

AGENDA

CANBY CITY COUNCIL REGULAR MEETING

September 1, 2010

Council Chambers

155 NW 2nd Avenue

Mayor Melody Thompson

Council President Walt Daniels

Councilor Richard Ares

Councilor Robert Bitter

Councilor John Henri

Councilor Brian Hodson

Councilor Jason Padden

WORK SESSION

6:00 P.M.

City Hall Conference Room

182 N Holly

This Work Session will be attended by the Mayor and City Council to discuss departmental reorganizations.

CITY COUNCIL REGULAR MEETING

1. **CALL TO ORDER (City Hall - 6:30 PM – The Council will immediately go into Executive Session with the Regular Session following at 7:30 PM in the Council Chambers)**
2. **EXECUTIVE SESSION:** ORS 192.660(2)(f) Exempt Public Records and ORS 192.660(2)(h) Pending Litigation
3. **OPENING CEREMONIES (Council Chambers 7:30 PM)**
 - A. Pledge of Allegiance and Moment of Silence
4. **COMMUNICATIONS**
5. **CITIZEN INPUT & COMMUNITY ANNOUNCEMENTS**

(This is an opportunity for visitors to address the City Council on items not on the agenda. It is also the time to address items that are on the agenda but not scheduled for a public hearing. Each citizen will be given 3 minutes to give testimony. Citizens are first required to fill out a testimony/comment card prior to speaking and hand it to the City Recorder. These forms are available by the sign-in podium. Staff and the City Council will make every effort to respond to questions raised during citizens input before tonight's meeting ends or as quickly as possible thereafter.)
6. **MAYOR'S BUSINESS**
7. **COUNCILOR COMMENTS & LIAISON REPORTS**

8. CONSENT AGENDA

(This section allows the City Council to consider routine items that require no discussion and can be approved in one comprehensive motion. An item may be discussed if it is pulled from the consent agenda to New Business.)

- A. Approval of Minutes of the August 18, 2010 Regular Meeting

9. RESOLUTIONS & ORDINANCES

- A. Res. 1070, Codifying and Compiling Certain Existing General Ordinances for the City of Canby Pg. 1
B. Ord. 1334, Authorizing a Contract with Julie Wehling of JWL Consulting, LLC for Professional Services for Management of Canby Area Transit **(2nd Reading)** Pg. 43
C. Ord. 1335, Authorizing a Contract with Hubbard Chevrolet of Hubbard, Oregon and Ford Motor Credit Corporation for the Lease/Purchase of Two (2) 2011 Chevrolet Tahoe Vehicles with Police Equipment Packages **(2nd Reading)** Pg. 45
D. Ord. 1336, Granting a Nonexclusive Franchise to Canby Telephone Association to Provide Telecommunication Services Within the City of Canby, Establishing an Effective Date, and Declaring an Emergency Pg. 48
E. Ord. 1337, Assessing Benefited Property for the Cost of Construction for the Walnut Street Local Improvement District and Authorizing City Recorder to Enter the Assessments into the Docket of City Liens, and Declaring an Emergency Pg. 50

10. NEW BUSINESS

- A. Extension of Contract with Canby Livability Coalition Pg. 62

11. CITY ADMINISTRATOR'S BUSINESS & STAFF REPORTS

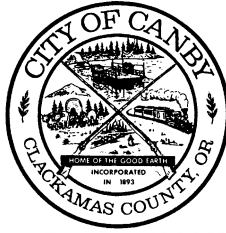
12. CITIZEN INPUT

13. ACTION REVIEW

14. EXECUTIVE SESSION: ORS 192.660(2)(h) Pending Litigation

15. ADJOURN

*The meeting location is accessible to persons with disabilities. A request for an interpreter for the hearing impaired or for other accommodations for persons with disabilities should be made at least 48 hours before the meeting to Kim Scheafer at 503.266.4021 ext. 233. A copy of this Agenda can be found on the City's web page at www.ci.canby.or.us. City Council and Planning Commission Meetings are broadcast live and can be viewed on OCTS Channel 5. For a schedule of the playback times, please call 503.263.6287.



MEMORANDUM

DATE: AUGUST 23, 2010
TO: MAYOR THOMPSON AND CANBY CITY COUNCIL
FROM: KIM SCHEAFER, CMC, CITY RECORDER
RE: RESOLUTION #1070

Issue:

This Resolution is brought before the Council so that supplemental pages to the Canby Municipal Code can be formally adopted.

Background:

The last supplement that was codified for the Canby Municipal Code was for ordinances passed through November 2009. Since that time, several ordinances have passed that affect the municipal code. In order to keep the code up-to-date, these ordinances were sent to American Legal Publishing who prepared a 2010 supplement for ordinances passed through July 21, 2010 (Ordinances 1322-1333).

Recommendation:

Staff recommends approval of Resolution 1070, which formally adopts the 2010 supplement pages to the Canby Municipal Code.

Attached:

Resolution 1070

RESOLUTION NO. 1070

A RESOLUTION CODIFYING AND COMPILING CERTAIN EXISTING GENERAL ORDINANCES FOR THE CITY OF CANBY.

WHEREAS, on February 15, 2006 the Canby City Council adopted Ordinance 1200 which adopted a revised code of the City of Canby entitled the “Canby Municipal Code”. Since that time the Council has adopted Resolutions 956, 1012, and 1051 codifying supplements.

WHEREAS, since that time Ordinances have been adopted affecting the Canby Municipal Code, causing the present general and permanent ordinances of the City to be inadequately arranged and classified and are insufficient in form and substance for the complete preservation of the public peace, health, safety and general welfare of the municipality and for the proper conduct of its affairs; and

WHEREAS, the Acts of the Legislature of the State of Oregon empower and authorize the City to revise, amend, restate, codify and compile any existing ordinances and all new ordinances not heretofore adopted or published and to incorporate such ordinances into one ordinance in book form; and

WHEREAS, the League of Oregon Cities, Ordinance Services Program, in its efforts to promote better and more efficient municipal governing, is willing to undertake the codification of the City’s ordinances;

NOW THEREFORE, IT IS HEREBY RESOLVED by the City Council of the City of Canby that the City hereby authorizes a general compilation, revision and codification of the ordinances of the City of a general and permanent nature and publication of such ordinances in book form, at a cost according to the standard rates and billing procedures for services under the program. A copy of the 2010 S-4 Supplement (codifying ordinances 1322-1333) is attached hereto as Exhibit “A”.

This resolution will take effect on September 1, 2010.

ADOPTED this 1st day of September 2010, by the Canby City Council.

Melody Thompson, Mayor

ATTEST:

Kimberly Scheafer, CMC
City Recorder

Exhibit "A"

CITY OF CANBY, OREGON

CODE OF ORDINANCES

2010 S-4 Supplement contains:
Local legislation current through Ord. 1333, passed 7-21-2010

AMERICAN LEGAL PUBLISHING CORPORATION

432 Walnut Street Cincinnati, Ohio 45202-3909 (800) 445-5588

B. The City Administrator shall, pursuant to §§ 3.20.050 and 3.20.060, exempt from the duty to pay the tax imposed by § 3.20.070 any person who would be entitled to rebate pursuant to § 3.20.090.

§ 3.20.050 Rules and regulations promulgation.

The City Council may promulgate rules and regulations necessary for the administration and enforcement of this chapter.

§ 3.20.060 Administration and enforcement authority.

A. The City Administrator shall be responsible for the administration and enforcement of this chapter.

B. In order to carry out the duties imposed by this chapter, the City Administrator shall have the authority to do the following acts, which enumeration shall not be deemed to be exhaustive, namely: administer oaths; certify to all official acts; to subpoena and require attendance of witnesses before the Municipal Court to determine compliance with this chapter, rules and regulations; to require production of relevant documents at court hearings; and take testimony of any person by deposition.

§ 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. These rates shall be set by resolution.

B. The total tax shall be calculated upon the square footage of the improvement that appears on the building permit or installation permit.

C. In the case of multi-family structures such as duplexes, triplexes and apartment complexes, the tax shall be calculated on the square footage of each single unit (not the overall square footage of the building). The amount calculated for each single unit shall then be added together to calculate the total tax for the complex.

D. The tax shall be due and payable from the issuance of any building permit or installation permit for the improvement by any building authority. Liability for this tax shall be imposed upon every

contractor or person who constructs or installs any improvement; provided, however, that only 1 tax must be paid on the construction or installation of any 1 improvement.

(Am. Ord. 1327, passed 5-19-2010)

§ 3.20.080 Statement of entire floor area required.

It shall be unlawful for any person to fail to state or to misstate the full floor area of any improvement or manufactured dwelling. When any person pays the tax within the time provided for payment of the tax, there shall be a conclusive presumption, for purposes of computation of the tax, that the floor area of the improvement or manufactured dwelling is the floor area as determined by the Building Official at the time of issuance of the building permit or installation permit.

§ 3.20.090 Rebates.

A. The City Administrator shall rebate to any person who has paid a tax the amount of tax actually paid, upon the person establishing that:

1. The tax was paid for the construction of a single-family residence that was sold to its original occupant for a price less than \$100,000; provided that the maximum amount that may be refunded for any 1 residence is \$125;

2. The person who paid the tax is a corporation exempt from federal income taxation pursuant to 42 U.S.C. 501(c)(3), or a limited partnership, the sole general partner of which is a corporation exempt from federal income taxation pursuant to 42 U.S.C. 501(c)(3), the construction is used for residential purposes and the property is restricted to being occupied by persons with income less than 50% of the median income for a period of 30 years or longer; or

3. The person who paid the tax is exempt from federal income taxation pursuant to 42 U.S.C. 501(c)(3) and the construction is dedicated for use for the purpose of providing charitable services to persons with incomes less than 50% of the median income.

§ 3.20.100 Refunds.

A. Upon written request, the City Administrator shall refund any tax paid, upon the person who paid the tax establishing that construction was not commenced and that any building permit issued has been canceled as provided by law.

B. The City Administrator shall either refund all amounts due under this section within 30 days of a complete application for the refund or give written notice of the reasons why the application has been denied. Any denial of any application may be appealed as provided for in § 3.20.114.

§ 3.20.110 Failure to pay.

It shall be unlawful for any person to fail to pay all or any portion of the tax imposed by this chapter.

§ 3.20.120 Occupation of improvement without payment unlawful.

It shall be unlawful for any person to occupy any improvement unless the payment of the tax imposed by this chapter has been provided as stated in § 3.20.070 of this chapter.

§ 3.20.130 Enforcement by civil action.

The tax and any penalty imposed by this chapter constitutes a debt of the person liable for the tax as set forth in § 3.20.070 of this chapter and may be collected by the city in an action at law. If litigation is necessary to collect the tax and any penalty, the prevailing party shall be entitled to reasonable attorneys' fees at trial or on appeal. The City Attorney is authorized to prosecute any action needed to enforce this chapter as requested by the City Administrator.

§ 3.20.140 Appeals.

Any person who is aggrieved by any determination of the City Administrator regarding liability for payment of the tax, the amount of tax owed, or the amount of tax that is subject to refund or rebate may appeal the determination to the Canby City Council. All appeals must be in writing and must be filed within 10 days of the determination by the City Administrator. No appeal may be made unless the

person has first paid the tax due as determined by the City Administrator.

§ 3.20.150 Failure to pay; penalty.

In addition to any other fine or penalty provided by this chapter, failure to pay the tax within 15 days of the date of issuance of any building permit for any improvement or installation permit for any manufactured dwelling shall result in a penalty equal to the amount of tax owed or \$50, whichever is greater.

§ 3.20.160 Violation; penalty.

In addition to any other civil enforcement provided herein, violation of this chapter shall be a violation and shall be punishable, upon conviction, by a fine of not more than \$500.

**CHAPTER 3.24: PUBLIC TRANSPORTATION
PAYROLL AND SELF-EMPLOYMENT TAX**

Section

3.24.010	Definitions.
3.24.020	Application; doing business in the city.
3.24.030	Payroll and self-employment tax imposed.
3.24.040	Apportionment of tax.
3.24.050	Alternate method of apportioning tax.
3.24.060	Fixed percentage.
3.24.070	Employer located outside of local transit district.
3.24.080	Exceptions.
3.24.090	Nature of the tax.
3.24.100	Date due, returns, payments, prepayments and extensions.
3.24.110	Rebates.
3.24.120	Collector's duties.

Advance Financing Resolution means a resolution passed by the Council and executed by the Mayor designating a public improvement to be an advance financed public improvement and containing provisions for financial reimbursement by benefiting property owners who eventually utilize the improvement and other provisions as determined in the best interest of the public by the Council.

Benefiting Property Owner means the fee holder of record of the legal title to real property which, by virtue of installation of an advance financed public improvement, may be served, all or in part, by the same. Where real property is being purchased under a recorded land sales contract, then the purchasers shall also be deemed owners.

Developer means the city, an individual, a partnership, a joint venture, a corporation, a subdivider, a partitioner of land or any other entity, without limitation, who will bear, under the terms of this chapter, the expense of construction, purchase, installation or other creation of a public improvement.

Proportional Share means the amount of the advance financed reimbursement due from the benefiting property owner calculated in accordance with § 4.12.080B.

Public Improvement means the following:

1. The grading, graveling, paving or other surfacing of any street; or opening, laying-out, widening, extending, altering, changing the grade of or constructing any street;
2. The construction of sidewalks;
3. The construction or upgrading of any sanitary or storm sewer; and/or
4. Any other public improvement authorized by the Council.

§ 4.12.020 Purpose.

The purpose of this chapter is to ensure orderly new development by providing methods to finance necessary public improvements so that these necessary public improvements are installed concurrent with or before the new development occurs; to allow the city to require that new development pay the installation cost of these necessary public improvements; to assure that these necessary public improvements are installed in accordance with adopted public facilities plans; and to reimburse developers and/or the city for a share of

costs incurred if a development or improvement provides access to public improvements for other benefiting property owners.

§ 4.12.022 Applicability.

A. In accordance with § 16.06.120B. of the Land Development and Planning Ordinance, the Planning Commission may condition approval of subdivisions, land partitions and conditional use permits to require that the applicant construct necessary public improvements for the development. When the development is to occur at locations where approved master planning documents show new public improvements are necessary, the Planning Commission may condition approval of subdivisions, land partitions and conditional use permits to require that the applicant enter into an advance financing agreement when the Commission deems the agreement will best protect the public and promote the general welfare of the city. The applicant, at his or her option, may alternatively elect to be reimbursed by negotiating with the public service provider for reimbursement of oversized public improvements, where provisions for the negotiations exist; by completing the public improvement without reimbursement; or by a combination of methods.

B. In accordance with § 4.12.020, the City Council may determine that an advance financed public improvement will best protect the public and promote the general welfare of the city by ensuring orderly new development. In the absence of a development application, the Council may, by motion, designate the city or other public entity as the developer and direct the City Administrator to prepare an advance financing application.

§ 4.12.030 Receipt of application.

The Council will receive applications, accompanied by an application fee 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.

(Am. Ord. 1327, passed 5-19-2010)

§ 4.12.040 City staff analysis.

Upon receipt of the advance financed public improvements application, the Public Works Department shall make an analysis of the advance financed public improvements proposal and shall prepare a report to be submitted to the City Administrator for Council review and discussion and public hearing. The report shall include a map showing the location and area of all benefiting properties. The report shall also include the City Engineer's estimate of the total cost of the advance financed public improvement.

§ 4.12.050 Public hearing.

Within a reasonable time after the Public Works Department has completed its analysis, an informational public hearing shall be held in which all parties and the general public shall be given the opportunity to express their views and ask questions pertaining to the proposed advance financed public improvement. Since advance financed public improvements do not give rise to assessments, the public hearing is for informational purposes only and is not subject to mandatory termination due to remonstrances. The Council has the sole discretion after the public hearing to decide whether or not an advance financing resolution shall be passed.

§ 4.12.060 Notification.

Not less than 10 nor more than 30 days prior to any public hearing being held pursuant to this chapter, the developer, all benefiting property owners and the general public shall be notified of the hearing and the purpose thereof. Public notice shall be accomplished by a written notice posted at City Hall and other conspicuous locations as the Council may determine to be appropriate, and by a written notice published in a newspaper of general circulation in the community,

once in either of the 2 consecutive weeks prior to the hearing. Notification of benefiting property owners shall also be accomplished by regular mail, or by personal service. If notification is accomplished by mail, notice shall be made on the date that the letter of notification is posted. Failure of any owner to be so notified shall not invalidate or otherwise affect any advance financing resolution or the Council's action to approve or not to approve the same.

§ 4.12.070 Advance financing resolutions and agreements.

After the public hearing held pursuant to § 4.12.050, if the Council desires to proceed with advance financed public improvement, it shall pass an advance financing resolution accordingly. The resolution shall designate the proposed improvement as an advance financed public improvement and provide for advance financed reimbursement by benefiting property owners pursuant to this chapter. When the developer is a private developer, the advance financing resolution shall instruct the City Administrator to enter into an agreement between the developer and the city pertaining to the advance financed public improvement, and may in the agreement require a guarantee or guarantees as the city deems best to protect the public, benefiting property owners, and may make other provisions as the Council determines necessary and proper.

