed by 2000-1013)
1980-589	Clarifies the comprehensive plan map property designation of Ord. 584 (Special)
1980-590	Amends comprehensive plan land use map (Special)
1980-591	Authorizes city to enter into a contract with Dunes County chamber of commerce (Repealed by 1984-591-A)
1984-591-A	Repeals Ord. 1980-591 (Repealer)
1980-592	Separates special bail account from general fund; establishes special bail and fines fund (Repealed by 2000-1013)
593	(Repealed by 593-A)
593-A	(Repealed by 593-B)
593-B	(Repealed by 593-C)
1985-593-C	Land use application filing fees (Repealed by 1991-593-D)
1991-593-D	Land use application filing fees; repeals and replaces Ord. 1985-593-C (Appx. A of Title 10)
1980-594	Street name change (Special)

Ordinance Number	
1980-595	Street vacation (Special)
596	(Repealed by 596-A)
1981-596-A	Establishes no-parking zones (Repealed by 1999-734-J)
597	(Repealed by 597-A)
1981-597-A	Establishes no-parking zones (Repealed by 1999-734-J)
1981-598	Amends zoning map (Special)
1981-599	Parking regulations (Repealed by 1999-734-J)
1981-600	Land annexation (Special)
1981-601	Interfund loans (2.16)
1981-602	Establishes footpath/bicycle trail fund (2.16)
1981-603	Street vacation (Repealed by 1983-603-A)
1983-603-A	Street vacation (Special)
1981-604	City elects to receive state revenues (Special)
1981-605	Street vacation (Repealed by 1982-605-A)
1982-605-A	Street vacation (Special)
1981-606	Establishes water pollution control capital replacement fund (2.16)
607	(Repealed by 734)
1981-607-A	Parking (Repealed by 734)
1981-608	Special zoning (Not sent)
1981-609	Special zoning (Not sent)
1981-610	Parking (Repealed by 734)
1981-611	Angle parking requirements and violation penalties (Repealed by 2000-734-K)
1981-612	Amends no-parking zones (Repealed by 734)
613	(Repealed by 734)
1981-614	Tax levy (Repealed by 1981-614-A)
1981-614-A	Repeals Ord. 1981-614 (Repealer)
1981-615	Weapon regulations (Repealed)
1981-616	Street vacation (Special)
617	(Repealed by 1983-617-A)
1983-617-A	Parking (Repealed by 734)
1981-618	Parking (Repealed by 734)
619	(Repealed by 619-A)
1982-619-A	Political signs on city property (Repealed by 619-B)
1986-619-B	Regulates political signs on city property (6.32)
1982-620	Annexation (Repealed by 620-A)
1982-620-A	Annexation of property; zoning of annexed property (Special)
1982-621	Amends comprehensive land use map (Special)
1982-622	Amends comprehensive land use map (Special)
1982-623	Amends city zoning map (Special)
1982-624	Street improvements (Special)
1982-625	Street improvements (Special)
1982-626	Special tax levy (Special)
1982-627	Adopts new dog control ordinance; repeals Ord. 1961-435 (6.04)
1982-628	City elects to receive state revenues (Special)
1982-629	Annexation and rezone (Repealed by 629-A)
1982-629-A	Property annexation (Special)

