

**ORDINANCE NO. 1380**

**AN ORDINANCE AMENDING CANBY MUNICIPAL CODE CHAPTER 12 CREATING SECTION 12.08.065 AN ADDITIONAL FEE FOR CUTTING NEWER PAVEMENT AND AMENDING SECTION 12.08.200**

**WHEREAS**, the City of Canby desires to preserve the integrity of its newly paved streets; and

**WHEREAS**, the Canby Municipal Code is currently silent regarding fees that would reflect the above desire by encouraging better pre-planning of street cutting; and

**WHEREAS**, an increased potential maximum penalty will better deter violations of the Street Excavations Chapter of the Code;

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

1. Section 12.08.065 is added to the Canby Municipal Code to read:

**12.08.065 Additional Fee For Cutting Newer Pavement.**

In addition to the fee mentioned in CMC 12.08.060, the following fees will be paid prior to gaining any construction permit to deconstruct, excavate, cut, or otherwise alter newly paved streets. For pavement that is less than one year old, there is an additional fee of \$5000. For pavement less than two years old but more than one year old, there is an additional fee of \$2000. For pavement less than three years old but more than two years old, there is an additional fee of \$1000. Payment of these additional fees does not absolve payer from the duties imposed by the rest of this Chapter

2. Section 12.08.200 is amended to read as follows:

**12.08.200 Penalty.** Any person violating the provisions of this chapter, upon conviction, ~~shall be punished by a fine not to exceed \$500.~~ could be required to pay a fine up to \$2,000 for each calendar day that they are out of compliance.

**SUBMITTED** to the Canby City Council and read the first time at a regular meeting therefore on Wednesday, June 5, 2013; ordered posted as required by the Canby City Charter and scheduled for second reading on Wednesday, June 19, 2013, after the hour of 7:30 p.m. at the Council Meeting Chambers located at 155 NW 2<sup>nd</sup> Avenue, Canby, Oregon.

**FAILED ON FIRST READING**

\_\_\_\_\_  
Kimberly Scheafer, MMC  
City Recorder

**PASSED** on second and final reading by the Canby City Council at a regular meeting thereof on the 19th day of June 2013, by the following vote:

YEAS \_\_\_\_\_

NAYS \_\_\_\_\_

\_\_\_\_\_  
Brian Hodson  
Mayor

ATTEST:

\_\_\_\_\_  
Kimberly Scheafer, MMC  
City Recorder