§ 4.12.080 Advance financed reimbursement.

A. Imposed. An advance financed reimbursement is imposed on all benefiting property owners. It shall be due and payable at the time that the property owners apply for connection to the advance financed public improvement, or apply for building permits for projects that utilize an advance financed public improvement. In the case of property located outside of the city limits, but within the advance financed district, the property owner may pay off the assessed reimbursement in full, including any accrued interest thereon at any time prior to the time of actual connection, to stop interest charges from further accruing. The property owner is not required to pay the reimbursement prior to the time the owner connects to or utilizes the advance financed public improvements, but may do so voluntarily at his or her

§ 5.04.200 Display of license.

All licenses issued in accordance with this chapter shall be openly displayed in the place of business or kept on the person or on the vehicle of the person licensed and shall be immediately produced and delivered for inspection to the Chief of Police, Chief of the Fire Department and their agents or subordinates when requested by the individuals to do so. Failure to carry the license or produce the same on request shall be deemed a violation of this chapter.

§ 5.04.210 Transfer or assignment of license.

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. (Am. Ord. 1327, passed 5-19-2010)

§ 5.04.220 Fee schedule.

The annual license fee and penalties for delinquency required in this chapter shall be set forth by resolution.

§ 5.04.230 Penalty.

A. Any person violating any of the provisions of this chapter shall, upon conviction thereof in the Municipal Court of the city, be punished by a fine not to exceed \$25. Each day of the violation of this chapter shall constitute a separate violation.

B. A finding that a person has committed a violation of this chapter shall not act to relieve the person from payment of any unpaid business fee, including delinquent charges, for which the person is liable. The penalties imposed by this section are in addition to and not in lieu of any remedies available to the city.

C. If a provision of this chapter is violated by a firm or corporation, the officer or officers, or person or persons responsible for the violation shall be subject to the penalties imposed by this section.

§ 5.04.240 Delinquency charge.

The fee required by resolution shall be paid within 30 days after the anniversary date of the

original issuance of a business license. A delinquency charge in an amount to be set by resolution will be charged on overdue licenses thereafter at 30-day intervals until the license fee and delinquency charges are paid in full. The total amount paid, including delinquency charges shall not exceed the license fee plus 5 months' delinquency charges.

CHAPTER 5.12: SIDEWALK VENDING**Section**

5.12.010	Definitions.
5.12.020	Permit required; fee.
5.12.030	Permit application.
5.12.040	Fire Marshal inspection.
5.12.050	Restrictions.
5.12.060	Permitted items.
5.12.070	Special event designation.
5.12.080	License denial, suspension or revocation.
5.12.090	Appeal.
5.12.100	Penalty.
5.12.110	Violation a nuisance; summary abatement.

§ 5.12.010 Definitions.

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

Commercial Zone means any property which is designated commercial under Title 16, Planning and Zoning, of this code.

Conduct Business means the act of offering for sale edible or nonedible items for immediate delivery.

Sidewalk means that portion of the street between the curb lines or the lateral lines of a roadway and the adjacent property line intended for the use of pedestrians.

Special Events means events specifically approved by the City Council granting use of street and sidewalk areas within a specifically defined area, for a period of time not exceeding 10 days, to a community-based organization.

§ 5.12.020 Permit required; fee.

No person shall conduct business as defined in this chapter on any city sidewalk without first obtaining a business license, a sidewalk vending permit, and paying the required sidewalk vending permit fee to the office of the City Recorder. Fees are annual and shall be payable upon the business license renewal date. It is unlawful for any person to sell any goods on any sidewalk within the city except as provided by this chapter.

(Am. Ord. 1333, passed 7-21-2010)

§ 5.12.030 Permit application.

A. Application for a permit to conduct business on a sidewalk shall be made at the office of the City Recorder on a form deemed appropriate by the City Recorder. This application shall include but not be limited to the following information:

1. Name and address of the applicant;
2. Type of items sold. Individual applications shall be accepted for one type of product;
3. A valid copy of all necessary licenses or permits required by state or local health authorities;
4. A signed Indemnity Agreement stating that the permittee shall hold harmless the city, its officers and employees, and shall indemnify the city, its officers and employees for any claims for damage to property or injury to persons which may be occasioned by any activity carried on under the terms of the permit;

5. The permittee shall furnish and maintain this public liability, food products liability and property damage insurance as will protect permittee, property owners and the city from all claims for damage to property or bodily injury, including death, which may arise from operations under the permit or in connection there with. This insurance shall provide coverage of not less than \$1,000,000.00 for bodily injury and property damage for each occurrence and not less than \$1,000,000.00 in the aggregate. This permittee shall provide the city with a certificate of liability insurance. This insurance shall be without prejudice to coverage otherwise existing therein; shall name as additional insured the city, its officers and employees; and shall further provide that the policy shall not terminate or be canceled prior to the

completion of the contract without 30 days' written notice to the City Recorder of the city;

6. Means to be used in conducting business, including but not limited to a description of any mobile container or device, to be used for transport or to display approved items or services; and

7. The proposed location for conducting business, along with a signed statement that the permittee shall hold harmless the adjacent property owner(s) for any claims for damage to property or injury to persons which may be occasioned by any activity carried on under the permit. No application shall apply to more than one location. Location must be approved by the City Administrator.

B. A separate sidewalk vending permit application and fee shall be required for each mobile container or device to be used for transportation or display.

C. No food vendor application will be accepted for a location where a restaurant or fruit and vegetable market, with direct access to the sidewalk, is adjacent or within 100 feet on the same block. No application will be accepted for a flower vendor for a location where a flower shop, with direct access to the sidewalk, is adjacent or within 100 feet on the same block. The above requirement may be waived if the application is submitted with the written consent of the proprietor of the restaurant, fruit and vegetable market or flower shop. The consent must be submitted on a form deemed appropriate by the City Recorder.

(Am. Ord. 1333, passed 7-21-2010)

§ 5.12.040 Fire Marshal inspection.

Prior to the issuance of any permit, the Fire Marshal shall inspect and approve any mobile device or pushcart to assure the conformance of any cooking or heating apparatus with the provisions of the city fire code. Only propane will be authorized for heat source.

§ 5.12.050 Restrictions.

A. Any person conducting business on the sidewalks of the city with a valid license issued under this chapter may transport and/or display approved items upon any mobile device or pushcart, under or subject to the following conditions:

1. The operating area shall not exceed 24 square feet of sidewalk, which shall include the area of the mobile device or pushcart, and when externally located, the operator and trash receptacle;

2. The length of the mobile device or pushcart shall not exceed 6 feet; and

3. The height of the mobile device or pushcart, excluding canopies, umbrellas or transparent enclosures, shall not exceed 5 feet.

B. All persons conducting business on a sidewalk must display in a prominent and visible manner the license issued by the City Recorder under the provisions of this chapter and conspicuously post the price of all items sold.

C. All persons conducting business on a sidewalk must pick up any paper, cardboard, wood or plastic containers, wrappers or any litter in any form which is deposited by any person on the sidewalk or street within 25 feet of the place of conducting business. Each person conducting business on a public sidewalk under the provisions of this chapter shall carry a suitable container for the placement of litter by customers or other persons.

D. All persons conducting business on a sidewalk shall obey any lawful order of a police officer to move to a different permitted location to avoid congestion or obstruction of the sidewalk or to remove his or her vending cart entirely from the sidewalk if necessary to avoid congestion or obstruction.

E. No person shall conduct business as defined in this chapter at a location other than that designated on his or her permit.

F. No permittee shall make any loud or unreasonable noise of any kind by vocalization or otherwise for the purpose of advertising or attracting attention to his or her wares.

G. No permitted cart or device shall be left unattended on a sidewalk nor remain on the sidewalk between 11:00 p.m. and 6:00 a.m.

H. No permittee shall conduct business in violation of the provision of any ordinance providing for a special event.

§ 5.12.060 Permitted items.

The City Administrator shall maintain a list of items which are approved for sale from sidewalk

vending carts. Any item not on the list may be considered for approval based on the following criteria:

A. All items or services to be sold must:

1. Be prepared in and vended from a vending cart;

2. Not lead to or cause congestion or blocking of pedestrian traffic on the sidewalk;

3. Involve a short transaction period to complete the sale or render the service;

4. Enhance business environments; and

5. Not cause undue noise or offensive odors.

B. Edible items must be immediately consumable, in addition to all applicable requirements stated in division A. of this section.

C. Nonedible items, in addition to all applicable requirements stated in division A. above, must:

1. Be easily carried by pedestrians; and

2. Not be prepackaged, pre-manufactured or previously handmade.

D. Requests to have an item or service considered for approval shall be submitted in writing to the City Administrator, who shall determine whether the item or service conforms to the above criteria. If the item or service conforms to the criteria, it shall be listed as approved for sale by sidewalk vendors. The decision of the City Administrator, if adverse to the party making the request, may be appealed to the City Council.

§ 5.12.070 Special event designation.

License shall not be required for sidewalk vendors during special events so designated by the City Council.

§ 5.12.080 License denial, suspension or revocation.

A. The City Administrator may revoke or suspend the permit, or deny either the issuance or renewal thereof, of any person to conduct business on the sidewalks of the city, if he or she finds that:

1. The person has violated or failed to meet any of the provisions of this chapter;

2. The cart operation has become detrimental to surrounding businesses and/or the public, due to either appearance or condition of the cart;

3. Any required permit has been suspended, revoked or canceled; or

4. The permittee does not have a currently effective insurance policy in the minimum amount provided in this chapter.

B. Upon denial, suspension or revocation, the City Administrator shall give notice of the action to the license holder or applicant, as the case may be, in writing, stating the action he or she has taken and the reasons therefor. If the action of the City Administrator is a revocation based on divisions A.3 or A.4. of this section, the action shall be effective upon giving the notice to the permittee. Otherwise the notice shall contain the further provision that it shall become final and effective within 20 days. Any revocation effective immediately may also be appealed to the City Council by such filing within 10 days. Any revocation, suspension or denial may be appealed to the City Council by filing a written notice of appeal with the City Recorder within 10 days of receipt of notification.

§ 5.12.090 Appeal.

The City Recorder shall place the appeal on the Council calendar at the first convenient opportunity therefor and shall notify the City Administrator thereof. At the hearing upon appeal the Council shall hear all witnesses, including the City Administrator or his or her representative, who shall state the grounds for this action, and the applicant or person whose permit has been revoked or suspended may supply testimony in writing by witnesses or otherwise and may question witnesses on his or her own behalf or on behalf of the city. The Council shall hear and determine the appeal, and the decision of the Council shall be final and effective immediately.

§ 5.12.100 Penalty.

Any person violating any of the provisions of this chapter shall, upon conviction thereof, be punished by a fine not exceeding \$500. In the event that any provision of this chapter is violated by a firm or corporation, the officer or officers, or person or persons, responsible for the violation shall be subject to the penalty herein provided.

§ 5.12.110 Violation a nuisance; summary abatement.

The placement of any cart or device on any sidewalk in violation of the provisions of this chapter is declared to be a public nuisance. The City Administrator may cause the removal of any cart or device found on a sidewalk in violation of this chapter and is authorized to store the cart or device until the owner thereof redeems it by paying the removal and storage charges therefor to be established by the City Administrator.

CHAPTER 5.16: LIQUOR LICENSE REVIEW

Section

5.16.010	Title and purpose.
5.16.020	Definitions.
5.16.030	License application
5.16.040	Chief of Police's duties.
5.16.050	Hearing procedure.
5.16.060	Standards and criteria.
5.16.070	Reconsideration of applications.

§ 5.16.010 Title and purpose.

A. This chapter shall be known and may be cited as the Liquor License Review Chapter, and may also be referred to herein as this chapter.

B. The purposes of this chapter are to establish the principal criteria which shall be considered by the Council and its designees, the Chief of Police, in making recommendations to the Oregon Liquor Control Commission concerning the granting, denying, modifying or renewing of all liquor licenses for premises within the city limits and to establish a process, to be utilized for the investigation of license applicants for the purpose of making recommendations, that is fair, effective and efficient. This chapter is necessary to ensure that all premises licensed to sell and dispense liquor in any form, meet the high expectations of this community that all businesses are conducted in a lawful manner that does

not unreasonably disturb the peace and tranquility of this city and its neighborhoods.

§ 5.16.020 Definitions.

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

Application means the written request to the City Council to grant, modify or renew a liquor license.

Commission means the Oregon Liquor Control Commission.

Special Retail Beer Licenses (SRB) means a temporary dispenser license, issued by the Commission, pursuant to O.R.S. 471 and OAR 845-04-025(2) and (5), for the purposes of serving beer or other malt beverage in exchange for some financial consideration and as part of a picnic, convention, fair, civil or community enterprise or similar special event, such as a spectator sports event, musical concert or festival, and for which approval by the city must be obtained.

Special Retail Wine License (SRW) means a temporary dispenser license, issued by the commission, pursuant to O.R.S. 471 and OAR 845-04-025(2) and (5), for the purpose of serving wine or similarly regulated fermented beverage in exchange for some financial consideration and as part of a picnic, convention, fair, civic or community event, musical concert or festival, and for which approval from the city must be obtained.

§ 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.

9. If the applicant for 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.

(Am. Ord. 1327, passed 5-19-2010)

§ 5.16.040 Chief of Police's duties.

The city shall provide application forms and shall maintain a record of all applications. The Chief of Police shall coordinate and conduct an investigation of each application for the purpose of determining what recommendation shall be made by the Chief of Police to the Council or, in the case of special retail beer and special retail wine licenses, to the Commission. The investigation may include those subjects contained in the chapter of the city, as well as the statutes of the state. The Chief of Police may require the applicant to supply any relevant additional information to determine the qualifications of the applicant. Upon completion of the review and for all applications except special retail beer and special retail wine licenses, the Chief of Police shall make a recommendation to the City Council. For special retail beer and special retail wine licenses upon completion of review, the Chief of Police shall determine and advise the applicant and the Commission what the recommendation of the city shall be in accordance with the standards, criteria and procedures contained in this chapter.

§ 5.16.050 Hearing procedure.

A. For all applications for which Council approval is required under this chapter, and where the Chief of Police recommends approval of an application, the matter will be scheduled as an agenda item at the next regular Council meeting.

B. Prior to City Council consideration of a liquor license application, a Council member may review the application and the investigation materials gathered by the Chief of Police, but only to the extent that disclosure of the application and investigation materials is not prohibited by law. Upon the request of a Council member or where the Chief of Police's recommendation is adverse to the application, by the applicant, a public hearing will be scheduled.

C. Notice of public hearing before the Council shall be given in the following manner:

1. The notice shall contain the business name of the applicant, the location of the business, the nature of the license applied for, and the time and location at which the hearing will take place.

2. Notice shall be mailed to the applicant or applicant's agent at the address shown on the application not less than 7 days before the date set for the hearing.

3. Notice shall be published in a newspaper of general circulation in the city not less than 5 days before the date set for the hearing.

4. The public hearing shall be conducted as follows:

a. The Chief of Police shall present the police report. Any other written or oral evidence which is supportive of the Chief of Police's recommendation may also be presented at this time.

b. The applicant may present evidence and/or witnesses in support of the application.

c. Interested members of the public shall be given an opportunity to present evidence or testimony bearing upon the application, whether the evidence is supportive or adverse to the application.

d. The applicant shall be afforded an opportunity to rebut evidence presented in opposition to the application.

e. Any relevant evidence shall be admitted, if it is the type of evidence on which

reasonable persons are accustomed to relying on in the conduct of their serious affairs, regardless of the existence of any law or rule which might make improper the admission of the evidence over objection in civil actions in courts of competent jurisdiction in this state. Evidence of past transactions and occurrences shall not be excluded solely on the basis of having occurred in the past and may be relied upon by the Council in making its recommendation. However, irrelevant and unduly repetitious evidence shall be excluded.

5. In the case of special retail beer and special retail wine license applications, after due consideration of all pertinent information, the Chief of Police shall make a recommendation. The recommendation shall be based on substantial evidence relative to the criteria in this chapter, O.R.S. Chapter 471 and the public health, safety and welfare. The Chief of Police may attach reasonable conditions upon the recommendation, which conditions shall be consistent with the purposes of this chapter. Where the Chief of Police recommends approval of an application, the City Administrator shall cause the applicant to be notified of the recommendation. Where the Chief of Police's recommendation is for denial or otherwise adverse to the applicant, it may be appealed to the City Council in accordance with the procedures provided in this section.

§ 5.16.060 Standards and criteria.

A. The Council shall make its recommendation for approval, denial or modification of the liquor license application based on the Council's evaluation of the relevant standards and criteria, as set forth herein. The applicant shall be held strictly accountable for the conditions of the premises.