Ordinance Number	
1982-630	Amends comprehensive land use map (Special)
1982-631	Amends city zoning map (Special)
1982-632	Amends city zoning map (Special)
1982-633	Bond issuance (Special)
1982-634	Bond issuance (Special)
1982-635	Land annexation (Special)
1982-636	Transfers police/fire levy funds to general fund (Special)
1982-637	911 telephone system fund (Not codified)
1982-638	Fire equipment fund (2.16)
1982-639	Street improvements (Special)
1982-640	Street improvements (Special)
1982-641	Parking (Repealed by 734)
1982-642	Parking (Repealed by 734)
1982-643	Street vacation (Special)
1982-644	Amends city zoning map (Special)
1982-645	Lot improvement assessment amounts (Special)
1982-646	Lot improvement assessment amounts (Special)
1982-647	Street vacation (Special)
1982-648	Proposed amendments to city charter, called for election (Special)
1982-649	(Repealed by 1985-649-A)
1985-649-A	(Repealed by 1991-649-D)
1991-649-B	(Repealed)
1991-649-C	Transient room tax; repeals Ords. 1982-649; 1985-649-A and 1991-649-B (Repealed by 1991-649-D)
1991-649-D	Transient room tax; repeals Ord. 1982-649-C (2.16)
1982-650	Encroachment Permits (6.44)
1982-651	Stop signs relocation (Special)
1982-652	Parking (Repealed by 734)
1982-653	Authorization of internal financing for street improvements (Special)
1983-654	(Repealed by 1983-654-A
1983-654-A	(Repealed by 1983-654-B)
1983-654-B	(Repealed by 1989-654-C)
1989-654-C	Cable TV franchise (Repealed by 1998-654-D)
1998-654-D	Grants franchise to Falcon Cable Systems Company II (Special)
1982-655	Stop signs (Special)
1982-656	(Repealed by 1991-656-B)
1987-656-A	Park regulations (Repealed by 1991-656-B)
1991-656-B	Park regulations (Repealed by 2000-1010)
1983-657	Property annexation (Special)
1983-658	Parking (Repealed by 1983-658-A)
1983-658-A	Parking on school district property (5.20)
1983-659	Land annexation (Special)
1983-661	Requires house numbering in city (6.36)
1983-662	City elects to receive state revenues (Special)
1983-663	Adult entertainment regulations, penalties (7.20)
1983-664	Authorizes resolution of traffic concerns (Special)
665	(Repealed by 665-A)

Ordinance Number	
665-A	(Repealed by 665-B)
665-B	(Repealed by 665-C)
665-C	(Repealed by 1989-665-D)
1989-665-D	(Repealed by 1993-665-E)
1993-665-E	Construction improvements in public right-of-way (Repealed by 1994-665-F)
1994-665-F	Sidewalks/driveways/curbs construction (6.16)
666	(Repealed by 666-A)
666-A	(Repealed by 666-B)
1989-666-B	Adopts plumbing code (Repealed by 523-D)
667	(Repealed by 667-A)
667-A	(Repealed by 667-B)
1989-667-B	(Repealed by 523-D)
1983-668	(Repealed by 558-A)
1985-668-A	Stop signs relocation (Special)
669	Public ways (Special)
1984-670	Street vacation (Special)
1984-671	Land annexation (Special)
1984-672	Land annexation (Special)
1984-673	City elects to receive state revenues (Special)
1984-674	Street name change (Special)
1984-675	Street vacation (Special)
1984-677	Authorizes special election on new fire station/parking lot proposition and land acquisition bond issue (Special)
1974-679	Handicapped discrimination complaints (Special)
1984-680	Public ways (Special)
1984-681	Land annexation (Special)
1984-682	Annexation (Repealed by 1985-682-A)
1985-682-A	Land annexation (Special)
1984-683	Authorizes stop sign location (Special)
1984-684	Parking (Repealed by 734)
1985-685	Street acquisition (Special)
1985-686	Suspends Robert's Rules of Order regarding liquor license renewal application for Gangplank Tavern (Special)
1985-687	Parking (Repealed by 734)
1985-688	Street vacation (Special)
1985-688-A	Amends legal description in Ord. 1985-688 (Special)
1985-689	Requirements of backflow prevention and cross-connection control city water system (3.16)
1985-690	City elects to receive state revenues (Special)
1985-691	Prohibits loitering and prowling (Repealed by 2000-1013)
1986-692	Authorizes pedestrian crosswalk (Repealed by Ord. 1996-749)
1986-693	City elects to receive state revenues (Special)
1986-694	Forfeiture of personal property upon committing certain crimes (Repealed by 2000-1020)
1986-695	Authorizes pedestrian crosswalk (Repealed by 1996-749)
1987-696	Authorizes pedestrian crosswalk (Repealed by 1996-749)
1987-697	Regulates truck traffic (5.24)
1987-698	(Repealed by 734)
1992-698-B	Parking (Special)

