

ORDINANCE NO. 1327

AN ORDINANCE AMENDING CANBY MUNICIPAL CODE (CMC) CHAPTERS 3.20.070 AND 4.12.030 BY REMOVING AMOUNTS FOR FEES AND SETTING THEM BY RESOLUTION; AMENDING SECTION 5.04.210 BY REQUIRING A FEE FOR THE TRANSFER OR ASSIGNMENT OF BUSINESS LICENSE; AMENDING SECTION 5.16.030 BY REMOVING AMOUNTS FOR FEES AND SETTING THEM BY RESOLUTION; ADDING SECTION 6.04.060 REQUIRING A SPECIAL ANIMAL PERMIT FEE; AMENDING CHAPTERS 6.08.070, 8.20.040, AND 8.20.070 BY REMOVING AMOUNTS FOR FEES AND SETTING THEM BY RESOLUTION; ADDING SECTION 8.20.105 SETTING FEES BY RESOLUTION; AND AMENDING CHAPTERS 9.08.030, 10.04.090, 10.04.095, 10.12.010, 10.12.020, AND 15.08.060 BY REMOVING AMOUNTS FOR FEES AND SETTING THEM BY RESOLUTION; AND DECLARING AN EMERGENCY.

WHEREAS, the City of Canby Municipal Code has provided for specific fees for charges to be set or amended by ordinance; and

WHEREAS, it is the desire of the City Council to set all future fees by resolution; now therefore

**THE CITY OF CANBY ORDAINS AS FOLLOWS:**

**Section 1. Section 3.20.070 of the CMC shall be amended to read as follows:**

**§ 3.20.070 RATE.**

A. An excise tax is imposed on every person who engages in the construction or installation of any improvement, including manufactured dwellings located within the corporate city limits. ~~The tax shall be at the following rates:~~ These rates shall be set by resolution

<i>Square Footage of Improvement</i>	<i>Tax Rate</i>
<b>The first 1,000 sq. ft.</b>	<b>\$.25/sq. ft.</b>
<b>The next 500 sq. ft.</b>	<b>\$.50/sq. ft.</b>
<b>The next 500 sq. ft.</b>	<b>\$.75/sq. ft.</b>
<b>Anything above 2,000 sq. ft.</b>	<b>\$1.00/sq. ft.</b>

**Section 2. Section 4.12.030 of the CMC shall be amended to read as follows:**

**§ 4.12.030 RECEIPT OF APPLICATION.**

The Council will receive applications, accompanied by an application fee ~~of \$150 or other amount~~ that the Council may, from time to time, set by resolution, for advance financed public improvements, and submit the applications to the Public Works Department. The fee will be applied against the cost of administrative analysis of the proposed advance financed public improvements for the cost of notifying the property owners, and for recording cost and the like. When the city or other public entity is the developer, the Council shall, by motion, direct the City Administrator to submit the application to the Public Works Department without fee. Applications for advance financed public improvements are expected to be submitted and approved prior to start of work; however, applications will be accepted for a period of 6 months after start of work for the public improvement.

**Section 3. Section 5.04.210 of the CMC shall be amended to read as follows:**

**§ 5.04.210 TRANSFER OR ASSIGNMENT OF LICENSE.**

~~No transfer of assignment of any license issued under this chapter shall be valid or permitted, except that whenever any person sells or transfers in whole a business for which the license has been paid, then the vendee thereof shall not be required to pay any additional license thereon for the balance of the license year.~~

If any person licensed to do business within the City shall sell or transfer such business to another, the license for such business shall be transferred to such other person upon application being made and payment of a license transfer fee. The anniversary date of the business shall then be changed to the date of the new application. The license fee for this transfer or assignment shall be set forth by resolution.

**Section 4. Section 5.16.030 of the CMC shall be amended to read as follows:**

**§ 5.16.030 LICENSE APPLICATION.**

A. Any person or business, requesting a city recommendation to the Commission on a liquor license application shall make application upon suitable forms, furnished by the city.