B. The Council may recommend against the applicant if any of the following conditions exist:

1. The application is incomplete;

2. The applicant neglects or refuses to provide in a timely manner any information reasonably requested by the Chief of Police or City Council;

3. The applicant provides false or misleading information to the Chief of Police, City Council or to any city employee;

CHAPTER 6.04: ANIMALS GENERALLY**Section**

6.04.010	Definitions.
6.04.020	Keeping of certain animals prohibited.
6.04.030	Special permits.
6.04.040	Penalty.
6.04.050	Civil remedy.
6.04.060	Special permit fee.

§ 6.04.010 Definitions.

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

Animals means all nonhuman living creatures, including bees and chickens, but excepting small fish and domestic pets.

Domestic Pets means dogs, cats, rabbits, small birds, hamsters and similar domesticated rodents.

§ 6.04.020 Keeping of certain animals prohibited.

Except for domestic pets and except as otherwise provided in § 6.04.030, the keeping of animals in the city is prohibited.

§ 6.04.030 Special permits.

Special permits for the keeping of other than domestic pets may be granted administratively by the City Administrator on terms and conditions and for periods of time as may be determined by the Administrator. Application for these permits shall be filed with the City Administrator for review and determination. A decision of the Administrator allowing a permit may be appealed to the City Council. The Council may hold a public hearing on the appeal after notice of the hearing is given in the usual manner provided for public hearings.

§ 6.04.040 Penalty.

Any person keeping an animal in the city without a special permit, or in violation of a special permit, shall be deemed guilty of a violation, and upon conviction thereof shall be punished accordingly.

§ 6.04.050 Civil remedy.

The city may institute an appropriate court suit to enjoin violations or threatened violations of this chapter, and in that case, shall be entitled to recover from the defendant(s) in the suit its reasonable attorneys' fees to be fixed by the trial court, and a further sum for attorneys' fees as may be fixed by the appellate court in case of an appeal.

§ 6.04.060 Special permit fee.

The permit fee for the special animal permit shall be set forth by resolution.
(Ord. 1327, passed 5-19-2010)

CHAPTER 6.08: ANIMAL NUISANCES**Section**

6.08.010	Definitions.
6.08.020	Running at large.
6.08.030	Noises.
6.08.040	Housing.
6.08.045	Offensive littering by an animal.
6.08.050	Dangerous animals.
6.08.060	Summarily seizing certain animals.
6.08.070	Impoundment regulations.
6.08.080	Record of impoundment.
6.08.090	Complaint, summons and hearing.
6.08.100	Abatement.
6.08.110	Penalty.

§ 6.08.010 Definitions.

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

Animal means any and all types of animals, both domesticated and wild, male and female, singular and plural.

At Large means off the premises of the owner or custodian of the animal or fowl, and not under the immediate control of the owner or custodian.

Ferae Naturae means animals which are by nature wild as distinguished from animals which are by nature tame.

Fowl means any and all fowl, domesticated and wild, male and female, singular and plural.

§ 6.08.020 Running at large.

Animals and fowl are not to be permitted to run at large. No person owning or having in his or her custody animals or fowl shall permit same to go at large to the injury or annoyance of others, nor shall the animals or fowl be permitted at large upon the streets or the public ways of the city. This action is declared to be a nuisance and danger to the public health and safety.

§ 6.08.030 Noises.

It shall be unlawful to harbor or keep any animal or fowl which disturbs the peace by noises at any time of day or night.

§ 6.08.040 Housing.

No person shall cause or allow any stable or place where any animal or fowl is or may be kept to become unclean, unwholesome or unsanitary. The premises shall not be in such a state or condition as to cause an offensive odor.

§ 6.08.045 Offensive littering by an animal.

Any person in control of an animal which defecates on the property of another without permission of the property owner, upon any public way as defined in O.R.S. 164.805(2) or upon public parks property commits the offense of permitting offensive littering by an animal, if the person fails to promptly remove and properly dispose of the animal waste.

§ 6.08.050 Dangerous animals.

No animal which is ferae naturae and may be dangerous to the public health or safety shall be permitted within the corporate city limits unless prior approval is obtained from the City Council. Before approval is given, the Council must find that proper precautions will be taken to ensure the public health and safety.

§ 6.08.060 Summarily seizing certain animals.

Any member of the Police Department or animal control officer of the city is authorized to summarily seize any animal or fowl he or she believes is dangerous, which is found running at large in violation of § 6.08.020, or which has injured any person within the corporate city limits. The seized animal or fowl shall be delivered to the pound for impounding, or otherwise confined.

§ 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 (in cases of impounded dogs) a fee and/or charge 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.

(Am. Ord. 1327, passed 5-19-2010)

§ 6.08.080 Record of impoundment.

The Police Department or animal control officer shall make in triplicate a detailed record of each animal or fowl impounded, showing the date and time impounded, description of the animal or fowl, name and address of the owner or keeper if known, and the name and address of the person to whom the animal or fowl is released, date of release, or date and method of other disposal. The original of these records shall be retained with the pound, and the duplicate copy shall be kept by the Police Department or animal control officer and the triplicate copy shall be filed with the City Recorder.

§ 6.08.090 Complaint, summons and hearing.

Whenever a duly verified complaint alleging a violation of §§ 6.08.020, 6.08.030, 6.08.040 or 6.08.050 is filed with the Municipal Judge, it shall be the duty of the Municipal Judge immediately to issue a summons and to deliver the summons, together with a copy of the complaint, to the Chief of Police to be served upon the person alleged to be permitting or maintaining the nuisance, which summons shall require the person alleged to be permitting or maintaining the nuisance to appear before the Municipal Judge within 7 days and file his or her answer, showing cause and reasons if any he or she has, as to why the nuisance should not be summarily abated. The Municipal Judge shall determine the

matter at the earliest possible date after the answer is filed and if the person charged with maintaining the nuisance shall be found by the Municipal Judge to be maintaining the same as charged in the complaint or to be maintaining the nuisance in any manner violating any of the provisions of this chapter, the Municipal Judge shall enter judgment directing abatement of the nuisance and as part of the judgment shall assess to the person found guilty of maintaining the nuisance the cost of the action.

§ 6.08.100 Abatement.

A. It shall be the duty of the Chief of Police to execute any judgment which may be entered by the Municipal Judge in the manner of abating any nuisance as provided in § 6.08.090.

1. In cases where the judgment requires the Chief of Police to abate a nuisance created by a dog, the Chief of Police shall seize the dog and deliver the same to the county pound master along with the instructions necessary to carry out the judgment as ordered by the court.

2. In the event the judgment of the Municipal Judge shall require the abatement of any nuisance caused by any fowl, cat, horse, cow or other animal, the Chief of Police shall seize the fowl or animal and appoint a keeper who shall cause the fowl or animal to be confined in an appropriate place, either within or without the corporate limits of the city, where the annoyance complained of will not be continued, and shall immediately advertise the fowl or animal for sale to the highest bidder. The purchaser shall agree in writing to keep the fowl or animal in conformance with this chapter, and the proceeds of the sale shall be applied by the Chief of Police as follows:

- a. To the payment of any cost which may be incurred in the municipal court in the matter of the action for abatement of the nuisance;
- b. Any cost which the Chief of Police or keeper appointed by him or her may incur in caring for the fowl or animal and in selling the same; and
- c. The surplus, if any, shall be delivered by the Chief of Police to the owner of the fowl or animal from whom the same was seized.

B. In addition to the remedies provided in division A. of this section, whenever a duly verified

complaint is filed with the Municipal Judge charging that a nuisance is being maintained in violation of § 6.08.040, the Municipal Judge may issue a notice and deliver the same to the Chief of Police directed to the person charged with maintaining the nuisance, requiring the person to abate the same within 7 days from the date of service of the notice. In the event the person alleged to be maintaining the nuisance fails to abate the same within 7 days, the Municipal Judge shall process the complaint which was previously filed in the Municipal Court against the person and cause the person alleged to be maintaining the nuisance to be arrested and brought before him or her for hearing. At the hearing, if the person shall be found guilty as charged in the complaint, the person shall be punished as provided in § 6.08.110.

§ 6.08.110 Penalty.

Any person, firm or corporation violating any of the provisions of this chapter shall be deemed guilty of a violation punishable as provided by Chapter 1.08.

chapter shall take effect, and the provisions thereof shall be controlling within the limits of the city.

§ 8.16.020 Establishment and duties of Bureau of Fire Prevention.

A. The Fire and Life Safety Code shall be enforced by the Bureau of Fire Prevention in the Fire Department of the city, which is established and which shall be operated under the supervision of the Chief of the Fire Department.

B. The Chief of the Fire Department may detail members of the Fire Department as inspectors as shall from time to time be necessary.

§ 8.16.030 Definitions.

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

Chief of the Bureau of Fire (Prevention) shall mean either Fire Chief or Fire Marshal.

Corporation Counsel, whenever used in the Fire and Life Safety Code, shall mean the attorney for the city.

Jurisdiction, whenever used in the Fire and Life Safety Code, shall mean the City of Canby, Clackamas County, State of Oregon.

§ 8.16.040 Storage of flammable or combustible liquids in outside, aboveground tanks; where prohibited.

A. The outside, aboveground storage of flammable or combustible liquids, as defined in the Fire and Life Safety Code, is prohibited in all areas of the city which are zoned for commercial development.

B. The development of new bulk plants for flammable or combustible liquids, as defined in the Fire and Life Safety Code, is prohibited in all areas of the city which are zoned for residential or commercial development.

§ 8.16.050 Bulk storage of liquefied petroleum gases; restrictions.

The limits referred to in the Fire and Life Safety Code, in which bulk storage of liquefied petroleum gas is restricted, are established as including all areas

of the city which are zoned for commercial development.

§ 8.16.060 Storage of explosives and blasting agents; where prohibited.

The storage of explosives and blasting agents, as defined in the Fire and Life Safety Code, is prohibited in all areas of the city which are zoned for residential or commercial development.

§ 8.16.070 Penalty.

A. 1. Any person who shall violate any provision of this chapter, including the Fire and Life Safety Code adopted by reference, or who shall fail to comply therewith; who shall violate or fail to comply with any order made thereunder; who shall build in violation of any detailed statement of specification or plans submitted and approved hereunder, or any certificate or permit issued thereunder and from which no appeal has been taken; or who shall fail to comply with an order as affirmed or modified by the City Council or by a court of competent jurisdiction within the time fixed herein, shall severally for each and every violation and noncompliance, respectively, be guilty of a misdemeanor punishable by a fine of not less than \$100 nor more than \$500.

2. The imposition of 1 penalty for any violation shall not excuse the violation or permit it to continue; and all these persons shall be required to correct or remedy the violations or defects within a reasonable time.

3. When not otherwise specified, each 10 days that prohibited conditions are maintained or permitted to exist shall constitute a separate offense.

B. The application of the penalties prescribed in the foregoing paragraph shall not be held to prevent the enforced removal of prohibited conditions.

§ 8.16.080 Nonliability for damages.

The adoption of the Fire and Life Safety Code, 1994 edition and any amendments thereto as the fire code for the city shall not be construed to hold the city, its officers, agents or employees responsible for any damage to persons or property by reason of the inspection or reinspection authorized by the Fire and Life Safety Code, or for failure to inspect or reinspect

on a permit issued or denied for use of any equipment for which a permit is required.

CHAPTER 8.20: EMERGENCY ASSISTANCE ALARMS

Section

8.20.010	Short title.
8.20.020	Purpose and scope.
8.20.030	Definitions.
8.20.040	Alarm user's permit required.
8.20.050	User instructions.
8.20.060	Automatic dialing device; certain interconnections prohibited.
8.20.070	False alarms; fee.
8.20.080	False alarms; permit revocation.
8.20.090	Confidentiality; statistics.
8.20.100	Allocation of revenues and expenses.
8.20.105	Fees set by resolution.
8.20.110	Enforcement and penalties.

§ 8.20.010 Short title.

This chapter shall be known as the Emergency Assistance Alarm Ordinance or this chapter.

§ 8.20.020 Purpose and scope.

A. The purpose of this chapter is to protect the emergency services of the city from misuse.

B. This chapter governs all emergency assistance alarm systems, requires permits, establishes fees, provides for allocation of revenues and deficits, provides for revocation of permits, provides for punishment of violations and establishes a system of administration.

§ 8.20.030 Definitions.

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

Alarm Business means the business by any individual, partnership, corporation or other entity of

selling, leasing, maintaining, servicing, repairing, altering, replacing, moving or installing any alarm system or causing to be sold, leased, maintained, serviced, repaired, altered, replaced, moved or installed any alarm system in or on any building, structure or facility.

Alarm Center means any location, other than the communications center where alarms are received from sites within the city, and from which the police are requested to respond.

Alarm User means the person, firm, partnership, association, corporation, company or organization of any kind in control of any building, structure or facility wherein an alarm system is maintained.

Automatic Dialing Device means a device which is interconnected to a telephone line and is programmed to select a predetermined telephone number and transmit by voice message or code signal an emergency message indicating a need for emergency response.

Chief of Police means Director of Police Services for the city or his or her designated representative.

Communications Center is the city facility used to receive emergency and general information from the public to be dispatched to the Police Department field officers and detective bureau.

Coordinator means the individual designated by the Chief of Police to issue permits and enforce the provisions of this chapter.

Emergency Assistance Alarm System means any assembly of equipment, mechanical or electrical, arranged to signal the occurrence of an illegal entry or other activity requiring urgent attention and to which police are expected to respond.

False Alarm means an alarm signal or request eliciting a response by police when a situation requiring a response by the police does not in fact exist, but does not include an alarm signal caused by violent conditions of nature or other extraordinary circumstances not reasonably subject to control by the alarm business operator or alarm user.

Interconnect means to connect an alarm system including an automatic dialing device to a telephone line, either directly or through a mechanical device that utilizes a telephone, for the purpose of using the

telephone line to transmit a message upon the activation of the alarm system.

Primary Trunk Line means a telephone line servicing the Police Department that is designated to receive emergency calls.

§ 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 fee for each alarm shall be filed with the coordinator's office every 12 months. Each permit shall bear the signature of the Chief of Police and be for a 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 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. (Am. Ord. 1327, passed 5-19-2010)

§ 8.20.050 User instructions.

A. Every alarm business selling, leasing or furnishing to any user an alarm system which is

installed on premises located in the area subject to this chapter shall furnish the user with instructions that provide information to enable the user to operate the alarm system properly and to obtain service for the alarm system at any time.

B. Standard form instructions shall be submitted by every alarm business to the Chief of Police within 60 days after the effective date of the ordinance codified in this chapter. If he or she reasonably finds the instructions to be incomplete, unclear or inadequate, he or she may require the alarm business to revise the instructions to comply with division A. of this section and then to distribute the revised instructions to its alarm users.

§ 8.20.060 Automatic dialing device; certain interconnections prohibited.

A. It is unlawful for any person to program an automatic dialing device to select a primary trunk line, and it is unlawful for an alarm user to fail to disconnect or reprogram an automatic dialing device which is programmed to select a primary trunk line within 12 hours of receipt of written notice from the coordinator that it is so programmed.

B. Within 60 days after the effective date of the ordinance codified in this chapter, all existing automatic dialing devices programmed to select a primary trunk line shall be reprogrammed or disconnected.

C. It is unlawful for any person to program an automatic dialing device to select any telephone line assigned to the city; and it is unlawful for an alarm user to fail to disconnect or reprogram the device within 12 hours of receipt of written notice from the coordinator that an automatic dialing device is so programmed.

§ 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.

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.

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.

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.

(Am. Ord. 1327, passed 5-19-2010)

§ 8.20.080 False alarms; permit revocation.

A. Any emergency assistance alarm system which has 7 or more false alarms during each ensuing 12-month period after a permit is issued or renewed shall be subject to permit revocation as provided in this section.

B. If the communication center records 7 or more false alarms during each ensuing 12-month period after a permit is issued or renewed, for any emergency assistance alarm system:

1. The Chief of Police shall notify the alarm user and the alarm business providing service or inspection to the user by certified mail of that fact and direct that the user submit a report to the Chief of Police within 10 days of receipt of the notice describing actions taken or to be taken to discover and eliminate the cause of the false alarms.

2. If the alarm user submits a report as directed, the Chief of Police shall determine if the actions taken or to be taken will prevent the occurrence of false alarms; if he or she determines that the action will prevent the occurrence of false alarms, he or she shall notify the alarm user and the relevant alarm business in writing that the permit will not be revoked at that time, and that if 1 more false alarm occurs within the permit year, the permit will be summarily revoked.

3. If no report is submitted, or if the Chief of Police determines that the actions taken or to be taken will not prevent the occurrence of false alarms, the Chief of Police shall give notice by certified mail to the user that the permit will be revoked without further notice on the tenth day after the date of the notice if the user does not file within that period a written request for a hearing.

4. If a hearing is requested, written notice of the time and place of the hearing shall be served on the user by the Chief of Police by certified mail at least 10 days prior to the date set for the hearing, which date shall not be more than 21 nor less than 10 days after the filing of the request for hearing.

