



AGENDA

CANBY CITY COUNCIL MEETING

July 18, 2018

7:00 PM

Council Chambers

222 NE 2nd Avenue, 1st Floor

Mayor Brian Hodson

Council President Tim Dale

Councilor Tracie Heidt

Councilor Traci Hensley

Councilor Greg Parker

Councilor Tyler Smith

Councilor Sarah Spoon

CITY COUNCIL WORK SESSION - 6:00 PM

Willow Creek Conference Room

222 NE 2nd Avenue, 1st Floor

The City Council will be meeting in a Work Session to discuss marketing the old library building.

CITY COUNCIL MEETING – 7:00 PM

1. CALL TO ORDER

- A. Invocation
- B. Pledge of Allegiance

2. COMMUNICATIONS

3. CITIZEN INPUT & COMMUNITY ANNOUNCEMENTS

(This is an opportunity for audience members to address the City Council on items not on the agenda. Each person will be given 3 minutes to speak. You 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. For Agenda items, please fill out a testimony/comment card and give to the City Recorder noting which item you wish to speak on.)

4. MAYOR'S BUSINESS

5. COUNCILOR COMMENTS & LIAISON REPORTS

6. 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 June 20, 2018 City Council Regular Meeting
- B. Appointment to City Budget Committee

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7. RESOLUTIONS & ORDINANCES

- A. Res. 1294, Designating the SE 13th Avenue Sanitary Sewer Improvement Project as an Advance Financed Public Improvement, and Providing for Advance Financed Reimbursement from Benefiting Property Owners Pg. 2
- B. Res. 1295, Codifying and Compiling Certain Existing General Ordinances for the City of Canby (S-11) Pg. 8
- C. Ord. 1485, Amending Canby Municipal Code Chapter 10.04.100 Regarding Storage or Abandoning of Vehicles on Streets (**2nd Reading**) Pg. 89
- D. Ord. 1488, Amending Ordinance 1427 Regarding Marijuana Definitions Pg. 91
- E. Ord. 1490, Adopting a Franchise Agreement with MCImetro Access Transmission Services Corp. dba Verizon Access Transmission Services, a Nonexclusive Franchise to Construct, Operate, and Maintain a Telecommunications Network and Provide Telecommunications Services Within the City of Canby Oregon Pg. 93

8. NEW BUSINESS

9. CITY ADMINISTRATOR'S BUSINESS & STAFF REPORTS

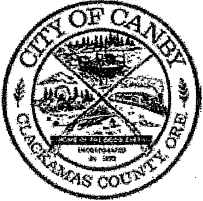
10. CITIZEN INPUT

11. ACTION REVIEW

12. EXECUTIVE SESSION: ORS 192.660(2)(h) Litigation

13. 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 503.266.0733. A copy of this Agenda can be found on the City's web page at www.canbyoregon.gov. City Council and Planning Commission Meetings are broadcast live and can be viewed on CTV Channel 5. For a schedule of the playback times, please call 503.263.6287.



**CITY OF CANBY
COMMITTEE, BOARD, &
COUNCIL APPOINTMENT APPLICATION**

Date: May 18-2018 Position Applying For: Budget Committee

Name: Sally Douglas Occupation: Retired

Home Address: _____

Employer: _____ Position: _____

Daytime Phone: _____ Evening Phone: same

E-Mail Address: msdoug@canbyoregon.gov

What are your community interests (committees, organizations, special activities)? _____

Keeping Canby safe & clean Volunteer
CAC on Wed's for Kitchen MOW driver 4 yrs

What are your major interests or concerns in the City's programs? Building

permits & traffic signals

Reason for your interest in this position: Seems like a good

fit for me

Experience and educational background: GED 2 yrs college (animal

husbandry) Pet Shop owner 4 years

List any other City or County positions on which you serve or have served: None

Referred by (if applicable): Tracy Hendley

Please return to:

City of Canby - Attn: City Recorder
PO Box 930, 222 NE 2nd Avenue, Canby, OR 97013
Phone: 503.266.0733 Fax: 503.266.7961 Email: scheaferk@canbyoregon.gov

Note: Information on this form may be available to anyone upon a Public Records Request and may be viewable on the City's web page. 5/2017


Date Received: 5-16-2018 Date Appointed: _____ Term Expires: _____

Date Resigned: _____ Destruction Date: _____

CURRAN-McLEOD, INC.
CONSULTING ENGINEERS

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

TO: Honorable Mayor and City Council
Attn: Rick Robinson, City Administrator
City of Canby

FROM: Hassan Ibrahim, P.E. 
CURRAN-McLEOD, INC.

DATE: June 20, 2018

ISSUE: SE 13th Avenue Sanitary Sewer Improvements
Advance Financing District Final Cost Assessments
Resolution Number 1294

SYNOPSIS: The SE 13th Avenue sanitary sewer improvements were completed as a component of the Mulino Pump Station project, and the costs are to be reimbursed to the City through an Advance Financing District. The Advance Financing District was formed in accordance with Municipal Code Chapter 4.12 and approved in Resolution 1257. This staff report is requesting the Council approve the final AFD cost allocations.

RECOMMEND: That the Mayor and City Council approve Resolution 1294 adopting the final AFD cost allocations for the SE 13th Avenue sanitary sewer improvements.

RATIONALE: An Advance Financing District is an equitable method of collecting revenues to reimburse the City for costs associated with basic infrastructure construction to serve future users. The cost allocations are due and payable only 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.

BACKGROUND: In January, 2017, the Canby City Council conducted a public hearing and approved Resolution 1251, approving formation of the Advance Financing District, the preliminary cost allocations and the boundary of the benefited area. Construction of the 8" collection line was a component of the larger Mulino Pump Station project, and was completed in May 2018.

FISCAL IMPACT: The total costs of the advance financed public improvements were \$193,795. The project was funded with revenues from the Sewer System Capital Reserves and as AFD reimbursement funds are collected, the revenues, plus interest, should be returned to the capital reserves.

RESOLUTION NO. 1294

**A RESOLUTION DESIGNATING THE SE 13TH AVENUE SANITARY SEWER
IMPROVEMENT PROJECT AS AN ADVANCE FINANCED PUBLIC
IMPROVEMENT, AND PROVIDING FOR ADVANCE FINANCED
REIMBURSEMENT FROM BENEFITING PROPERTY OWNERS**

WHEREAS, the Canby City Council adopted Resolution 1251 on November 16, 2016, designating the City of Canby as developer of the sanitary sewer system on SE 13th Avenue and directing the City Administrator to prepare an Advance Financing Application; and

WHEREAS, the Canby City Council adopted Resolution 1257 on January 18, 2017, designating the SE 13th Avenue sanitary sewer as an Advance Financed Public Improvement, adopting the Engineer's Report, and establishing an interest rate of 3.5% for deferred payments of the advanced financed cost allocations; and

WHEREAS, the final cost of the Advance Financed Public Improvement is \$193,795 and the total area of the benefited properties is 4.571 acres; and

WHEREAS, the City's Engineer of Record has prepared a final Advance Financing District Cost Allocation report identifying the benefiting property owners and final allocations of cost, a copy of which is attached hereto as Exhibit "A" and by this reference incorporated herein; and

NOW THEREFORE, IT IS HEREBY RESOLVED, that the City Council instruct the City Administrator to implement the Advance Financing District final cost allocations, including annual simple interest based on an average ENR Construction Cost Index inflation of 3.25% plus 0.25% for administration, for a total of 3.5% per year; and

BE IT FURTHER RESOLVED that in accordance with the Canby Municipal Code, this Advance Finance District shall remain in effect until all benefited property is connected to the system, or until all cost allocations and accrued interest have been paid in full to the City of Canby.

This resolution will take effect on July 18, 2018.

ADOPTED this 18th day of July 2018 by the Canby City Council.

Brian Hodson
Mayor

ATTEST

Kimberly Scheafer, MMC
City Recorder

CITY OF CANBY

**SE 13th Avenue Sanitary Sewer Collection System
Sequoia Parkway to Mulino Road**

**ADVANCE FINANCING DISTRICT
FINAL COST ALLOCATIONS**

June 2018

In accordance with Canby Municipal Code Chapter 4.12, the City of Canby adopted Resolution 1257 in January, 2017, designating the area on SE 13th Avenue abutting the 8" sanitary sewer improvements between Sequoia Parkway and Mulino Road, as an Advance Financing District (AFD). Construction of this approximately 1,300 feet of gravity sewer was a component of the \$1.25 million Mulino & Willow Creek Pump Station project.

The City completed construction of the project in May of 2018 with the actual cost of the gravity sewer as summarized below:

Mobilization (prorated)	\$ 13,050
8" PVC w/Select Bfl, 1,068 lf	149,520
48" Manholes, 3 each	15,000
Rock Excavation	<u>225</u>
Construction Cost	\$177,795
Engineering (9%)	<u>16,000</u>
TOTAL COST	\$193,795

The final cost of this project is approximately 10.75% higher than the estimate of \$175,000 prepared in the 2016 ADF report.

Not included in these costs were extraordinary costs associated with locating this pipeline in the current traveled roadway and the pavement reconstruction efforts. The reconstruction included a full street overlay and shoulder restoration. The street restoration can be funded as an SDC eligible expense associated with the pumping station.

As defined in the 2016 AFD Engineer's Report, an 8" gravity sewer is the minimum size required to abut the frontage of all developable land. As a result, the improvement costs for the 8" gravity sewer are allocated to the area contained within the 100-foot depth of the abutting properties, on both the north and south side of SE 13th Avenue, between Sequoia Parkway and the railroad crossing. As adopted in Resolution No. 1257 the benefited area is defined as the 100-foot depth abutting the public right-of-way, and is not reduced if additional right-of-way is dedicated to the public as a component of future development.

The 2016 Engineer's report for the Advance Financing District identified four benefiting property owners. Since that time, two of the properties have changed ownership as listed in the table below. Final cost allocations to the four benefiting property owners are listed in the following table:

City of Canby
SE 13th Avenue Sanitary Sewer AFD
BENEFITED AREA & FINAL COST ALLOCATION
June 2018

<i>Tax Lot</i>	<i>Owner of Record</i>	<i>Frontage Length (feet)</i>	<i>Benefited Area (acres)</i>	<i>Pro Rata Share (%)</i>	<i>Cost Allocation</i>
4 1E 3 Lot 102	Lisa M. Weygandt Trust 24401 S Mulino Road Canby, OR 97013	676	1.552	33.95%	\$65,800
4 1E 3 Lot 200	Chad Robison & Carrie Claeys 2542 SE 13th Avenue Canby, OR 97013	318	0.634	13.87%	\$26,879
4 1E 3 Lot 2700	Roger & Julie McKinnon 2675 SE 13th Avenue Canby, OR 97013	209	0.479	10.48%	\$20,308
4 1E 3 Lot 2800	Roger & Julie McKinnon 2675 SE 13th Avenue Canby, OR 97013	830	1.906	41.70%	\$80,808
	TOTAL	2,033	4.571	100.00%	\$193,795

The costs allocations are not assessments, are not immediately due and payable, and do not become a lien on any benefited property UNTIL the property develops and connects to the 8" pipeline. Each property owner has the option to not connect to the improvement, and would then not be responsible to pay any portion of the advanced financed project cost. All project costs are SDC eligible, and any AFD revenues received in the future from the 8" sewer should be reimbursed to the Sanitary Sewer Capital Reserve.

A map and legal description of the benefited area is attached as Exhibit A. In accordance with Canby Municipal Code Chapter 4.12 and Resolution No. 1257, cost allocations shall accrue interest of 3.50% annually until paid. The allocations of costs remain in place indefinitely, until all benefited properties apply for connection to the system.

Attachments: Map & legal description of benefited area



City of Canby
SE 13th Avenue Advance Financed Sanitary Sewer
Legal Description of Benefited Area

The Advance Financing District benefited area is contained in three components as listed below and shown on the attached sketch:

1. Northwest Benefited Area:

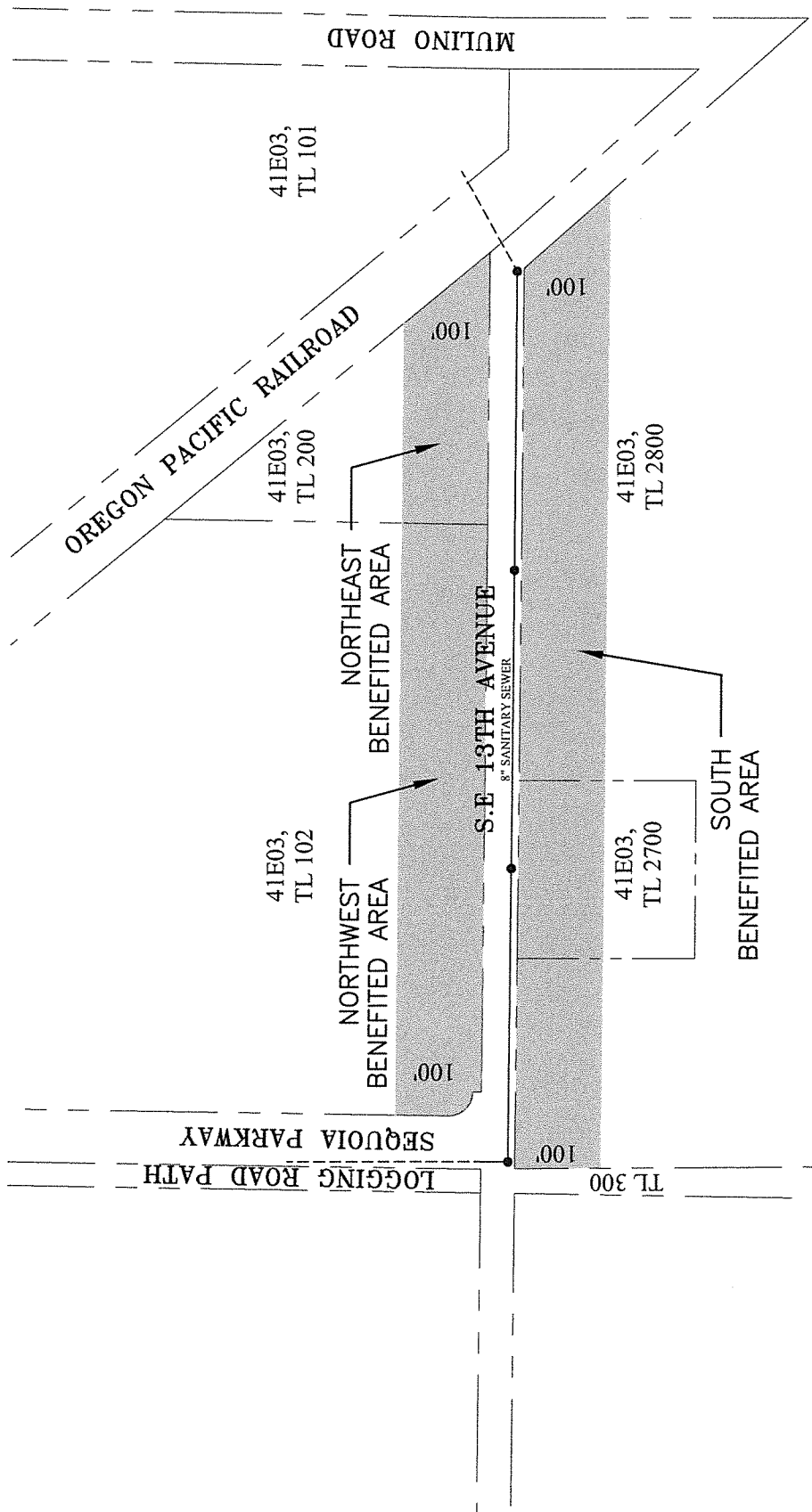
The SE 13th Avenue Advance Financing District benefited area includes a strip of land, 100 foot in depth, parallel and abutting the southerly property line of that tract of land conveyed to Lisa M Weygandt, Trustee of the Lisa M Weygandt Trust dated December 27, 2013, in Fee Number 2014-000209, Clackamas County Deed Records, said southerly line also being the northerly right-of-way line of SE 13th Avenue.

2. Northeast Benefited Area:

The SE 13th Avenue Advance Financing District benefited area includes a strip of land, 100 foot in depth, parallel and abutting the southerly property line of that tract of land conveyed to Chad Robison and Carrie Claeys in Fee Number 2015-077973, Clackamas County Deed Records, said southerly line also being the northerly right-of-way line of SE 13th Avenue.

3. South Benefited Area:

The SE 13th Avenue Advance Financing District benefited area includes a strip of land, 100 foot in depth, parallel and abutting the northerly property line of that tract of land conveyed to Roger W. and Julie L. McKinnon in Fee Number 2016-087866, Clackamas County Deed Records, said northerly property line also being the southerly right-of-way line of SE 13th Avenue.



T4S, R1E, WM, SECTION 3

CITY OF CANBY

S.E. 13TH AVENUE SANITARY SEWER

ADVANCE FINANCING DISTRICT BOUNDARY

CLACKAMAS COUNTY, OREGON

LEGEND:
 BENEFITED AREA

CURRAN-McLEOD, INC.
 CONSULTING ENGINEERS



SCALE: 1" = 200'



City of Canby

PO Box 930 Phone: 503.266.4021
222 NE 2nd Ave Fax: 503.266.7961
Canby, OR 97013 www.canbyoregon.gov

M E M O R A N D U M

TO: *Honorable Mayor Hodson and City Council*
FROM: *Kim Scheafer, MMC, City Recorder*
DATE: *July 9, 2018*
THROUGH: *Rick Robinson, City Administrator*

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 of 2016. Since that time, several ordinances have passed that affect the Canby Municipal Code. In order to keep the code up-to-date, these ordinances were sent to American Legal Publishing who prepared a 2018 supplement for ordinances passed through May of 2018 (Ordinances 1455-1482).

Recommendation:

Staff recommends adoption of Resolution 1295, which formally adopts the 2018 S-11 supplemental pages to the Canby Municipal Code.

Fiscal Impact:

There is no fiscal impact on adoption of this resolution. All ordinances being codified have previously been adopted and implemented.

Recommended Motion:

I move to adopt Resolution 1295, A RESOLUTION CODIFYING AND COMPILING CERTAIN EXISTING GENERAL ORDINANCES FOR THE CITY OF CANBY.

Attached:

Resolution 1295

RESOLUTION NO. 1295

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, 1051, 1070, 1100, 1138, 1172, 1204, 1224, and 1258 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 2018 S-11 Supplement (codifying ordinances 1455-1482) is attached hereto as Exhibit “A”.

This resolution will take effect on July 18, 2018.

ADOPTED this 18th day of July 2018 by the Canby City Council.

Brian Hodson
Mayor

ATTEST:

Kimberly Scheafer, MMC
City Recorder

CITY OF CANBY, OREGON

CODE OF ORDINANCES

2018 S-11 Supplement contains:
Local legislation current through Ord. 1479, passed 5-16-2018

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Canby - Administration and Personnel

CHAPTER 2.04: COUNCIL MEETINGS

Section

- 2.04.010 Regular meetings.
2.04.020 Special meetings.

§ 2.04.010 Regular meetings.

Regular meetings of the Council shall be held on the first and third Wednesdays of every month at 7:00 p.m. in the council chambers of the City Hall. In the event that the first or third Wednesday of the month is a holiday, the Council meeting shall be held on the following day.

(Am. Ord. 1474, passed 4-4-2018)

§ 2.04.020 Special meetings.

Special meetings of the Council may be called by the Mayor or at the request of any 3 members of the Council on 24 hours' reasonable notice to the public and at least 24 hours' actual notice to the Council members.

CHAPTER 2.05: PETITIONS

Section

- 2.05.010 Filing deadline for initiative petitions.
2.05.020 Chief petitioners for initiative, referendum, or recall petitions to be electors of the City of Canby.

§ 2.05.010 Filing deadline for initiative petitions.

No later than the 180 days after the initiative is approved for circulation, an initiative petition relating to a city measure or Charter amendment shall be deposited with the City Recorder for signature verification. All other procedures for an initiative shall follow the requirements set forth in the State of Oregon election laws.