Ordinance Number	
1987-699	City elects to receive state revenues (Special)
1987-700	Lot improvement assessment amounts (Special)
1988-701	Authorizes pedestrian crosswalk (Repealed by Ord. 1996-749)
1988-702	City elects to receive state revenues (Special)
1989-703	City elects to receive state revenues (Special)
1990-704	Advertising on public sidewalks (Repealed by 1996-704-A)
1996-704-A	Conditions allowing sign and merchandise display on public sidewalks; repeals Ord. 1990-704 (6.44)
1990-705	Lot improvement assessment amounts (Special)
1990-706	Lot improvement assessment amounts (Special)
1990-707	Lot improvement assessment amounts (Special)
1990-708	City elects to receive state revenues (Special)
1990-709	Street name change (Special)
710-A	Timber harvesting (Repealed by 1990-710-B)
1990-710-B	Timber harvesting (Repealed)
1990-711	Authorizes pedestrian crosswalk (Repealed by Ord. 1996-749)
1990-712	Disability carts/vehicles use on sidewalks (6.40)
1990-713	Lot improvement assessment amounts (Special)
1990-714	Lot improvement assessment amounts (Special)
1990-715	Lot improvement assessment amounts (Special)
1990-716	Lot improvement assessment amounts (Special)
1990-717	Lot improvement assessment amounts (Special)
1991-718	Civil compromise court fee (2.12)
1991-719	City elects to receive state revenues (Special)
1991-720	Vehicle sign change from stop to yield (Special)
1991-721	Stop signs (Repealed by 1992-722)
1992-722	Authorizes stop sign locations; repeals Ord. 1991-721 (Special)
1992-723	Bond issue (Special)
1992-724	City elects to receive state revenues (Special)
1992-725	Authorizes stop sign locations (Special)
1992-726	Lot improvement assessment amounts (Special)
1992-727	Authorizes location of pedestrian crosswalk (Repealed by 1996-749)
1992-728	Establishes no parking zones, stop sign placement, street dedicated to pedestrian access only, and pedestrian crosswalks regarding city's riverfront project (Special)
1992-729	Street vacation (Special)

Ordinance Number	
1993-730	City elects to receive state revenues (Special)
1993-731	City tree management (6.24)
1994-732	Loading zone (Repealed by 734)
1994-733	City elects to receive state revenues (Special)
1995-734-C	(Repealed)
1995-734-D	(Repealed)
1994-734-E	(Repealed)
1997-734-F	(Repealed)
1998-734-G	(Repealed)
1998-734-H	(Repealed)
1998-734-I	Parking (Repealed by 1999-734-J)
1999-734-J	Parking requirements/ prohibitions; repeals Ords. 1981-587-A, 1981-596-A, 1981-597-A, 1981-599, and 1998-734-I (Repealed by 2000-734-K)
2000-734-K	Parking; repeals Ords. 1999-734-J and 1981-611 (Repealed by 2000-1017)
1994-735	Street vacation; reserves perpetual utility easement (Special)
1994-736	Street vacation (Special)
1994-737	Street vacation (Special)
1994-738	Lot improvement assessment amounts (Special)
1994-739	Lot improvement assessment amounts (Special)
1995-741	Establishes procedure for personal property inventory within impounded vehicle or in possession of person under arrest (9.32)
1995-742	Vehicle impoundment and towing (Not codified)
1997-742-A	Establishes police procedure for impoundment and towing of vehicles (Not codified)
1995-743	Curfew for minors with violation penalties (Repealed by 2000-1009)
1995-744	Lot improvement assessment amounts (Special)
1995-745	Street vacation (Special)
1995-746	City elects to receive state revenues (Special)
1995-747	Street and alley vacation (Special)
1995-748	Graffiti (Repealed by 1995-748-A)
1995-748-A	Adopts by reference Ch. 615 of Oregon Laws, 1995, on graffiti (9.16)
1996-749	Establishes pedestrian crosswalks; repeals Ords. 692, 695, 696, 701, 711 and 727 (Repealed by 2004-1044)
1996-750	Establishes Oldtown improvement assessments (Special)
1996-751	City elects to receive state revenues (Special)
1996-752	(Void)
1996-753	Submits proposed city charter amendments to voters (Special)
1996-754	Ratifies intergovernmental agreement creating Umpqua regional council of governments (Special)