5. The hearing shall be before the City Council, and the Chief of Police and the alarm user shall have the right to present written and oral evidence, subject to the right of cross-examination. If the Council determines that 7 or more false alarms have occurred during each ensuing 12-month period after a permit is issued or renewed, and that the user has not taken actions which will prevent the occurrence of false alarms, the Council shall issue written findings to that effect and may issue an order revoking the user's permit.

6. In situations permitting summary revocation under division B.2. above and revocation following a hearing under division B.5. of this section, revocations shall be effective on the fifth day following the mailing by certified mail by the Chief of Police or alarm coordinator of a notice of revocation. There shall be no appeal of a summary revocation.

C. Permits revoked pursuant to the above procedure shall be revoked for a period of 1 year. Any alarms received during the period the alarm permit is under revocation will result in a charge of \$100 per each alarm received. The charge or charges

must be paid in full prior to reapplication for an alarm permit.

§ 8.20.090 Confidentiality; statistics.

A. All information submitted in compliance with this chapter shall be held in the strictest confidence and shall be deemed a public record from disclosure pursuant to state statute; and any violation of confidentiality shall be deemed a violation of this chapter. The coordinator shall be charged with the sole responsibility for the maintenance of all records of any kind whatsoever under this chapter.

B. Subject to the requirements of confidentiality, the coordinator shall develop and maintain statistics having the purpose of assisting alarm system evaluation for use by members of the public.

§ 8.20.100 Allocation of revenues and expenses.

All fees, fines and forfeitures of bail collected pursuant to this chapter shall be General Fund revenue of the city.

§ 8.20.105 Fees set by resolution.

All fees established by the sections above shall be set forth by resolution.
(Ord. 1327, passed 5-19-2010)

§ 8.20.110 Enforcement and penalties.

A. Enforcement of this chapter may be by civil action as provided in O.R.S. 30.315, or by criminal prosecution.

B. Violation of this chapter shall be punished upon conviction by a fine of not more than \$500.

C. The failure or omission to comply with any section of this chapter shall be deemed a violation and may be so prosecuted, subject to the penalty provided in division B. of this section.

CHAPTER 9.04: STATE CRIMINAL STANDARDS AND PROCEDURES

Section

9.04.010 Applicability of State Criminal Code.

9.04.020 Applicability of State Criminal Procedure Code.

§ 9.04.010 Applicability of State Criminal Code.

A. Violation of provisions in O.R.S. Chapters 162 through 167, 471 and 475 inclusive, as now constituted, is an offense against the city.

B. If an ordinance, or provision thereof, of the city is in conflict with the Oregon Criminal Code, the Oregon Criminal Code shall prevail.

C. No person shall engage in any activity violating the Oregon Criminal Code of city ordinances relating to the public peace, safety, morals and general welfare as the laws and ordinances provide at the time of the activity.

§ 9.04.020 Applicability of State Criminal Procedure Code.

A. The city adopts O.R.S. Chapters 131 through 133, 135 through 138, 153 and 156 through 157 inclusive, as now constituted, as the Criminal Procedure Code to be followed by the city.

B. If any ordinance, or provision thereof, of the city is in conflict with the Oregon Criminal Procedure Code, the Oregon Criminal Procedure Code shall prevail.

CHAPTER 9.08: WEAPONS

Section

9.08.010 Discharge of weapons prohibited.

9.08.020 Exceptions.

9.08.030 Firearm purchaser; background inspection fee.

9.08.040 Penalty.

§ 9.08.010 Discharge of weapons prohibited.

Except at firing ranges, no person other than a peace officer shall fire or discharge a gun, including spring or air-actuated pellet guns, air guns or other weapons which propel a projectile by use of gunpowder or other explosive, jet or rocket propulsion.

§ 9.08.020 Exceptions.

The provisions of this chapter shall not be construed to prohibit the firing or discharging of any weapon by any person in the defense or protection of property which that person owns or controls, his or her person or family, or at any place duly licensed or designated for target practice. The provisions of this chapter shall not be construed to prohibit the display of fireworks, duly authorized by the city.

§ 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 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.
(Am. Ord. 1327, passed 5-19-2010)

§ 9.08.040 Penalty.

A. Violation of § 9.08.010 is punishable by a fine not to exceed \$500, imprisonment not to exceed 30 days, or both fine and imprisonment.

B. Violation of § 9.08.030 is punishable by a fine not to exceed \$100.

CHAPTER 9.12: INTERFERING WITH POLICE OFFICER

Section

- 9.12.010 Definitions.
- 9.12.020 Unlawful acts designated.
- 9.12.030 Penalty.

§ 9.12.010 Definitions.

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

Arrest means to place a person under actual or constructive restraint for the purpose of charging him or her with an offense.

Custody means to place a person under actual or constructive restraint pursuant to a court order or for other lawful purposes.

Police Officer means any sworn member of the Police Department.

Stop means a temporary restraint of a person's liberty, by a police officer lawfully present in any place:

1. When the officer reasonably believes that the person is committing or has committed a criminal offense;
2. When the officer reasonably believes that the person is in need of attention pursuant to O.R.S. Ch. 426; or
3. When the officer reasonably believes that the person is the subject of service of a valid court order.

To Leave the Area of an Arrest, Custody or Stop means to physically move to a location not less than 10 feet extending in a radius from where a police officer is engaged in effecting an arrest, taking a person into custody or stopping a person; the radius may be extended beyond 10 feet when a police officer reasonably believes that the extension is necessary because there exists a substantial risk of physical injury to any person.

§ 9.12.020 Unlawful acts designated.

It is unlawful for any person to intentionally refuse to leave the area of an arrest, custody or stop

or, having left that area, to reenter it, after being directed to leave that area by an individual whom the person knows to be a police officer.

§ 9.12.030 Penalty.

Violation of § 9.12.020 is punishable by a fine not to exceed \$500, imprisonment not to exceed 30 days, or both fine and imprisonment.

CHAPTER 9.24: MISCELLANEOUS OFFENSES

Section

- 9.24.010 Obstruction of sidewalks.
- 9.24.020 Riding on trains.
- 9.24.030 Removal of animal carcass.
- 9.24.040 Posted notices.
- 9.24.060 Drinking in public places.
- 9.24.070 Public indecency.

§ 9.24.010 Obstruction of sidewalks.

No person shall wilfully remain standing, lying or sitting down upon any of the sidewalks of the city in a manner as to obstruct the free passage of foot traffic or foot travelers on any portion of the same, or wilfully remain standing, lying or sitting thereon in that manner after being requested to move on by any police officer of the city.

§ 9.24.020 Riding on trains.

No person other than a railroad employee shall get on or off of any railroad car or train at any place within the corporate limits of the city, or in any manner interfere with railroad cars or trains within the corporate limits of the city.

§ 9.24.030 Removal of animal carcass.

No person who is the owner of any animal which dies shall suffer or permit the carcass to remain upon the public streets or ways; and no person who is owner or occupant of any property shall suffer or permit the carcass of any animal to remain thereon. It shall be the duty of any owner or occupant to

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 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 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.
(Am. Ord. 1327, passed 5-19-2010)

§ 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 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.

(Am. Ord. 1327, passed 5-19-2010)

§ 10.04.100 Storage or abandoning of vehicles on streets.

A. 1. No person, firm or corporation shall store or permit to be stored on a street or other public property, without the permission of the City Police Department, a vehicle or personal property for a period in excess of 24 hours. The continuity of the

time shall not be deemed broken by movement of the vehicle elsewhere on the block unless the movement removes the vehicle from the block where it is located before it is returned.

2. No person, firm or corporation shall abandon a vehicle upon a street or upon any other public or private property.

B. When a vehicle is found in violation of division A. of this section, the officer responsible for the enforcement of this section shall follow the procedures provided in O.R.S. Chapter 619 dealing with the custody, removal and disposal of abandoned vehicles.

§ 10.04.125 Penalty.

A. Violation of any provision of this chapter shall be punishable by a fine not to exceed \$500 for each violation.

B. For a second or subsequent conviction within 1 year, a person shall be punished by a fine of not more than \$750.

C. Violation of a provision identical to state statute is punishable by a fine not to exceed the penalty prescribed by the state statute.

§ 10.04.130 Public Works Director; duties.

Subject to the approval of the City Council by resolution or motion, the Public Works Director shall:

A. Designate stop streets;

B. Designate 1-way streets;

C. Designate crosswalks, safety zones and traffic lanes;

D. Designate areas in which no parking shall be permitted and areas in which the time of parking is to be limited;

E. Direct the placing and maintenance of those traffic signs, markers and signals as may be reasonably necessary to carry the above powers into effect and for the regulation and safety of traffic;

F. Exercise a general supervision over the administration and enforcement of all traffic ordinances; and

G. Require the pruning or trimming of trees and shrubs along streets and highways so that they will not obstruct the view for traffic; and order the removal or alteration of any signs, fences or other objects along streets and highways that are an obstruction of the view for traffic.

§ 10.04.140 Existing signs.

All official traffic signs, signals and markers existing at the time of the adoption of this chapter shall be considered official under the provisions of this chapter; provided, however, that the City Council may by resolution or motion at any time have the official traffic signs, signals or markers removed or changed, or the same may be done at the direction of the Public Works Director; and provided further, that any additional official traffic signs, signals or markers erected, installed or painted shall first be authorized by resolution or motion of the City Council or by order of the Public Works Director.

CHAPTER 10.08: ABANDONED VEHICLES

Section

- 10.08.010 Unlawful vehicle storage designated; time limit.
- 10.08.020 Nuisance declared; removal or enclosure required.
- 10.08.030 Notice to remove or enclose; time limit for compliance.
- 10.08.040 Failure to comply with notice.
- 10.08.050 Removal and impoundment by city.
- 10.08.060 Impounded vehicle; payment of charges prerequisite to release.
- 10.08.070 Repair or dismantling vehicle prohibited; emergency service.

§ 10.08.010 Unlawful vehicle storage designated; time limit.

A. It is unlawful to park, store or leave or permit the parking or storing of any licensed or unlicensed motor vehicle of any kind or of any motor vehicle trailer, or of motor vehicle parts either licensed or unlicensed, of any kind, for a period of time in excess of 15 days within any one 12-month period, which is in a rusted, wrecked, junked, partially dismantled, or inoperative or abandoned

condition, whether attended or not, upon private property within the city, unless it is in connection with a business enterprise lawfully licensed by the city and properly operated in the appropriate business zone pursuant to the zoning laws of the city.

B. It is unlawful to park, store or leave or permit the parking or storing of any licensed or unlicensed motor vehicle of any kind or of any motor vehicle trailer, either licensed or unlicensed, of any kind for a period of time in excess of 48 hours, which is in a wrecked, junked, partially dismantled, inoperative or abandoned condition, whether attended or not, upon public property within the city without prior permission of the City Police Department.

§ 10.08.020 Nuisance declared; removal or enclosure required.

The accumulation and storage of 1 or more of these vehicles or of motor vehicle parts, as defined in § 10.08.010, on private property beyond the 15-day limit, shall constitute rubbish and unsightly debris and a nuisance, detrimental to the health, safety and welfare of the inhabitants of the city. It shall be the duty of the registered owner of the vehicle or vehicles, and it shall also be the duty of the owner of the private property or the lessee or other person in possession of the private property upon which the vehicle is located, to remove the same from the city within 15 days or to have the same completely enclosed within a building where it will not be visible from a street or adjacent property.

§ 10.08.030 Notice to remove or enclose; time limit for compliance.

It shall be the duty of the Chief of Police to give written notice to the registered owner of any motor vehicle or motor vehicle trailer which is in violation of this chapter, as described in § 10.08.010, and to further give the notice to the owner or lessee of the private land upon which the motor vehicle, motor vehicle trailer or motor vehicle parts is or are situated, giving notice that the vehicle violates this chapter and demanding that the motor vehicle or motor vehicles be removed from the city within 72 hours, or that within 72 hours the same is to be housed within a building where it will not be visible from a street or adjacent

property. The notice may be given by personal service or by registered mail, with return receipt requested.

§ 10.08.040 Failure to comply with notice.

If the notice is given as provided in § 10.08.030, and the person upon whom the notice demand is made fails to remove as required by the notice the vehicle or vehicles, as the case may be, or fails to cause the same to be placed in a building where it will not be visible from the street or adjacent property, then that person shall be in violation of this section and, upon conviction thereof, shall be punished by a fine not exceeding \$500. A second or subsequent violation within a 12-month period shall be, upon conviction thereof, punishable by a fine of not less than \$500.

§ 10.08.050 Removal and impoundment by city.

As an alternate procedure, the Chief of Police may, after giving the notice required by § 10.08.030, and after waiting 72 hours, cause the vehicle or vehicles to be removed by a city truck or by a commercial tow truck to a commercial garage or an automobile wrecking yard or any other suitable place for storage of the vehicles as may be designated by the Chief of Police. Within 48 hours after removal and storage of the vehicle by the Chief of Police, he or she shall give the notice in the manner prescribed in § 10.08.030 to the registered owner of the vehicle and also to the owner, lessee or person in possession of land from which the vehicle was or vehicles were removed, that the vehicle or vehicles have been impounded and stored for violation of this chapter and notice that the vehicles shall be deemed to have been abandoned and will thereafter be discarded as junk or may, at the discretion of the Chief of Police, be sold as an abandoned vehicle in the manner prescribed in this chapter after giving not less than 30 days' notice by a registered letter addressed to the registered owner of the vehicle at his or her latest address shown on the records in the office in the Motor Vehicles Division of the state, with the owner given the right to reclaim the vehicle within the 30 days by paying all the costs and expenses incurred in the removal, preservation and custody of the vehicle for a period not in excess of 90 days; and if not so reclaimed, then to be sold, with the Chief of Police to execute a certificate of sale in

duplicate, with a copy of the certificate of sale to be delivered to the purchaser and the original to be retained by the Chief of Police; and the money so received from the sale thereof to be applied first to the payment of the costs and expenses incurred in the removal, preservation and custody of the vehicle and the remainder to be retained by the city and deposited in the General Fund.

§ 10.08.060 Impounded vehicle; payment of charges prerequisite to release.

If any vehicle is impounded or stored by the Chief of Police under the provisions of this chapter or any other ordinance of the city, or pursuant to any other lawful authority of the Police Department, the vehicle or vehicles or other personal property shall not be released by the appointed keeper thereof until all charges connected with the removal, towing, and storage of the vehicle, vehicles or personal property have been fully paid as evidenced by the City Recorder's paid receipt.

§ 10.08.070 Repair or dismantling vehicle prohibited; emergency service.

It is unlawful to disassemble, construct, reconstruct, repair and/or service motor vehicles or motor vehicle trailers of any kind upon private property where visible from a street or the property of adjoining owners for a period of time longer than 15 days within any one 12-month period. When emergency repairs are required to be made in a street, road, alley or other public thoroughfare, emergency service shall not extend over a period of 2 hours, and shall not interfere with or impede the flow of traffic. The violation of this section shall also constitute a public nuisance and violation, which shall be punishable upon conviction by a fine not exceeding \$500.

CHAPTER 10.12: IMPOUNDING UNINSURED VEHICLES

Section

- 10.12.010 Impounding of uninsured vehicles authorized.
- 10.12.020 Notice after removal.
- 10.12.030 Hearing before tow hearings officer, procedure and costs.

§ 10.12.010 Impounding 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 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. (Am. Ord. 1327, passed 5-19-2010)

§ 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 and payment of any outstanding towing and storage charges. This fee shall be set forth by resolution.

(Am. Ord. 1327, passed 5-19-2010)

§ 10.12.030 Hearing before tow hearings officer, procedure and costs.

A. A person entitled to lawful possession of a vehicle impounded under this chapter may request, in writing, a hearing to contest the validity of the impoundment. The written request must be made within 5 calendar days of the impoundment. The request shall be made to the Chief of Police or his or her designee.

B. When a timely request for a hearing is made, a hearing shall be held before the tow hearings officer designated by the city. The hearing shall be set within 4 calendar days after the request is received, excluding Saturdays, Sundays and holidays, but may be postponed at the request of the person asking for the hearing.

C. The City Police Department shall have the burden of proving by a preponderance of the evidence that there were reasonable grounds to believe that the vehicle was being operated in violation of O.R.S. 806.010. The police officer who ordered the vehicle impounded may submit an affidavit to the tow hearings officer in lieu of making a personal appearance at the hearing.

D. If the tow hearings officer finds that the impoundment of the vehicle was proper, he or she shall enter an order supporting the removal and shall find that the owner or person entitled to possession of the vehicle is liable for usual and customary towing and storage costs. The tow hearings officer may also find the owner or person entitled to possession of the vehicle liable for costs of the hearing.