(Ord. 1303, passed 2-4-2009)

§ 2.05.020 Chief petitioners for initiative, referendum, or recall petitions to be electors of the City of Canby.

No petition for initiative, referendum, or recall filed with the city shall be valid unless all Chief Petitioners are electors of the city at the time of filing and remain electors of the city through the entire initiative, referendum, or recall process, including the election.

(Ord. 1303, passed 2-4-2009)

CHAPTER 2.10: CANDIDATE NOMINATIONS FOR ELECTIVE OFFICE

Section

- 2.10.010 Nominations.
2.10.020 Authorization to submit explanatory statements relating to municipal legislation referred or initiated by petition.

§ 2.10.010 Nominations.

A. A petition nominating a qualified elector to be a candidate for election to the Canby City Council or to the office of Mayor shall be signed by not fewer than 50 electors. No elector shall sign more than 1 nomination petition for each office to be filled. No elector shall sign more than 1 nomination petition for the office of Mayor. If an elector signs more nomination petitions than permitted by this division, the elector's signature shall be valid only on the first petition filed for the office.

B. The form of petition for nomination for all candidates for elective positions within the city shall be submitted on forms provided by the Secretary of State. The City Recorder shall approve completed forms prior to the candidate obtaining elector signatures.

C. Once candidates have obtained the required number of signatures, they shall submit the signature sheets to the Clackamas County Elections Official to be verified. Once the required number of verified signatures have been obtained, all pages comprising a petition for nomination shall be assembled and filed

with the City Recorder as 1 instrument in the manner provided by the Secretary of State not less than 75 days before the election.

D. Within 5 days after the filing, the City Recorder shall notify the candidate whether or not the petition is valid. If it is found insufficient, the City Recorder shall return it immediately to the candidate with a statement certifying that the petition for nomination is insufficient and stating the reason(s).

E. Within the time allowed for the filing of petitions for nomination, an insufficient petition may be amended and filed again as a new petition, or a different petition may be filed for the same candidate.

F. The City Recorder shall notify any qualified candidate of their valid petition. Within 5 days of notification, the candidate shall complete an acceptance of nomination form.

G. The City Recorder shall notify Clackamas County Elections of those candidates successfully completing the nomination process, causing their names to appear on the ballot.

H. Election records shall be kept for the required retention period as required by the Secretary of State, Archives Division City General Retention Schedule.

(Ord. 1312, passed 7-15-2009; Am. Ord. 1434, passed 3-2-2016)

§ 2.10.020 Authorization to submit explanatory statements relating to municipal legislation referred or initiated by petition.

When directed by the City Council, the City Attorney is required to prepare an impartial explanatory statement for the Clackamas County Voters Pamphlet for matters relating to municipal legislation referred or initiated by petition.
(Ord. 1355, passed 5-2-2012)

CHAPTER 2.16: CONTRACT REVIEW BOARD

Section

2.16.010 Established.

2.16.020 Temporary rules.
2.16.030 Conduct of business.

§ 2.16.010 Established.

Pursuant to O.R.S. Chapter 279, the City Council is hereby designated as the City Contract Review Board. Relative to contract concerns of the city, the Contract Review Board shall have all the powers granted by Oregon law under the Oregon Attorney General's Public Contracting Manual.
(Ord. 1170, passed 2-16-2005)

§ 2.16.020 Temporary rules.

There is hereby adopted by the city for the purpose of establishing temporary rules governing public contracts in the city, the Model Rules of the Oregon Attorney General for Public Contracting to be effective on March 1, 2005. These temporary rules shall remain in effect until the time that the City Contract Review Board adopts, by resolution, rules to supersede any portion or all of the temporary rules.
(Ord. 1170, passed 2-16-2005)

§ 2.16.030 Conduct of business.

The City Council acting as the City Contract Review Board shall conduct its business in a manner consistent with the requirements of this chapter and in the same manner as it conducts other Council business. The requirements of this section may be modified at the time that the Board adopts rules to supersede the Board's temporary rules adopted by § 2.16.020.
(Ord. 1170, passed 2-16-2005)

CHAPTER 2.20: PUBLIC LIBRARY

Section

2.20.010 Establishment.
2.20.020 Governing body.
2.20.030 Library Board.
2.20.040 Term of office; vacancies.
2.20.050 Officers.

the city in order to implement the provisions of this chapter. The state of emergency declared pursuant to this section shall specify the area(s) which warrant the exercise of emergency controls. The Mayor shall terminate the state of emergency when the emergency no longer exists or the threat of an emergency has passed.

§ 2.52.060 Succession of authority.

A. In the event that the Mayor is unavailable or unable to perform his or her duties under this chapter, the duties shall be performed by:

1. Council President;
2. City Administrator; and
3. Chief of Police.

B. All references to the Mayor in this chapter shall be deemed to refer to the successor referred to in this section.

§ 2.52.070 Regulation and control.

A. Whenever a state of emergency has been declared to exist within the city, the City Council is empowered to order and enforce the measures listed in this section. However, if circumstances prohibit the timely action of the City Council, the Mayor may order the following measures, provided that approval from a majority of the City Council is sought and obtained at the first available opportunity, or the Mayor's order will become null and void.

B. 1. Establish a curfew for the area designated as an emergency area which fixes the hours during which all persons other than officially authorized personnel may not be upon the public streets or other public places;

2. Prohibit or limit the number of persons who may gather or congregate upon any public street, public place or any outdoor place within the area designated as an emergency area;

3. Barricade streets and roads, as well as access points onto streets and roads, and prohibit vehicular or pedestrian traffic, or restrict as an emergency area for a distance or degree of regulation as may be deemed necessary under the circumstances;

4. Evacuate persons from the area designated as an emergency area;

5. Close taverns or bars and prohibit the sale of alcoholic beverages throughout the city or a portion thereof;

6. Commit to mutual aid agreements;

7. Suspend standard procurement procedures to obtain necessary services and/or equipment;

8. Redirect funds for emergency use; and

9. Order any other measures as are found to be immediately necessary for the protection of life and/or property.

§ 2.52.080 Acquisition of resources.

A. Under this section, the City Council is authorized to extend government authority to nongovernmental resources (i.e., personnel and equipment) which may support regular government forces during an emergency and may enter into agreements with other public and private agencies for use of resources. When real or personal property is taken under power granted by this section, the owner of the property shall be entitled to reasonable compensation.

B. Under the provisions of O.R.S. 401, state resources are available when the appropriate response to an emergency is beyond the capability of the city and county in which it occurs, the city or county fails to act, or the emergency involves 2 or more counties and the governor determines that lack of coordination is hampering the effectiveness of response to the emergency.

C. Whenever a state of emergency has been declared to exist within the city, county resources also must be committed prior to the governor declaring a state of emergency by proclamation at the request of the county governing body.

§ 2.52.090 Penalty.

A. Any person, firm, corporation, association or entity who violates any emergency measure taken by the City Council under authority of this chapter shall be subject, upon conviction, to a fine of not more than \$1,000 per offense.

B. Each day of violation shall be deemed a separate offense for purposes of imposition of penalty.

C. Where the Oregon Revised Statutes provide for a penalty for the act, commission or omission, the penalty prescribed in this chapter shall be no greater than prescribed by the Oregon Revised Statutes.

§ 2.52.100 Responsibility for emergency program management.

A. For the purposes of this chapter, the Chief of Police shall be responsible for managing the city's emergency program.

B. Specific duties shall include but not be limited to the following:

1. To develop, update and revise the city's basic emergency operation plan;
2. To coordinate the activities of city departments and other agencies with emergency services capabilities in the development of individual operational annexes to the basic plan;
3. To provide for the coordination of emergency plans, programs and operations with the county, neighboring jurisdictions and other public and private agencies with emergency services responsibilities;
4. To develop working agreements with the county, neighboring jurisdictions and service districts to assure coordinated response to an emergency in the city;
5. To provide for the procurement of personnel, equipment, materials and supplies from higher authority, and for the accounting thereof for use in the event of a declared emergency;
6. To provide for coordinated operations under simulated emergency conditions; and
7. To recommend to the Council any ordinances, policies or procedures which would assist the Council and other city officers in the performance of their duties in preparing for, responding to and recovering from an emergency.

CHAPTER 2.56: CANBY PARKS AND RECREATION

Section

- | | |
|----------|--------------------------------------|
| 2.56.010 | Swim center established. |
| 2.56.020 | Governing body; advisory role. |
| 2.56.030 | Parks and Recreation Advisory Board. |
| 2.56.040 | Terms of office; vacancies. |
| 2.56.050 | Officers; procedures. |
| 2.56.060 | Duties and powers. |
| 2.56.070 | Location of meetings. |
| 2.56.080 | Fees and charges. |

§ 2.56.010 Swim center established.

A municipal swim center in and for the city is established and its location shall be at 1150 South Ivy Street, Canby. It shall be known as the Canby Swim Center. The Council proposes to finance the swim center by an annual tax levy, in the amount necessary to provide for the swim center.

§ 2.56.020 Governing body; advisory role.

The city's swim center, as established by § 2.56.010, shall be governed by the City Council. A Parks and Recreation Board shall be appointed to serve in an advisory role to the Council. (Am. Ord. 1133, passed 2-18-2004)

§ 2.56.030 Parks and Recreation Advisory Board.

The Parks and Recreation Advisory Board shall consist of 9 members appointed by the City Council upon recommendation of the Board Chairperson and the City Council Parks liaison. The Mayor may vote only to break a tie, if necessary. Board members shall serve at the pleasure of the City Council. No member of the Board shall have any financial interest, either directly or indirectly, in any contract to which the swim center or Parks Department is a party, nor shall any member receive a salary or any payment for

materials or for any services rendered the Board. Board members may be reimbursed by the city for expenses incurred in the performance of their duties. (Am. Ord. 1133, passed 2-18-2004; Am. Ord. 1471, passed 3-21-2018)

§ 2.56.040 Terms of office; vacancies.

Terms of office shall be for 3 years from July 1 in the year of their appointment. At the expiration of the term of any Board member, the Council shall appoint a new member or reappoint an existing member for a term of 3 years. If a vacancy occurs, the Council shall appoint a new member to complete that unexpired term. All new members shall be appointed by the Council upon the recommendation of the Board Chairperson and Council liaison. Any Board member failing to attend 3 consecutive meetings without approval of the Board Chairperson may be removed by the Council and a new member appointed to complete the unexpired term. (Am. Ord. 1133, passed 2-18-2004)

§ 2.56.050 Officers; procedures.

At the first meeting of each year, the Board shall elect a Chairperson, Vice-Chairperson and a Secretary who shall serve for a term of 1 year. A majority of the members of the Board shall constitute a quorum. The Board shall have authority to make and alter rules, with approval of the Council, for its government and procedures. (Am. Ord. 1133, passed 2-18-2004; Am. Ord. 1471, passed 3-21-2018)

§ 2.56.060 Duties and powers.

The duties of the Parks and Recreation Advisory Board shall include:

- A. Keeping informed about current trends in parks and recreation services and administration;
- B. Studying growth and needs in the city and its vicinity for parks and recreation services;
- C. Developing long-range plans for parks and recreation services and facilities, consistent with city priorities;
- D. Recommending types of parks and recreation services for the city and its vicinity, including marketing of those services;

E. Investigating sources of funding for parks and recreation services and facilities;

F. Recommending policies for the acceptance and use of gifts for parks and recreation purposes;

G. Participating in the annual budgetary process of the city as that process pertains to parks and recreation services;

H. Recommending policies and procedures conducive to efficient and effective operation of parks and recreation services;

I. Reviewing and recommending terms of contracts and working relationships with other public agencies regarding parks and recreation services;

J. Encouraging widespread public support and use of park and recreation services and facilities;

K. Submitting an annual report to the City Council;

L. Advising the Planning Department regarding park land dedication and other park planning issues to meet the public needs identified in the park master plan and park acquisition plan; and

M. Performing other duties as authorized by the City Council. (Am. Ord. 1133, passed 2-18-2004)

§ 2.56.070 Location of meetings.

Unless and until another place is assigned to it by the City Council, the Board shall maintain its office, hold its meetings, transact its business and keep its records at City Hall. The Board shall meet at least once every other month. Advisory Board meetings are subject to public meeting law and shall be open to the public.

(Am. Ord. 1133, passed 2-18-2004)

§ 2.56.080 Fees and charges.

Fees and other parks and recreation charges shall be determined by the City Council with consideration given to recommendations from the Board. Current fees and lists of charges shall be set by Council resolution and conspicuously displayed at each facility.

(Am. Ord. 1133, passed 2-18-2004)

**CHAPTER 2.64: BICYCLE AND
PEDESTRIAN COMMITTEE**

Section

2.64.010	Established.
2.64.020	Bicycle and Pedestrian Committee.
2.64.030	Terms of office; vacancies.
2.64.040	Officers; procedures.
2.64.050	Duties and powers.
2.64.060	Location of meetings.

§ 2.64.010 Established.

A Bicycle and Pedestrian Advisory Committee shall be appointed to serve in an advisory role to the Council.

§ 2.64.020 Bicycle and Pedestrian Committee.

The Bicycle and Pedestrian Committee shall consist of 7 members appointed by the City Council upon recommendation of the Committee Chairperson and the City Council liaison to the Committee. The Mayor may vote only to break a tie, if necessary. No member of the Committee shall receive a salary or any payment for any services rendered by the Committee. Committee members may be reimbursed by the city for expenses incurred and pre-approved in the performance of their duties.

(Am. Ord. 1136, passed 4-21-2004; Am. Ord. 1426, passed 11-4-2015)

§ 2.64.030 Terms of office; vacancies.

Appointees shall hold office for 3-year terms from July 1 in the year of their appointment. At the expiration of the term of a Committee member, the City Council shall appoint a new member or may reappoint a member for a term of 3 years. If a vacancy occurs, the City Council shall appoint a new member to complete the unexpired term. Procedure for all appointments by the City Council shall follow § 2.64.020 above. Any Committee member failing to attend 3 consecutive Committee meetings without approval of the Committee Chairperson may be removed by the City Council and a new member appointed to complete the unexpired term. Bicycle and Pedestrian Committee members serve at the

pleasure of the City Council and are subject to removal at any time by the Council with or without cause.

(Am. Ord. 1136, passed 4-21-2004)

§ 2.64.040 Officers; procedures.

At the first meeting of each year, the Committee will elect a Chairperson and Vice-Chairperson who shall serve for a term of 1 year. Three members of the Committee shall comprise a quorum. The Committee shall have authority to make and alter rules, with approval of the City Council, for its own governance and procedures.

§ 2.64.050 Duties and powers.

The duties of the Committee shall include:

A. Recommending policies and procedures conducive to efficient and effective operation of the bicycle and pedestrian transportation system;

B. Keeping informed about current trends in bicycle and pedestrian services and administration;

C. Studying growth and needs in the city and its vicinity for bicycle and pedestrian facilities;

D. Developing long-range plans for bicycle and pedestrian services and facilities, consistent with city priorities;

E. Investigating sources of funding for bicycle and pedestrian services and facilities;

F. Recommending policies for the acceptance and use of gifts for bicycle and pedestrian purposes;

G. Participating in the annual budgetary process of the city as that process pertains to the bicycle and pedestrian facilities and services;

H. Reviewing and recommending terms of contracts and working relationships with other public agencies regarding bicycle and pedestrian facilities and services;

I. Encouraging widespread public support and use of bicycle and pedestrian facilities and services; and

J. Performing other duties as authorized by the City Council.

(Am. Ord. 1372, passed 3-20-2013)

§ 2.64.060 Location of meetings.

Meetings shall be held at least once a quarter,

city-wide concern related to the Canby Comprehensive Plan or the Canby Planning and Development Code. (Ord. 1109, passed 11-20-2002)

CHAPTER 2.80: PUBLIC ART MURAL PROGRAM

Section

2.80.010	Purpose.
2.80.020	Definitions.
2.80.030	Guidelines.
2.80.040	Ownership.
2.80.050	Implementation.

§ 2.80.010 Purpose.

The purpose of this Title and the policy of the City of Canby are to permit and encourage Public Art Murals located within Canby's Urban Renewal District for acquisition by the Urban Renewal Agency. Public Art Murals are to be placed on public wall space and paid for in full or in part with Urban Renewal Funds administered by Canby's Urban Renewal Director. The City Council recognizes that public murals can increase community identity and foster a sense of place and enclosure if they are located at heights and scales visible to pedestrians, are retained for longer periods of time and include a neighborhood process for discussion. (Ord. 1341, passed 3-2-2011)

§ 2.80.020 Definitions.

A public art mural means an original, two-dimensional work of visual art comprised of paint, executed by hand directly upon an exterior wall of a building, which is accessible to the public, and which has been approved by the Canby Urban Renewal Agency Director upon recommendation by the Public Mural Advisory Committee (PMAC).

Public Art Mural Advisory Committee (PMAC) means a group responsible for reviewing proposed public art murals and making recommendations to the Canby Urban Renewal Agency Director on the selection of Public Art Murals. Committee

membership shall include artists, art advocates and professionals, business owners, city staff, and a representative from Canby's Main Street Design Committee.

(Ord. 1341, passed 3-2-2011)

§ 2.80.030 Guidelines.

The Canby Urban Renewal Agency Director in consultation with the Public Mural Advisory Committee and staff shall adopt guidelines to:

- A. Provide for annual reporting to the Agency;
 - B. Provide a method for the appointment of representatives to the Public Mural Advisory Committee;
 - C. Determine a method or methods of selecting and contracting with artists for the design, execution and siting of Public Art Murals;
 - D. Determine a process for the ongoing care, maintenance and conservation of public art murals;
 - E. Determine a process to deaccession public art murals;
 - F. Set forth any other matter appropriate to the administration of this Chapter.
- (Ord. 1341, passed 3-2-2011)

§ 2.80.040 Ownership.

All Public Art Murals acquired pursuant to this Chapter shall be acquired in the name of the City of Canby Urban Renewal Agency, and title shall vest in the City of Canby Urban Renewal Agency. (Ord. 1341, passed 3-2-2011)

§ 2.80.050 Implementation.

The Canby Urban Renewal Agency Director in consultation with the Public Mural Advisory Committee and Mural Program Staff shall implement the provisions of this Chapter, in cooperation with all participating city departments. (Ord. 1341, passed 3-2-2011)

CHAPTER 2.90: (REPEALED)

(Ord. 1393, passed 2-5-2014; Repealed by Ord. 1467, passed 9-20-2017)

Canby - Administration and Personnel

TITLE 3: REVENUE AND FINANCE

Chapter

3.08 DISPOSITION OF ABANDONED PERSONAL PROPERTY

3.12 GENERAL AND SPECIAL FUNDS

3.16 (REPEALED)

3.20 CONSTRUCTION EXCISE TAX

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

3.30 STREET MAINTENANCE PROGRAM

3.35 PARK MAINTENANCE PROGRAM

3.40 MOTOR VEHICLE FUEL TAX

3.50 TRANSIENT ROOM TAX

Canby - Revenue and Finance

bill for those lots or parcels utilizing city sewer and billed and collected separately for those developed properties not utilizing city sewer. In the event of non-payment, the city may bill the property owner or take other action as authorized by law to collect from the responsible party.

B. In the event funds received from city utility billings are inadequate to satisfy in full all of the sanitary sewer and street maintenance fees, credit shall be given first to the street maintenance fee and second to the sanitary sewer service charges.

C. Notwithstanding any provision herein to the contrary, the city may institute any necessary legal proceedings to enforce the provisions of this chapter, including, but not limited to injunctive relief and collection of charges owing. The city's enforcement rights shall be cumulative.

(Ord. 1262, passed 1-16-2008)

§ 3.30.080 Waiver of street maintenance fee in case of vacancy.

A. When any property within the city becomes vacant and utility services are discontinued (if applicable), a waiver of the street maintenance fee may be granted by the Finance Director upon written application of the person responsible, including a signed statement, affirming under penalty of perjury that the property is vacant, and upon payment of all outstanding sanitary sewer and street maintenance charges.