B. The application shall contain the following:

1. The type of license applied for and a description of the nature of the business for which the application is made;
2. The name of the applicant, with address; if the business is 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 designated agent in the state; if a foreign corporation, the name and address of the local agent or representative who will be in charge of the business in the city;
3. The address where the business will be located in the city;
4. The date of application;
5. Any other information the Council deems necessary for review;
6. A verification that the information submitted within the application is true and accurate;
7. The signature of the applicant or agent making the application; and
8. The application shall be accompanied by the appropriate fee. The fees shall be non-

refundable. **These fees shall be set forth by resolution.**

~~a. In the case of an original application, \$100;~~

~~b. For a change in ownership, change in location, or change in privilege application, \$75;~~

~~c. Except as provided in division 8.d. of this section, for renewal and temporary license applications, \$35; and~~

~~d. For special retail beer and special retail wine license applications or combined applications, \$35.~~

9. If the applicant for ~~an SRB special retail beer or SRW special retail wine or combination thereof~~ of a temporary sales license can demonstrate that it is organized and operating as a nonprofit organization, no application fee to the city shall be required.

**Section 5. Section 6.04.060 of the CMC shall be amended to add as follows:**

**§ 6.04.060 SPECIAL PERMIT FEE.**

The permit fee for the special animal permit shall be set forth by resolution.

**Section 6. Section 6.08.070 of the CMC shall be amended to read as follows:**

**§ 6.08.070 IMPOUNDMENT REGULATIONS.**

A. Whenever an animal or fowl is impounded under the authority of this chapter and the owner or keeper of the animal or fowl is known, he or she shall be given notice of the impounding by personal service or by mailing the notice to the owner's or keeper's last known address. The owner or keeper of the animal or fowl shall have 5 days from the date of notice to claim the animal or fowl and pay the redemption fee provided in this chapter. If he or she fails to claim the animal or fowl within that time and pay the fees provided in this chapter, the animal or fowl shall be disposed of as hereinafter provided.

B. Whenever an animal or fowl is impounded under the authority of this chapter and the owner or keeper thereof is unknown, a notice shall forthwith be posted in 3 public places in or about the city. The notice shall contain a general description of the impounded animal or fowl, showing breed, sex, color and markings, and shall designate the date on which the described animal or fowl shall be disposed of unless sooner claimed and redeemed. The date shall be not less than 5 days after impounding the animal or fowl. If no claim or redemption by the owner or keeper of the described animal or fowl is made within the time fixed by the notice, the animal or fowl shall be disposed of as provided in this chapter.

C. Any animals or fowl impounded for having injured a person shall not be released until after expiration of a 5-day period to allow an appropriate health check. Any animal or fowl impounded under authority of this chapter may not be released to the owner or keeper thereof until payment to the City Recorder or his or her authorized agent or to the County **Dog Services dog pound** (in cases of impounded dogs) ~~of the following a fees and/or charges a redemption fee of \$50~~ for administrative costs which may be changed from time to time by resolution of the City Council, plus the actual costs of boarding the animal or fowl.

D. If an impounded animal or fowl is not claimed by its owner or keeper within the time limits fixed in this section, it may be released to any person on payment to the City Recorder or his or her authorized agent or to the county dog pound (in case of impounded dogs) of the fees and charges fixed in division C. of this section.

E. If no claim or redemption by the owner or keeper of the described animal or fowl is made within the time fixed by the applicable notice, and if no person claims the impounded animal or fowl pursuant to division D. of this section, the animal or fowl shall be sold, given away or humanely killed at the expiration of that time.

**Section 7. Section 8.20.040 of the CMC shall be amended to read as follows:**

**§ 8.20.040 ALARM USER'S PERMIT REQUIRED.**

A. Every alarm user shall obtain an alarm user's permit for each system from the coordinator's office upon the effective date of the ordinance codified in this chapter or prior to use of an alarm system. Users of systems using different alarm capabilities shall obtain separate permits for each function. Application for an emergency assistance alarm user's permit and a ~~\$24~~ fee for each alarm shall be filed with the coordinator's office every ~~24~~ 12 months. Each permit shall bear the signature of the Chief of Police and be for a ~~2~~ 1-year period. The permit shall be physically upon the premises using the alarm system and shall be available for inspection by the Chief of Police or alarm coordinator.