Ordinance Number	
1997-755	City elects to receive state revenues (Special)
1997-756	Adopts change in numbering system for city ordinances and resolutions (Repealed by 2000-1001)
1997-757	Real property involved with crime activity declared nuisance (9.36)
1997-758	Establishes stop sign installation areas (Special)
1997-759	Establishes annual review of all ordinances and resolutions (1.08)
1997-760	City has jurisdiction and regulatory control over city public rights-of-way (6.16)
1998-761	City elects to receive state revenues (Special)
1999-761-A	City elects to receive state revenues (Special)
2000-761-B	Election to receive state revenues 2000-2001 (Special)
1998-762	Repeals Ords. 1925-116, 1945-318, and 1950-359 (Repealer)
1998-763	Telecommunications (Repealed by 2000-1014)
1999-764	Street vacation (Special)
1999-765	Intergovernmental agreement to establish regional fiber consortium for ownership and operation of fiber optic system (Special)
1999-766	Repeals Ord. 1982-586-A (Repealer)
2000-770	Stop sign (Special)

Ordinance Number	
2000-1001	Amends ordinance titling and numbering system; repeals Ord. 1997-756 (1.08)
2000-1002	Right of entry (1.16)
2000-1003	Loan contract with Oregon Economic and Community Development Department (Special)
2000-1004	General provisions (1.04)
2000-1005	(Number voided)
2000-1006	Amends comprehensive plan (Special)
2000-1007	Excavation and grading code; repeals Ord. 1976-538 (10.12)
2000-1008	Motor vehicle laws; repeals Ord. 1999-553-E (5.04, 5.08, 5.12, 5.16, 5.20, 6.28)
2000-1009	Adopts Oregon Criminal Code; repeals Ords. 1995-743 and 2000-260-J (6.12, 9.04, 9.08, 9.12, 9.16, 9.20, 9.24, 9.28)
2000-1010	Moorage, park and parking lot regulations; repeals Ord. 656-B (6.20)
2000-1011	Business licenses and regulations; repeals Ords. 1991-377-G and 1975-528 (Repealed by 2000-1019)
2000-1012	Fire prevention codes; repeals Ords. 1972-511 and 1983-522-B (6.12)
2000-1013	Repeals Ords. 1925-146, 1945-320, 1945-321, 1945-322, 1965-464, 1968-497, 1972-509, 1972-511; 1978-513-A, 1978-513-B, 1980-588, 1980-592, 1982-417-A and 1985-691 (Repealer)

Ordinance Number	
2000-1014	Establishes master telecommunication infrastructure; repeals Ord. 1998-763 (7.24)
2000-1015	Commercial alarm system regulations (6.48)
2000-1016	Stop sign (Special)
2000-1017	Parking; repeals Ord. 2000-734-K (Repealed by 2001-1024)
2000-1018	Claims against the city (2.16)
2000-1019	Business licenses and regulations; repeals Ord. 2000-1011 (7.04)
2000-1020	Repeals Ord. 1986-694 (Repealer)
2001-1021	Establishes sewer user charges; repeals Ord. 1999-463-P (Repealed by 2001-1023)
2001-1022	Established process for electing to receive annual state revenue distributions (Special)
2001-1023	Establishes sewer user charges; repeals Ord. 2001-1021 (3.12)
2001-1024	Parking; repeals Ord. 2000-1017 (5.20)
2001-1025	Adopts Reedsport Municipal Code (1.01)
2001-1026	Street vacation (Special)
2001-1027	Amends § 10.04.150; repeals § 10.04.210 building permit and inspection fees (10.04)
2002-1028	Amends city zoning map (Special)
2002-1029	Amends §§ 3.04.010, 3.04.120, 3.04.320, 3.04.330 and 3.04.340; adds §§ 3.04.344 and 3.04.347, water system rates and charges (3.04)
2002-1030	Amends §§ 3.08.010, 3.12.010 and 3.12.020; adds § 3.12.035, wastewater and sewer system (3.08, 3.12)
2002-1031	Adds Ch. 3.28, stormwater system (3.28)
2002-1032	Amends § 2.12.100, civil compromise fee (2.12)
2002-1033	Amends § 3.12.020(H), (I), sewer user charges (3.12)
2002-1034	Amends §§ 10.16.010—10.16.060, mobile homes and RVs (10.16)
2002-1035	Amends §§ 3.28.020 and 3.28.060, stormwater utilities and fees (3.28)
2003-1036	Public right-of-way vacation; reserves perpetual utility easement (Special)
2003-1037	Amends § 3.12.020, sewer use charges (3.12)
2003-1038	Repeals and replaces Division III of Title 10; repeals Ord. 99-513-Y, zoning (10.64, 10.68, 10.72, 10.76, 10.80, 10.84, 10.92, 10.96, 10.100, 10.104, 10.108, 10.112, 10.116)
2003-1039	Amends § 7.16.020, garage sale signs (7.16)
2003-1040	Amends § 5.20.120, limited parking zones (5.20)