E. If the tow hearings officer finds that impoundment of the vehicle was improper, the hearings officer shall order the vehicle released to the person entitled to possession and shall enter a finding that the owner or person entitled to possession of the vehicle is not liable for any towing or storage costs resulting from the impoundment. If there is a lien on the vehicle for towing and storage charges, the hearings officer shall order it paid by the city.

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place on the building setting forth the assigned number, the reasons why the installation of the number does not conform to this chapter, and that proper corrections are to be made within 30 days from the date of the notice.

§ 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 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.

(Am. Ord. 1327, passed 5-19-2010)

CHAPTER 15.12: FLOOD HAZARD PROTECTION

Sections:

15.12.010	Purpose.
15.12.020	Findings and objectives.
15.12.030	Definitions.
15.12.040	Applicability.
15.12.050	Basis for establishing the areas of special flood hazard.
15.12.060	Penalties for noncompliance.
15.12.070	Abrogation and greater restrictions.
15.12.080	Interpretation.
15.12.090	Warning and disclaimer of liability.
15.12.100	Designation of the local administrator.
15.12.110	Duties and responsibilities of the local administrator.
15.12.120	Development permit required.
15.12.130	Variance and appeal procedure.
15.12.140	Provisions for flood hazard protection, generally.
15.12.150	Specific standards.
15.12.160	Before regulatory floodway.

15.12.170	Floodways.
15.12.180	Standards for shallow flooding areas (AO Zones).
15.12.190	Critical facility.

§ 15.12.010 Purpose.

The state has delegated the responsibility to local governmental units to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry. It is the purpose of this chapter to promote the public health, safety, and general welfare, and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

- A. Protect human life and health; and
- B. Minimize expenditure of public money and costly flood control projects; and
- C. Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public; and
- D. Minimize prolonged business interruptions; and
- E. Minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets, and bridges located in areas of special flood hazard; and
- F. Help maintain a stable tax base by providing for the sound use and development of areas of special flood hazard so as to minimize future flood blight areas; and
- G. Ensure that potential buyers are notified that property is in an area of special flood hazard; and
- H. Ensure that those who occupy the areas of special flood hazard assume responsibility for their actions.

(Ord. 1279, passed 6-18-2008)

§ 15.12.020 Findings and objectives.

A. Flood hazard areas are subject to periodic inundation which results 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 are caused by the cumulative effect of obstructions in areas of special flood hazards which increase flood heights and velocities, and when inadequately anchored, damage uses in other areas. Uses that are inadequately floodproofed, elevated, or otherwise protected from flood damage also contribute to the flood loss.

C. In order to accomplish its purposes, this chapter 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 flood plains, 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 may increase flood hazards in other areas;

6. Coordinating and supplementing the provisions of the state building code with local provisions.

(Ord. 1279, passed 6-18-2008)

§ 15.12.030 Definitions.

Unless specifically defined below, words or phrases used in this chapter shall be interpreted so as to give them the meaning they have in common usage and to give this chapter its most reasonable application.

Appeal means a request for a review of the interpretation of any provision of this chapter or a request for a variance.

Area of shallow flooding means a designated AO, or AH Zone on the Flood Insurance Rate Map (FIRM). The base flood depths range from 1 to

3 feet; a clearly defined channel does not exist; the path of flooding is unpredictable and indeterminate; and velocity flow may be evident. AO is characterized as sheet flow and AH indicates ponding.

Area of special flood hazard means the land in the flood plain within a community subject to a one percent or greater chance of flooding in any given year. Designation on maps always includes the letters A or V.

Base flood means the flood having a 1% chance of being equaled or exceeded in any given year. Also referred to as the "100-year flood". Designation on maps always includes the letters A or V.

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 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 4 feet at any point.

Breakaway wall means a wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces, without causing damage to the elevated portion of the building or supporting foundation system.

Coastal high hazard area means an area of special flood hazard extending from offshore to the inland limit of a primary frontal dune along an open coast and any other area subject to high velocity wave action from storms or seismic sources. The area is designated on the FIRM as Zone V1-V30, VE or V.

Critical facility means a facility 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 man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or

TABLE I: FRANCHISES

<i>Ord. No.</i>	<i>Date</i>	<i>Description</i>
996	6-17-1998	Authorizing the City Administrator to enter into an agreement between the city and Canby Telephone Association to extend the current non-exclusive franchise agreement
1000	7-15-1998	Amending Section 7 of Ord. 668 regarding annual franchise fee to be paid by the Franchisee, Canby Telephone Association, to the city, increasing the annual franchise fee from 3.7% to 7% of the gross annual revenue for local exchange service, and repealing Ord. 845
1001	7-15-1998	Amending Section 12 of Ord. 788 regarding annual franchise fee to be paid by the franchisee, Northwest Natural Gas Company to the city, increasing the annual franchise fee from 3% to 5% of the gross annual revenue for local natural gas service
1012	12-2-1998	Authorizing the City Administrator to enter into an agreement between the city and Canby Telephone Association to further extend the current non-exclusive franchise agreement. The extension shall be controlled by the terms and conditions of Ord. 732 except that the additional extension shall expire and be of no legal effect as of January 21, 1999
1014	1-20-1999	Authorizing the City Administrator to enter into an agreement between the city and Canby Telephone Association to further extend the current non-exclusive franchise agreement. The extension shall be controlled by the terms and conditions of Ord. 732 except that the additional extension shall expire and be of no legal effect as of April 22, 1999, or on such date as the city may grant a new non-exclusive franchise to CTA, whichever occurs first.

<i>Ord. No.</i>	<i>Date</i>	<i>Description</i>
1017	4-7-1999	Granting a non-exclusive franchise to North Willamette Telecom to provide cable service within the city for a period of 12 years from the effective date of the ordinance
1040	11-17-1999	Extending the current non-exclusive franchise agreement between the city and Canby Telephone Association for the provision of telecommunication services within the city. Ord. 668 is amended by extending the expiration date thereof to June 6, 2000, or on such date as the city may grant a new non-exclusive franchise to Canby Telephone Association, whichever first occurs. The terms and conditions of Ords. 668 and 845 shall control the extension.
1053	7-19-2000	Granting to Canby Telephone Association a nonexclusive franchise for the provision of telecommunications services within the city pursuant to Chapter 12.36 of the Code of Ordinances, for a term of ten years, commencing with the effective date of Ord. 1053
1169	2-2-2005	Granting to Canby Telephone Association a non-exclusive franchise for a period of 12 years from the effective date of Ord. 1160, to operate and maintain a cable television system in the city
1208	6-7-2006	Granting to Northwest Natural Gas Company a non-exclusive gas utility franchise for a period of 20 years and fixing terms, conditions and compensation of such franchise and repealing Ord. 788
1328	6-16-2010	Granting an exclusive franchise to Canby Disposal Company to provide solid waste, recyclable materials and yard debris collection service with the city

References to Ordinances

<i>Ord. No.</i>	<i>Date Passed</i>	<i>Code Section</i>
1292 § 5.8	9-3-2008	13.16.082
1292 § 6.1	9-3-2008	13.16.090
1292 § 6.2	9-3-2008	13.16.091
1292 § 6.3	9-3-2008	13.16.092
1292 § 6.4	9-3-2008	13.16.093
1292 § 6.5	9-3-2008	13.16.094
1292 § 6.6	9-3-2008	13.16.095
1292 § 6.7	9-3-2008	13.16.096
1292 § 6.8	9-3-2008	13.16.097
1292 § 6.9	9-3-2008	13.16.098
1292 § 6.10	9-3-2008	13.16.099
1292 § 6.11	9-3-2008	13.16.100
1292 § 6.12	9-3-2008	13.16.101
1292 § 6.13	9-3-2008	13.16.102
1292 § 6.14	9-3-2008	13.16.103
1292 § 6.15	9-3-2008	13.16.104
1292 § 7.1	9-3-2008	13.16.115
1292 § 7.2	9-3-2008	13.16.116
1292 § 8	9-3-2008	13.16.130
1292 § 9	9-3-2008	13.16.140
1292 § 10	9-3-2008	13.16.150
1292 § 10.1	9-3-2008	13.16.151
1292 § 10.2	9-3-2008	13.16.152
1292 § 10.3	9-3-2008	13.16.153
1292 § 10.4	9-3-2008	13.16.154
1292 § 10.5	9-3-2008	13.16.155
1292 § 10.6	9-3-2008	13.16.156
1292 § 10.7	9-3-2008	13.16.157
1292 § 10.8	9-3-2008	13.16.158
1292 § 10.9	9-3-2008	13.16.159
1292 § 10.10	9-3-2008	13.16.160
1292 § 10.11	9-3-2008	13.16.161
1292 § 10.12	9-3-2008	13.16.162
1292 § 11.1	9-3-2008	13.16.175
1292 § 11.2	9-3-2008	13.16.176
1292 § 11.3	9-3-2008	13.16.177
1292 § 11.4	9-3-2008	13.16.178
1292 § 12.1	9-3-2008	13.16.190
1292 § 12.2	9-3-2008	13.16.191
1292 § 12.3	9-3-2008	13.16.192
1292 § 12.4	9-3-2008	13.16.193
1292 § 12.5	9-3-2008	13.16.194
1292 § 13.1	9-3-2008	13.16.210
1292 § 13.2	9-3-2008	13.16.211

Canby - Parallel References

<i>Ord. No.</i>	<i>Date Passed</i>	<i>Code Section</i>
1292 § 13.3	9-3-2008	13.16.212
1292 § 13.4	9-3-2008	13.16.213
1292 § 14.1	9-3-2008	13.16.230
1292 § 14.2	9-3-2008	13.16.231
1292 § 14.3	9-3-2008	13.16.232
1292 § 14.4	9-3-2008	13.16.233
1292 § 14.5	9-3-2008	13.16.234
1292 § 14.6	9-3-2008	13.16.235
1296	10-15-2008	12.12.010 - 12.12.040
1303	2-4-2009	2.05.010, 2.05.020
1312	7-15-2009	2.10.010
1313	7-15-2009	12.08.010, 12.08.030
1316	8-19-2009	9.24.060, 12.13.010 - 12.13.120
1319	11-18-2009	8.04.010, 8.04.020
1327	5-19-2010	3.20.070, 4.12.030, 5.04.210, 5.16.030, 6.04.060, 6.08.070, 8.20.040, 8.20.070, 8.20.105, 9.08.030, 10.04.090, 10.04.095, 10.12.010, 10.12.020, 15.08.060
1328	6-16-2010	T.S.O. I
1333	7-21-2010	5.12.020, 5.12.030

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ORDINANCE NO. 1334

AN ORDINANCE AUTHORIZING THE MAYOR AND CITY ADMINISTRATOR TO EXECUTE A CONTRACT WITH JULIE WEHLING OF JWL CONSULTING, LLC FOR PROFESSIONAL SERVICES FOR MANAGEMENT OF CANBY AREA TRANSIT SERVICE; AND DECLARING AN EMERGENCY.

WHEREAS, the City of Canby currently has need of management services for Canby Area Transit to prepare and submit grants, monitor existing grants, assist with budget analysis and development, assist with future planning, and other such activities; and

WHEREAS, in accordance with ORS Chapter 279 and the City of Canby's Public Contracting Rules, the HR Director heretofore solicited Requests for Quotations (RFQ) from at least three interested parties, including Julie Wehling of JWL Consulting, LLC; and

WHEREAS, the City wishes to employ Julie Wehling of JWL Consulting, LLC, as an independent contractor under a personal services contract for the purpose of carrying out these activities; and

WHEREAS, Julie Wehling of JWL Consulting, LLC has proposed a personal services contract which is acceptable to the City; and

WHEREAS, the City Council meeting and acting as the Contract Review Board for the City of Canby has reviewed this proposal, reviewed the staff report and finds that the contract is in the best interest of the City to enter into; now therefore,

THE CITY OF CANBY ORDAINS AS FOLLOWS:

Section 1. The Mayor and City Administrator are hereby authorized and directed to make, execute and declare in the name of the City of Canby and on its behalf, an appropriate contract with Julie Wehling of JWL Consulting, LLC, the copy of said contract is attached hereto and marked as Exhibit "A" and by this reference fully incorporated herein.

Section 2. Emergency Declared.

It being necessary for the health, safety, and general welfare of the citizens of Canby that the new Director of the Transit Service in Canby assume her position as soon as possible, an emergency is hereby declared to exist and

2nd Reading

this ordinance shall take effect immediately upon its enactment after final reading.

SUBMITTED to the Canby City Council and read the first time at a regular meeting thereof on Wednesday, August 18, 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, September 1, 2010, commencing at the hour of 7:30 PM commencing at the hour of 7:30 P.M. in the City Council Chambers located at 155 NW 2nd 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 1st day of September 2010, by the following vote:

YEAS_____

NAYS_____

Melody Thompson, Mayor

ATTEST:

Kimberly Scheafer, CMC
City Recorder

2nd Reading

ORDINANCE NO. 1335

AN ORDINANCE AUTHORIZING THE MAYOR AND CITY ADMINISTRATOR TO EXECUTE A CONTRACT WITH HUBBARD CHEVROLET OF HUBBARD, OREGON AND FORD MOTOR CREDIT CORPORATION FOR THE LEASE/PURCHASE OF TWO (2) 2011 CHEVROLET TAHOE VEHICLES WITH POLICE EQUIPMENT PACKAGES FOR THE CANBY POLICE DEPARTMENT; AND DECLARING AN EMERGENCY.

WHEREAS, the City of Canby wishes to lease/purchase two (2) 2011 Chevrolet Tahoe vehicles with police equipment packages for the Canby Police Department; and

WHEREAS, the cost of the vehicles and equipment will be paid by the Canby Police Department which has budgeted said lease/purchase for the fiscal years 2010-2011 through 2014-2015; and

WHEREAS, in accordance with ORS Chapter 279 and Canby Public Purchasing Rules as set forth in Ordinance No. 1170 and Resolution No. 897, Exhibit A, Section 5 G (18), the City wishes to utilize an existing solicitation from another governmental agency; and

WHEREAS, the State of Oregon awarded Hubbard Chevrolet of Hubbard, Oregon, a contract to supply Chevrolet vehicles to the State and other public agencies in accordance with Contract #0433; and

WHEREAS, Hubbard Chevrolet is able to provide two (2) 2011 Chevrolet Tahoe vehicles to the City of Canby's Police Department for the total sum of \$70,390.76 including police equipment packages; and

WHEREAS, the City Council meeting and acting as the Contract Review Board for the City of Canby has reviewed this proposed sales price, reviewed the staff report and believes it to be in the best interest of the City to purchase these vehicles from Hubbard Chevrolet; and

WHEREAS, in order to fund the purchase of these vehicles, the City wishes to enter into a lease/purchase agreement with Ford Motor Credit Company under its Municipal Finance Program (Bid # 66643); now therefore

2nd Reading

THE CITY OF CANBY ORDAINS AS FOLLOWS:

Section 1. The Mayor and City Administrator are hereby authorized and directed to make, execute and declare in the name of the City of Canby and on its behalf, an appropriate contract with Hubbard Chevrolet of Hubbard, Oregon for the purchase of two (2) 2011 Chevrolet Tahoe vehicles in the amount of \$58,596.91, together with police equipment packages for the quoted amount of \$11,793.84 for a total of \$70,390.75.

Section 2. The Mayor and City Administrator are hereby authorized and directed to make, execute and declare in the name of the City of Canby and on its behalf, an appropriate Municipal Lease Purchase Contract (Bid #66643) with Ford Motor Credit Company to finance the purchase of the vehicles.

Section 3. In so much as it is in the best interest of the citizens of the City of Canby, Oregon to provide the Police Department with these vehicles without further delay, and to better serve the citizens of Canby, an emergency is hereby declared to exist and this ordinance shall therefore take effect immediately upon its enactment after final reading.

SUBMITTED to the Canby City Council and read the first time at a regular meeting thereof on August 18, 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 September 1, 2010, commencing at the hour of 7:30 P.M. in the City Council Chambers located at 155 NW 2nd Avenue, Canby, Oregon

Kimberly Scheafer, CMC
City Recorder

2nd Reading

PASSED on second and final reading by the Canby City Council at a regular meeting thereof on the 1st day of September, 2010, by the following vote:

YEAS _____

NAYS _____

Melody Thompson, Mayor

ATTEST:

Kimberly Scheafer, CMC
City Recorder

2nd Reading

ORDINANCE NO. 1336

AN ORDINANCE GRANTING A NONEXCLUSIVE FRANCHISE TO CANBY TELEPHONE ASSOCIATION TO PROVIDE TELECOMMUNICATION SERVICES WITHIN THE CITY OF CANBY, ESTABLISHING AN EFFECTIVE DATE; AND DECLARING AN EMERGENCY.