B. For purposes of this section, "vacant" shall mean that an entire building or utility billing unit has become vacant or continuously unoccupied for at least 30 days. "Vacant" shall not mean that only a portion of a property without a separate water meter has become vacant or unoccupied.

C. Fees shall be waived in accordance with this section only while the property remains vacant. The person responsible shall notify the city within 5 days of the premises being occupied, partially occupied or used, regardless of whether utility service is restored. (Ord. 1262, passed 1-16-2008)

§ 3.30.090 Street maintenance fee appeal procedure.

A. Any owner who disputes any interpretation given by the city as to the category of use assigned to such owner's property pursuant to this chapter may request a review and appeal such interpretation, but only in accordance with this section. The dispute must first be presented to the Community Development Director for review and thereafter may be appealed to the City Council in accordance with this section. Failure to appeal an interpretation made under this chapter within the time and in the manner provided shall be sufficient cause to deny the relief requested. Except in cases of hardship as determined by the Council, disputes which result in changes in the street maintenance fee charged under this chapter shall become effective with the next billing cycle.

B. A utility customer may request a review of the category of use assigned. The Community Development Director shall conduct the review, considering all relevant evidence presented by the customer related to their actual trip generation patterns. Such evidence may include business records, parking lot usage, or traffic studies. The Community Development Director shall make a determination based on the evidence provided and provide notice to the customer.

C. A customer who wishes to dispute an interpretation made by the Community Development Director as to the assigned category of use under this chapter shall submit a written appeal to the City Administrator within 10 days from the date of notice of the Community Development Director's determination under division B., together with a filing fee in the amount of \$300. The application for appeal shall specify the reasons therefore and include an engineering study prepared by a licensed professional engineer in conformance with the methodology outlined in the ITE Manual. Appeals shall be limited to the issue of whether the appropriate category of use has been assigned to the property.

D. The City Administrator shall schedule the matter for City Council review and notify the appellant not less than 10 days prior to the date of such Council review. The Council shall conduct a

hearing during a public meeting and determine whether there is substantial evidence in the record to support the interpretation given by the Community Development Director. The Council may continue the hearing for purposes of gathering additional information bearing on the issue. The Council shall make a tentative oral decision and shall adopt a final written decision together with appropriate findings in support. The decision of the Council with respect to the category of use shall be limited to whether the appellant has been assigned to the appropriate category of use. If the Council should determine that a different category of use should be assigned, it shall so order, provided no refund of prior street maintenance fees shall be given. Only where the Council decision results in a change in category of use will the filing fee on the appeal be refunded. The Council decision shall be final.
(Ord. 1262, passed 1-16-2008)

§ 3.30.100 Exceptions to street maintenance fee.

The following shall not be subject to the street maintenance fee:

- A. City public parking lots.
- B. Publicly owned parkland, open spaces, and greenways, unless public off-street parking designed to accommodate the use of such areas is provided.
- C. Areas encompassed by railroad and public rights-of-way, except for developed railroad property such as maintenance areas, non-rolling storage areas and areas used for the transfer of rail-transported goods to non-rail transport, which areas shall be subject to street maintenance fees.

(Ord. 1262, passed 1-16-2008)

§ 3.30.110 Severability.

In the event any section, subsection, paragraph, sentence or phrase of this chapter is determined by a court of competent jurisdiction to be invalid or unenforceable, the validity of the remainder of the chapter shall continue to be effective. If a court of competent jurisdiction determines that this chapter imposes a tax or charge, which is therefore unlawful as to certain but not all affected properties, then as to those certain properties, an exception or exceptions

from the imposition of the street maintenance fee shall be created and the remainder of the ordinance and the fees imposed thereunder shall continue to apply to the remaining properties without interruption. Nothing contained herein shall be construed as limiting the city's authority to levy special assessments in connection with public improvements pursuant to applicable law.

(Ord. 1262, passed 1-16-2008)

CHAPTER 3.35: PARK MAINTENANCE PROGRAM

Sections:

- 3.35.010 Creation of park maintenance fee; purpose.
- 3.35.020 Definitions.
- 3.35.030 Administrative officers.
- 3.35.040 Dedication of revenues.
- 3.35.050 City maintenance of effort contribution.
- 3.35.060 Annual park maintenance program report.
- 3.35.070 Park maintenance fee.
- 3.35.080 Low income assistance.
- 3.35.090 Determination of park maintenance fee.
- 3.35.100 Administration of park maintenance fee.
- 3.35.110 Waiver of park maintenance fee in case of vacancy.
- 3.35.120 Park maintenance fee appeal procedure.
- 3.35.130 Exceptions to park maintenance fee.
- 3.35.140 Severability.

§ 3.35.010 Creation of park maintenance fee; purpose.

- A. There is hereby created a park maintenance fee for the purpose of providing for the operation and

maintenance of parks and facilities within the city. Fees collected shall be deposited into the city's general fund Park Maintenance Fee Account to be used only for purposes identified within this chapter.

B. The City Council hereby finds, determines and declares the necessity of providing operation and maintenance of the city's parks and facilities as a comprehensive park maintenance fee, with such operation and maintenance to include such activities as are necessary in order that the parks and facilities may be properly operated and maintained and that the health, safety and welfare of the city and its inhabitants may be safeguarded.
(Ord. 1466, passed 9-6-2017)

§ 3.35.020 Definitions.

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

Consumer Price Index (CPI). Consumer Price Index for Portland Metropolitan Statistical Area.

Developed Property. A parcel or portion of real property on which an improvement exists or has been constructed. Improvement on developed property includes, but is not limited to buildings, parking lots, landscaping and outside storage.

Dwelling Unit. One or more rooms designed for occupancy by 1 family and not having more than 1 cooking facility.

Maintenance of Effort (MOE). The share of cost of the park maintenance program borne by the general fund of the City of Canby.

Multi-Unit Residential Property. Residential property consisting of 2 or more dwelling units. For the purposes of this chapter, condominiums, attached single-family residences, and individual mobile home units are also classified as multi-unit residential properties.

Non-Residential Property. Any property that is not residential property.

Park Lands. A public park that is under the jurisdiction or control of the city. For purposes of this chapter, landscaped city property maintained by the Parks Department during the 2016-17 fiscal year shall be considered park lands.

Park Maintenance Program. Program established by this chapter to maintain, repair and reconstruct city parks. Activities include the administration and collection of the park maintenance fee; preventive maintenance, rehabilitation and reconstruction projects; design and inspection of such projects; park condition monitoring and assessment, including inspection of park repairs; and staff training and consultant services in support of the above activities.

Public Works Director. The City of Canby Public Works Director or the Director's designee.

Residential Property. A property that is primarily for personal, domestic accommodation, including single single-family, multi-unit residential property and group homes, but not including hotels and motels.

Responsible Party. The person or persons who by occupancy or contractual arrangement are responsible to pay for utility and other services provided to an occupied unit. Unless another party has agreed in writing to pay and a copy of the writing is filed with the city, the person(s) paying the sewer bill for an occupied unit shall be deemed the responsible party as to that occupied unit. For any occupied unit not otherwise required to pay a sewer bill, Responsible Party shall mean the person or persons legally entitled to occupancy of the occupied unit, unless another responsible party has agreed in writing to pay and a copy of the writing is filed with the city. Any person who has agreed in writing to pay is considered the responsible person if a copy of the writing is filed with the city.

Single Family Residential. Residential property that has only detached dwelling units.
(Ord. 1466, passed 9-6-2017)

§ 3.35.030 Administrative officers.

A. Except as provided below, the Public Works Director shall be responsible for the administration of this chapter.

B. The Public Works Director shall annually develop a park maintenance program schedule.

C. The Public Works Director shall provide an annual report on the park maintenance program to the City Council and Budget Committee.

D. The Finance Director shall be responsible for the administration and collection of fees under this chapter.

(Ord. 1466, passed 9-6-2017)

§ 3.35.040 Dedication of revenues.

All funds and all proceeds from funds collected pursuant to this chapter shall be used for the park maintenance program.

(Ord. 1466, passed 9-6-2017)

§ 3.35.050 City maintenance of effort contribution.

A. The general fund of the city shall contribute funds towards the operation of city parks in an amount equal to the actual operating expenditures for the city's park budget for the fiscal year 2016-17, excluding capital outlay.

B. The city contribution shall be adjusted annually in an amount equal to the percentage change in the consumer price index for the Portland Metropolitan Statistical Area.

(Ord. 1466, passed 9-6-2017)

§ 3.35.060 Annual Park Maintenance Program Report.

A. Each year the Public Works Director shall prepare and present to the Budget Committee and City Council the "Annual Park Maintenance Program Report." This document is a public record.

B. The report shall include a narrative description of the overall condition of the parks, the findings of any new condition assessments, a detailed project schedule for the upcoming year, and a report on the previous year projects, workload impacts, and overall program progress. The report shall include revenues received relative to revenue projections, and any other new developments that impact the adequacy of the program funds to meet program goals.

(Ord. 1466, passed 9-6-2017)

§ 3.35.070 Park maintenance fee.

A. A park maintenance fee is imposed and levied upon the responsible party for all developed property within the city. The fee shall be based on the

direct and indirect use of or benefit derived from the use of public parks generated by the developed property, to be calculated as described in § 3.35.090.

B. The park maintenance fee is also imposed and levied on the property owner of the developed property in the event of non-payment by the responsible party.

(Ord. 1466, passed 9-6-2017)

§ 3.35.080 Low income assistance.

Monthly park maintenance fees for parks maintenance to the principal residence of low income citizens, as defined under the city's low income assistance program for sewer bills, shall be charged at one-half the regular rate. Any citizen currently receiving the reduced sewer service charge for low-income citizens shall automatically receive the reduced parks maintenance fee.

(Ord. 1466, passed 9-6-2017)

§ 3.35.090 Determination of park maintenance fee.

A. Residential Unit. There is hereby imposed upon developed residential units in the city an initial park maintenance fee of \$5 for each dwelling unit existing on that parcel.

B. Multiple-Family Unit. There is hereby imposed upon the responsible party for a multiple-family unit an initial park maintenance fee equal to \$5 for each separate dwelling unit within the multiple-family unit existing on that parcel. By way of example, an apartment complex containing 30 units would be subject to a monthly park maintenance fee of \$150.

C. Nonresidential Unit. There is hereby imposed upon the responsible party for a nonresidential unit an initial park maintenance fee of \$5 for each common meter to serve the nonresidential unit existing on that parcel.

D. This fee is deemed reasonable and is necessary to pay for the operation and maintenance of parks and facilities within the city. The effective starting date of this fee will be January 1, 2018, and will appear on sewer bills delivered in December, 2017.

E. Annual Adjustment. An annual rate adjustment shall be made based on the Consumer Price Index (CPI-U) for the Portland, Oregon MSA and index period 1982-1984 = 100. The adjustment shall be the percent change in the CPI for the calendar year ending December 31 of each year. The first adjustment shall be made in May 2019 upon resolution duly adopted and approved by the City Council. All adjustment to the park maintenance fee shall be set by resolution.

F. Expiration. Unless extended by a majority vote of the City Council, this fee shall expire and Chapter 3.35: Park Maintenance Program shall automatically be repealed on December 31, 2022. (Ord. 1466, passed 9-6-2017)

§ 3.35.100 Administration of park maintenance fee.

A. The park maintenance fee shall be billed and collected with and as part of the monthly sewer bill for those lots or parcels utilizing city sewer and billed and collected separately for those developed properties not utilizing city sewer. In the event of non-payment, the city may bill the property owner or take other action as authorized by law to collect from the responsible party.

B. In the event funds received from city utility billings are inadequate to satisfy in full all of the sanitary sewer and park maintenance fees, credit shall be given first to the park maintenance fee and second to the sanitary sewer service charges.

C. Notwithstanding any provision herein to the contrary, the city may institute any necessary legal proceedings to enforce the provisions of this chapter, including, but not limited to injunctive relief and collection of charges owing. The city's enforcement rights shall be cumulative. (Ord. 1466, passed 9-6-2017)

§ 3.35.110 Waiver of park maintenance fee in case of vacancy.

A. When any property within the city becomes vacant and utility services are discontinued (if applicable), a waiver of the park maintenance fee may be granted by the Finance Director upon written

application of the person responsible, including a signed statement, affirming under penalty of perjury that the property is vacant, and upon payment of all outstanding sanitary sewer and park maintenance charges.

B. For purposes of this section, Vacant shall mean that an entire building or utility billing unit has become vacant or continuously unoccupied for at least 30 days. Vacant shall not mean that only a portion of a property without a separate water meter has become vacant or unoccupied.

C. Fees shall be waived in accordance with this section only while the property remains vacant. The person responsible shall notify the city within 5 days of the premises being occupied, partially occupied or used, regardless of whether utility service is restored. (Ord. 1466, passed 9-6-2017)

§ 3.35.120 Park maintenance fee appeal procedure.

A. Any owner who disputes any fee assessment may request a review and appeal such fee, but only in accordance with this section. The dispute must first be presented to the Public Works Director for review and thereafter may be appealed to the City Council in accordance with this section. Failure to appeal within the time and in the manner provided shall be sufficient cause to deny the relief requested. Except in cases of hardship as determined by the Council, disputes which result in changes in the park maintenance fee charged under this chapter shall become effective with the next billing cycle.

B. A customer who wishes to dispute an interpretation made by the Public Works Director shall submit a written appeal to the City Administrator within 10 days from the date of notice of the Public Works Director's determination under division B., together with a filing fee in the amount of \$300. Appeals shall be limited to the issue of whether the property in question has been occupied during the period in dispute.

C. The City Administrator shall schedule the matter for City Council review and notify the appellant not less than 10 days prior to the date of such Council review. The City Council shall conduct

a hearing during a public meeting and determine whether there is substantial evidence in the record to support the interpretation given by the Public Works Director. The Council may continue the hearing for purposes of gathering additional information bearing on the issue. The Council shall make a tentative oral decision and shall adopt a final written decision together with appropriate findings in support. The decision of the Council shall be final.
(Ord. 1466, passed 9-6-2017)

§ 3.35.130 Exceptions to park maintenance fee.

City parks shall not be subject to the park maintenance fee.
(Ord. 1466, passed 9-6-2017)

§ 3.35.140 Severability.

In the event any section, subsection, paragraph, sentence or phrase of this chapter is determined by a court of competent jurisdiction to be invalid or unenforceable, the validity of the remainder of the chapter shall continue to be effective. If a court of competent jurisdiction determines that this chapter imposes a tax or charge, which is therefore unlawful as to certain but not all affected properties, then as to those certain properties, an exception or exceptions from the imposition of the park maintenance fee shall be created and the remainder of the chapter and the fees imposed thereunder shall continue to apply to the remaining properties without interruption. Nothing contained herein shall be construed as limiting the city's authority to levy special assessments in connection with public improvements pursuant to applicable law.
(Ord. 1466, passed 9-6-2017)

**CHAPTER 3.40:
MOTOR VEHICLE FUEL TAX**

Sections:

3.40.020	Definitions.
3.40.030	Tax imposed.
3.40.040	Amount and payment.
3.40.050	Permit requirements.
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§ 3.40.270 Administration.

The City Administrator or his designate is responsible for administering this chapter. In addition, the City Administrator may enter into an agreement with the Motor Vehicle Division of the Department of Transportation as an authorized agent for the implementation of certain sections of this chapter. If the Motor Vehicles Division is chosen as an authorized agent of the city, then the modifications outlined below shall apply:

A. The fuel handler's penalty of § 3.40.070C. shall be reduced to \$100. And if the Division determines that the failure to obtain the permit was due to reasonable cause and without any intent to avoid obtaining a permit, then the penalty provided in § 3.40.070 and this section may be waived.

B. The fuel handler's monthly reporting requirements of §§ 3.40.120 and 3.40.130 shall be waived.

(Ord. 1261, passed 1-2-2008)

§ 3.40.280 Severability.

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

(Ord. 1261, passed 1-2-2008)

CHAPTER 3.50: TRANSIENT ROOM TAX

Sections:

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§ 3.50.010 Definitions.

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

Accrual Accounting means the operator enters the rent due from a transient on his or her records when the rent is earned, whether or not it is paid.

Cash Accounting means the operator does not enter the rent due from a transient on his or her records until rent is paid.

City means the City of Canby.

Municipal Court means the City of Canby Municipal Court.

Occupancy means the use or possession, or the right to the use or possession, for lodging or sleeping purposes, of any room or rooms in a hotel, or room in a short-term rental, or space in a mobile home, or trailer park, or portion thereof.

Operator means the person who is acting as proprietor of the lodging facility in any capacity. Where the operator performs his or her functions through a managing agent of any type or character other than an employee, the managing agent shall also be deemed an Operator for the purposes of this chapter and shall have the same duties and liabilities as his or her principal. Compliance with the provisions of this chapter, by either the principal or the managing agent, shall be considered to be compliance by both.

Person means any individual, firm, partnership, joint venture, association, social club, fraternal organization, fraternity, sorority, public or private dormitory, joint stock company, corporation, estate, trust, business trust, receiver, trustee, syndicate, or any other group or combination acting as a unit.

Rent means the consideration charged, whether or not received by the operator, for the occupancy of space in a hotel, valued in money, goods, labor, credits, property, or any other consideration valued in money, without any deduction; but does not include the sale of any goods, services, and commodities, other than the furnishing of room accommodations and parking space in mobile home parks or trailer parks. A guaranteed no-show charge based on the rate charged for the room is considered Rent, but a cancellation fee is not rent.

Rent Package Plan means the consideration charged for both food and rent where a single rate is made for the total of both. The amount applicable to rent for determination of transient room tax under this chapter shall be the same charge made for rent when consideration is not a part of a package plan.

Short-Term Rental means a house, duplex, multiplex, apartment, condominium, trailer, or other residential dwelling unit where a person rents guest bedrooms or the entire residential dwelling unit for transient lodging occupancy.

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

Tax Administrator means the official designated by the City Administrator to carry out provisions of this chapter.

Transient means any person who exercises occupancy, or is entitled to occupancy, in a transient lodging facility for a period of 30 consecutive calendar days or less, counting portions of calendar days as full days. The day a transient checks out of the transient lodging facility shall not be included in determining the 30 day period if the transient is not charged rent for that day by the operator. Any such person so occupying space in a transient lodging facility shall be deemed to be a Transient until the period of 30 days

has expired, unless there is an agreement in writing between the operator and the occupant providing for a longer period of occupancy, or the tenancy actually extends more than 30 consecutive days. In determining whether a person is a Transient, uninterrupted periods of time extending both prior and subsequent to the effective date of this chapter may be considered. A person who pays for lodging on a monthly basis, irrespective of the number of days in such month, shall not be deemed a Transient.

Transient Lodging Facility means any structure, or any portion of any structure, which is occupied or intended or designed for transient occupancy, for 30 days or less, for dwelling, lodging, or sleeping purposes. This includes, but is not limited to, any hotel, motel, inn, Airbnb, Home Away or similar services, bed and breakfast, space in campgrounds, mobile home or trailer parks, tourist home, condominium, hostel, studio hotel, lodging house, rooming house, apartment house, public or private dormitory, fraternity, sorority, public or private club, or similar structure or portions thereof so occupied. (Ord. 1477, passed 5-16-2018)

§ 3.50.020 Tax imposed.

A. For the privilege of occupancy in any transient lodging facility, on and after the effective date of this chapter, each transient shall pay a tax as adopted by resolution of City Council. The tax constitutes a debt owed by the transient to the city, which is extinguished only by payment to the operator. The transient shall pay the tax to the operator of the transient lodging facility at the time the rent is paid. The operator shall enter the tax on his or her records when rent is collected if the operator keeps his or her records on the cash accounting basis, and when earned if the operator keeps his or her records on the accrual accounting basis. If rent is paid in installments, the transient shall pay a proportionate share of the tax to the operator with each installment.