Ordinance Number	
2004-1041	Amends Ch. 9.04, Criminal Code (9.04)
2004-1042	Pending
2004-1043	Amends § 5.20.130, no parking zones (5.20)
2004-1044	Crosswalks; repeals Ord. 1996-749 (Special)
2004-1045	Amends § 3.12.020(H), (I), sewer user charges (3.12)
2004-1046	Amends § 3.04.210, water meters (3.04)
2004-1047	Amends § 3.20.050, utilities systems development charge (3.20)
2004-1048	Water Revenue Bonds, series 1994 (Special)
2005-1049	Adds Ch. 6.52, social gaming (6.52)
2005-1050	Amends city zoning map (Special)
2005-1051	Adds Ch. 10.200, compensation claims (10.200)
2005-1052	Amends § 3.12.020, wastewater user charges (3.12)
2005-1053	(Number not used)
2005-1054	Amends §§ 3.28.030 and 3.28.060, stormwater system (3.28)
2005-1055	Establishes one-way traffic in certain alleys (Special)
2006-1056	Adds §§ 10.76.024 and 10.76.026; amends §§ 10.76.020 and 10.100.020, land usage (10.76, 10.100)
2006-1057	Amends § 10.48.020, land usage (10.48)
2006-1058	Amends comprehensive plan (Special)
2006-1059	Authorizes stop sign installation (Special)
2006-1060	Amends § 5.20.130, parking (5.20)
2006-1061	Repeals § 9.04.010, Criminal Code adopted (Repealer)
2006-1062	Amends §§ 5.08.020 and 5.24.070; repeals § 5.04.010, traffic regulations (5.08, 5.24)
2006-1063	Amends §§ 3.04.330—3.04.344, water system (3.04)
2006-1064	Amends § 3.20.050, utilities systems development charge (3.20)
2006-1065	Adds § 9.04.040, Criminal Code adopted (9.04)
2006-1066	Amends comprehensive plan (Special)
2006-1067	Amends comprehensive plan (Special)
2007-1068	Amends § 3.20.050, utilities systems development charge (3.20)
2007-1069	Amends Ch. 2.04, City Council (2.04)
2007-1070	Rezone (Special)
2007-1071	Amends § 3.12.020, wastewater user charges (3.12)
2007-1072	Street vacation (Special)
2007-1073	Adds § 7.04.240; repeals § 7.12 [Ch. 7.12], business licenses (7.04)
2007-1074	Establishes urban renewal agency (Special)