B. If a residential alarm user is over the age of 65 and is the primary resident of the residence and if no business is conducted in the residence, a user's permit may be obtained from the coordinator's office according to division A. of this section without the payment of a fee.

C. A ~~\$25 charge fee~~ will be charged in addition to the fee provided in division A. of this section to a user who fails to obtain a permit within 15 days after the effective date of the ordinance codified in this chapter, or who is more than 15 days delinquent in renewing a permit.

D. An alarm user required by federal, state, county or municipal statute, regulation, rule or ordinance to install, maintain and operate an emergency assistance alarm system shall be subject to this chapter and may be issued a special alarm user's permit.

E. An alarm user which is a governmental political unit shall be subject to this chapter, but a permit shall be issued without payment of a fee.

**Section 8. Section 8.20.070 of the CMC shall be amended to read as follows:**

**§ 8.20.070 FALSE ALARMS; FEE.**

A. Special Alarm User's Permit (as defined in division D. of §8.20.040).

1. Special alarm permits shall not be subject to revocation due to false alarms; and  
2. For each false alarm over 2 during each ensuing 12-month period after a permit is issued or renewed, upon written demand thereof by the Chief of Police or alarm coordinator, the holder of a special user's permit shall pay a fee. ~~of \$25 dollars.~~

B. Governmental Political Unit (as defined in division E. of §8.20.040).

1. Shall not be subject to revocation due to false alarms; and  
2. For each false alarm over 2 during each ensuing 12-month period after a permit is issued or renewed, for each location, and upon written demand thereof by the Chief of Police or alarm coordinator, the holder of an alarm user's permit shall pay a fee. ~~of \$25 dollars.~~

C. All Other Alarm Permits. For each false alarm over 2 during each ensuing 12-month period after a permit is issued or renewed, for each location, and upon written demand thereof by the Chief of Police or alarm coordinator, the holder of an alarm users permit shall pay a fee. ~~of~~

**\$25 dollars.**

D. Effect on Term. The payment of any fee provided for in this section shall not be deemed to extend the term of the permit.

E. Nonpermit User's False Alarms.

1. Alarm requests from alarm centers, as defined in §8.20.030, shall be subject to false alarm fees.

2. For each false alarm request over 2 in a calendar year, for each location, and upon written demand thereof by the Chief of Police or alarm coordinator, the resident, tenant or owner shall pay a fee. ~~of \$25 dollars.~~

**Section 9. Section 8.20.105 of the CMC shall be added to read as follows:**

**§ 8.20.105 FEES SET BY RESOLUTION**

All fees established by the sections above shall be set forth by resolution.

**Section 10. Section 9.08.030 of the CMC shall be amended to read as follows:**

**§ 9.08.030 FIREARM PURCHASER; BACKGROUND INSPECTION FEE.**

A. Whenever the Police Department is requested by a firearm dealer to conduct a background check on a prospective firearm purchaser, the firearm dealer shall submit a ~~\$50~~ processing fee for each background check requested. The background check fee shall be paid by the firearm dealer and shall be used to defray Police Department expenses incurred in conducting the check. **This fee shall be set forth by resolution.**

B. Failure by the firearm dealer to submit the proper fee with each background inspection request is an unclassified misdemeanor punishable by a fine of not more than \$100 per violation.

**Section 11. Section 10.04.090 of the CMC shall be amended to read as follows:**

**§ 10.04.090 BOOT INSTALLATION.**

A. When a driver, owner or person in charge of a vehicle is cited for violation of §10.04.080, fails to respond to notice given as required above, and an order authorizing immobilization has been signed by the Municipal Judge, the parking officer or any police officer so designated shall:

1. Immobilize the vehicle temporarily until 11:00 a.m. of the following day by installing on or attaching to the vehicle a device designed to restrict the normal movement of the vehicle;

2. Conspicuously affix to the vehicle the written notice prescribed in division B. of this section; and

3. Unless release of the vehicle is arranged by 11:00 a.m. of the following day, remove the vehicle from the street or other public property as provided in §10.04.110 of this chapter.