B. Pursuant to O.R.S. 320.350, 70% of the net proceeds from this transient room tax shall be used for the purposes described in O.R.S. 320.350(5)(a) or (c) (tourism promotion or tourism related facilities, including the financing or refinancing of tourism

related facilities). Pursuant to O.R.S. 320.350, 30% of the net proceeds from this transient room tax may be used to fund city services.
(Ord. 1477, passed 5-16-2018)

§ 3.50.030 Where tax is imposed.

The tax imposed by this chapter shall apply to all transient lodging facilities located within the city.
(Ord. 1477, passed 5-16-2018)

§ 3.50.040 Collections of tax by operator; rules for collection.

A. Every operator renting rooms in this city, the occupancy of which is not exempted under the terms of this chapter, shall collect a tax from the occupant. The tax collected or accrued by the operator constitutes a debt owed by the operator to the city.

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

C. A hosting platform for short-term rentals may collect a fee for booking services in connection with short-term rentals only when those short-term rentals are lawfully registered as operators with the city and possess a business license at the time the short-term rental is occupied.

D. Operators who receive any portion of the rent and hosting platform that provide booking service are jointly and severally liable for the tax.
(Ord. 1477, passed 5-16-2018)

§ 3.50.050 Operator's duties.

Each operator shall collect the tax imposed by this chapter at the same time as the rent is collected from every transient. The amount of tax shall be separately stated upon the operator's records and any receipt rendered by the operator. Bills and invoices provided to transients shall list the city's transient room tax separately and must accurately state the amount of the tax. No operator of a transient lodging facility shall advertise that the tax, or any part of the tax, will be assumed or absorbed by the operator, or that it will not be added to the rent, or that when

added, any part will be refunded, except in the manner provided by this chapter.
(Ord. 1477, passed 5-16-2018)

§ 3.50.060 Exemptions.

No tax imposed under this chapter shall be imposed upon:

A. Any person for more than 30 successive calendar days; (a person who pays for lodging on a monthly basis, irrespective of the number of days in such month, shall not be deemed a transient);

B. Any person whose rent is of a value less than \$15 per day;

C. Any person who rents a private home, vacation cabin, or like facility from any owner who personally rents such facilities incidentally to his or her own use thereof;

D. Any occupant whose rent is paid for a hospital room or to a medical clinic, convalescent home or home for aged people;

E. Employees, officials or agents of the U.S. government occupying a transient lodging facility in the course of official business; or

F. A dwelling unit that is leased or occupied by the same person for a consecutive period of 30 days or more during the year.

(Ord. 1477, passed 5-16-2018)

§ 3.50.070 Registration of operator; form and contents; execution; certificate of authority.

A. Every person engaging, or about to engage in, business as an operator of a transient lodging facility in this city shall register with the Tax Administrator on a form provided by the Tax Administrator. Operators engaged in business at the time this chapter is adopted must not register later than 30 calendar days after passage of this chapter. Operators starting business after this chapter is adopted must register within 15 calendar days after commencing business. The privilege of registration after the date of imposition of such tax shall not relieve any person from the obligation of payment or collection of tax, regardless of registration. Registration shall set forth the name under which an

operator transacts or intends to transact business, the location of his or her place or places of business and such other information to facilitate the collection of the tax as the Tax Administrator may require. The operator shall sign the registration.

B. The Tax Administrator shall, within 10 days after registration, issue without charge from the occupant a certificate of authority to the registrant to collect the tax, from the occupant of the hotel, together with a duplicate thereof, for each additional place of business for each registrant. Certificates shall be non-assignable and nontransferable and shall be surrendered immediately to the Tax Administrator upon the cessation of business at the location named or upon its sale or transfer.

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

D. Said certificate shall, among other things, state the following:

1. The name of the operator;
 2. The address of the transient lodging facility;
 3. The date upon which the certificate was issued; and
 4. "This Transient Occupancy Registration Certificate signifies that the person named on the face hereof has fulfilled the requirements of the Transient Room Tax Chapter of the Canby Municipal Code by registration with the Tax Administrator for the purpose of collecting from transients the room tax imposed by the City of Canby and remitting the tax to the Tax Administrator."
- (Ord. 1477, passed 5-16-2018)

§ 3.50.080 Due date, returns, and payments.

A. The transient shall pay the tax imposed by this chapter to the operator at the time that rent is paid. All amounts of such taxes collected by any operator are due and payable to the Tax Administrator on a quarterly basis of the calendar year for periods ending on April 30, June 30, September 30, and December 31. Tax collections are due by the fifteenth

day of the month following the preceding quarter and are delinquent on the last day of the month in which they are due.

B. On or before the fifteenth day of the month following each quarter of collection, a return for the preceding quarter's tax collections shall be filed with the Tax Administrator. The return shall be filed in such form as the Tax Administrator may prescribe by every operator liable for payment of tax.

C. Returns shall show the amount of tax collected or otherwise due for the related period. The Tax Administrator may require returns to show the total rentals upon which tax was collected or otherwise due, gross receipts of the operator for such period, an explanation in detail of any discrepancy between such amounts, and the amount of rents exempt, if any.

D. The person that is required to file the return should deliver the return together with the remittance of the amount of the tax due to the Tax Administrator. If the return is mailed, the postmark shall be considered the date of delivery for determining delinquencies. To ease administrative burdens, remittances under \$10 can be carried forward 1 time to the next quarter and paid with no penalty.

E. For good cause, the Tax Administrator may extend for up to 1 month the time for making any return or payment of tax. No further extension shall be granted, except by the City Administrator. Any operator to whom an extension is granted shall pay interest at the rate of 1% per month or fraction of a month, on the amount of tax due. If a return is not filed and the tax and interest due is not paid by the end of the extension granted, then the interest shall become a part of the tax for computation of penalties described elsewhere in this chapter.

F. If the operator has complied with the terms of this chapter and particularly the provisions of this section relating to prompt payment of taxes due and payable to the Tax Administrator, the operator shall be permitted to deduct as collection expense 5% of the amount of the total taxes collected for that quarter, as shown by the return mentioned in division C. of this section.

(Ord. 1477, passed 5-16-2018)

§ 3.50.090 Penalties and interest.

A. Original Delinquency. Any operator who has not been granted an extension of time for remittance of tax due and who fails to remit any tax imposed by this chapter prior to delinquency, shall pay a penalty of 10% of the amount of tax due in addition to the amount of the tax.

B. Continued Delinquency. Any operator who has not been granted an extension of time for remittance of tax due and who failed to pay any delinquent remittance on or before a period of 30 days following the date on which the remittance first became delinquent, shall pay a second delinquency penalty of 15% of the amount of the tax due, plus the amount of the tax due and the 10% penalty first imposed.

C. Fraud. If the Tax Administrator determines that the nonpayment of any remittance due under this chapter is due to fraud, or intent to evade the provisions thereof, a penalty of 25% of the amount of the tax due shall be added thereto, in addition to the penalties stated in divisions A. and B. of this section.

D. Interest. In addition to the penalties imposed, any operator who fails to remit any tax imposed by this chapter shall pay interest at the rate of 0.5% per month or fraction of a month on the amount of the tax due, exclusive of penalties, for the date on which the remittance first became delinquent until paid.

E. Penalties Merged with Tax. Every penalty imposed, and such interest as accrues under the provisions of this chapter, shall be merged with and become a part of the tax herein required to be paid.

F. Petition for Waiver. Any operator who fails to remit the tax levied within the time stated shall pay the penalties stated. However, the operator may petition the Tax Administrator for waiver and refund of the penalty or any portion thereof, and the Tax Administrator may, if a good and sufficient reason is shown, waive and direct a refund of the penalty or any portion thereof.

G. Any penalties or interest applied under this section do not bar the application of further penalties under § 3.50.180.

(Ord. 1477, passed 5-16-2018)

§ 3.50.100 Deficiency determinations; fraud; evasion; operator delay.

A. Deficiency Determination. If the Tax Administrator determines that the returns are incorrect, he or she may compute and determine the amount required to be paid upon the basis of the facts contained in the return or returns, or upon the basis of any information within his or her possession. One or more deficiency determinations may be made of the amount due for 1 or more than 1 period and the amount so determined shall be due and payable immediately upon service of notice as herein provided, after which the amount determined is delinquent. Penalties on deficiencies shall be applied as set forth in § 3.50.090.

1. In making a determination, the Tax Administrator may offset overpayments, if any, which may have been previously made for a period or periods against any underpayment for a subsequent period or periods, or against penalties and interest on the underpayments. The interest on underpayments shall be computed in the manner set forth in § 3.50.090.

2. The Tax Administrator shall give to the operator or occupant a written notice of their determination. The notice may be served personally or by certified mail. In the case of service by mail of any notice required by this chapter, the service is complete upon receipt by the operator or his or her agent or employee, or if refused, the date of its refusal as shown by the U.S. Postal Department return receipt.

3. Except in the case of fraud or intent to evade this chapter or authorized rules and regulations, every deficiency determination shall be made and notice thereof mailed within 3 years after the last day of the month following the close of the monthly period for which the amount is proposed to be determined or within 3 years after the return is filed, whichever period expires later.

4. Any determination shall become due and payable immediately upon receipt of notice and shall become final within 10 days after the Tax Administrator has given notice thereof. However, the operator may petition for redemption and refund if the petition is filed before the determination becomes final as herein provided.

B. Fraud; Refusal to Collect; Evasion. If any operator shall fail or refuse to collect said tax or to make within the time provided in this chapter any report and remittance of said tax or any portion thereof required by this chapter, or makes a fraudulent return or otherwise willfully attempts to evade this chapter, the Tax Administrator shall proceed in such manner as he or she may deem best to obtain facts and information on which to base an estimate of the tax due. As soon as the Tax Administrator has determined the tax due that is imposed by this chapter from any operator who has failed or refused to collect the same and to report and remit said tax, he or she shall proceed to determine and assess against such operator the tax, interest, and penalties provided for by this chapter. In case such determination is made, the Tax Administrator shall give a notice in the manner aforesaid of the amount so assessed. Such determination and notice shall be made and mailed within 3 years after discovery by the Tax Administrator of any fraud, intent to evade, failure, refusal to collect said tax, or failure to file return. Any determination shall become due and payable immediately upon receipt of notice and shall become final within 10 days after the Tax Administrator has given notice thereof. However, the operator may petition for redemption and refund if the petition is filed before the determination becomes final as herein provided.

C. Operator Delay. If the Tax Administrator believes that the collection of any tax or any amount of tax required to be collected and paid to the city will be jeopardized by delay or if any determination will be jeopardized by delay, he or she shall thereupon make a determination of the tax or amount of tax required to be collected noting the fact upon the determination. The amount so determined as herein provided shall be immediately due and payable, and the operator shall immediately pay the same determination to the Tax Administrator after service of notice thereof provided. However, the operator may petition after payment has been made for redemption and refund of such determination, if the petition is filed within 10 days from the date of service of notice by the Tax Administrator.

(Ord. 1477, passed 5-16-2018)

§ 3.50.110 Re-determinations.

A. Any operator against whom a determination is made under § 8.02.100 or any person directly interested may petition for a re-determination and redemption and refund within the time required in § 3.50.100 hereof. If a petition for re-determination and refund is not filed within the time required in § 3.50.100, the determination becomes final at the expiration of the allowable time.

B. If a petition for re-determination and refund is filed within the allowable period, the Tax Administrator shall reconsider the determination, and, if the person has so requested in their petition, shall grant the person an oral hearing, and shall give them 10 days' notice of the time and place of the hearing. The Tax Administrator may continue the hearing as needed.

C. The Tax Administrator may decrease or increase the amount of the determination as a result of the hearing, and if an increase is determined, such increase shall be payable immediately after the hearing.

D. The order or decision of the Tax Administrator upon a petition for re-determination of redemption and refund becomes final 10 days after service upon the petitioner of notice thereof, unless appeal of such order or decision is filed with the Municipal Court within 10 days after service of such notice.

E. No petition for re-determination of redemption and refund or appeal thereof shall be effective for any purpose unless the operator has first complied with the payment provisions hereof.
(Ord. 1477, passed 5-16-2018)

§ 3.50.120 Security; collection of tax.

A. The Tax Administrator, after delinquency and when he or she deems it necessary to insure compliance with this chapter, may require any operator subject thereto to deposit with the city such security in the form of cash, bond, or other security as the Tax Administrator may determine. The amount of the security shall be fixed by the Tax Administrator but shall not be greater than twice the operator's estimated average quarterly liability for the period for

which he or she files returns, determined in such manner as the Tax Administrator deems proper, or \$5,000, whichever amount is the lesser. The amount of the security may be increased or decreased by the Tax Administrator subject to the limitations herein provided.

B. At any time within 3 years after any tax or any amount of tax required to be collected becomes due and payable or at any time within 3 years after any determination becomes final, the Tax Administrator may bring an action in the courts of this state, or any state, or of the United States in the name of the city to collect the amount delinquent together with penalties and interest.

(Ord. 1477, passed 5-16-2018)

§ 3.50.130 Lien.

A. The tax imposed by this chapter together with the interest and penalties herein provided and the filing fees paid to the Clerk of Clackamas County, Oregon, and advertising costs which may be incurred when same becomes delinquent as set forth in this chapter shall be and remain until paid a lien from the date of its recording with the County Clerk and superior to all subsequent recorded liens on all tangible personal property used in the transient lodging facility of an operator, which may be foreclosed on and sold as may be necessary to discharge said lien. The personal property subject to such lien may be seized by any authorized deputy or employee of the city and may be sold at public auction after 20 days' notice of sale given by two publications in a newspaper of general circulation in the city. The notices required hereunder shall be published not less than 7 days apart. Such seizure and sale shall be in addition to any other process to secure payment of the delinquent tax allowed by law.

B. Any lien for taxes shall upon the payment of all taxes, penalties, and interest thereon, be released by the Tax Administrator.

(Ord. 1477, passed 5-16-2018)

§ 3.50.140 Refunds.

A. Operators' Refunds. Whenever the amount of any tax, penalty, or interest has been paid more

than once or has been erroneously or illegally collected or received by the Tax Administrator under this chapter, it may be refunded, provided that a verified claim in writing therefor stating the specific reason upon which the claim is founded is filed with the Tax Administrator within 3 years from the date of payment. The claim shall be made on forms provided by the Tax Administrator. If the claim is approved by the Tax Administrator, the excess amount collected or paid may be refunded or may be credited on any amounts then due and payable from the operator from whom it was collected or by whom paid, and the balance may be refunded to each such operator, his or her administrators, executors or assignees.

B. Transient Refunds. Whenever the tax required by this chapter has been collected by the operator and deposited by the operator with the Tax Administrator, and it is later determined that the tax was erroneously or illegally collected or received by the Tax Administrator, it may be refunded by the Tax Administrator to the transient provided that a verified claim in writing therefor stating the specific reason on which the claim is founded is filed with the Tax Administrator within 3 years from the date of payment.

(Ord. 1477, passed 5-16-2018)

§ 3.50.150 Administration.

A. Transient Room Tax Fund. The Tax Administrator shall place all monies received pursuant to this order in the Transient Room Tax Fund.

B. Records Required from Operators. Every operator shall keep guest records of room sales and accounting books and records of room sales. The operator shall retain all records for a period of 3 years and 6 months after they come into being.

C. Examination of Records; Investigations. For the purpose of enforcing § 3.50.100 of this chapter, if the Tax Administrator has reason to believe that the returns are incorrect or that fraud, refusal to remit, evasion, or operator delay has occurred as set forth in § 3.50.100 of this chapter, then the Tax Administrator or any person authorized in writing by him or her may examine during normal business hours the books, papers, and accounting records relating to room sales

of any operator after notification to the operator liable for the tax and may investigate the business of the operator in order to verify the accuracy of any return made, or, if no return is made by the operator, to ascertain and determine the amount required to be paid.

D. Confidential Character of Information Obtained; Disclosure Unlawful. It shall be unlawful for the Tax Administrator or any person having an administrative or clerical duty under the provisions of this chapter to make known in any manner whatever the business affairs, operations, or information obtained by an investigation of records and equipment of any person required to obtain a transient occupancy registration certificate or pay a transient occupancy tax, or any other person visited or examined in the discharge of official duty, or the amount or source of income, profits, losses, expenditures, or any particular thereof set forth in any statement or application, or to permit any statement or application, or copy of either, or any book containing any abstract or particulars thereof to be seen or examined by any person. Nothing in this division shall be construed to prevent:

1. The disclosure to or the examination of records and equipment by another city official, employee, or agent for collection of taxes for the sole purpose of administering or enforcing any provisions of this chapter or collecting taxes imposed hereunder;

2. The disclosure, after the filing of a written request to that effect to the taxpayer himself, receivers, trustees, executors, administrators, assignees, and guarantors if directly interested of information as to any paid tax, unpaid tax or amount of tax required to be collected, or interest and penalties; further provided, however, that the City Attorney approves each such disclosure, and that the Tax Administrator may refuse to make any disclosure referred to in this division when in his or her opinion the public interest would suffer thereby;

3. The disclosure of the names and addresses of any persons to whom transient occupancy registration certificates have been issued; or

4. The disclosure of general statistics regarding taxes collected or business done in the city.

(Ord. 1477, passed 5-16-2018)

§ 3.50.170 Appeals to the Municipal Court.

Any person aggrieved by any provisions of the Tax Administrator may appeal to the Municipal Court by filing a notice of appeal with the Tax Administrator within 10 days of the Tax Administrator's decision. The Tax Administrator shall transmit said notice of appeal, together with the file of said appealed matter to the Municipal Court who shall fix a time and place for hearing such appeal. The Municipal Court shall give the appellant not less than 10 days written notice of the time and place of hearing of said appealed matter. The Municipal Court will have the final say in the determination.

(Ord. 1477, passed 5-16-2018)

§ 3.50.180 Violations.

It is unlawful for any operator or other person so required to fail or refuse to register as required herein, or to furnish any return required to be made, or fail or refuse to furnish a supplemental return or other data required by the Tax Administrator, or to render a false or fraudulent return. No person required to make, render, sign, or verify any report shall make any false or fraudulent report with intent to defeat or evade the determination of any amount due, required by this chapter. Any person willfully violating any of the provisions of this chapter shall be subject to a fine not to exceed \$2,000 per violation.

(Ord. 1477, passed 5-16-2018)

J. Any business who is in operation for 3 or fewer consecutive days at the same location and operates less than a total of 30 days per calendar year within C-1 Downtown Commercial Zone of the city. This exemption does not apply to contractors, landscapers, or any business engaged in a contract with the city or Canby Urban Renewal Agency.

K. Taxi companies and vehicle for hire transportation services.
(Ord. 1396, passed 3-5-2014; Am. Ord. 1447, passed 9-7-2016; Am. Ord. 1464, passed 9-6-2017)

§ 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 an amount set by resolution. 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.
(Am. Ord. 1399, passed 6-4-2014)

§ 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 5.06: SECONDHAND DEALERS

Section

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- 5.06.150 Maintenance of regulated business activity in violation declared a nuisance, abatement.

§ 5.06.010 Purpose.

The purpose of this chapter is to strictly regulate certain business activities that present an extraordinary risk of being used by criminals to dispose of stolen property. This risk is present despite the best effort of legitimate secondhand dealer and pawnbroker businesses, because these businesses process large volumes of goods and materials that are frequently the object of theft. This chapter is intended to reduce this type of criminal activity by facilitating timely police notification of such property transactions, and by regulating the conduct of persons engaged in this business activity. The need for these regulations outweighs any anti-competitive effect that may result from their adoption.

(Ord. 1386, passed 11-6-2013)

§ 5.06.020 Definitions.

As used in this chapter, unless the context requires otherwise:

A. Acceptable Identification means either a current driver license, an identification card issued by the Department of Motor Vehicles of a United States state, or 2 current United States federal, state or local government-issued identification 1 of which has a photograph of the seller.