Ordinance Number	
2007-1075	Adopts urban renewal plan (Special)
2007-1076	Establishes liquor license processing guidelines (Repealed by 2007-1078)
2007-1077	Amends § 5.20.130, parking (Repealed by 2008-1083)
2007-1078	Establishes liquor license processing guidelines; repeals Ord. 2007-1076 (7.28)
2007-1079	Franchise agreement with Central Lincoln People's Utility District; repeals Ord. 527-B (Special)
2007-1080	Franchise agreement with Comspan Communications II LP (Special)
2008-1081	Amends § 10.76.040, special provisions and regulations (10.76)
2008-1082	Amends § 10.72.070, use zones (10.72)
2008-1083	Amends § 5.20.130; repeals Ord. 2007-1077, parking (5.20)
2008-1084	Authorizes transfer of franchise by Horning Bros. Sanitary Service to Southern Oregon Sanitation Inc. (Special)
2008-1085	Franchise agreement with Falcon Cable Systems Company II LP (Special)
2008-1086	Amends § 5.20.130, parking (5.20)
2008-1087	Repeals and replaces Art. II of Ch. 2.16, revenue and finance (2.16)
2008-1088	Amends § 2.24.030, public records (2.24)
2008-1089	Grants franchise to Verizon Northwest Inc.; repeals Ord. 551-B (Special)
2008-1090	Amends § 3.12.020, wastewater user charges (3.12)
2008-1091	Amends § 7.04.110, business licenses (7.04)
2008-1092	Amends § 3.12.020, wastewater user charges (3.12)
2008-1093	Adds Ch. 9.50, camping prohibited in certain places (9.50)

Beginning with Supplement No. 12, this table will be replaced with the "Code Comparative Table and Disposition List."

CODE COMPARATIVE TABLE AND DISPOSITION LIST

This is a chronological listing of the ordinances of Reedsport, Oregon, beginning with Supplement No. 12, included in this Code.

Ordinance Number	Date	Description	Section	Section this Code
2007-1079	11- 5-2007	Amends franchises		7.08
2007-1080	12- 3-2007	Amends franchises		7.08
2008-1084	2- 4-2008	Amends franchises		7.08
2008-1089	6- 2-2008	Amends franchises		7.08
2009-1094		Tabled		Omit
2009-1095	5- 4-2009	Wastewater user charges		3.12.020.H.
2010-1098	1- 4-2010	Business licenses	I	7.04.020
			II	7.04.040
			III	7.04.050
			IV	7.04.070
			V	7.04.160
			VI	7.04.170
			VII	7.04.200
2010-1099	2- 1-2010	Flood hazard areas	1	10.76.010
2010-1100	4- 5-2010	Nuisances affecting public health	I	6.08.020
2010-1101	5- 3-2010	Livestock and poultry	I	6.04.030
2010-1102	10- 4-2010	Utilities systems development charges	I	3.20.090
2010-1103	12- 6-2010	Wastewater user charges	I	3.12.010
			II	3.12.020.H., I.
2011-1104	1- 3-2011	Boat launches	I Added	6.20.145
2011-1105	Tabled			
2011-1106	6- 6-2011	Explanatory statement for voter's pamphlets	Added	1.12.065
2011-1107	7-11-2011	Political signs		6.32.040.A
2011-1108	9- 6-2011	Social gaming code/Texas Holdem poker card tournaments		6.52.010
2011-1109	12- 5-2011	Amends § 10.72.070	I	10.72.070B.
2011-1111	12- 5-2011	Suspending collection of utilities systems development charges		Omit
2012-1112	2- 6-2012	Annexation		Omit

Ordinance Number	Date	Description	Section	Section this Code
2012-1113	5- 7-2012	Vacating certain property		Omit
2012-1114	6- 4-2012	Utility easement		Omit
2012-1115	7- 2-2012	Adds § 5.20.125	I	5.20.125
2012-1116	7- 2-2012	Amends franchises		7.08
2012-2018	12- 3-2012	Utilities systems development charges		Omit
2013-1119	4- 1-2013	Amends use zones	4 Added	10.72.190
2013-1120	5- 6-2013	Amends franchises		7.08
2013-1121	6- 3-2013	Amends franchises		7.08
2013-1122	6- 3-2013	Amends garage sales		7.16.020. A.3
2013-1123	6- 3-2013	Added "recreational vehicle" definition		6.08.010
		Amends temporary use	Rnbd	10.16.030
			as	6.08.155.A.
		Amends parking or placing of mobile home restricted	Rnbd	10.16.040
			as	6.08.155.B., C.
		Amends abatement notice		6.08.170.A.
2013-1124	6- 3-2013	Wastewater user charges	I	3.12.020. I.1.b.
2013-1125	10- 7-2013	Adds Ch. 6.56, vacant buildings	Added	Ch. 6.56, §§ 6.56.010—6.56.110
2013-1126	11- 4-2013	Amends animal regulations	Rpld	Ch. 6.04, §§ 6.04.010—6.04.050
			Added	Ch. 6.04, §§ 6.04.010—6.04.120
2013-1127	11- 4-2013	Amends business licenses		7.04.020
2013-1128	12- 2-2013	Extends suspension of utilities system development charges		Omit
2014-1129	1- 6-2014	Amends water system		3.04.230
2014-1130	3- 3-2014	Amends initiative and referendum procedures	Rpld	1.12.010—1.12.120
			Added	1.12.010—1.12.080