WHEREAS, Canby Telephone Association, an Oregon Cooperative Corporation, hereinafter referred to as "Grantee", currently provides telecommunications services, more specifically, telephone services within the City of Canby (City); and

WHEREAS, the franchise granted to Grantee by previous Ordinances No. 668, No. 845, No. 1040 and No. 1053 expired on June 7, 2010; and

WHEREAS, pursuant to Canby Municipal Code (CMC) Chapter 12.35, which governs the issuance of such franchises and provides general terms and conditions applicable thereto, the City desires to enter into a non-exclusive franchise with Grantee to provide telecommunication services to the citizens of Canby; and

WHEREAS, the City has evaluated the technical, legal and financial capability of the Grantee to continue to provide such service to its citizens, and believes it is in the best interests of the City to promote the offering of competitive telecommunications services, subject to the City's lawful authority to regulate the use of its rights-of-way; and

WHEREAS, the City and Grantee have negotiated an updated nonexclusive Franchise Agreement to provide telecommunication service to customers within the City of Canby, Oregon; and

WHEREAS, the City Council finds based on its assessment of community needs that the proposed nonexclusive Franchise Agreement, attached hereto as Exhibit "A", and by this reference incorporated herein, meets those community needs and that it should therefore grant the updated nonexclusive franchise agreement as requested, consistent with the terms and conditions of Exhibit "A"; now therefore

THE CITY OF CANBY ORDAINS AS FOLLOWS:

Section 1. The City hereby grants to Canby Telephone Association of Canby, Oregon, a nonexclusive franchise on the terms and conditions in the attached Exhibit "A", for a five (5) year term from the effective date of June 7, 2010, to provide

telecommunication services, specifically, telephone services, to its customers in the City of Canby.

Section 2. In order to avoid a break in the continuity of the telephone services currently provided by Canby Telephone Association, and to better promote the safety, health and welfare of the citizens of Canby, an emergency is hereby declared to exist and this ordinance shall retroactively take effect on June 7, 2010 as directed by the Canby City Council.

SUBMITTED to the Canby City Council and read the first time at a regular meeting thereof on Wednesday, September 1, 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, September 15, 2010, commencing at the hour of 7:30 P.M. in the Canby High School Omni Room located at 721 SW 4th 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 September 15, 2010, by the following vote:

YEAS _____

NAYS _____

Melody Thompson, Mayor

ATTEST:

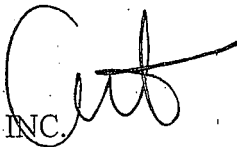
Kimberly Scheafer, CMC
City Recorder

CURRAN-McLEOD, INC.
CONSULTING ENGINEERS

6655 S.W. HAMPTON STREET, SUITE 210
PORTLAND, OREGON 97223

TO: Honorable Mayor and City Council
Attn: Mr. Greg Ellis, City Administrator
City of Canby

FROM: Curt J. McLeod, P.E.
CURRAN-McLEOD, INC.



DATE: August 23, 2010

Issue: ORDINANCE Number 1337 adopting the final assessments for the Walnut Street Local Improvement District (LID).

Synopsis: In accordance with the Municipal Code Chapter 4.04 and ORS 223, this Ordinance assesses the benefitted properties of the Walnut Street LID their apportioned share of the project costs and directs the City Recorder to enter the assessments into the docket of City liens.

Recommendation: That the Mayor and City Council approve Ordinance Number 1337 to adopt the final assessments of the Walnut Street Local Improvement District, and enter these amounts in the docket of City liens.

Rationale: The proposed ordinance is in compliance with the City code and completes the special assessment process to provide infrastructure to the industrial area located along South Walnut Street and SE 4th Avenue.

Background: In 2008 the City, with the support of the stakeholders, approved formation of a local improvement district to develop the infrastructure to serve an area along South Walnut Street and SE 4th Avenue in the Canby Pioneer Industrial Park.

On September 4, 2008, the City Council held a remonstrance hearing and at the following meeting on October 1, 2008 by motion formed the Walnut Street Local Improvement District.

Construction is complete and all costs summarized in the attached Cost summaries, including the total project costs, Immediate Opportunity Grant (IOF) eligibility summary, and gross (without compensation for land) and net assessments (incorporating land costs) to the benefitted properties in the attached information.

Honorable Mayor and City Council
August 23, 2010
Page 2

Options:

The Canby Urban Renewal Agency has to date paid all expenses associated with this project. By adoption of this Ordinance, the City will be collecting payments from all benefitted properties. Within 10 days of the assessment, the property owners may request their assessments be spread over a repayment plan, for which the City could self finance or issue Bancroft Bonds in accordance with ORS 223, for a duration of not less than 10 years nor more than 30 years.

The Municipal Code and state statutes require the Council identify an interest rate to charge per year on unpaid assessments after adoption of the assessment ordinance. We recommend the Council adopt an interest rate equivalent to the cost of financing the work, with an additional one-quarter of one percent to cover the cost of administration and collection of assessments.

No interim financing costs have been included in the total cost summaries to account for the use of City funds. An accounting for this expense can be incorporated if directed by the Council, and the assessments adjusted accordingly.

Enclosures:

Option 2: Walnut Street Final Cost Summary
Option 2: SE 4th Avenue Final Cost Summary
South Walnut Street IOF Grant Eligible Expense Summary
South Walnut Street LID Gross Cost Assessments
South Walnut Street LID Net Cost Assessments

cc: Catherine Comer
Sue Engels
Judi Christiansen
Darvin Tramel
Kim Scheafer
John Kelley, Esq.

Canby Pioneer Industrial Park - S Walnut Street LID
OPTION 2: WALNUT STREET FINAL COST SUMMARY

August 2010

Walnut Street 1,400 LF 32 foot AC, 40' ROW (Excluding SE 4th Ave)

Construction Cost		\$525,756
ODOT IOF Grant Proceeds		-180,896
SDC Funding Estimate		
SS Oversizing 1,124' @ \$25/LF		-28,100
Land Dedication (est 2,628 SF @ \$5)		13,140
LID Report & Remonstrance Hearing		3,200
Engineering Design Phase		46,000
Engineering Construction Management		52,650
LLA, Dedications, Vacations,		24,000
Deed Recording 8@ \$36		288
ROW Vacation Fees		1,200
Canby Utility Electric (92.3% of \$128,737)		<u>118,824</u>
Subtotal Cost		\$576,062
Preliminary Legal/Engr Expenses		24,298
Bond Counsel & Sale (Est 3%)		30,000
Contingencies:		
Lot Line Adjustment Fee	\$520	
DJC Publication (92.3%)	270	
DEQ Storm Fee (92.3%)	137	
BOLI Public Fee (92.3%)	513	
CUB Inspection (92.3%)	3,292	
Three Phase Electric	1,106	
NW Envirosearch	2,204	
Partition Plat Fees	<u>2,100</u>	
Total Contingencies	\$10,142	10,142
Walnut Street Total Project Cost		<u>\$640,502</u>

Canby Pioneer Industrial Park - S Walnut Street LID
OPTION 2: SE 4th AVE FINAL COST SUMMARY

August 2010

SE 4th Avenue, 220 LF 25 foot half Street with 37 ' ROW (Excluding Walnut Street)

Construction Cost	\$44,036	
SDC Funding Estimate (Transportation SDC)		
Right-of-way Dedication 2,731 @ \$5/SF	-13,655	
SDC Funding Estimate (Sanitary SDC)		
12" Sanitary Sewer Oversizing \$25/lf	-5,000	
Land Dedication, 2,731 @ \$5/SF	13,655	
LID Report & Remonstrance Hearing	300	
Engineering Design Phase	4,450	
Engineering Construction Management	5,740	
Dedications, Vacations	2,400	
Canby Utility Electric (7.7% of \$128,737)	9,912	
Contingencies (7.7% of \$4,564)		
DJC Publication	\$292	
DEQ Stormwater	149	
BOLI Public Works	556	
CUB Water Inspection	<u>3,567</u>	
Total Contingencies	\$4,564	<u>351</u>
 SE 4 th Ave Total Project Cost		 <u><u>\$ 62,189</u></u>

City of Canby - Canby Urban Renewal Agency
 South Walnut Street Final Construction Cost Summary
 August 2010

Work Tasks	Original Est	Actual Cost	Eligible Expense
A. Site Prep	\$102,400	\$80,715.76	\$80,715.76
B. Paving & Surfacing (w/CO 2)	\$221,600	\$149,380.93	\$149,380.93
C. Storm Drainage	\$95,000	\$44,336.00	\$44,336.00
D. Sanitary Sewer	\$93,500	\$88,260.90	\$0.00
E. Waterlines (w/CO 1)	\$121,600	\$135,926.57	\$0.00
F. Utilities	\$26,000	\$27,136.56	\$0.00
SUBTOTAL CONSTRUCTION COSTS		\$525,756.72	\$274,432.69
Engineering (15% of eligible)	\$62,850	\$41,164.90	\$41,164.90
LLA, Dedications	\$24,000	\$24,000.00	\$24,000.00
Bond Counsel	\$18,900	\$18,900.00	\$18,900.00
Contingencies:	\$56,083		
Lot Line Adjustment Fee		\$520.00	\$520.00
Partition Plat Fees		\$2,100.00	\$2,100.00
DJC Advertisement (92.3%)		\$270.00	\$270.00
DEQ Stormwater Fee (92.3%)		\$137.00	\$137.00
BOLI Public Works Fee (48.2%)		\$268.00	\$268.00
SUBTOTAL ENGINEERING & SUPPORT		\$87,359.90	\$87,359.90
TOTAL ELIGIBLE PROJECT EXPENSES			\$361,792.59
TOTAL IOF GRANT AMOUNT (50% OF ELIGIBLE EXPENSE)			\$180,896.30

**CANBY PIONEER INDUSTRIAL PARK
SOUTH WALNUT STREET LID PRELIMINARY GROSS COST ASSESSMENTS**

**OPTION 2
GROSS ASSESSMENTS**

Local Improvement District OPTION 2 - Preliminary Project Cost Assessments

TAX LOT	OWNER	MAILING ADDRESS	BENEFITTED AREA WITHIN 500'		BENEFITTED FRONTAGE (LINEAL FEET)		GROSS ASSESSMENT (Without Land Inventory)
Township 3 South, Range 1 East, Section 34 PORTION 1: SOUTH WALNUT STREET			ACRES	AREA COST ALLOCATION	LINEAR FEET	FRONTAGE ALLOCATION	
200	Zoar Lutheran Cemetery		0.57	\$ 5,939	165	\$ 18,300	\$ 24,239
301	Larusso Concrete Co Inc.	15930 SW 74th Ave, Tigard OR 97224	1.42	\$ 14,791	48	\$ 5,324	\$ 20,115
1709	Burden Family Trusts	P.O. Box 729, Canby OR 97013	1.16	\$ 12,041	0	\$ -	\$ 12,041
1710	Burden Family Trusts	P.O. Box 729, Canby OR 97013	1.97	\$ 20,486	385.5	\$ 42,756	\$ 63,241
1805	Dragonberry Real Estate LLC	2865 Rosecliffe Villa #14, Lake Oswego 97034	3.74	\$ 38,821	664	\$ 73,644	\$ 112,465
1900	Hildreth, Stanley and Pamela	267 S Walnut St, Canby OR 97013	1.47	\$ 15,209	118	\$ 13,087	\$ 28,296
2000	Palmer Family Properties	211 S Walnut St., Canby OR 97013	5.54	\$ 57,518	514	\$ 57,007	\$ 114,526
2100	Borg Restated Family Trust	23397 S. Mulino Rd., Canby OR 97013	7.63	\$ 79,238	663	\$ 73,533	\$ 152,771
2101	Dewar, John David and Irene I.	220 S. Walnut St, Canby OR 97013	2.00	\$ 20,782	170	\$ 18,855	\$ 39,636
2300	Sprague, Joint Venture	P.O. Box 848, Canby OR 97013	1.60	\$ 16,618	110	\$ 12,200	\$ 28,818
2400	Parsons Family Trust	23625 S. Mulino Rd, Canby OR 97013	2.89	\$ 30,038	50	\$ 5,545	\$ 35,583
3300	Sprague, Joint Venture	P.O. Box 848, Canby OR 97013	0.85	\$ 8,771	0	\$ -	\$ 8,771
		SUBTOTAL	30.85	\$ 320,251	2888	\$ 320,251	\$ 640,502

**CANBY PIONEER INDUSTRIAL PARK
SOUTH WALNUT STREET LID PRELIMINARY GROSS COST ASSESSMENTS**

**OPTION 2
GROSS ASSESSMENTS**

Local Improvement District OPTION 2 - Preliminary Project Cost Assessments

PORTION 2: 4TH AVE

1709	Burden Family Trust	P.O. Box 729, Canby OR 97013	1.93	\$ 31,095	186	\$ 31,095	\$ 62,189
SUBTOTAL			\$ 1.93	\$ 31,095	\$ 186	\$ 31,095	\$ 62,189
GRAND TOTAL							\$ 702,691

**CANBY PIONEER INDUSTRIAL PARK
SOUTH WALNUT STREET LID PRELIMINARY NET COST ASSESSMENTS**

**OPTION 2
NET ASSESSMENTS**

Local Improvement District OPTION 2 - Adjustment for Land Requirements

TAX LOT	OWNER	dedication	vacation	net land gain / loss	LAND @ \$5/SF	L.I.D. GROSS ASSESSMENT	L.I.D. NET ASSESSMENT
		Square Feet					
Township 3 South, Range 1 East, Section 34							
200	Zoar Lutheran Cemetery	0	0	0	\$ -	\$ 24,239	\$ 24,239
301	Larusso Concrete Co Inc.	0.00	0.00	0.00	\$ -	\$ 20,115	\$ 20,115
1900	Hildreth, Stanley and Pamela	590.00	0.00	-590.00	\$ (2,950)	\$ 28,296	\$ 25,346
2000	Palmer Family Pro LLC	1,902.00	0.00	-1,902.00	\$ (9,510)	\$ 114,526	\$ 105,016
2100	Borg Restated Family Trust	3,317.00	0.00	-3,317.00	\$ (16,585)	\$ 152,771	\$ 136,186
2101	Dewar, John David and Irene I.	3,098.00	0.00	-3,098.00	\$ (15,490)	\$ 39,636	\$ 24,146
1709	Burden Family Trust	2,731.00	5,811.00	3,080.00	\$ 15,400	\$ 74,230	\$ 89,630
1710	Burden Family Trust	7,687.00	4,425.00				
		6,657.00	286.00				
		2,841.00	0.00				
		10.00	0.00				
	Total	17,195.00	4,711.00	-12,484.00	\$ (62,420)	\$ 63,241	\$ 821
2300	Sprague, Joint Venture	0.00	1,925.00				
			10.00				
		0.00	2,231.00				
	Total	0.00	4,166.00	4,166.00	\$ 20,830	\$ 28,818	\$ 49,648
3300	Sprague, Joint Venture	2,264.00	1,165.00	-1,099.00	\$ (5,495)	\$ 8,771	\$ 3,276

**CANBY PIONEER INDUSTRIAL PARK
SOUTH WALNUT STREET LID PRELIMINARY NET COST ASSESSMENTS**

**OPTION 2
NET ASSESSMENTS**

Local Improvement District OPTION 2 - Adjustment for Land Requirements

1805	Dragonberry Real	10,254.00	1,407.00				
	Estate, LLC	286.00	6,657.00				
		1,943.00	*				
		2,271.00	0.00				
	Total	14,754.00	8,064.00	-6,690.00	\$ (33,450)	\$ 112,465	\$ 79,015
2400	Parsons Family Trust	0.00	9,527.00				
		0.00	2,264.00				
		0.00	2,841.00				
		0.00	1,943.00				
	Total	0.00	16,575.00	16,575.00	\$ 82,875	\$ 35,583	\$ 118,458
	TOTAL	45,851.00	40,492.00	-5,359.00	\$ (26,795)	\$ 702,691	\$ 675,896
* recent 11 foot dedication vacated without cost to be consistant with adjoining properties							

Ordinance 1337

AN ORDINANCE ASSESSING BENEFITED PROPERTY FOR THE COST OF CONSTRUCTION FOR THE WALNUT STREET LOCAL IMPROVEMENT DISTRICT, AND AUTHORIZING THE CITY RECORDER TO ENTER THE ASSESSMENTS INTO THE DOCKET OF CITY LIENS, AND DECLARING AN EMERGENCY.

