

Brookings, Oregon

ORDINANCE NO. 36

AN ORDINANCE CREATING A CITY PLANNING COMMISSION, PROVIDING FOR THE APPOINTMENT OF MEMBERS THEREOF, PRESCRIBING THE AUTHORITY AND JURISDICTION OF SUCH COMMISSION, PROVIDING FOR THE EXPENDITURE OF FUNDS, INCLUDING NECESSARY DISBURSEMENTS INCURRED BY ITS MEMBERS, AND GRANTING POWERS TO SAID COMMISSION.

The City of Brookings does ordain as follows:

SECTION 1. There is hereby created a City Planning Commission for the City of Brookings which shall henceforth be known as "the Brookings City Planning Commission".

SECTION 2. The term "Commission" as used in this ordinance shall mean and be the Brookings City Planning Commission.

SECTION 3. The Commission hereby created shall consist of the Mayor, the City Attorney, the City Engineer, ex-officio, and of seven other members to be appointed by the Mayor, not more than two of whom shall be non-residents of the City of Brookings.

SECTION 4. At the first meeting of the Commission, which shall be not later than thirty (30) days after all appointments to the Commission have been made and accepted, the seven (7) appointed members shall choose their term of office by lot as follows: One for one year; two for two years; two for three years; and two for four years, and they shall immediately thereafter notify the Mayor and the City Council in writing of such allotment. Their successors shall hold office for four years. Any vacancy shall be filled by the Mayor for the unexpired portion of the term.

SECTION 5. The Commission, at its first meeting, shall elect a president, and vice-president who shall be members appointed by the Mayor and who shall hold office during the pleasure of the Commission.

SECTION 6. Members of the Commission shall receive no compensation for their services as members of the Commission.

SECTION 7. The Commission shall elect a secretary who need not be a member of the Commission. Such secretary shall keep an accurate record of all proceedings of said Commission and the Commission shall, on the first day of October of each year, make and file a report of all transactions of the Commission with the Council.

SECTION 8. Five members of the Commission shall constitute a quorum; provided, however, that at least four members appointed by the Mayor shall at all times constitute a part of such quorum.

SECTION 9. The Commission may make and alter rules and regulations for its government and procedure consistent with the laws of the State of Oregon and with the City Charter, if any, and ordinances, and shall meet at least once a month.

SECTION 10. The City Council shall assign to the Commission an office or headquarters in the City Hall, if possible, in which to hold its meetings, transact its business and keep its records.

SECTION 11. The Commission shall have the power and authority to employ consulting advice on municipal problems, a secretary and such clerks as may be necessary, and to pay for their services, and for such other expenses as such Commission may lawfully incur, including the necessary disbursements incurred by its members in the performance of their duties as members of said Commission, out of funds at the disposal of the Commission, as authorized by the City Council.

SECTION 12. It shall be the duty of the Commission and they shall have the power, except as otherwise provided by law, to recommend and make suggestions to the City Council and to all other public authorities concerning the laying out, widening, extending, parking and locating of streets, sidewalks and boulevards, the relief of traffic congestion, the betterment of housing and sanitation conditions and the establishment of zones of districts limiting the use, height, area and bulk of buildings and structures; to recommend to the City Council and all other public authorities plans for the regulation of the future growth, development and beautification of the municipality in respect to its public and private buildings and works, streets, parks, grounds, and vacant lots, and plans consistent with the future growth and development of the City in order to secure to the City and its inhabitants, sanitation, proper service of all public utilities, harbor, shipping and transportation facilities; to recommend to the City Council and all other public authorities plans for the promotion, development and regulation of the industrial and economic needs of the community in respect to private and public enterprises engaged in industrial pursuits; to advertise the industrial advantages and opportunities of the municipality and the availability of real estate within the municipality for industrial settlement, and to encourage industrial settlement within the municipality, and to make an economic survey of the present and potential possibilities of the municipality with a view to ascertaining its industrial needs, and to study the needs of existing local industries with a view to strengthening and developing local industries and stabilizing employment conditions;

to do and perform any and all other acts and things necessary or proper to carry out the provisions of this ordinance; and in general to study and to propose such measures as may be advisable for the promotion of the public interest, health, morals, safety, comfort, convenience and welfare of the City of Brookings, and of the area six (6) miles adjacent thereto.

SECTION 13. All maps, plats, and replats of land laid out in building lots and the streets, alleys, or other portions of the same intended to be dedicated for public use or for the use of purchasers or owners of lots fronting thereon or adjacent thereto, and located within the City limits of the City of Brookings, and all plans or plats for vacating or laying out, widening, expending, parking and locating streets or plans for public buildings shall first be submitted to the Commission by the City Engineer or other proper municipal officer, and a report thereon from the Commission secured in writing before approval shall be given by the said proper municipal official, and the term "municipal official", shall be deemed to mean and include the City Council.

SECTION 14. All plans, plats or replats of lands laid out in lots or plats, including the streets, alleys and other portions of the same intended to be dedicated to public or private use and all plats or deeds dedicating land to public use in that portion of a County of the State of Oregon within six miles outside of the City limits of the City of Brookings shall first be submitted to the Commission and approved by it before they shall be recorded. It shall be unlawful to receive or record such plan, plat or replat or deed in any public office unless the same shall bear thereon the approval, by endorsement, of the Commission.