Ordinance Number	Date	Description	Section	Section this Code
2014-1131	3- 3-2014	Amends garage sales		7.16.20.A.
2014-1132	4- 7-2014	Moratorium on medical marijuana facilities		Omit
2014-1133	4- 7-2014	Amends city parks, moorages and parking lots		6.20.130
2014-1134	6- 2-2014	Amends city parks, moorages and parking lots	Added	6.20.115
2014-1135	10- 6-2014	Amends franchises		7.08
2014-1136	10- 6-2014	Failed to pass		Omit
2014-1137	10- 6-2014	Amends loitering of minors prohibited		9.20.010 A., B.
		Amends responsibility of parents, guardians or other adult persons having care and custody of a minor under the age of eighteen		9.20.020 A., B.
2014-1138	12- 1-2014	Extends suspension of utilities system development charges		Omit
2015-1139	1- 5-2015	Amends zoning	2	10.64.010—10.64.030, 10.68.010—10.68.060, 10.72.010—10.72.080
			Added	10.72.085
				10.72.090—10.72.180
			Rpld	10.72.190
				10.76.010—10.76.026
			Added	10.76.028
			Rpld	10.76.030
			Added	10.76.030
				10.76.040—10.76.070
			Added	10.76.075

Ordinance Number	Date	Description	Section	Section this Code
				10.76.080—10.76.150, 10.80.010—10.80.080, 10.84.010—10.84.040, 10.92.010—10.92.050, 10.96.010—10.96.050, 10.100.010—10.100.060
2015-1142	5- 4-2015	Amends zoning		Omit
2015-1143	5- 4-2015	Amends introductory provisions	2	10.64.030
		Amends use zones		10.72.060 D.3.
			Added	10.72.070 C.3., 10.72.085 C.4.
				10.72.085 D.3., 10.72.090 B.2., C.4., 10.72.100 C.4.
		Amends special provisions and regulations	Added	10.76.035
2015-1144	5- 4-2015	Amends zoning		Omit
2015-1145	5- 4-2015	Adds marijuana facilities	1 Added	Ch. 7.30, §§ 7.30.010—7.30.080
2015-1146	5- 4-2015	Bond ordinance		Omit
2015-1147	7- 6-2015	Amends marijuana facilities	1	7.30.010—7.30.080
2015-1148	9-14-2015	Declares a ban on the sale of recreational marijuana		Omit
2015-1149	12- 7-215	Extends suspension of utilities system development charges		Omit

Ordinance Number	Date	Description	Section	Section this Code
2016-1150	1- 4-2016	Amends land usage by incorporating standards for recreational marijuana facilities	2	10.64.030
				10.72.060 D.3.
				10.72.070 C.3.
				10.72.085 C.4., D.3.a.
				10.72.090 B.2., C.4.
				10.72.100 C.4.
				10.76.035
2016-1151	1- 4-2016	Amends marijuana facilities	1 Rpld	Ch. 7.30, §§ 7.30.010—7.30.080
			Added	Ch. 7.30, §§ 7.30.010—7.30.070
2016-1152	1- 4-2016	Rescinds a moratorium on the sale of recreational marijuana		Omit
2016-1154	2- 1-2016	Seasonal tax on the sale of gas and diesel	1 Added	2.16.830—2.16.1060
2016-1155	3- 7-2016	Amends transportation system plan		Omit
2016-1156	4- 4-2016	Vacating property		Omit
2016-1157	7-11-2016	Seasonal fuel tax	1	2.16.840
2016-1158	11- 7-2016	Amends nuisance regulations	Added	6.08.040 A.4.
2016-1159	12- 5-2016	Extends suspension of utilities system development charges for development plans other than public projects		Omit
2017-1160	2- 6-2016	Amends zoning		Omit
2017-1161	4- 3-2017	Land usage	2	10.64.030
				10.72.085 B.1., D.3.a.