B. The notice required by division A. of this section shall contain:

1. The name of the Municipal Judge ordering the temporary immobilization;

2. A description of the vehicle and its location;

3. A statement of the reason for the temporary immobilization of the vehicle, including a reference to the section of this chapter violated;
  4. Where to go and how to obtain release of the vehicle;
  5. The date and time when the city will have the vehicle towed and stored at the owner's expense, resulting in the sale of the vehicle to satisfy these expenses and unpaid bail and fines if the owner fails to redeem the vehicle; and
  6. The statement that attempting to remove the immobilization device or removing it, or attempting to remove or removing the vehicle before it is released as authorized by this chapter, is an offense.
- C. The parking restrictions of the city shall not apply to a vehicle that has been temporarily immobilized as provided in this section.
- D. There shall be assessed a charge ~~of \$75~~ for booting a vehicle in addition to any outstanding fines or other expenses assessed against the vehicle. **This fee shall be set forth by resolution.**

**Section 12. Section 10.04.095 of the CMC shall be amended to read as follows:**

**§ 10.04.095 BOOT REMOVAL.**

- A. No person other than an officer of the city may remove or attempt to remove a temporary immobilization device, or move or attempt to move the vehicle, before it is released by the Police Department or the Clerk of the Municipal Court in accordance with this section.
- B. A vehicle shall be released and the temporary immobilization device removed when the owner, operator or person in charge of the vehicle either:
1. a. Posts bail and pays all fines and bail for parking citations issued against the vehicle, its operator or owner; and
    - b. Pays the ~~\$50~~ booting charge.
  2. Presents clear and convincing information to any employee of the city designated by the Municipal Judge to receive the information, that the present owner of the vehicle did not own the immobilized vehicle at the time the parking citations were issued that established the violation of §10.04.080, or that the bail and fines for parking citations that establish the violation of §10.04.080 have been paid before the vehicle was temporarily immobilized.
- C. The city employee designated by the Municipal Judge as provided in division B. of this section may for good cause extend the time limit the temporary immobilization device is left attached to a vehicle before it is towed and stored, provided the owner, in writing, assumes all risk of damage to the vehicle while it remains immobilized. The extension of the time limit shall not exceed an additional 24 hours, excluding Sundays and holidays.
- D. In lieu of proceeding under divisions B. and C. of this section, the owner, operator or person in charge of the vehicle may request that the Municipal Judge rather than his or her designee conduct a hearing in regard to the relevant issues contained in divisions B. and C. hereof. The hearing shall be conducted in an informal manner and as promptly as the court's docket permits.

**Section 13. Section 10.12.010 of the CMC shall be amended to read as follows:**

**§ 10.12.010 IMPOUNDED OF UNINSURED VEHICLES AUTHORIZED.**

- A. A police officer who reasonably believes that a person is operating a motor vehicle on any

highway or premises open to the public without either of the following may, without prior notice, order the vehicle impounded until a person with right to possession of the vehicle complies with the conditions for release or the vehicle is ordered released by the tow hearings officer:

1. Being insured while driving the vehicle under a motor vehicle liability insurance policy that meets the requirements described under O.R.S. 806.080; or
2. The person or the owner of the vehicle providing the Department of Transportation with other satisfactory proof of compliance with the financial responsibility requirements of this state in violation of O.R.S. 806.010.