B. Acquire means to take or transfer any interest in personal property in a voluntary transaction, including but not limited to: sales, consignments, memoranda between a dealer and a private party seller, leases, trade-ins, loans, refinements and abandonments. Any acquisitions of regulated property by a dealer will be presumed to be an acquisition on behalf of the secondhand dealer business. Notwithstanding the foregoing, Acquire does not include:

1. Any loans made in compliance with state laws by persons licensed as pawnbrokers by the State of Oregon for the purposes of making a pawn loan; or

2. Memoranda between a dealer and a person engaged in the business of selling regulated property.

C. Council means the City of Canby City Council or its designee.

D. Criminal Convictions Related to Fraud, Deception, Dishonesty, or Theft means any conviction for a criminal violation of this chapter; O.R.S. 162.015 to 162.121; 162.265 to 162.385; 164.005 to 164.235; 164.377; 164.395 to 164.415; Chapter 165, or any similar provision of previous or later Oregon statutes, or statutes of another state, or of the United States.

E. Dealer or Secondhand Dealer:

1. Means any sole proprietorship, partnership, limited partnership, family limited partnership, joint venture, association, cooperative, trust, estate, corporation, personal holding company, limited liability company, limited liability partnership or any other form of organization for doing business and that either:

a. Acquires regulated property on behalf of a business, regardless of where the acquisition occurs, for the purpose of reselling the property; or

b. Offers for sale regulated property in the City of Canby.

2. Notwithstanding division 1. above, Dealer or Secondhand Dealer does not include any of the following:

a. A business whose acquisitions of regulated property consist exclusively of donated items and/or purchases from 501(c)(3) organizations;

b. An individual or business whose only transactions involving regulated property in the City of Canby consist of the acquisition of regulated property for personal use, or the sale of regulated property that was originally acquired by the seller for personal use; or

c. A person whose only business transactions with regulated property in the City of Canby consist of a display space, booth, or table maintained for displaying or selling merchandise at

TITLE 8: HEALTH AND SAFETY

Chapter

8.04 GARBAGE COLLECTION AND DISPOSAL

8.12 NUISANCES

8.14 AGRICULTURAL USE PROTECTION

8.16 FIRE PREVENTION CODE

8.20 ALARM SYSTEMS

Canby - Health and Safety

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: ALARM SYSTEMS

Section

- 8.20.010 Purpose.
- 8.20.020 Definitions.
- 8.20.030 Administration; funding; increases in fees and fines; annual evaluation.
- 8.20.040 Alarm registrations required; terms; fees and fee collection.
- 8.20.050 Registration application; contents.
- 8.20.060 Transfer of registration prohibited.
- 8.20.070 Duties of alarm users.
- 8.20.080 Audible alarms; restrictions, abatement of malfunctioning alarm.
- 8.20.090 Registration and duties of alarm installation companies and monitoring companies.
- 8.20.100 Duties and authority of the Alarm Administrator.
- 8.20.110 False alarm fines; fees; late charges.
- 8.20.120 Notice to alarm users of false alarms and suspension of a police response.
- 8.20.130 Alarm registration suspension; fees, fines; violation to make alarm dispatch request for suspended alarm site.
- 8.20.140 Appeals of determinations regarding alarm registrations, fees and fines.
- 8.20.150 Reinstatement of suspended alarm registrations.

- 8.20.160 Suspension of police response to dispatch requests from certain alarm installation companies and monitoring companies.
- 8.20.170 Police Department response.
- 8.20.180 Confidentiality of alarm information.
- 8.20.190 Scope of police duty; immunities preserved.

§ 8.20.010 Purpose.

The City Council finds and declares that:

A. The majority of alarms to which the Police Department responds are false alarms, which are reported to the police by alarm companies.

B. Most false alarms are the result of improper maintenance or improper or careless use of an alarm system.

C. The public and police officers can be subjected to needless danger when the officers are called to respond to false alarms.

D. Officers responding to false alarms are not immediately available to carry out other police duties.

E. In the interest of using limited police resources most effectively and efficiently, the number of false alarms can and must be reduced.

F. The purpose of this chapter is to reduce the potential dangers and inefficiencies associated with false alarms and to encourage alarm companies and property owners to maintain the operational reliability, properly use alarm systems, and to reduce or eliminate false alarm dispatch requests.

G. This chapter governs systems intended to summon a police response, establishes fees, fines, establishes a system of administration, sets conditions for the suspension of a police response and establishes a public education and training program.
(Ord. 1479, passed 5-16-2018)

§ 8.20.020 Definitions.

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

Alarm Administrator means the person or persons designated by the Police Department to administer the provisions of this chapter.

Alarm Agreement means the legal contract or agreement by and between the alarm installation company and/or monitoring company and the alarm user.

Alarm Agreement Holding Company means the alarm installation company or monitoring company that holds the alarm agreement with the alarm user.

Alarm Dispatch Request means a notification to the Police Department that an alarm, either manual or automatic, has been activated at a particular alarm site.

Alarm Installation Company means a person in the business of selling, providing, maintaining, servicing, repairing, altering, replacing, moving or installing an alarm system at an alarm site for compensation, and includes individuals or firms that install and service alarm systems used in a private business or proprietary facility.

Alarm Registration means a registration and unique number issued by the Alarm Administrator to an alarm user, which authorizes the operation of an alarm system.

Alarm Response Manager (ARM) means a person designated by an alarm installation company and monitoring company to handle alarm issues for the company and act as the primary point of contact for the city's Alarm Administrator.

Alarm Site means a location served by 1 or more alarm systems. In a multi-unit building or complex, each unit shall be considered a separate Alarm Site if served by a separate alarm system. In a single unit building that houses 2 or more separate businesses with separate alarm systems, each business will be considered a separate Alarm Site.

Alarm System means a device or series of devices, which emit or transmit an audible or remote visual or electronic alarm signal, which is intended to summon police response. The term includes hardwired systems, surveillance cameras and systems interconnected with a radio frequency method such as cellular or private radio signals, and includes local alarm systems, but does not include an alarm installed

in a motor vehicle or a system which will not emit a signal either audible or visible from the outside of the building, residence or beyond, but is designed solely to alert the occupants of a building or residence.

Alarm User means any person who has contracted for monitoring, repair, installation or maintenance service for an alarm system from an alarm installation company or monitoring company, or who owns or operates an alarm system which is not monitored, maintained or repaired under agreement.

Alarm User Awareness Class means a class conducted for the purpose of educating alarm users about the responsible use, operation, and maintenance of alarm systems and the problems created by false alarms.

Alarm User List means a list provided by the alarm user's alarm installation company or if no alarm agreement exists between the alarm user and an alarm installation company, the alarm user's monitoring company.

Arming Station means a device that controls an alarm system.

Automatic Voice Dialer means any electronic, mechanical, or other device which, when activated, is capable of being programmed to send a prerecorded voice message to the Police Department or city requesting an officer dispatch to an alarm site.

Burglar Alarm means an alarm intended to identify the presence of an intruder in either a business or residence.

Business License means a business license issued by the City Business License division to an alarm installation company or monitoring company to conduct business in the city.

Cancellation means the termination of a police response to an alarm site after an alarm dispatch request is made but before an officer's arrival at the alarm site.

City means City of Canby.

Conversion of Alarm User means the transaction or process by which 1 alarm installation company or monitoring company begins the servicing or monitoring of a previously unmonitored alarm system or an alarm system that was previously serviced or monitored by another alarm company.

Duress Alarm means a silent alarm system signal generated by the entry of a designated code into an arming station in order to signal that the alarm user is being forced to turn off the system and requires an officer response.

Enhanced Call Confirmation (ECC) means an attempt by the monitoring company, or its representative, to contact the alarm site and/or alarm user and/or the alarm user's designated representatives by telephone and/or other electronic means, whether or not actual contact with a person is made, to determine whether an alarm signal is valid before requesting a police burglar alarm dispatch, in an attempt to avoid an unnecessary alarm dispatch request. For the purpose of this chapter, telephone confirmation shall require, as a minimum that a second call be made to a different number, if the first attempt fails to reach an alarm user who can properly identify themselves to determine whether an alarm signal is valid before requesting an officer dispatch. Names and numbers or those contacted or attempted to contact, shall be provided when requested.

False Alarm means an alarm dispatch request to the Police Department, which results in the responding officer finding no evidence of a criminal offense or attempted criminal offense after completing an investigation of the alarm site, or, in the alternative, the same officer finding by a preponderance of evidence a blatant misuse or error of the alarm system.

Holdup Alarm means a silent alarm signal generated by the manual activation of a device intended to signal a robbery in progress.

Local Alarm System means an unmonitored alarm system that annunciates an alarm only at the alarm site or is a self-monitored alarm site.

Monitoring means the process by which a monitoring company receives signals from an alarm system and relays an alarm dispatch request to the Police Department.

Monitoring Company means a person in the business of providing monitoring services.

One Plus Duress Alarm means the manual activation of a silent alarm signal by entering a code that adds 1 number to the last digit of the normal

arm/disarm code (e.g., normal code = 1234, one plus duress code = 1235).

Panic Alarm means an alarm system signal generated by the manual activation of a device intended to signal a life threatening or emergency situation requiring an officer response.

Person means an individual, corporation, limited liability company, partnership, association, organization or similar entity as defined by Oregon law.

Police Department means the Canby Police Department.

Protective or Reactive Alarm System means an alarm system that produces a temporary disability or sensory deprivation through use of chemical, electrical, sonic or other means, including use of devices that obscure or disable a person's vision.

Registration Number means a unique individual number assigned to an alarm user as part of alarm registration issued by the Police Department.

Responsible Party means a person capable of appearing at the alarm site upon request who has access to the alarm site, the code to the alarm system and the authority to approve repairs to the alarm system.

Robbery Alarm means an alarm signal generated by the manual or automatic activation of a device, or any system, device or mechanism on or near the premises intended to signal that a robbery is in progress and that a person needs immediate police assistance in order to avoid bodily harm, injury or death. The term has the same general meaning as "holdup alarm" or "duress alarm."

SIA Control Panel Standard CP-01 means the ANSI - American National Standard Institute-approved Security Industry Association - SIA CP-01 Control Panel Standard, as may be updated from time to time, that details recommended design features for security system control panels and their associated arming and disarming devices to reduce the incidence of false alarms. Control panels built and tested to this standard by Underwriters Laboratory (UL), or other nationally recognized testing organizations are marked as follows: "Design evaluated in accordance with SIA CP-01 Control Panel Standard Features for False Alarm Reduction."

Takeover means the transaction or process by which an alarm user takes over control of an existing alarm system that was previously controlled by another alarm user.

Zones mean a division of devices into which an alarm system is divided to indicate the general location from which an alarm system signal is transmitted. (Ord. 1479, passed 5-16-2018)

§ 8.20.030 Administration; funding; increases in fees and fines; annual evaluation.

A. Responsibility for administration of this chapter is vested with the Police Department.

B. The Police Department may designate an Alarm Administrator to carry out the duties and functions described in this section.

C. Monies generated by fees and fines assessed pursuant to this section shall be deposited into the city's General Fund.

D. The amount of the fees and fines set forth in this section shall be specified in the City Fee Schedule, which may only be revised by a duly-adopted resolution of the City Council. For purposes of this division, "fees" include any type or class of fee and includes late charges.

E. The Alarm Administrator shall conduct an annual evaluation and analysis of the effectiveness of this chapter and identify and implement system improvements as warranted. (Ord. 1479, passed 5-16-2018)

§ 8.20.040 Alarm registrations required; terms; fees and fee collection.

A. An alarm user shall not operate, or cause to be operated, any alarm system without a valid alarm registration. A separate alarm registration is required for each alarm site having a distinct address or business name. A registration fee including a completed alarm registration application shall be received and approved by the Alarm Administrator prior to any alarm system activation. A 30-day grace period shall be granted from the date of all new alarm installations or takeovers between 2 alarm users, to accommodate the registration application process. There may be reduced residential registration fees for

senior citizens, low-income and disabled persons, or governmental entities. The City Council shall establish such classes of persons by resolution.

B. Owners of local alarm systems are required to adhere to all sections of this chapter and are subject to all fees, fines, suspensions, penalties or other requirements that are applicable.

C. The fee for a new initial alarm registration and the alarm registration renewal fee shall be collected by the Alarm Administrator.

D. Existing Alarm Systems.

1. Any alarm system that has been installed before the effective date of this chapter shall be registered and a registration fee collected by the Alarm Administrator.

a. The alarm agreement holding company shall provide within 40 days of the effective date of this chapter, an alarm user list of existing alarm users in the city, in a format approved by the Alarm Administrator, including name, address, billing address and telephone number to the Alarm Administrator.

b. The alarm agreement holding company may apply to the Alarm Administrator for an extension of the time limit in division D.1.a. based on extenuating circumstances.

2. The alarm agreement holding company may, through a mutual written agreement, have another alarm company provide the alarm user's list.

E. New Alarm Systems.

1. Any alarm installation company that installs an alarm system on premises located within the city shall notify the Alarm Administrator within 20 days that an alarm system has been installed and send the Alarm Administrator the required information.

2. In the case of self-installed alarm systems that are to be monitored by a monitoring company, the monitoring company shall act as the alarm installation company regarding the duties to notify the Alarm Administrator.

3. Failure of an alarm installation company to notify the Alarm Administrator of a new alarm system installation within 20 days of installation shall result in a fine as established by resolution of the City Council to be imposed on the alarm installation company.

4. The initial alarm registration fee shall be collected by the Alarm Administrator. Failure of the alarm user to submit an application and registration fee within the 30 days after notice shall result in the alarm system being classified as non-registered and late charges being assessed.

F. Alarm Registration and Renewal Fees.

1. An alarm registration shall expire 1 year from the date of issuance, and must be renewed annually by the alarm user. The Alarm Administrator shall notify the alarm user of the need to renew their registration 30 days prior to the expiration of the registration. It is the responsibility of the alarm user to submit the updated information and renewal fees prior to the registration expiration date. Failure to renew shall be classified as use of a non-registered alarm system and subject the alarm site to a suspension and late charge.

2. Registration fees shall be collected annually based on a 1-year registration period. The amount of the registration and renewal fees required are established by resolution of the City Council.

G. Late Charge. Alarm users who fail to make payment for an alarm registration prior to the registration's expiration date will be assessed a late charge as established by resolution of the City Council.

H. Refunds. No refund of a registration fee or registration renewal fee will be made.

I. Upon receipt of a completed alarm registration application form and the alarm registration fee, the Alarm Administrator shall issue a registration number or alarm registration renewal to the applicant unless:

1. The applicant has failed to pay any fee or fine assessed under this chapter; or
2. An alarm registration for the alarm site has been suspended, and the condition causing the suspension has not been corrected; or
3. The alarm installation company and/or the monitoring company listed on the registration application are not in possession of current valid state licensing; or
4. Any false statement of a material fact made by an applicant for the purpose of obtaining an

alarm registration shall be sufficient cause for refusal to issue an alarm registration.

J. Exceptions.

1. Government entities, including but not necessarily limited to the city, county, state, federal and school districts, must obtain alarm registrations for all alarm systems on property under their control within the boundaries of the city, but may be subject to reduced payment of alarm registration and renewal fees.

2. All registration-fee-exempted alarm sites or reduced fee sites are required to obtain and maintain a valid alarm registration for a police response and are subjected to all other fees, fines and suspension enforcements, except when this action is prohibited by statute or through a court ruling.
(Ord. 1479, passed 5-16-2018)

§ 8.20.050 Registration application; contents.

An application for an alarm registration must be in a format provided by the Police Department. The information required on such forms shall be determined by the Alarm Administrator. Registration applicants acknowledge that the police response may be influenced by factors including, but not limited to, the availability of officers, priority of calls, traffic conditions, weather conditions, emergency conditions, prior alarm history, administrative actions and staffing levels.
(Ord. 1479, passed 5-16-2018)

§ 8.20.060 Transfer of registration prohibited.

A. An alarm registration cannot be transferred to another person or alarm site. An alarm user shall inform the Alarm Administrator and their alarm company of any change to the information listed on the alarm registration application within 10 business days after such change.

B. Exceptions may be made in the discretion of the Alarm Administrator when the transfer proposed is among members of the family of the original registration holder or successors in interest to the property for which the alarm registration has been issued.
(Ord. 1479, passed 5-16-2018)

§ 8.20.070 Duties of alarm users.

A. An alarm user shall:

1. Maintain the alarm site and the alarm system in a manner that will minimize or eliminate false alarms;

2. Make every reasonable effort to arrive at (or cause a designated, responsible person to arrive at) the alarm system's location within 30 minutes after being requested by the monitoring company or Police Department in order to:

- a. Deactivate an alarm system;
- b. Provide access to the alarm site;

and/or

c. Provide alternative security for the alarm site.

3. Provide his, her, or its monitoring company with the updated names and telephone numbers of at least 2 individuals who are able and have agreed to:

- a. Receive notification of an alarm system activation at any time;
- b. Respond to the alarm site at any time; and

c. Provide access to the alarm site and deactivate the alarm system, if necessary.

4. Not activate an alarm system for any reason other than an occurrence of an event that the alarm system was intended to report.

5. Notify his, her, or its monitoring company of any suspension of police response (as provided for under this chapter) and request that the monitoring company not make a burglar alarm dispatch request.

B. No person shall operate or cause to be operated any automatic voice dialer which, when activated, uses a telephone device or attachment to automatically dial a telephone line leading into the Police Department or the city and then transmit any prerecorded message or signal.

C. An alarm user shall keep a set of written operating instructions for each alarm system at each alarm site.

(Ord. 1479, passed 5-16-2018)

§ 8.20.080 Audible alarms; restrictions, abatement of malfunctioning alarm.

A. No alarm system shall emit a sound resembling an emergency vehicle siren or civil defense warning. The Chief of Police shall make the final determination regarding any question of an audible alarm within this section.

B. After the effective date of this chapter no one shall install, modify or repair an alarm system in the city that has a siren, bell or other signal that is audible from any property adjacent to the alarm site that sounds for longer than 15 consecutive minutes after the alarm is activated, or that repeats the 15 minute audible cycle more than 2 consecutive times during a single armed period.

C. In the event that an audible alarm is activated and fails to reset itself or continues to activate for more than 60 minutes and the responsible person listed on the alarm registration or other responsible person cannot or will not respond and silence the alarm, and the continued activation of the alarm is creating a disturbance, the Police Department may cause the alarm to be silenced in a manner determined appropriate for the circumstances. The alarm user shall be held responsible for the actual costs involved to abate the malfunctioning alarm up to a maximum of \$300. The city, its employees or agents shall not be responsible or liable for damage resulting from such disconnection.

(Ord. 1479, passed 5-16-2018)

§ 8.20.090 Registration and duties of alarm installation companies and monitoring companies.

A. Registration.

1. No alarm company operator or alarm agent, as defined by the Business and Professions Code, shall install, maintain, or repair any alarm system within the city unless the alarm company operator or alarm agent has, prior to performing such work, obtained a city business license.

2. Each alarm installation company and alarm monitoring company must designate 1 individual as the alarm response manager (ARM) for the company. The individual designated as the ARM must

be knowledgeable of the provisions of this chapter, as well as have the knowledge and authority to deal with false alarm issues and respond to requests from the Alarm Administrator. The name, contact number, and email address of the ARM shall be provided to the Alarm Administrator. Failure to comply within 30 days after being notified in writing from the Alarm Administrator may result in the suspension of Police Department response to alarm dispatch requests from the non-complying alarm installation company or monitoring company.

3. Each alarm installation company shall provide the name, address and phone number of any monitoring company it is using to monitor its alarm sites within the city, and monitoring companies shall do the same for alarm installation companies that use their monitoring services within the city.

B. Alarm installation companies shall:

1. Upon the installation or activation of an alarm system, the alarm installation company shall distribute to the alarm user information summarizing:

- a. The applicable law relating to false alarms, including the registration fee and the potential for fines and suspension of an alarm registration;
- b. How to prevent false alarms; and
- c. How to operate the alarm system.

2. After the effective date of this chapter, alarm installation companies shall not program alarm systems so that they are capable of sending one plus duress alarms. Monitoring companies may continue to report one plus duress alarms received from alarm systems programmed with one plus duress alarms installed prior to the effective date of this chapter.

3. After the effective date of this chapter, alarm installation companies shall not install, modify or repair "single action" devices for the activation of hold-up, robbery or panic alarms. New devices shall require 2 actions or an activation time delay to provide more positive assurance that the user intends to activate the device.