WHEREAS, based upon duly noticed public meeting and hearing the City of Canby has heretofore taken the following action:

1. In May of 2008, the City of Canby acting through the Canby Urban Renewal Agency authorized a Preliminary Engineering Study, which is incorporated by reference, to determine the feasibility of the formation of a local improvement district for improvements to South Walnut Street and SE 4th Avenue, which was published on May 28, 2008;
2. On July 16, 2008, the Canby Urban Renewal Agency, acting on behalf of the City of Canby, authorized the preparation of an Engineering Report as required by the Canby Municipal Code for the formation of the Walnut Street Local Improvement District. Said report was published on September 4, 2008 and is incorporated by reference;
3. On September 4, 2008, the Canby City Council held a public hearing for the purpose of receiving any remonstrance against proceeding with the project, and subsequently approved formation of the Walnut Street Local Improvement District at the regular meeting of October 1, 2008;
4. On October 15, 2008, the Canby Urban Renewal Agency, acting on behalf of the City of Canby, approved Resolution URR 08-008 authorizing Curran-McLeod, Inc, the City Engineer of Record, to complete the design and construct administration for the project;
5. In accordance with public bid statutes, On October 23, 2009, the Canby Urban Renewal Agency published a Notice to Contractors in the Daily Journal of Commerce, and on November 10th, 2009 received 19 bids for construction;
6. On November 18, 2009 the City Council approved Ordinance 1322 authorizing the Canby Urban Renewal Agency to enter into a construction contract with the low responsive and responsible bidder to complete the construction of South Walnut Street and SE 4th Avenue;
7. On November 18, 2009 the Canby Urban Renewal Agency, acting on behalf of the City of Canby and as authorized by City Ordinance 1322, approved Resolution URR 09-007 authorizing the Agency to enter into a construction contract with Ground Hawg Environmental, Inc. in the amount of \$555,882.01 for the improvements to South Walnut Street and SE 4th Avenue;

8. In July of 2010, all construction on the project was completed, final payment was approved by the Agency and the one year warranty period begun;

WHEREAS the net final cost of the project is \$675,896 which is to be allocated over the benefitted properties, 50% based on front footage and 50% based on benefitted area as approved in the LID Engineering Report; and

WHEREAS, each parcel of land within the LID receives special and peculiar benefits from the project, with associated cost shown on the attached exhibits identifying gross assessments and Net assessments to each benefitted property; and

WHEREAS, the Canby Urban Renewal Agency acting on behalf of the City of Canby has previously committed to be responsible for payment of the LID assessment allocated to the Zoar Lutheran Cemetery, thereby excluding the Zoar Lutheran Cemetery from any assessment of cost or lien against their property, and

WHEREAS, the City of Canby has considered the proposed assessments to the benefitted property, now therefore

THE CITY OF CANBY ORDAINS AS FOLLOWS:

Section 1.

1. The findings as recited above are adopted, approved and incorporated by reference as if fully set forth herein.
2. The final assessment roll referenced above for each of the benefitted properties, excepting the Zoar Lutheran Cemetery, is thereby adopted, approved and incorporated by reference as if fully set forth herein.
3. The City Recorder shall enter the assessments in the Docket of City Liens.
4. The City Recorder shall mail final assessments notices to all owners or benefitted property as described in the recital above.
5. The final assessments set forth above are for a capital construction local improvement, instituted and incurred at the request and for the benefit of all property owners and are not subject to property tax limitation established by Article XI, Section 11b of the Oregon Constitution.
6. Installment payments shall be calculated based on Canby Municipal Code Section 4.04.110, and state statutes contained in ORS 223, at an interest rate established by the Canby City Council at 6.5% from the date on which the assessment was entered in the lien docket.

Section 2. Emergency Declared

It being necessary for the health, safety and general welfare of the citizens of Canby that this LID be completed as soon as possible, an emergency is hereby declared to exist and this ordinance shall take effect immediately upon its enactment after the final reading.

SUBMITTED to Canby City Council and read the first time at a meeting therefore on September 1, 2010 after the hour of 7:30 PM at the City Council Chambers located at 155 NW 2nd Avenue, Canby Oregon

ENACTED on the second and final reading by the Canby City Council at a meeting thereof on September 15, 2010 by the following vote:

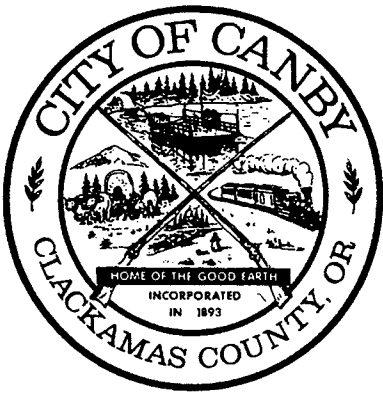
YEAS _____

NAYS _____

Melody Thompson, Mayor

ATTEST:

Kimberly Scheafer, CMC
City Recorder



City of Canby

Office of the City Attorney

April 15, 2010

Memo to: Mayor/City Council

From: John H. Kelley, City Attorney

Re: Memorandum of Understanding II

In February of 2007, the City entered into its second MOU with the Canby Livability Coalition (CLC) to develop what's been referred to as the Canby Art Park located at the southwest corner of NE Territorial Road and N. Holly Street. A copy of the MOU II is included for referral. The proposed design for the Art Park is also contained in a conceptual drawing included with this memo.

The members of the CLC has been working diligently for several months trying to raise funds for the beginning of the first phase of construction of the Park which includes the irrigation, walking paths and some landscaping. Eventually, various artworks are intended to be displayed within the Park.

The MOU II imposed deadlines for progress. The next deadline is September 30th of this year. Due to the lack of contributions, the CLC will not make this deadline and is asking the Council to extend the deadlines into the future.

A letter from the CLC is also included making this request. If it is the Council's desire to grant them the extensions, I will prepare MOU III for you to execute later in the month.

If you have any questions, or need more background, please call me.



The Canby Livability Coalition

Dedicated to maintaining the quality of life in the community of Canby by empowering citizens through educational opportunities and by providing resources to preserve livability for future generations

Canby City Council
Canby, OR

August 20, 2010

Dear City Council Members:

The Canby Livability Coalition has as one of its major projects the development of the city owned parkland located on the Southwest corner of N Holly St. and NW Territorial Rd. Canby Livability entered into a Memorandum of Understanding (MOU) agreement with the City of Canby in which the city would purchase the land and Canby Livability would donate \$35,000 (half of the purchase price of the lot) to the city. Canby Livability donated the \$35,000 in November of 2006. The MOU went on to specify that Canby Livability would raise additional funds and continue to develop the park. According to the current MOU, the development of the park was to be completed by September of this year. Because of the recessionary economic conditions over the past few years, Canby Livability has not been able to raise sufficient funds to complete the park in the timeframe that we had originally planned. Canby Livability is now asking the Canby City Council to approve a modification of the MOU to provide an additional two (2) years (to September 2012) to complete the project.

The included Sponsorship packet is a marketing tool that Canby Livability has created to help in our fundraising for this project. The park plan included in the packet has been reviewed and approved by the Canby Park and Recreation Advisory Board. This plan is the current working plan that will be used to develop the park into what is currently being called the Canby Green Space and Art Park. Also included are the projected costs of the proposed art projects and other items required to develop the park per the plan. As you can see, the full development plan is in place and we are only waiting on funding to move forward with the project.

Canby Livability has met with Greg Ellis and he has provided suggestions for possible grants that we should be able to obtain to fund a major part of the cost of the development. These grants, along with our other fund raising efforts (e.g. pathway brick sales), should provide the funds to complete the project in the requested time.

Members of the Canby Livability Board of Directors will attend the City Council meeting where this request for a two-year extension of the MOU is considered and will be available to answer any questions that you may have at that time.

Thanks,

Bob Tice
President
Canby Livability Coalition

MEMORANDUM OF UNDERSTANDING II

WHEREAS, the City of Canby, a Municipal Corporation, hereinafter referred to as "City" and the Canby Livability Coalition, a non-profit corporation, hereinafter referred to as "CLC" wish to enter into a second agreement which shall be referred to Memorandum of Understanding II between the parties, and

WHEREAS, Holly Corners, LLC subdivided and developed a single family housing project known as Territorial Estates located at the corner of N. Holly Street and Territorial Road in Canby, Oregon during the spring of 2002. Local neighbors wished to preserve one lot of the subdivision for park and open space purposes and formed a non-profit corporation known as "CLC" to support the City and help raise funds for the purchase and development of this park and open space, and

WHEREAS, CLC offered to pay up to thirty-five thousand dollars (\$35,000.00) of the total purchase price of the lot, if the City would purchase and preserve one lot in the subdivision for park and open space purposes, and

WHEREAS, the City, by Ordinance No. 1101, authorized the purchase of Lot 30 of Territorial Estates Subdivision for the total sum of Sixty Seven Thousand Dollars (\$67,000.00) and the City did purchase said lot on or about August 7, 2002, and

WHEREAS, in June of 2004, the City and CLC entered in a written agreement entitled Memorandum of Understanding setting forth the terms of the relationship between the parties, and

WHEREAS, on November 1, 2006, CLC paid the sum of \$35,000.00 to the City of Canby pursuant to the Memorandum of Understanding and the City and the CLC wish to enter into a new written agreement, entitled Memorandum of Understanding II, to set forth conditions regarding the development of the site as a park and open space, **now therefore, the parties to this Memorandum of Understanding agree as follows:**

1. The CLC will form a steering committee to oversee the development of the open space to be known as the "Canby Green Space and Art Park". That committee will be made up of members of the Canby community and local organizations and will work in conjunction with the Clackamas County Arts Action Alliance to develop a master park design for the Canby Green Space and Art Park.

2. The completed master park design shall be presented to the Canby Parks and Recreation Advisory Board for approval and once that approval is obtained, the CLC shall seek to fund the development of the Park.

3. The CLC may develop the Canby Green Space and Art Park in phases under the following conditions:

a. Phase I shall be commenced no later than March 30, 2008 and shall be completed no later than September 30, 2008. It shall consist of at least ground preparation and the installation of walkways. The plan for Phase I shall take into account that irrigation will be necessary in the second phase, and shall plan installation of the irrigation system accordingly.

b. Phase II shall be completed no later than September 30, 2010. It shall consist of an irrigation system, art pieces, structures and plantings.

c. The entire park shall be completed no later than September 30, 2012.

d. The CLC shall be responsible for regular maintenance and clean up of the area beginning upon the date of this agreement.

4. The City recognizes the need for flexibility in the development process and will not unreasonably withhold approval of changes in the development blueprint as presented by the CLC and approved by the Parks Board. For instance, if funding becomes available for art pieces during the first two years, they may be installed in Phase I. Questions regarding flexibility issues shall be resolved by the Parks Board.

5. Pursuant to Memorandum of Understanding I, the City will fund the first \$3000.00 of the budget for Phase I of the development of the Canby Green Space and Art Park. The total cost of each phase of development shall be raised in full in advance of any construction on the site.

6. In the event the CLC fails to complete Phases I and II as set forth above, the City Council may review the project to determine if it is still viable to continue. If the Council determines the project is no longer viable, or if the CLC indicates it does not wish to continue with the development process, the Council may, in its discretion, cancel the project and either complete it, itself or sell the property. The City will not refund any of the \$35,000.00 donated by the CLC, but said funds may only be used for acquisition and development of other park and open space in the Parks Master Plan.

Dated this ____ day of February, 2007.

IT IS SO UNDERSTOOD AND AGREED:

On behalf of the CLC

On behalf of the City of Canby

On behalf of the CLC



Canby Greenspace and Art Park

Green Bridge Studio





The Canby Livability Coalition

Dedicated to maintaining the quality of life in the community of Canby by empowering citizens through educational opportunities and by providing resources to preserve livability for future generations

This sponsorship packet is an invitation for you to become involved in the Canby Greenspace and Art Park project. The Canby Livability Coalition is a 501 (c) (3) non-profit organization and is in the process of constructing this distinctive addition to our town.

The Art Park, located at the corner of North Holly & Territorial Road, will feature native plants, sculptures of indigenous animals, historical markers and other signage. The 9,300 square foot lot marks one of the gateways into Canby and contains a "Welcome to Canby" sign. Positioning the park by this sign reinforces the message that Canby is "The Garden Spot" and values livability. The completed project will be an exciting, interactive art experience that celebrates Canby's agricultural, historical, and river-based heritage through elements of public art. It will attract residents and visitors and also communicate who we are as a community, leaving a legacy for future generations.

The Art Park is a grass roots, community based project endorsed by a variety of organizations including Clackamas County Cultural Coalition, Clackamas County Arts Alliance, Canby Arts Association, Greater Canby Area Chamber of Commerce, City of Canby, and the Riverview and Northeast Neighborhood Associations. It is also supported by a variety of businesses and individuals focused on preserving livability in Canby. A complete list of our Community Partners appears on our website at www.CanbyArtPark.org.

We have been selling engravable bricks and pavers for 2 years and will soon be breaking ground for pathways and irrigation. We are now at the point where we can offer sponsorships for artworks, plants, benches and special features within the Art Park. We are asking if you, your business, or your organization would help by sponsoring one or more of these items for the Art Park. If you wish, your sponsorship can be a memorial. Sponsorships will be recognized, if desired, with permanent on-site signage listing the donor's name, through press releases, on www.CanbyArtPark.org and www.CanbyLivability.org, and announced at the ribbon cutting ceremony.

Please take a few moments to review the sponsorship materials. If you have any questions about the Canby Art Park or its sponsoring organization, please contact Canby Livability at info@CanbyLivability.org.

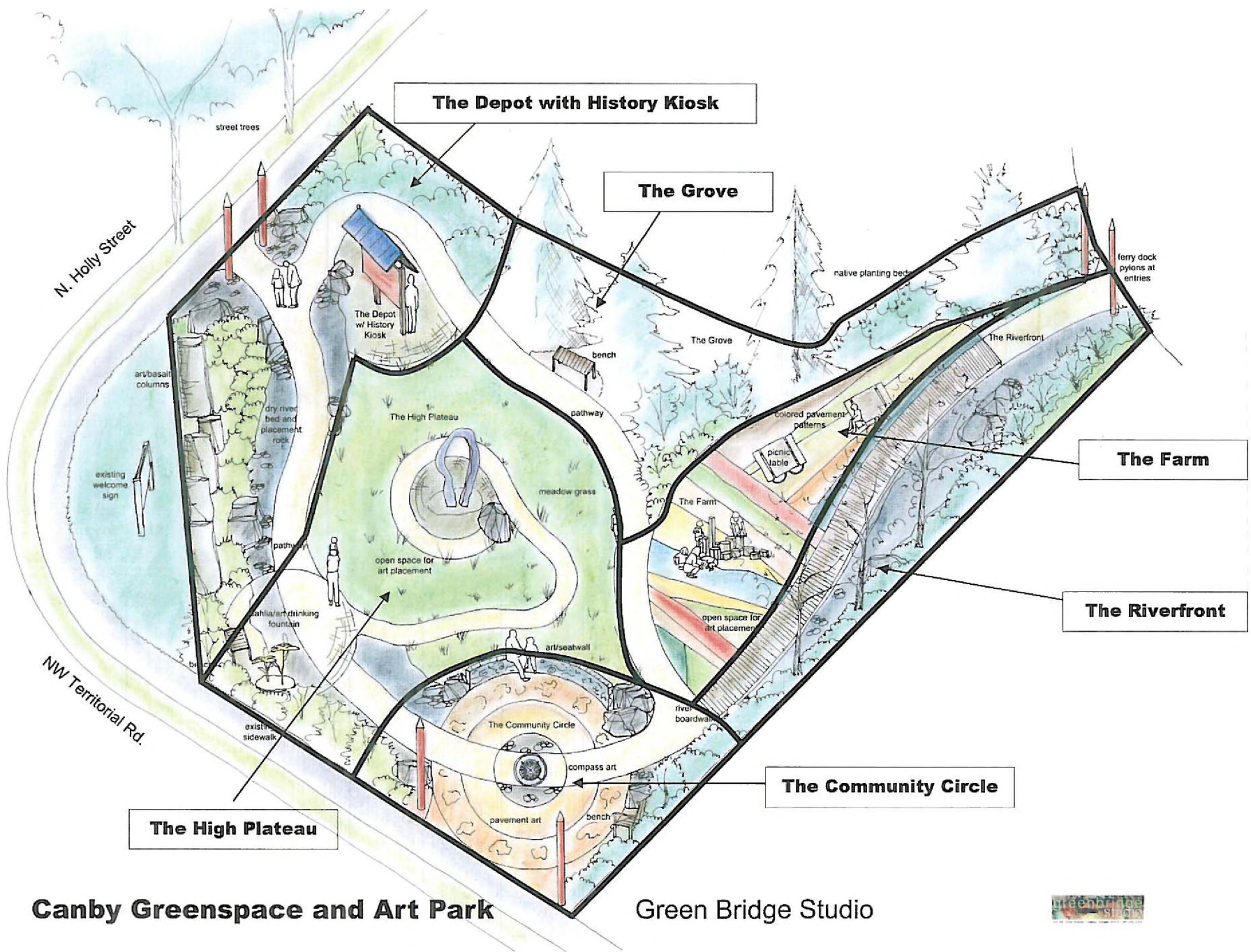
Sincerely,

Canby Livability Coalition (CLC) Board and Advisors

Bob Tice, President
Tim Stuart, Board Chairman
Sheila Tice, Secretary
Jerry Smith, Treasurer
Dr. David Peters, Advisor
Michelle Webber, Advisor
JillMarie Wiles, Advisor
Patt Davis, Advisor

Canby Greenspace & Art Park Steering Committee (CGAPCS)

Bob Tice, Canby Livability Coalition
JillMarie Wiles, Canby Park & Rec. Representative
Laura Sattler, Canby Art Association Representative
Nora Clark, Canby Historical Society Representative
Carole Penner, Education Representative
Michelle Webber, Neighborhood Representative
Stefani Carlson, Citizen Participant





The Canby Livability Coalition

Dedicated to maintaining the quality of life in the community of Canby by empowering citizens through educational opportunities and by providing resources to preserve livability for future generations

Canby Art Park Sponsorship Levels

The 9,300 square foot lot located at the corner of Territorial Road and Holly Street is being preserved as a community Greenspace that celebrates our agricultural, historical, and river-based heritage, as well as our cultural diversity through elements of public art. All creative representation within the park will be in the form of native plants, indigenous animals and authenticated historical features. A dahlia might be planted in the space or it could be depicted through art. Indigenous animals could be those that historically were a part of our local heritage, such as deer or bear, or those that currently live in the area like beavers and squirrels. Historical features may include elements such as the Canby Ferry or early settlers.