B. A vehicle impounded under this chapter shall be released to a person entitled to lawful possession upon proof of compliance with financial responsibility requirements for the vehicle, payment to the police agency of a fee of ~~\$100~~ and payment of any towing and storage charges. Proof shall be presented to the City Police Department, which shall authorize the person storing the vehicle to release it upon payment of the charges. **This fee shall be set forth by resolution.**

**Section 14. Section 10.12.020 of the CMC shall be amended to read as follows:**

**§ 10.12.020 NOTICE AFTER REMOVAL.**

A. If the City Police Department takes custody of a vehicle pursuant to this chapter, it shall provide, either personally or by certified mail within 48 hours of the removal, written notice with an explanation of procedures available for obtaining a hearing under §10.12.030 of this chapter to the owners of the vehicle and any lessors or security interest holders as shown in the records of the Department of Transportation. The notice shall state that the vehicle has been taken into custody and shall give the location of the vehicle and describe procedures for the release of the vehicle and for obtaining a hearing under §10.12.030 of this chapter. The 48-hour period under this section does not include holidays, Saturdays or Sundays.

B. Any notice given under this section after a vehicle is taken into custody and removed shall state all of the following:

1. That the City Police Department took the vehicle into custody and removed the vehicle and the statute, ordinance or rule under which the vehicle has been taken into custody and removed;
2. The location of the vehicle or the telephone number and address of the City Police Department that will provide the information;
3. That the vehicle is subject to towing and storage charges, the amount of charges that have accrued to the date of the notice and the daily storage charges;
4. That the vehicle and its contents are subject to a lien for payment of the towing and storage charges and that the vehicle and its contents will be sold to cover the charges if the charges are not paid by a date specified by the City Police Department;
5. That the owner, possessor or person having an interest in the vehicle and its contents is entitled to a prompt hearing to contest the validity of taking the vehicle into custody and removing it and to contest the reasonableness of the charges for towing and storage if a hearing is timely requested;
6. The time within which a hearing must be requested and the method for requesting a hearing; and
7. That the vehicle impounded under this chapter shall be released to a person entitled to lawful possession upon proof of compliance with financial responsibility requirements for the vehicle, payment to the police agency of a fee ~~of \$100~~ and payment of any outstanding towing

and storage charges. **This fee shall be set forth by resolution.**

**Section 15. Section 15.08.060 of the CMC shall be amended to read as follows:**

**§ 15.08.060 INSTALLATION BY CITY.**

If a property owner fails or neglects to properly install an assigned building number within the time required by this chapter, or to correct an improperly installed number, then after notice thereof is given, as provided in §15.08.050, the City Superintendent shall cause the number to be installed by city work force; and ~~a fee the sum of \$50~~ for the costs of the installation shall be added to the property owner's next ensuing utility bill, and shall be collected as a part of the bill.

**This fee shall be set forth by resolution.**

**Section 16.** Inasmuch as it is in the best interest of the citizens of Canby, Oregon, to remove these fees as soon as possible, an emergency is hereby declared to exist and this ordinance shall therefore take effect June 1, 2010 upon its enactment after final reading so it coincides with the adoption of a master fee schedule that will take effect June 1 also.

**SUBMITTED** to the Canby City Council and read the first time at a regular meeting thereof on Wednesday, May 5, 2010, and ordered posted in three (3) public and conspicuous places in the City of Canby as specified in the Canby City Charter and to come before the City Council for final reading and action at a regular meeting thereof on Wednesday, May 19, 2010, commencing at the hour of 7:30 P.M. in the Council Meeting Chambers located at 155 NW 2<sup>nd</sup> Avenue, Canby, Oregon.

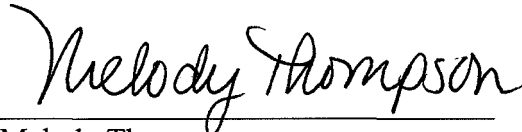
  
Kimberly Scheafer, CMC  
City Recorder



**PASSED** on second and final reading by the Canby City Council at a regular meeting thereof on the 19<sup>th</sup> day May 2010, by the following vote:

YEAS 4

NAYS 0



Melody Thompson  
Melody Thompson  
Mayor

**ATTEST:**



Kimberly Scheafer CMC  
City Recorder