4. Ninety days after the effective date of this chapter, an alarm installation company shall, on new installations, use only alarm control panel(s) which are listed as ANSI/SIA CP-01- Control Panel Standard - Features for False Alarm Reduction.

5. An alarm installation company shall not use an automatic voice dialer for any alarm system which, when activated, uses a telephone device or attachment to automatically dial a telephone line leading into the Police Department or the city and then transmit any pre-recorded message or signal.

6. Ensure that alarm users of alarm systems equipped with a duress, robbery, holdup or panic alarm has been provided adequate training as to the proper use of the alarm system's operation and function.

7. All alarm systems shall be supplied with an uninterrupted power supply in such a manner that the failure or interruption of the normal electric utility service for a period of up to 4 hours will not activate the alarm system.

8. All audible alarm systems shall include a device which will limit the duration of the audible alarm to a period of not more than 15 minutes per activation.

C. A monitoring company shall:

1. Report alarm signals by using telephone numbers or procedures designated by the Alarm Administrator or other approved communication processes.

2. Employ enhanced call confirmation procedures on all burglar alarm dispatch requests. The City Police Department may refuse to accept an alarm dispatch request from a monitoring company that has failed to comply with the procedures required by enhanced call confirmation. This division becomes effective 90 days after the effective date of this chapter.

3. Communicate alarm dispatch requests to the Police Department in a manner and form determined by the Alarm Administrator.

4. Communicate cancellations to the Police Department in a manner and form determined by the Alarm Administrator.

5. Communicate all available zone activations information (north, south, front, back, door, window, etc.) about the location of an alarm signal(s) as part of an alarm dispatch request.

6. Communicate the type of alarm activation (silent or audible, interior or perimeter), if available, on any alarm dispatch request.

7. Notify communications (dispatch) of any alarm site that it knows, or reasonably should know has guard dog(s), pets or is fitted with a protective-reactive alarm system. During any alarm at such a site, a responsible party must be contacted and confirm that he or she will respond to the alarm site to disarm the device or take control of the guard dog(s).

8. After an alarm dispatch request, promptly advise the Police Department if the monitoring company knows that the alarm user or a responsible party is on the way to the alarm site;

9. Each monitoring company must maintain, for a period of at least 1 year after the date of an alarm dispatch request, all records relating to the alarm dispatch request. Records must include the name, address and telephone number of the alarm user, each alarm system zone activated, the time of alarm dispatch request and evidence of all attempts to verify. The Alarm Administrator may request copies of such records for any individual alarm user. If the request is made within 60 days after an alarm dispatch request, the monitoring company shall furnish requested records within 3 business days after receiving the request. If the records are requested between 60 days and 1 year after an alarm dispatch request, the monitoring company shall furnish the requested records within 30 days after receiving the request.

10. Each monitoring company shall, upon request, immediately provide the Police Department with the names and phone numbers of the alarm user's emergency contacts at the time of each alarm dispatch request.

D. Conversion of Alarm Users. An alarm installation company or monitoring company that converts the servicing of any alarm system account from another company shall notify the Alarm Administrator of such conversion and shall make a reasonable effort to provide to the Alarm Administrator, within 60 days from the date of conversion, an alarm user list of the converted accounts, in a format acceptable to the Alarm Administrator.

(Ord. 1479, passed 5-16-2018)

§ 8.20.100 Duties and authority of the Alarm Administrator.

A. The Alarm Administrator shall:

1. Designate the manner and form of alarm dispatch requests and the telephone numbers and/or communication process that are to be used for such requests; and

2. Establish a procedure to accept cancellation of alarm dispatch requests.

B. The Alarm Administrator shall establish a procedure to acquire and record information on alarm dispatch requests.

C. The Alarm Administrator shall establish and implement a procedure to notify the alarm user of a false alarm. The notice shall include the following:

1. The date and time of an officer's response to the false alarm; and

2. Any false alarm fine incurred.

D. The Alarm Administrator may require that a conference be held with an alarm user and the alarm installation company or monitoring company responsible for repairing or monitoring of the alarm system to review the circumstances of each false alarm. The conference may be held in person or through a conference telephone call, at the Alarm Administrator's discretion. Failure to participate may result in suspension of the alarm registration, as indicated by the facts of the case.

E. The Alarm Administrator may establish an alarm user awareness class. The Alarm Administrator may request the assistance of associations, alarm companies and law enforcement agencies in developing and implementing the class. The class shall inform alarm users of the alarm ordinance; problems created by false alarms and teach alarm users how to avoid creating false alarms.

F. If a false robbery, holdup or panic alarm has occurred and the alarm was triggered using a single action, non-recessed device, the Alarm Administrator may consider a waiver or partial waiver of the false alarm fine, if action is taken by the alarm user to remove or replace the single action, non-recessed device.

G. The Alarm Administrator shall make a copy of this chapter and/or an ordinance summary sheet available to each alarm user.

H. The Alarm Administrator may use electronic means to communicate with alarm users, alarm installation companies and monitoring companies when applicable or when requested by the recipient and at the Alarm Administrator's discretion. (Ord. 1479, passed 5-16-2018)

§ 8.20.110 False alarm fines; fees; late charges.

A. The Alarm Administrator may assess the alarm user a fine for a false alarm occurring at that alarm user's alarm site. The amount of said fines for the listed categories shall be established by City Council and may be subsequently amended by resolution of the City Council.

B. If a false alarm fine is not paid within 30 days after the invoice is mailed, a late charge as established by resolution of the City Council shall be imposed.

C. Fines for False Alarms from Non-Registered Alarm Systems. For person(s) operating a non-registered alarm system incurring a false alarm, fines shall be imposed as established by resolution of the City Council.

D. Any monitoring company after 5 business days of receiving notice from the Alarm Administrator that an alarm user's registration status is that of non-registered shall not make a burglar alarm dispatch request from that alarm user.

E. If cancellation of a police response occurs prior to the officer's arrival at the alarm site, the response is not considered a false alarm and no false alarm fine will be assessed.

F. The alarm installation company shall be assessed a fine in an amount established by resolution of the City Council if the officer responding to a false alarm determines that an on-site employee of the alarm installation company directly caused the false alarm. Such false alarms are not included in the total number of false alarms for the alarm user, nor is the alarm user to be held liable for any false alarm fine resulting from such alarm activation.

G. A fine in an amount established by resolution of the City Council shall be imposed against any monitoring company that fails to verify alarm system signals as required in § 8.20.090C.2. of this chapter.

H. Notice of the right of appeal under this chapter will be included with notice of any fine.

I. All registration fees, renewal registration fees or fines assessed under this section are due within 30 days of written notice unless otherwise noted. A late charge in an amount established by resolution of the City Council shall be imposed for each individual fee or fine due that is not paid within 30 days.

J. The Alarm Administrator may waive the false alarm fine for the first chargeable false alarm during the alarm user's 1-year registration period, pending the successful completion of the online alarm user awareness class available through the Alarm Administrator. In order to have the fine waived, the alarm user shall have successfully completed the class within 30 days of the fine notice. Alarm users without online access may request the online school and test be mailed to them. Reasonable additional time to complete the alarm user awareness class shall be allowed for mail delivery.

(Ord. 1479, passed 5-16-2018)

§ 8.20.120 Notice to alarm users of false alarms and suspension of a police response.

A. The Alarm Administrator shall notify the alarm user in writing or by other electronic means after each false alarm. The notice shall include the amount of the fine for the false alarm, the fact that police response to further alarms may be suspended after the fourth false alarm during the alarm user's 1-year alarm registration period, (excluding duress, robbery, holdup and panic alarms), and that the alarm user has the right to appeal.

B. The Alarm Administrator shall notify the alarm user in writing 30 days beforehand that a Police Department response to further alarms is to be suspended. The right of appeal under this chapter shall be included with the notice. The notice of suspension shall also include the amount of any fees and/or fines due and a description of the reinstatement process. (Ord. 1479, passed 5-16-2018)

§ 8.20.130 Alarm registration suspension; fees, fines; violation to make alarm dispatch request for suspended alarm site.

A. The Alarm Administrator shall notify the Police Department of each alarm user whose alarm registration qualifies for suspension under this section. The Alarm Administrator may suspend an alarm registration if it is determined that:

1. There is a false statement of a material fact in the registration application;
2. The alarm user has had 4 or more false burglar alarms within the 1-year registration period, except that the Alarm Administrator may waive a suspension of a registration upon receipt of documented work orders showing reasonable attempts to repair the alarm system prior to the notice of suspension; or
3. The alarm user fails or refuses to pay an alarm registration or alarm registration renewal fee, false alarm fine, late charge, or any other fee, fine, or charge assessed under this section.

B. It is a violation of this section for a person to operate a burglar alarm system during the period in which the alarm registration is suspended. It is a violation of this chapter for a monitoring company to make an alarm dispatch request to a burglar alarm site after the monitoring company's alarm response manager (ARM) has been notified by electronic mail by the Alarm Administrator that the registration for that alarm site has been suspended. A grace period of 5 business days after the ARM's notification shall be granted the monitoring company to comply. The alarm monitoring company shall be assessed a fine in an amount established by resolution of the City Council for requesting a burglar alarm dispatch request on a suspended alarm site.

C. False Alarm Fines under Suspension Status. In addition to the fines set forth in § 8.20.110A., a supplemental fine is hereby imposed upon any person operating a suspended burglar alarm system. The amount of said fines shall be established by resolution of the City Council.

D. It shall be the responsibility of the alarm user to notify their respective alarm monitoring

company of their suspension status. An alarm user shall be held financially accountable for all false alarm fines incurred.

E. Unless there is a separate indication that there is a crime in progress, the Police Department may or may not dispatch an officer to an alarm site for which an alarm registration is suspended. (Ord. 1479, passed 5-16-2018)

§ 8.20.140 Appeals of determinations regarding alarm registrations, fees and fines.

A. If the Alarm Administrator assesses a fee or fine, suspends an alarm registration or denies the issuance, renewal or reinstatement of an alarm registration, the Alarm Administrator shall send notice of the action and a statement of the right to appeal to the affected applicant, alarm user, alarm installation company or alarm monitoring company.

B. The applicant, alarm user, alarm installation company or alarm monitoring company may appeal any action described in division A. above to the Police Chief (or his or her designee) by setting forth in writing the reasons for the appeal and delivering the appeal to the Police Chief (or designee) within 20 days after receipt of notice of the action. Failure to deliver the appeal within that time period is a waiver of the right to appeal.

C. The procedure for an appeal to the Police Chief (or designee) is as follows:

1. The applicant, alarm user, alarm installation company or monitoring company may file a written request for appeal by paying an appeal fee and setting forth the reasons for the appeal. The appeal must be entitled "Appeal from Alarm Administrator's Action." The appeal fee shall be in an amount established by resolution of the City Council and will be returned to the appealing party if the appeal is successful.

2. The Police Chief (or designee) shall conduct a hearing on the appeal within 30 days after the Police Department's receipt of the request for appeal and appeal fee and shall consider the evidence submitted by the appealing party and the Alarm Administrator. The Police Chief (or designee) must

base the decision on the preponderance of evidence presented at the hearing and must render a decision within 15 days after the date of the hearing. The decision shall affirm or reverse the decision or action taken by the Alarm Administrator. The decision of the Police Chief or designee shall be the final decision in the matter.

3. Filing of an appeal stays any action by the Alarm Administrator to suspend an alarm registration or require the payment of a fee or fine until the appeal process has been exhausted. This provision applies only to the action of the Alarm Administrator that is the subject of the appeal. This provision does not operate as a bar to enforcement action on violations of this section that occur thereafter.

D. The Alarm Administrator or the Police Chief, or their respective designees, may adjust the count of false alarms or assessed fees based on:

1. Evidence that a false alarm was caused by action of a communications services provider (i.e., telephone, cellular, cable company);

2. Evidence that a false alarm was caused by a power outage of more than 4 hours or severe weather such as a tornado, earthquake, or excessive winds (35 m.p.h. or above as measured by a local, recognized weather monitoring station);

3. Evidence that an alarm dispatch request was not a false alarm; or

4. The occurrence of multiple alarms within a 24-hour period, which may be considered as 1 false alarm if the alarm user has taken corrective action, unless the false alarms are directly caused by the alarm user.

E. The Alarm Administrator may waive all or part of a false alarm fine due to extenuating circumstances or to encourage corrective action with supervisor approval.

(Ord. 1479, passed 5-16-2018)

§ 8.20.150 Reinstatement of suspended alarm registrations.

A. On the suspension of an alarm registration, a person whose alarm registration has been suspended

may obtain reinstatement of the registration by the Alarm Administrator if the person:

1. Pays a reinstatement fee as established by resolution of the City Council;

2. Pays, or otherwise resolves, all outstanding fees, fines, and other charges;

3. Submits a written notice from an alarm installation company stating that the alarm system has been inspected and repaired (if necessary) by the alarm installation company;

4. The alarm user successfully completes an alarm user awareness class and test.

B. The Police Department shall reinstate its response to an alarm site as soon as is practicable after receiving notice of reinstatement from the Alarm Administrator. The alarm user and monitoring company shall take notice that the alarm site has been officially reinstated only after receiving notice from the Alarm Administrator of that fact. It shall be the responsibility of the alarm user to verify that his, her, or its registration status and future police response has been properly restored.

(Ord. 1479, passed 5-16-2018)

§ 8.20.160 Suspension of police response to dispatch requests from certain alarm installation companies and monitoring companies.

A. The Police Chief or designee may suspend police response to an alarm dispatch request from an alarm installation company or monitoring company if it is determined that:

1. There is a violation of this chapter by the alarm installation company or monitoring company and the condition causing the violation has not been corrected; and/or

2. The alarm installation company or monitoring company has failed to pay any fee, fine, or other charge assessed under this section, more than 60 days after the fee, fine, or other charge is due.

B. The Police Department may not respond to any alarm dispatch request where the alarm installation company or monitoring company who installed or monitors that alarm has failed to comply

with any licensing requirements or failed to maintain a valid copy of any required alarm company operators license.

C. A suspension of police response made pursuant to this division is subject to the appeal process provided for within this chapter. In addition, the Alarm Administrator has the ability to accept a workable solution from the affected party prior to an appeal. The affected party has 60 days after the written notice of suspension before police response is suspended to its alarm customers.

D. The Alarm Administrator shall notify all known alarm users subscribing to an alarm installation company or an alarm monitoring company that the Police Department has suspended response to the company's alarm dispatch requests.

E. The city shall assess the alarm installation company or monitoring company a reinstatement fee in an amount established by resolution of the City Council. In addition, if the Alarm Administrator has incurred costs in notifying alarm users by mail of the suspension of their alarm installation company or monitoring company, reimbursement to the city of those costs shall be a condition of reinstatement. (Ord. 1479, passed 5-16-2018)

§ 8.20.170 Police Department response.

A. Subject to the suspension provisions in § 8.20.130 above and the discretion discussed in § 8.20.190 below, the Police Department at its discretion will respond to all "in progress" robbery, panic or burglar alarms as promptly as possible, taking into account pending calls for service and any policy establishing priority of dispatched calls following notification of the receipt of the alarm from the monitoring company. Police supervisors may, in their discretion, cancel a police response to any or all alarms based on weather or other factors affecting police service needs.

B. The Police Chief or his or her designee may re-prioritize assignment of burglar alarms and response time at any time during a 24-hour period as may be necessary due to the service needs of the community. (Ord. 1479, passed 5-16-2018)

§ 8.20.180 Confidentiality of alarm information.

All information contained in documents gathered through alarm registrations, the submission of customer lists, the alarm appeal process and records relating to alarm dispatch requests must be held in confidence by all employees of the Alarm Administrator, City of Canby and any third-party alarm administrator. Such information is proprietary and is hereby declared confidential and not a public record. Absent special circumstances, such information must not be released to the public or any person other than a law enforcement agency, third party administrator or the applicable alarm user, alarm installation company or alarm monitoring company except pursuant to court order or applicable public records law.

(Ord. 1479, passed 5-16-2018)

§ 8.20.190 Scope of police duty; immunities preserved.

The issuance of alarm registrations does not create a contract between the Police Department and/or the city and any alarm user, alarm installation company or monitoring company, nor does it create a duty or obligation, either expressed or implied, on the Police Department to respond to any alarm. Any and all liability and consequential damage resulting from the failure of the Police Department to respond to an alarm dispatch request is hereby disclaimed and full governmental immunity as provided by law is retained. By applying for an alarm registration, the alarm user acknowledges that the Police Department response is influenced by the availability of officers, priority of calls, traffic conditions, weather conditions, emergency conditions, staffing levels, prior response history and administrative actions.

(Ord. 1479, passed 5-16-2018)

Canby - Health and Safety

11. Animals. Owning, possessing or harboring any bird or other animal, which barks, bays, cries, howls or makes any other noise continuously for a period of 10 minutes or more, for reasons other than being provoked by a person trespassing or threatening to trespass.

12. Steam Whistles. Blowing any steam whistle attached to any stationary boiler, except to give notice of the time to begin or stop work.

13. Compressed Air Devices. The use of a mechanical device operated by compressed air, steam or otherwise, unless the noise thereby created is effectively muffled.

14. Warning Devices. The sound created by warning devices that are not reset within 5 minutes after being triggered.

§ 9.48.040 Maximum permissible sound levels.

A. No person shall cause or permit sound(s) to intrude onto the property of another person which exceeds the maximum permissible sound levels set forth below in this section.

B. The sound limitation established herein, as measured at or within the property boundary of the receiving land use, are as set forth in Table 1 appended to this chapter after any applicable adjustments provided for herein are applied. When the sound limitations are exceeded, it shall constitute excessive and unnecessary sound(s) and shall be violations in their own right as well as being prima facie evidence of noise.

C. This section is violated if any of the following occur:

1. Any continuous sound that exceeds the limits of Table 1 for a cumulative total of greater than 5 minutes in any 10-minute period;

2. Any sound that exceeds the limits of Table 1 by 5 dBA for a cumulative total of greater than 1 minute, but less than 5 minutes in any 10-minute period;

3. Any sound that exceeds the limits of Table 1 by 10 dBA at any point in time; or

4. Any sound that exceeds the ambient noise levels existing by 10 dBA created by a new industrial or commercial noise source on a previously unused industrial or commercial site.

§ 9.48.050 Exceptions and variances.

A. Exceptions. The following sounds are exempted from the provisions of this chapter:

1. Sounds caused by the performance of emergency work, vehicles and/or equipment;

2. Aircraft operations in compliance with applicable federal laws or regulations;

3. Railroad activities as defined in Subpart A, Part 201 of Title 40, CER of the Environmental Protection Agency's railroad emission standards, incorporated herein by reference;

4. Sounds produced by sound-amplifying equipment at activities sponsored by Canby School District between 7:00 a.m. and 12:00 p.m. midnight, local time;

5. Sounds created by refuse pickup operations during the period of 6:00 a.m. to 10:00 p.m., local time;

6. Sounds created by domestic power tools during the period 7:00 a.m. to 10:00 p.m., local time, provided sound-dissipating devices on tools so equipped are maintained in good repair;

7. Sounds made by warning devices operating continuously for 5 minutes or less;

8. Idling motor vehicles, including compressors on refrigerated trailers, within a Gross Vehicle Weight Rating (CVWR) of 8,000 pounds or greater between the hours of 7:00 a.m. to 10:00 p.m., local time, provided they are equipped with an exhaust system which is in good working order and in constant operation;

9. Sounds created at the Clackamas County Fairgrounds as a result of events sanctioned by the Clackamas County Fair Board;

10. Sounds caused by business operations in the commercial and industrial zones, provided the sounds result from lawful commercial business activity or manufacturing operations;

11. Construction activities during the period of 7:00 a.m. to 10:00 p.m., local time, provided equipment is maintained in good repair and equipped with sound dissipating devices in good working order; and

12. Sounds caused by city maintenance equipment between the hours of 7:00 a.m. and 10:00 p.m.; and

13. Sounds created from city sanctioned events in the Downtown Commercial zone.

B. Variances. Any person who owns, controls or operates any sound source which violates any of the provisions of this chapter may apply, in writing, to the City Council for a variance from the provisions. Any person who is planning a noise source which is expected to violate any provision of this chapter may apply to the City Council for a variance from the provisions. Any person granted a variance under this chapter may apply for renewal of that variance upon its expiration. The renewal application shall be processed just as if it was an initial application.