The following sponsorship levels correspond to the 6 sections of the Art park conceptual drawing. To become an Art Park sponsor at any level, please contact us at Info@CanbyLivability.org or see www.CanbyArtPark.org. (Items in red have already secured sponsorship.)

The High Plateau Section (\$30,400 Total Sponsorship)

This section includes plateau mound and the bench and fountain on Territorial Road.

- o \$15,000 High Plateau Circular Walkway for Memorial or Naming Opportunity
- o \$ 5,000 Feature Sculpture on High Plateau
- o \$ 2,500 Bench on High Plateau
- o \$ 2,000 Ornamental Grass Covering for Plateau
- o \$ 1,700 Bench at Street Level
- o \$ 1,500 Floral Themed Drinking Fountain
- o \$ 1,100 Artwork
- o \$ 600 Artwork
- o \$ 500 Informational/Directional Signage for Section
- o \$ 250 each (2) Shrub & Floral Sections (\$500 for total sponsorship)

The Depot with History Kiosk Section (\$26,400 Total Sponsorship)

This section includes the vegetation corner coming off the kiosk, rounds the entrance and includes the basalt columns behind the "Welcome to Canby" sign. This section borders The High Plateau and ends at the bench on Territorial.

- o \$6,500 Historical Depot Information Kiosk
- o \$3,000 each (5) Basalt Columns at Entrance (\$15,000 for total sponsorship)
- o \$1,500 Artwork of Historical Significance
- o \$ 600 Artwork of Historical Significance
- o \$ 500 Informational/Directional Signage for Section
- o \$ 300 (1) Tree
- o \$ 250 each (8) Shrub & Floral Sections (\$2,000 for total sponsorship)

The Community Circle Section (\$25,200 Total Sponsorship)

This section is from edge of drinking fountain, rounding Community Wall to the beginning of river boardwalk.

- o \$11,000 Artistic Community Seatwall at Entrance
- o \$ 4,000 Community Circle Pavement Art
- o \$ 2,500 Community Themed Sculpture
- o \$ 2,500 Brick In-ground Compass Art
- o \$ 1,100 each (2) Artwork Indigenous Plant or Animal
- o \$ 500 each (3) Artwork Indigenous Plant or Animal
- o \$ 500 Informational/Directional Signage for Section
- o \$ 250 each (4) Shrub & Floral Sections (\$1,000 for Total Sponsorship)

The Riverfront Section (\$23,500 Total Sponsorship)

This section is the Trex decking and the section of vegetation with the 3 trees up to the entrance leading into the neighborhood.

- \$1,000 each (9) River Boardwalk Sections with (1) Plank Inscribed with Donor Name
- \$1,500 each (2) Artwork Depicting River Life
- \$ 600 each (5) Artwork of Indigenous Animal or Fish or Bird
- \$ 500 each (10) Inscribed Plank with River Based Quote or Fact
- \$ 500 each (2) Informational/Directional Signage for Section
- \$ 250 each (4) Tree (\$1,000 for total sponsorship)
- \$ 250 each (6) Shrub & Floral Sections (\$1,500 for total sponsorship)

The Farm Section (\$20,500 Total Sponsorship)

This is the colored concrete area across from the Trex decking that is The Riverfront section.

- \$3,500 Art Structure for Children and signage
- \$2,000 each (2) Picnic Tables
- \$1,700 Artwork of Agriculture or Horticulture Significance
- \$ 600 each (3) Artwork of Agriculture or Horticulture Significance
- \$ 500 each (16) Crop Sections (Live Plants in Raised Beds or Stamped Concrete)
- \$ 500 Informational/Directional Signage for Section
- \$ 250 each (4) Shrub & Floral Sections (\$1,000 for total sponsorship)

The Grove Section (\$7,700 Total Sponsorship)

This is the section coming off The Farm and The High Plateau area. This area also has vegetation on the border of The Farm and includes the single bench. The History/Depot area also borders this section facing Holly Street.

- **\$1,300 Bench (This bench has been sponsored by Helping Hands)**
- \$1,100 each (2) Artwork of Indigenous Animal
- \$ 600 each (2) Artwork of Filberts/Hazelnuts/Nursery Industry
- \$ 500 Informational/Directional Signage for Section
- \$ 250 each (6) Tree (\$1,500 for total sponsorship)
- \$ 250 each (4) Shrub & Floral Sections (\$1,000 for total sponsorship)

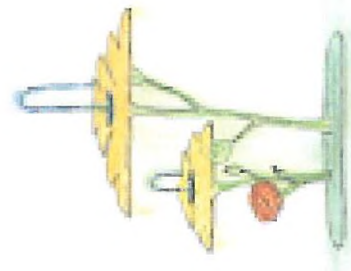
Individual Art Park Brick Sponsorships:

Bricks forms can be printed from the website www.CanbyArtPark.org.

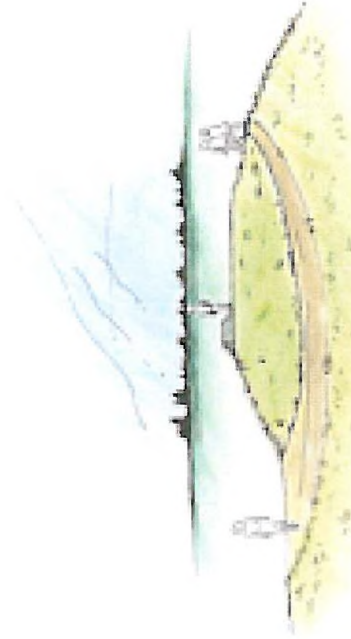
- \$1,500 each (3) Entrance pavers located at each park entry point
- \$ 250 each 12" X 12" Tiles
- \$ 50 each 4" X 8" Bricks



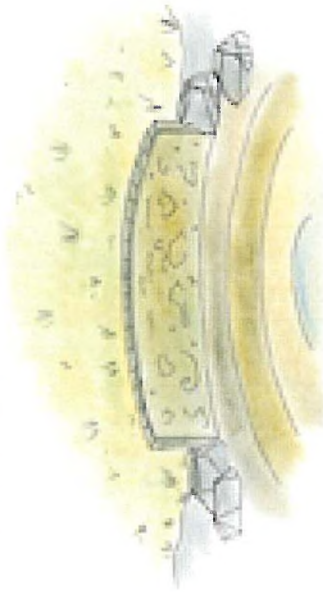
The Riverfront: Animal Tracks in Placement Rock and Dry River Bed



The Community Circle: Dahlia Art Drinking Fountain



The High Plateau: Sunset Viewing Mound and Open Space for Art Placement



The Community Circle: Art/Seawall



The Depot: History Kiosk



The Riverfront: Boardwalk with Art Placement



Art Basalt Columns





Example of bench and/or fencing artwork



Example of Kid-Safe Art



Example of Centerpiece Artwork reflecting a history theme



Example of bench



Example of Entrance Gateway



Example of Wind-driven art



Example of colored concrete walkway



Example of Art Park with brick pathways



Example of Entrance Gateway



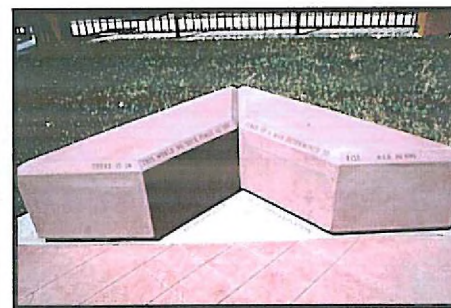
Example of bench art



Example of pathway art with inscriptions



Example of stamped concrete art



Example of colored concrete walkways & benches



Canby Greenspace and Art Park

Green Bridge Studio







Memories Marked in Time

purchase a paver or tile & support the

Canby Greenspace & Art Park

The Canby Green Space and Art Park (located at N Holly St. and NW Territorial Rd.) will feature native plants, sculptures of indigenous animals, and historical markers. It will be an exciting, interactive art experience that celebrates Canby's unique heritage.

All proceeds benefit the Canby Greenspace & Art Park

Project sponsored by Canby Livability Coalition

- ☐ **YES!** I would like to purchase a Brick (\$50)
- ☐ **YES!** I would like to purchase an Anchor Tile (\$250)
- ☐ **YES!** I would like to purchase an Entry Paver (\$1500)



Please Print.

Name: _____

Address: _____

City: _____ **State:** _____ **Zip:** _____ **Phone:** () _____

Email: _____

☐ Please add my name to the Canby Livability Coalition email list.

☐ I'm interested in other art park sponsorship opportunities, please call me.

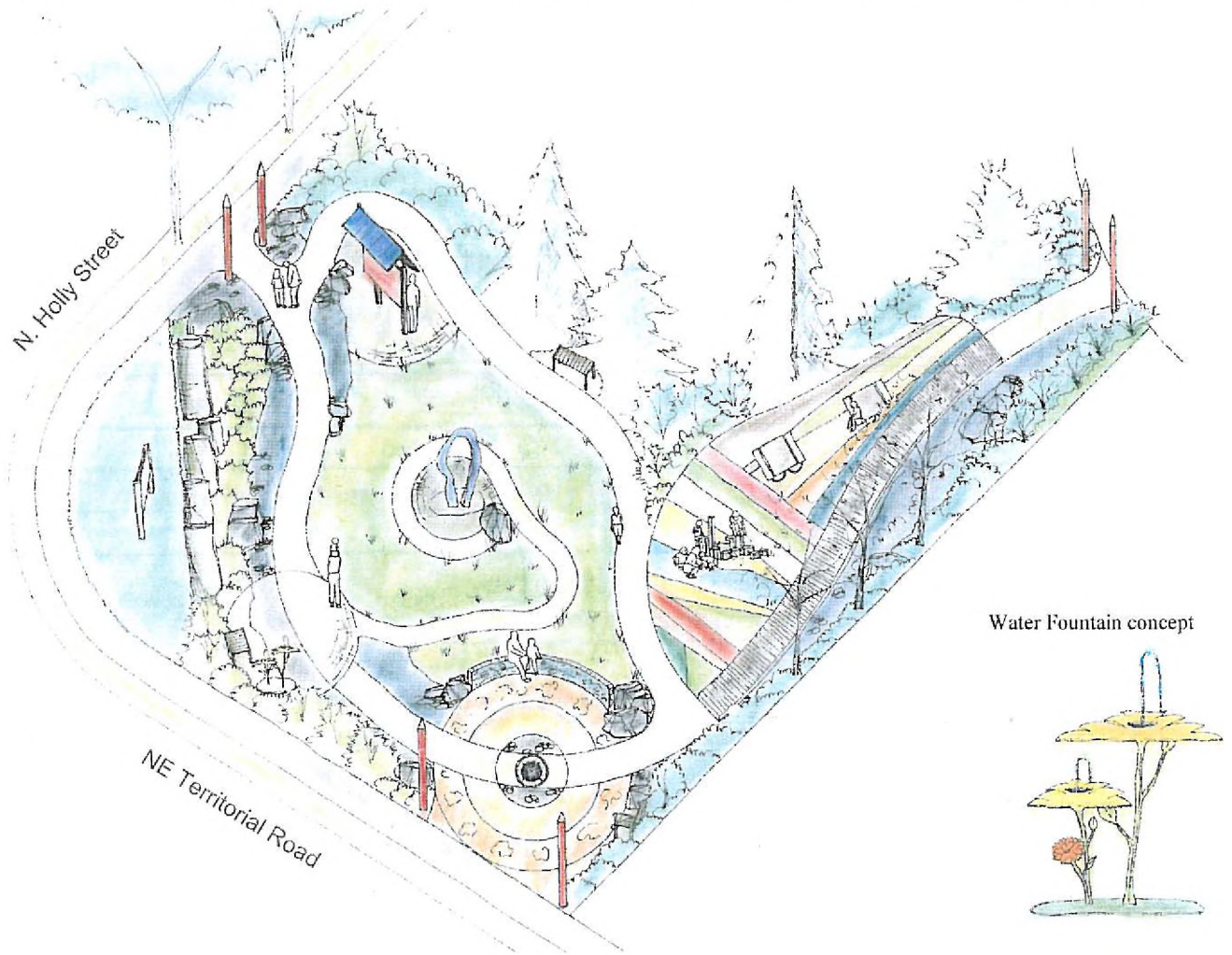
Directions for brick/paver inscriptions:

- **Please Print.** If ordering multiple bricks or pavers, please use separate forms for each one.
- Leave spaces between words; do not hyphenate or continue words over two lines.
- If your design includes a logo or drawing, please email a digital file (.jpg, .pdf, or .gif) to info@canbylivability.org.
- **Bricks are 4" x 8"**. Directions for inscription: up to 3 lines of 14 characters or 2 lines of 20 characters.
- **Anchor Tiles are 12" x 12"**. Large enough for a brief quote, graphics such as a logo, outline of a child's hand, or simple drawing.
- **Entry Pavers (est.) 24" X 36"**.

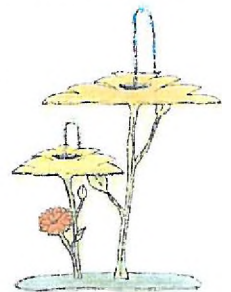
The park will consist of the following areas: The Depot (history); Riverwalk; High Plateau; Community Center; The Grove; The Farm (agriculture).

This project is supported in part by a grant from the Clackamas County Cultural Coalition and the Oregon Cultural Trust.

Architectural landscape design by Elizabeth Thorstenson of Green Bridge Studio, Canby, Oregon.



Water Fountain concept



High Plateau concept



Riverwalk Artwork concept



The Depot (history of Canby) concept



Basalt Columns concept



Seatwall in Community Center concept

Management Team Meeting Minutes

August 16, 2010

2:00 PM

City Hall Conference Room

In attendance: Greg Ellis, John Kelley, Julie Wehling, Bryan Brown, Bret Smith, Amanda Klock, Eric Laitinen, Sue Engels, Penny Hummel, Darvin Tramel, Catherine Comer, Suzan Duffy, and Kim Scheafer.

Sue Engels

- Reviewed new purchasing procedures
- Working with a bank that will issue credit cards to authorized staff

Amanda Klock

- New Horizons vouchers will expire in November

Greg Ellis

- Departmental Directors will have \$5,000 in purchasing authority
- Purchases over \$5,000 will require his approval
- Wants to see invoices on contracts where reimbursement is over \$5,000

Julie Wehling

- SMART bus is not running shuttle during fair week

Penny Hummel

- Library will be open seven days a week starting August 29

Minutes taken by Kim Scheafer

Management Team Meeting Minutes

August 23, 2010

2:00 PM

City Hall Conference Room

In attendance: Greg Ellis, Julie Wehling, Bryan Brown, Bret Smith, Amanda Klock, Eric Laitinen, Sue Engels, Penny Hummel, Darvin Tramel, and Kim Scheafer.

Kim Scheafer

- Reviewed Agenda for September 1 CC meeting
- Five candidates applied to run for three council openings and two for mayor

Bret Smith

- No problems reported at fair
- FBI arrested one vendor for selling knock off products
- Job offer made to police officer candidate
- Hoping to have new officer start academy end of September
- Nate Wallbaum will be serving as SRO in both middle schools this year

Bryan Brown

- Will be working on city application for vacation on a portion of Walnut Street
- Received inquiry from CUB regarding their water conservation plan

Amanda Klock

- Handed out flier on child labor laws
- There are still some New Horizon vouchers available

Julie Wehling

- Received an inquiry from Canby Herald regarding funding
- Spoke with person who is interested in putting in benches with advertisements on them

Darvin Tramel

- Sidewalks on Knights Bridge Road are done
- Street maintenance paving is going well
- Completed City of Canby Total Maximum Daily Loan Implementation Manual

Eric Laitinen

- Pool closing Sunday for three weeks of maintenance

Sue Engels

- Working on issuing credit cards and new purchasing form

Penny Hummel

- URA approved preliminary architectural reports for the proposed new police, library and transit facilities
- Library will be open seven days a week starting Sunday

Minutes taken by Kim Scheafer