SECTION 15. Within six (6) miles outside of the City limits of the City of Brookings it shall be the duty of the Commission to recommend to the City Council the renaming of any existing street, highway or road, other than a County road or State Highway, if in the judgment of said Commission such renaming is in the best interest of the City of Brookings and such six (6) mile area. Upon receiving such recommendation the City Council shall afford persons particularly interested, and the general public, an opportunity to be heard, at a time and place to be specified in a notice of hearing published in a newspaper of general circulation within the municipality and such six (6) mile area not less than once within the week prior to the week within which said hearing is to be held. After such opportunity for said hearing has been afforded, the City Council by ordinance shall rename^{the} street or highway in accordance with the recommendation or by resolution shall reject the recommendation. The Recorder, or other authorized municipal official, shall cause a certified copy of each such ordinance to be filed for record with the County Clerk or Recorder of the County in which such six (6) mile area is located and he shall file a like copy with the County Assessor and County Surveyor.

SECTION 16. Copies of all proposed ordinances or petitions for the establishment or amendment, change or alteration of the boundaries of any zone or district contemplated or referred to by this ordinance and copies of all ordinances or petitions proposing regulation or limitation of the use, height, area, bulk and construction of buildings to be submitted to the City Council shall, before the same are presented to the City Council, be first submitted by the Recorder to the Commission for recommendation, and the Recorder shall immediately so notify the City Council, and said Commission shall make its recommendation thereon in writing to the City Council, provided, however, the Commission shall first hold a public hearing at such time and place as may be directed by the City Council, and make a careful and appropriate investigation thereon; and before final action shall be taken by the City Council, or any department or officer of the City of Brookings, on the location or design of any public building, bridge, statue, park, parkway, boulevard, playground, or public grounds, the same shall be submitted to the Commission for consideration and report; and provided further, that unless the City Council definitely names a longer period for the return of a report specified herein, the approval of the Commission to any matter so referred to it in accordance with the provisions of this ordinance shall be deemed to have been given at the end of thirty (30) days after the receipt of the same in writing by its secretary unless the Commission shall submit a report thereon prior to that time; and provided further that the City Council may, in its discretion, and upon request of the Commission, give an extension of time to the Commission at any time, but such extension of time shall be in writing and signed by the Mayor pursuant to a resolution duly adopted by the Council.

SECTION 17. The Commission may make recommendations to any person co-partnership, corporation or public authority with reference to the location of buildings, structures or works to be erected, constructed or altered by or for such person, co-partnership, corporation or public authority; provided, however, such recommendation shall not have the force or effect of a law or ordinance, except when so prescribed by the laws of the State of Oregon or by the ordinance of the City of Brookings. Any person, co-partnership or public authority having charge of the construction, placing or designing of buildings or other structures and improvements or objects of art within the corporate limits of the City of Brookings or the area of six (6) miles adjacent thereto, may call upon the Commission for a report thereon.

SECTION 18. The Commission may receive gifts, bequests or devices ^{SES} of property to carry out any of the purposes of this ordinance, which property shall be set over to the City of Brookings to be used by it in furtherance of the purposes of this ordinance, pursuant to the recommendation of the Commission. It is further provided that the Commission shall have the power and authority

to recommend and make suggestions to the City Council and other public authorities concerning the acceptance from the United States of America or any of its agencies, such funds as may be made available to municipalities for any of the purposes contemplated by this ordinance and the City Council shall have the power to accept from the United States of America or any of its agencies such funds as may be made available to such municipalities for any of the purposes contemplated by this ordinance and to enter into such contracts and agreements with the United States or any of its agencies as may be necessary, proper and convenient, not contrary to laws of the State of Oregon.

SECTION 19. It shall be unlawful for any person, being the owner or agent of the owner of any land located within any subdivision hereafter platted lying within the territorial jurisdiction of the Commission, as the same has been prescribed herein, to transfer or sell or agree to sell or negotiate to sell any such land by reference to or exhibition or other use of a plat of such subdivision, before such plat has been approved by such planning commission and recorded or filed in the office of the appropriate Recorder of either the City of Brookings or the County within which such jurisdiction extends.

SECTION 20. Any person found guilty of a violation of this Ordinance shall be punished by a fine of not less than Fifty Dollars (\$50.00) nor more than One Hundred Dollars (\$100.00) or by imprisonment in the City Jail for a period of not less than twenty-five days (25) nor more than fifty (50) days or by both such fine and imprisonment.

Read by title and in full this 5th day of November, 1952.

Read a second time ^{in full} by title this 13 day of January, 1953.

Read a third time by title and passed by the Council this 10 day of Feb., 1953.

Authenticated this 10th day of Feb., 1953.

Robert O. Dimmick
Robert O. Dimmick, Mayor

Passed by the Council this 10 day of Feb., 1953.

Gladys Kanick
Gladys Kanick, Recorder