Ordinance Number	Date	Description	Section	Section this Code
				10.72.090 C.4.
				10.72.100 C.4.
				10.76.035 A., B.
			Rpld	10.72.010 B.13.c.
				10.72.020 B.3., D.
				10.72.050 D.
				10.72.180 C.
				10.72.060 D.
				10.72.070 B.
				10.92.050
				10.96.050
				10.76.040 K.
2017-1162	5- 1-2017	Establishing public library	1—9 Added	Ch. 2.32, §§ 2.32.010 —2.32.090
2017-1163	9-11-2017	Business Regulations	1 Added	7.30.040 D.
2017-1164	12- 4-2017	Extends the suspension of utilities system development charges for development other than public projects		Omit
2018-1165	3- 5-2018	Rezoning		Omit
2018-1166	9-10-2018	Land Usage		10.72.070 B.39.
			Rnbd	10.72.070 B.39.—42.
			as	10.72.070 B.40.—43.
				10.72.090 B.2.
				10.76.020 (Tit.)
			Added	10.76.160

Ordinance Number	Date	Description	Section	Section this Code
2018-1167	9-10-2018	Adopts a supporting document to the comprehensive plan		Omit
2019-1169	1-14-2019	Adds franchise		7.08.010
2019-1170	1-14-2019	Disbands Reedsport Public Library	Rpld	2.32.010--2.32.090
2019-1171	7- 1-2019	Adds franchise		7.08.010
2019-1172	8- 5-2019	Traffic regulations		5.20.130 R.
2019-1173	8- 5-2019	Traffic regulations		5.20.130 E.
				5.20.140 C., D.
2019-1174	9- 9-2019	Grants franchise to Century Link Communications, LLC		7.08.010
2019-1175	12- 2-2019	Extends the suspension of utilities system development charges for development other than public projects		Omitted
2020-1176	3- 2-2020	Amends flood hazard area regulations		10.76.010
2020-1177	7- 6-2020	Establishes tax on the sale of recreational marijuana and marijuana-infused products	1 Added	7.12.020—7.12.140
2020-1178	8-31-2020	Amends traffic regulations		5.20.130 L., M.
2020-1179	10- 5-2020	Amends fire safety regulations		6.12.020
2020-1181	11- 2-2020	Amends traffic regulations		5.04.020
2020-1182	12- 7-2020	Amends marijuana tax		7.12.050—7.12.070
2020-1184	12- 7-2020	Extends suspension of the utilities system development charges		Omitted
2021-1186	2- 1-2021	Amends flood hazard area	Exh. A	10.76.010
2021-1187	2- 1-2021	Amends specialty provisions of marijuana dispensaries	Exh. A	10.76.035
2021-1188	6- 7-2021	Amends administration, revenue, and finance	Added	2.16.800—2.16-820

Ordinance Number	Date	Description	Section	Section this Code
2021-1189	10- 4-2021	Amends solid waste management		3.24.140
2021-1190	11- 1-2021	Amends offenses against public peace and decency	Exh. A Added	9.12.060, 9.12.065
2021-1191	11- 1-2021	Amends zoning and comprehensive plan maps		Omitted
2021-1192	12- 6-2021	Amends land usage	Exh. A	10.72.060 B.20
				10.72.070 B, D.9
2021-1193	12- 6-2021	Suspends utilities system development charges		Omitted
2022-1194	1- 3-2022	Franchise agreement		7.08.010
2022-1195	2- 7-2022	Transient room tax		2.16.150
				2.16.360
2022-1196	8- 1-2022	Declaring a temporary ban on psilocybin service centers and the manufacture of psilocybin products within the city		Omitted

— A —

— B —

— N —

— P —

— Y —

— Z —