1. Application. An application for a noise variance shall be made on forms provided by the City Recorder's Office. The application shall be accompanied by all the required information and fees. If more than 1 date is being requested for a noise variance at 1 location, they can be on 1 application. The written application shall state the provision from which a variance is being sought, the period of time the variance is to apply, the reason for which the variance is sought, and any other supporting information which the City Council may reasonably require. A list of property owners within 200 feet of the location of the variance shall be provided by the applicant with the application.

2. Review Standards. In establishing exceptions or granting variances, the City Council shall consider:

- a. The protection of health, safety and welfare of citizens as well as the feasibility and cost of noise abatement;
- b. The surrounding type of existing land use;
- c. The acoustical nature of the sound emitted; and
- d. Whether compliance with the provision would produce a benefit to the public.

3. Time Duration of Variance. Any variance shall be granted for a specific time interval, not to exceed 1 year.

4. Public Notification and Public Hearing.

a. Notice of the public hearing shall be published in a newspaper at least 10 days prior to the public hearing.

b. Notice of the public hearing shall be mailed to all property owners within 200 feet of the location for the variance at least 10 days prior to the public hearing.

c. The City Council shall hold a public hearing before the granting of a variance.

5. Variances.

a. Conditions for Granting. The City Council may grant specific variances from the particular requirements of any rule, regulation or order, to specific persons, class of persons or specific noise source upon those conditions as it may deem necessary to protect the public health and welfare, if it finds that strict compliance with the rule, regulations or order is inappropriate because of conditions beyond the control of the persons requesting the variance; because of special circumstances which would render strict compliance unreasonable or impractical due to special physical conditions or cause; because strict compliance would result in substantial curtailment or closing down of a business, plant or operation; or because no other alternative facility or method of handling is yet available. Granting of the variance shall not be materially detrimental to other property within the same vicinity and the variance requested shall be the minimum which will alleviate the hardship.

b. Revocation or Modification. A variance granted may be revoked or modified by the City Council after a public hearing held upon not less than 20 days' notice. The notice shall be served upon the holder of the variance by certified mail and all persons who have filed with the City Council a written request for this notification.

6. Emergency and Safety Hazard. In the case of an emergency or safety hazard, the City Administrator or his or her designee may revoke a variance immediately by setting forth the nature of the emergency or hazard in a letter mailed or hand-delivered to the holder of the variance. A public hearing before the City Council shall be held at the next regularly scheduled City Council meeting following the revocation to reverse, affirm or modify the revocation action.

(Am. Ord. 1373, passed 5-1-2013; Am. Ord. 1465, passed 9-6-2017)

§ 9.48.060 Chapter additional to other law.

The provisions of this chapter shall be cumulative and nonexclusive and shall not affect any other claim, cause of action or remedy; not unless specifically provided shall it be deemed to repeal, amend or modify any law, ordinance or regulation relating to noise or sound, but shall be deemed additional to existing legislation and common law on the subject.

APPENDIX A**TABLE 1: ALLOWABLE SOUND LEVELS**

<i>Allowable Sound Levels (in dBA) in any 10-minute Period</i>						
<i>Type of Source by Use</i>	<i>Type of Noise Received by Use</i>					
	<i>Noise Sensitive</i>		<i>Commercial*</i>		<i>Industrial*</i>	
	<i>Day</i>	<i>Night</i>	<i>Day</i>	<i>Night</i>	<i>Day</i>	<i>Night</i>
Noise sensitive	55	45	70	65	75	70
Commercial	55	50	70	65	75	70
Industrial	55	50	70	65	75	70
* NOTE: Sounds caused by lawful business activity or manufacturing are exempt. See § 9.48.050.A.10.						

CHAPTER 9.50: POLICE DUTIES TO INVENTORY PROPERTY

Section

9.50.010	Purpose.
9.50.020	Definitions.
9.50.030	Inventories of impounded vehicles.
9.50.040	Inventories of persons in police custody.

§ 9.50.010 Purpose.

This chapter is meant to apply exclusively to the process for conducting an inventory of the personal property in an impounded vehicle and the personal possessions of a person in police custody and shall not be interpreted to affect any other statutory or constitutional right(s) that police officers may employ to search persons or search or seize possessions for other purposes.

§ 9.50.020 Definitions.

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

Closed Container means a container whose contents are not exposed to view.

Open Container means a container which is unsecured or incompletely secured in such a fashion that the container's contents are exposed to view.

Police Custody means either:

1. The imposition of restraint as a result of an arrest, as that term is defined at O.R.S. 133.005(1);
2. The imposition of actual or constructive restraint by a police officer pursuant to a court order;
3. The imposition of actual or constructive restraint by a police officer pursuant to O.R.S. Chapter 426;
4. The imposition of actual or constructive restraint by a police officer for purposes of taking the restrained person to an approved facility for the involuntary confinement of persons pursuant to state law.

Police Officer means any officer of the City Police Department.

Valuable means:

1. Cash money of an aggregate amount of \$50 or more; or
2. Individual items of personal property with a value of over \$500.

§ 9.50.030 Inventories of impounded vehicles.

A. The contents of all vehicles impounded by a police officer will be inventoried. The inventory shall be conducted before constructive custody of the vehicle is released to a third-party towing company except under the following circumstances:

1. If there is reasonable suspicion to believe that the safety of either the police officer(s) or any other person is at risk, a required inventory will be done as soon as safely practical; or

2. If the vehicle is being impounded for evidentiary purposes in connection with the investigation of a criminal offense, the inventory will be done after the investigation is completed.

B. The purpose for the inventory of an impounded vehicle will be to:

1. Promptly identify property to establish accountability and avoid spurious claims to property;
2. Assist in the prevention of theft of property;
3. Locate toxic, flammable or explosive substances; or
4. Reduce the danger to persons and property.

C. Inventories of impounded vehicles will be conducted according to the following procedures:

1. An inventory of personal property and the contents of open containers will be conducted throughout the passenger and engine compartments of the vehicle, including but not limited to accessible areas under or within the dashboard area, in any pockets in the doors or in the back of the front seat, in any console between the seats, under any floor mats and under the seats;

2. In addition to the passenger and engine compartments as described above, an inventory of personal property and the contents of open containers will also be conducted in the following locations:

REFERENCES TO OREGON REVISED STATUTES

<i>O.R.S. Section</i>	<i>Code Section</i>
8.665	12.24.050
Ch. 10	1.16.030
10.050	1.16.070
Ch. 34	13.16.077
34.010 to 34.100	4.04.100, 5.06.050, 5.06.140, 12.24.060
Ch. 88	2.40.090
Ch. 131 through 133	9.04.020
133.005(1)	9.50.020
133.005(3)	12.24.060
133.455	9.50.040
Ch. 135 through 138	9.04.020
Ch. 153	9.04.020, 9.32.070, 10.04.010, 12.13.120, 12.24.050
Ch. 156 through 157	9.04.020
Ch. 162 through 167	9.04.010
162.015 - 162.121	5.06.020
162.265 - 162.385	5.06.020
Ch. 163	5.16.060
Ch. 164	5.16.060
164.005 - 164.235	5.06.020
164.377	5.06.020
164.395 - 164.415	5.06.020
164.805(2)	6.08.040
Ch. 165	5.06.020, 5.16.060
Ch. 166	5.16.060
Ch. 174	1.04.080
183.450	5.06.140
190.240	12.36.030
Ch. 197	4.32.010
197.015	3.30.060
199.430	2.40.010
199.460 to 199.534	2.40.010
Ch. 223	4.12.080, 4.20.110, 4.24.220, 13.12.030
223.205 through 223.300	4.04.120
223.297 to 223.314	4.20.150
223.405 through 223.490	4.04.180
223.505 through 223.595	12.16.05
223.510 through 223.595	15.16.090
267.380	3.24.010, 3.24.080

Canby - Parallel References

O.R.S. Section

Code Section

267.385	3.24.160
Ch. 279	2.16.010
283.140	12.36.030
Ch. 316	3.24.010
319.210	3.40.140
319.280 through 319.320	3.40.200
320.350	3.50.020
320.350(5)(a) or (c)	3.50.020
357.400-621	2.20.010
357.975	2.20.100
390.005 through 390.124	12.24.010
Ch. 401	2.52.040, 2.52.080
401.025	12.36.030
Ch. 426	9.12.010, 9.50.020, 9.50.040
Ch. 446	3.20.130
446.003(26)	3.20.130
457.010	2.68.010
457.045(3)	2.68.030
Ch. 471	5.16.020, 5.16.050, 9.04.010
Ch. 475	9.04.010
475.035	9.32.020
527.620	8.14.030
Ch. 619	10.04.100
Ch. 674	4.32.020
Ch. 726	5.06.030, 5.06.090
726.010(2)	5.06.020
726.040	5.06.020
726.280 - 726.285	5.06.030
Ch. 743	10.04.010
759.005(1)	12.36.030
759.010	12.36.030
806.010	10.12.010, 10.12.030
806.080	10.12.010

Prior Ordinance List and Disposition Table

<i>Ord. No.</i>	<i>Subject, Code Section/Disposition</i>
842	Authorizes contract for asbestos removal (Special)
843	Authorizes contract for remodeling of old Ace Hardware building (Special)
844	Election to receive state revenues (Special)
845	Amends Ord. 668, § 7 (Not codified) (Repealed by 1000)
846	Authorizes contract for street sweeping services (Special)
847	Amends §§ 15.04.010(B) and 15.04.030, building code (15.04) (Repealed by 1085)
848	Amends Chap. 16.10, planning and zoning (16.10)
849	Street improvements (Special)
850	Amends § 16.88.030, land development and planning (16.88)
851	Amends § 13.24.070(A), public services (13.24)
852	Tree regulations; repeals Chap. 12.20 (12.20, 12.32)
853	Manufactured homes, amends Chap. 16 (Repealed by 859)
854	Amends Ord. 848, planning and zoning (16.10)
855	Authorizes contract for renovation (Special)
856	Street Reserve Fund (Special)
857	Rezone (Special)
858	Amends §§ 16.48.010 and 16.48.050(E), planning and zoning (16.48)
859	Amends § 16.04.387; repeals Ord. 853, planning and zoning (16.04)
860	Sewer Reserve Fund (Special)
861	Construction engineering contract (Special)
862	Election to receive state revenue (Special)
863	Amends §§ 12.12.030 and 12.12.040; adds §§ 12.12.035(A) and (B), sidewalk displays (12.12)
864	Amends §§ 5.04.070, 5.04.220 and 5.04.240, business licenses (5.04)
865	Award of contract (Special)
866	Adds Chaps. 16.90, 16.95 and 16.100, land development and planning (16.90, 16.95, 16.100)
867	Establishes system development charges (4.20)
868	Sewage collection and treatment systems; repeals Ords. 566, 618, 679, 727 and 835 (13.04, 13.08, 13.12, 13.16, 13.20) (Repealed by 1153)
869	Authorizes contract for issuance of sewer revenue bonds (Special)
870	Rezone (Special)
871	Amends § 6.04.030, animals generally (6.04)
872	Amends § 16.10.070, off-street parking and loading (16.10)
873	Amends § 10.04.010(A), city traffic code (10.04)
874	Amends §§ 9.04.010(A) and 9.04.020(A), criminal code (9.04)
875	Street vacation (Special)
876	Street vacation (Special)
877	Election to receive state revenues (Special)
878	Amends § 12.24.040; repeals §§ 12.24.040(B), (C) and (D), city parks (12.24)
879	Amends §§ 8.20.040(A) and (C), 8.20.070(A)(2), (B)(2), (C) and (E)(2), 8.20.080(A), (B), (B)(5), and (C); repeals 8.20.080(B)(6); rennumbers 8.20.080(B)(7) to (B)(6) and amends it, emergency assistance alarms (8.20) (Superseded by 1479)

Canby - Parallel References

<i>Ord. No.</i>	<i>Subject, Code Section/Disposition</i>
880	Authorizes installation of roof system on Canby library (Special)
881	Amends §§ 10.08.010(A) and (B), 10.08.020, 10.08.030, 10.08.040 and 10.08.070, abandoned vehicles (10.08)
882	Street vacation (Special)
883	Renumbers § 10.04.105(C) to (D) and adds new (C), traffic code (10.04)
884	Amends §§ 15.04.010(B), 15.04.030(A), (B), (C), (D), (E) and (F), building code (15.04) (Repealed by 1085)
885	Authorizes contract for in-line television equipment (Rescinded)
886	Authorizes renovation and upgrading of sewage treatment facility (Special)
887	Authorizes purchase of real property for industrial park (Special)
888	Amends § 15.04.030(F); repeals § (2)(F) of Ord. 884, building code (15.04) (Repealed by 1085)
889	Authorizes contract for in-line television equipment (Special)
890	Adds §§ 16.02.020, 16.04.065, 16.04.125, 16.04.155, 16.16.010(H), 16.20.010(E) and (F), 16.24.010(R), 16.32.020(C), 16.36.040, 16.49.140, 16.76.010(C); amends §§ 16.04.030, 16.04.240, 16.08.110, 16.10.010(A), 16.10.030(D) and (G), Table 16.10.050, 16.10.070(A)(2) and (B)(13)(e), Figure 1: Parking Table, 16.12.010, 16.16.010(D) and (E), 16.16.020(C), (K), (L), (M) and (N), 16.16.030(C)(3), the title of Chap. 16.20, 16.20.010(D), 16.20.020, 16.20.030(C)(3) and (F)(1-4), 16.22.010, 16.24.010(A), 16.24.020(A) and (B), 16.28.010(A), 16.28.020, 16.30.010(A), 16.32.010(B) and (R), 16.32.030(F)(1-3), 16.34.030(F)(1,2), 16.42.040(A), 16.42.110(E), the title of Chap. 16.44, 16.44.010, 16.44.030(E-H) and (J), 16.44.070, 16.46.010(A)(1-4), 16.49.030, 16.49.050(2), 16.49.080(2)(a-c), (3), (4)(B) and (7), 16.49.090(1), 16.49.100(2), 16.49.110 (2)(B), 16.49.120(3-5), 16.60.020, 16.60.040(E), 16.62.020(D), 16.64.040(I)(2), the title of Division V, 16.70.010, 16.76.010(A), the title of Chap. 16.80, 16.80.010, 16.80.020, 16.80.030(B) and (J)(2); deletes § 16.22.020(C), planning and zoning (16.02, 16.04, 16.08, 16.10, 16.12, 16.16, 16.20, 16.22, 16.24, 16.28, 16.30, 16.32, 16.34, 16.36, 16.42, 16.44, 16.46, 16.49, 16.60, 16.62, 16.64, 16.70, 16.76, 16.80)
891	Authorizes contract for sewer line construction (Special)
892	Election to receive state revenues (Special)
893	Authorizes contract to construct pedestrian pathway system (Special)
894	Authorizes contract for street improvement (special)
895	Street vacation (Special)
896	Authorizes purchase of sewer lift station (Special)
897	Authorizes contract for transportation and traffic-ways plan (Special)
898	Authorizes contract for storm water master plan (Special)
899	Amends § 16.50.020, 16.60.010(A), 16.62.010(A), 16.64.070(K)(2), 16.68.060(B), 16.84.030, 16.88.150(D) (1-6), planning and zoning (16.50, 16.60, 16.62, 16.64, 16.68, 16.84, 16.88) (§ 16.88.150 deleted by 1080)
900	Creates Clackamas Regional Elected Group (Special)
901	Amends § 6.08.045, animal nuisances (6.08)
902	Establishes library endowment fund (3.16) (Repealed by 1399)

REFERENCES TO ORDINANCES

<i>Ord. No.</i>	<i>Date Passed</i>	<i>Code Section</i>
975	8-20-1997	8.04.120
—	11-4-1997	Charter, Chapter 1
982	1-7-1997	4.24.010 - 4.24.080
984	2-18-1998	4.24.010
989	4-1-1998	2.32.010 - 2.32.030
992	5-6-1998	2.48.020, 2.48.030, 2.48.090
996	6-17-1998	T.S.O. I
1000	7-15-1998	T.S.O. I
1001	7-15-1998	T.S.O. I
1005	8-19-1998	4.12.080
1012	12-2-1998	T.S.O. I
1014	1-20-1999	T.S.O. I
1017	4-7-1999	T.S.O. I
1032	10-6-1999	2.68.010 - 2.68.050
1035	11-3-1999	12.08.010 - 12.08.200
1036	11-3-1999	12.36.010 - 12.36.090
1031	11-24-1999	4.28.010
1040	11-17-1999	T.S.O. I
1053	7-19-2000	T.S.O. I
1054	9-6-2000	12.20.010 - 12.20.070
1081	11-21-2001	3.24.010 - 3.24.250
1082	11-21-2001	12.40.010 - 12.40.080
1085	1-2-2002	15.04.010 - 15.04.050
1091	2-20-2002	4.04.110
1093	3-20-2002	2.36.010
1108	1-8-2003	15.20.010 - 15.20.280
1109	11-20-2002	2.70.010 - 2.70.050
1110	2-5-2003	12.24.060, 12.24.065
1113	2-19-2003	4.24.150 - 4.24.240
1133	2-18-2004	2.56.020 - 2.56.080
1136	4-21-2004	2.64.020, 2.64.030
1137	4-21-2004	2.20.030, 2.20.040
1151	8-18-2004	13.08.150
1160	10-20-2004	4.24.200, 4.24.220
1165	12-1-2004	4.32.010 - 4.32.090
1166	1-5-2005	9.44.010, 9.44.060 - 9.44.110
1169	2-2-2005	T.S.O. I
1170	2-16-2005	2.16.010 - 2.16.030

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<i>Ord. No.</i>	<i>Date Passed</i>	<i>Code Section</i>
1200	2-15-2006	Adopting Ordinance
1208	6-7-2006	T.S.O. I
1219	9-6-2006	4.24.220
1261	1-2-2008	3.40.020 - 3.40.270
1262	1-16-2008	3.30.010 - 3.30.110
1279	6-18-2008	15.12.010 - 15.12.190
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, 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
1336	11-3-2010	12.36.3030
1341	3-2-2011	2.80.010 - 2.80.050
1342	5-18-2011	T.S.O. I
1347	10-19-2011	T.S.O. I
1349	10-19-2011	T.S.O. I
1355	5-2-2012	2.10.020
1356	5-16-2012	13.12.065
1366	11-21-2012	9.24.060
1370	3-6-2013	T.S.O. I
1372	3-20-2013	2.64.050
1373	5-1-2013	9.48.050
1385	10-16-2013	12.32.010, 12.32.020, 12.32.040 - 12.32.070, 12.32.090
1386	11-6-2013	5.06.010 - 5.06.150
1387	11-20-2013	12.36.020 - 12.36.080
1388	11-20-2013	T.S.O. I
1389	11-20-2013	T.S.O. I
1391	12-4-2013	3.24.010, 3.24.020, 3.24.040 - 3.24.080, 3.24.100 - 3.24.190, 3.24.210, 3.24.220, 3.24.250, 3.24.260
1395	3-5-2014	12.28.010 - 12.28.040, 12.28.060, 12.28.070, 12.28.090
1396	3-5-2014	5.04.190

References to Ordinances

<i>Ord. No.</i>	<i>Date Passed</i>	<i>Code Section</i>
1413 § 14.2	4-1-2015	13.16.231
1413 § 14.3	4-1-2015	13.16.232
1413 § 14.4	4-1-2015	13.16.233
1413 § 14.5	4-1-2015	13.16.234
1413 § 14.6	4-1-2015	13.16.235
1419	6-17-2015	9.32.040, 9.32.060
1425	11-4-2015	T.S.O. I
1426	11-4-2015	2.64.020
1433	3-2-2016	2.20.010, 2.20.040, 2.20.050, 2.20.070, 2.20.080, 2.20.100
1434	3-2-2016	2.10.010
1437	4-20-2016	2.20.070
1447	9-6-2016	5.04.190
1450	11-16-2016	9.48.010
1454	12-7-2016	5.16.030, 5.16.060
1464	9-6-2017	5.04.190
1465	9-6-2017	9.48.050
1466	9-6-2017	3.35.010 - 3.35.140
1467	9-20-2017	Repeals Ch. 2.90
1471	3-21-2018	2.56.030, 2.56.050
1474	4-4-2018	2.04.010
1477	5-16-2018	3.50.010 - 3.50.150, 3.50.170, 3.50.180
1479	5-16-2018	8.20.010 - 8.20.190

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ORDINANCE NO. 1485

AN ORDINANCE AMENDING CANBY MUNICIPAL CODE (CMC) CHAPTER 10.04.100 REGARDING STORAGE OR ABANDONING OF VEHICLES ON STREETS

WHEREAS, the City of Canby currently has a City Traffic Code ordinance that deals with parking, storage, and abandoning of vehicles on streets and public rights of way; and

WHEREAS, the City of Canby desires to amend the ordinance to clarify the parking aspects of the ordinance to aid enforcement and eliminate ambiguity.

NOW, THEREFORE, THE CITY OF CANBY, OREGON, ORDAINS AS FOLLOWS:

Section 1. The Canby Municipal Code (CMC) Chapter 10.04.100 is hereby amended to read as follows:

§ 10.04.100 Parking, storage or abandoning of vehicles on streets.

A. 1. No person, firm or corporation shall **park**, 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 **therein**, for a period in excess of **72**~~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 ~~8~~619 dealing with the custody, removal and disposal of ~~abandoned~~ vehicles.

SUBMITTED to the Canby City Council and read the first time at a regular meeting therefore on Wednesday, June 20, 2018; ordered posted as required by the Canby City Charter; and scheduled for second reading on Wednesday, July 18, 2018, commencing at the hour of 7:30 PM in the Council Chambers located at 222 NE 2nd Avenue, 1st Floor Canby, Oregon.

Kimberly Scheafer, MMC
City Recorder

2nd Reading

PASSED on the second and final reading by the Canby City Council at a regular meeting thereof on July 18, 2018 by the following vote:

YEAS_____ NAYS_____

Brian Hodson
Mayor

ATTEST:

Kimberly Scheafer, MMC
City Recorder

ORDINANCE NO. 1488

AN ORDINANCE AMENDING ORDINANCE 1427 REGARDING THE DEFINITION OF MARIJUANA

WHEREAS, the City of Canby adopted Ordinance 1427 on November 4, 2015 which declared a ban on marijuana businesses in the City of Canby; and

WHEREAS, the Canby City Council desires to amend Ordinance 1427 and add to the definition of marijuana; and

WHEREAS, the Canby City Council desires to amend Ordinance 1427 to more closely align with federal and state laws regarding allowable industrial hemp.

NOW, THEREFORE, THE CITY OF CANBY ORDAINS AS FOLLOWS:

Section 1. Ordinance 1427 is amended under the Definitions sections for the word Marijuana to read:

Marijuana means the plan Cannabis family Cannabaceae, any part of the plan Cannabis family Cannabaceae, and the seeds of the plan Cannabis family Cannabaceae. Marijuana does not include industrial hemp, or any derivative or product thereof, as defined by federal and Oregon state law.

SUBMITTED to the Canby City Council and read the first time at a regular meeting therefore on Wednesday, July 18, 2018, and ordered posted in three (3) public and conspicuous places in the City of Canby as specified in the Canby City Charter and scheduled for second reading before the City Council for final reading and action at a regular meeting thereof on Wednesday, August 1, 2018 commencing at the hour of 7:00 p.m. at the Council Meeting Chambers located at 222 NE 2nd Avenue, 1st Floor, Canby, Oregon.

Kimberly Scheafer, MMC
City Recorder

PASSED on second and final reading by the Canby City Council at a regular meeting thereof on the 1st day of August 2018 by the following vote:

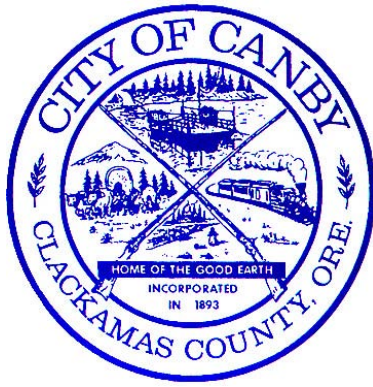
YEAS _____

NAYS _____

Brian Hodson
Mayor

ATTEST:

Kimberly Scheafer, MMC
City Recorder



City of Canby

City Attorney

MEMORANDUM

DATE: JULY 9, 2018
TO: CANBY CITY COUNCIL
FROM: JOSEPH A. LINDSAY, CANBY CITY ATTORNEY
RE: ORDINANCE 1490, AN ORDINANCE GRANTING TO MCIMETRO ACCESS TRANSMISSION SERVICES CORP. D/B/A VERIZON ACCESS TRANSMISSION SERVICES, A NONEXCLUSIVE FRANCHISE TO CONSTRUCT, OPERATE, AND MAINTAIN A TELECOMMUNICATIONS NETWORK AND PROVIDE TELECOMMUNICATIONS SERVICES WITHIN THE CITY OF CANBY, OREGON

Issue: Whether or not to grant a nonexclusive telecommunications franchise agreement to MCIMETRO services in Canby.

Summary: The City of Canby currently manages its Public Rights of Way regarding telecommunications facilities pursuant to Canby Municipal Code Chapter 12.36. Using this ordinance, the City has allowed several other nonexclusive franchise agreements to be effect involving different telecom companies.

The City also currently sets its franchise rates and fees by Resolution 1177

Attachments: *Ordinance 1490*

Recommendation: Pass Ordinance 1490

Motion: “I move to approve Ordinance No. 1490: AN ORDINANCE GRANTING TO MCIMETRO ACCESS TRANSMISSION SERVICES CORP. D/B/A VERIZON ACCESS TRANSMISSION SERVICES, A NONEXCLUSIVE FRANCHISE TO CONSTRUCT, OPERATE, AND MAINTAIN A TELECOMMUNICATIONS NETWORK AND PROVIDE TELECOMMUNICATIONS SERVICES WITHIN THE CITY OF CANBY, OREGON to come up for second reading on August 1, 2018.”

ORDINANCE NO. 1490

AN ORDINANCE GRANTING TO MCIMETRO ACCESS TRANSMISSION SERVICES CORP. D/B/A VERIZON ACCESS TRANSMISSION SERVICES, A NONEXCLUSIVE FRANCHISE TO CONSTRUCT, OPERATE & MAINTAIN A TELECOMMUNICATIONS NETWORK AND PROVIDE TELECOMMUNICATIONS SERVICES WITHIN THE CITY OF CANBY OREGON

WHEREAS: MCImetro Access Transmission Services Corp., a Delaware corporation, d/b/a Verizon Access Transmission Services provides Telecommunications services within the City of CANBY, Oregon; and

WHEREAS: the City 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 Public Rights-of-Way; and

WHEREAS: Franchisee has applied for a Telecommunications Franchise pursuant to Canby Municipal Code (CMC) Chapter 12.36 relating to Telecommunications located in the public rights of way, and the City of CANBY "City" has reviewed said application and has determined that it meets the requirements of the City's Ordinance subject to the terms and conditions of CMC Chapter 12.36 and stated herein:

NOW THEREFORE, THE CITY OF CANBY ORDAINS AS FOLLOWS:

Section 1: Definitions.

Gross Revenues: Any and all revenue, of any kind, nature, or form, without deduction for expense in the City of CANBY and is further defined in Section 11. All such revenue remains subject to applicable FCC rules and regulations which exclude revenues from internet access services while prohibited by law.

Other definitions located in CMC Chapter 12.36

Section 2: Grant of Franchise. In conjunction with CMC Chapter 12.36 et.al., the City hereby grants to Franchisee, its successors and assigns as authorized herein, a nonexclusive right, privilege, authority and Franchise to erect, construct, operate, repair and maintain in, under, upon, along, and across the City's Rights-of-Way, its underground lines, anchors, wires, cables, conduits, laterals and other necessary and convenient fixtures and equipment, for the purposes of constructing, operating and maintaining a competitive Telecommunications network within the City. Separate written agreements are necessary before Franchisee is allowed to locate, operate, or construct any above-ground facilities. Franchisee agrees to obtain and maintain a business license to conduct business in the City of Canby and keep it current during the life of this Franchise. Franchisee agrees to comply with all applicable federal, state, and local laws, ordinances, rules and regulations, including CMC Chapter 12.36, as amended from time to time.

Section 3: Franchise Not Exclusive. The Franchise granted herein (the “Franchise”) is not exclusive, and shall not be construed as any limitation upon the right of the City to grant to other persons or corporations, including itself, rights, privileges or authority the same as, similar to or different from the rights, privileges or authority herein set forth, in the same or other Rights-of-Way, by Franchise, permit or otherwise; provided, however, that any such grant shall be done in a competitively neutral and non-discriminatory manner with respect to the rights, privileges and authorities afforded Franchisee.

Section 4: Term and Termination. The term of this Franchise shall be ten (10) years, commencing with the effective date of this Ordinance. Thereafter, this Franchise shall continue in full force and effect for an additional ten (10) years unless notice is given by either party ninety (90) days before expiration, of its intention to terminate or renegotiate the Franchise. Upon termination or expiration of the Franchise, Grantee shall, within one hundred and eighty days (180), remove all its facilities from the City’s Rights-of-Way. Should the Grantee fail to remove its facilities within the one hundred and eighty day period (180), the City may remove.

Section 5: No Limitation of City Authority.

(a) Except as provided in Section 6 below, nothing in this Franchise shall in any way be construed or interpreted to prevent, or in any way limit, the City from modifying or performing any work in its Rights-of-Way, or granting other franchises for use of Rights-of-Way, or of adopting general ordinances regulating use of or activities in the Rights-of-Way, or of otherwise abrogating or limiting any rights, privileges or property interest the City now has in its Rights-of-Way, whether now owned or hereinafter acquired.

(b) In the event that any portion of the Franchisee’s infrastructure interferes with any present or future use the City desires to make of its Rights-of-Way, Franchisee shall, upon request, and at its sole expense, promptly relocate such infrastructure, and restore the area where such relocation occurs to as good a condition as existed before the work was undertaken, unless otherwise directed in writing by the City.

(c) Where the Franchisee had paid for the relocation costs of the same facilities at the request of the City within the past five (5) years, the Franchisee’s share of the cost of relocation will be paid by the City if it requested the subsequent relocation.

(d) Except as otherwise provided by law, and subject to Section 6 herein, nothing in this Franchise shall be construed to give the Franchisee any credit or exemption from any nondiscriminatory, generally applicable business tax, or other tax now or hereafter levied upon Franchisee’s taxable real or personal property, or against any permit fees or inspection fees required as a condition of construction of any improvements upon Franchisee’s real property and imposed under a generally applicable ordinance or resolution.

Section 6: Competitively Neutral Application. The City shall impose, on a competitively neutral and nondiscriminatory basis, similar terms and conditions upon other similarly situated providers of Telecommunications services operating within the City. Any requirement imposed on Franchisee that is determined not in compliance with this Section 6 shall be unenforceable against Franchisee.

Section 7: Construction, Maintenance and Repair of Infrastructure. Franchisee may make all needful excavations in any Right-of-Way for the purpose of placing, erecting, laying, maintaining or repairing Franchisee's infrastructure, and shall repair, renew and replace the same in accordance with Canby Municipal Code. Franchisee shall obtain all necessary permits for such excavation and construction, and pay all applicable fees. Such work shall be done only in accordance with plans or designs submitted to, and approved by, the City, such plans to be evaluated by the standards applied to the construction of other similar Telecommunications systems in the City.

Such work shall be performed in a good and workmanlike manner and in compliance with all rules, regulations, or ordinances which may, during the term of this Franchise, be adopted from time to time by the City, or any other authority having jurisdiction over Rights-of-Way. Prior to commencing excavation or construction, Franchisee shall give appropriate notice to other franchisees, licensees or permittees of the City owning or maintaining facilities which may be affected by the proposed excavation or construction.

(b) In the event emergency repairs are necessary for Franchisee's facilities, Franchisee may after reasonable attempts to contact the City provided emergency contacts immediately initiate such emergency repairs. At least two emergency contacts will be provided and kept up to date. Franchisee shall give notice to the City's Department of Public Works by telephone, electronic data transmittal or other appropriate means before commencement of work performed under emergency conditions. Franchisee shall make such repairs in compliance with applicable ordinances and regulations, and shall apply for any necessary permits no later than the business day next following the discovery of the need for such repairs.

(c) Franchisee shall construct and maintain its Telecommunications system in such a manner so as to not interfere with City sewer or water systems, or other City facilities.

Section 8: Insurance.

(a) General. At all times during the term of this Franchise, Franchisee, at its own cost and expense, shall provide the insurance specified in this section.

(b) Evidence Required. Within 30 days of the effective date of this Franchise, Franchisee shall provide the City with a certificate of insurance executed by an authorized representative of the insurer or insurers, evidencing that Franchisee's insurance complies with this section.

(c) Notice of Cancellation, Reduction, or Material Change in Coverage. Policies shall include a provision requiring written notice by the insurer or insurers to the City in accordance with policy provisions prior to cancellation, reduction, or material change in coverage. Alternatively, Franchisee may, at its election, assume responsibility for providing the notice required in the preceding sentence. If insurance coverage is canceled, reduced or materially changed, Franchisee shall, prior to the effective date of such cancellation, reduction or material change, obtain the coverage required under this section, and provide the City with documentation of such coverage. Franchisee shall be responsible, to the extent not caused by the City's negligence or

intentional misconduct, for the costs of any damage, liability, or injury, which are not otherwise covered by insurance or because of a failure to comply with this section.

(d) Insurance Required. During the term of this contract, Franchisee shall maintain in force, at its own expense, the following insurance:

- (1) Workers' compensation insurance for all subject workers; and
- (2) General liability insurance with a combined single limit, or the equivalent, of not less than \$1,000,000 for each person, and \$3,000,000, for each occurrence of bodily injury and \$3,000,000 for property damage, which coverages shall include contractual liability coverage for the indemnity provided under this contract, and naming the City, its officials, officers, employees and agents as additional insureds with respect to Franchisee's activities pursuant to this Franchise.

The insurance policy limits required in section 8 may be satisfied by Provider through a combination of the underlying insurance policy and umbrella (excess) liability policy(ies) so long as said umbrella policies are, at a minimum, "follow form" and provide insurance equal to or greater than coverage afforded by the underlying liability policy(ies).

Section 9: Transfers and Change in Control.

(a) Transfer. This Franchise shall not be sold, leased, assigned or otherwise transferred, nor shall any of the rights or privileges herein granted or authorized be leased, assigned, mortgaged, sold or transferred, either in whole or in part, nor shall title hereto, either legal or equitable, or any right, interest or property herein, pass to or vest in any person, except the Franchisee, either by act of the Franchisee or by operation of law, without the consent of the City, expressed in writing, such consent not to be unreasonably withheld. If the Franchisee wishes to transfer this Franchise, the Franchisee shall give City written notice of the proposed transfer, and shall request consent of the transfer by the City.

(b) Any transfer of ownership affected without the prior written consent of the City shall render this Franchise subject to revocation. The City shall have 60 days to act upon any request for approval of a transfer. If the City fails to render a final decision on the request within said 60 days, the request shall be deemed granted unless the Franchisee and the City agree to an extension of time.

(c) The Franchisee, upon any transfer, shall within 60 days thereafter file with the City a certified statement evidencing the transfer and an acknowledgment of the transferee that it agrees to be bound by the terms and conditions contained in this Franchise.

(d) The requirements of this section shall not be deemed to prohibit the use of the Franchisee's property as collateral for security in financing the construction or acquisition of all or part of a Telecommunications System of the Franchisee or any affiliate of the Franchisee. However, the Telecommunications System franchised hereunder, including portions thereof used as collateral, shall at all times continue to be subject to the provisions of this Franchise.

(e) The requirements of this section shall not be deemed to prohibit sale of tangible assets of the Franchisee in the ordinary conduct of the Franchisee's business without the consent of the City. The requirements of this section shall not be deemed to prohibit, without the consent of the City, a transfer to a transferee whose primary business is Telecommunications System operation and having a majority of its beneficial ownership held by the Franchisee, a parent of the Franchisee, or an affiliate, a majority of whose beneficial ownership is held by a parent of the Franchisee.

Section 10: Indemnification. Franchisee shall indemnify, control the defense of, and hold the City harmless for any losses, claims, damages, awards, penalties or injuries incurred by any third party, including reasonable attorney's fees, which arise from any alleged breach of representations and warranties made under this Agreement, provided that the Franchisee is promptly notified of any such claims. The Franchisee shall have the sole right to defend such claims at its own expense. The City shall provide, at the Franchisee's expense, such assistance in investigating and defending such claims as the Franchisee may reasonably request.

Such indemnification shall not extend to independent claims of City negligence for City acts outside the scope of this contractual agreement. This indemnity shall survive the termination of this Agreement.

Section 11: Compensation.

(a) Franchise Fee. In consideration of permission to use the streets and Rights-of-Way of the City for the construction, operation, and maintenance of a Telecommunications system within the City, the Franchisee shall pay to City during the term of this Franchise an amount equal to seven percent (7%) of the Franchisee's Gross Revenues ("Franchise Fee"). Any net uncollectibles, bad debts or other accrued amounts deducted from Gross Revenues shall be included in Gross Revenues at such time as they are actually collected. Revenue from point to point or multi-point services is based on the pro-rata share of the revenue from those services.

(b) Modification Resulting from Action by Law. Upon thirty days notice and in the event any law or valid rule or regulation applicable to this Franchise limits the Franchise Fee below the amount provided herein, or as subsequently modified, the Franchisee agrees to and shall pay the maximum permissible amount and, if such law or valid rule or regulation is later repealed or amended to allow a higher permissible amount, then Franchisee shall pay the higher amount commencing from the date of such repeal or amendment, up to the maximum allowable by law.

(c) Payment of Franchise Fees. Payments due under this provision shall be computed and paid quarterly for the preceding quarter, as of March 31, June 30, September 30, and December 31, each quarterly payment due and payable no later than 45 days after such dates. Not later than the date of each payment, the Franchisee shall file with the City a written statement, in a form satisfactory to the City and signed under penalty of perjury by an officer of the Franchisee, identifying in detail the amount of gross revenue received by the Franchisee, the computation basis and method, for the quarter for which payment is made.

(d) The Franchise Fee includes all compensation for the use of the City's Rights-of-Way. Franchisee may offset against the Franchise Fee the amount of any fee or charge paid to the City in connection with the Grantee's use of the Rights-of-Way when the fee or charge is not imposed

under a generally applicable ordinance or resolution. The Franchise Fee shall not be deemed to be in lieu of or a waiver of any ad valorem property tax which the City may now or hereafter be entitled to, or to participate in, or to levy upon the property of Franchisee.

(e) Late franchise fee payments will be subject to late fees calculated on the basis of nine percent (9%) per annum of the amount past due. No acceptance of any payment shall be construed as accord that the amount paid is in fact the correct amount, nor shall such acceptance of payment be construed as a release of any claim the City may have for further or additional sums payable under the provisions of this Franchise. All amounts paid shall be subject to audit and recomputation by the City.

Section 12: Extension of City Limits. Upon the annexation of any territory to the City, the rights granted herein shall extend to the annexed territory to the extent the City has such authority. All Facilities owned, maintained, or operated by Grantee located within any public Rights-of-Ways of the annexed territory shall be subject to all of the terms of this Ordinance.

Section 13: Right to Inspect Records. In order to manage the Franchisee's use of Rights-of-Way pursuant to this Franchise, and to determine and verify the amount of compensation due to the City under this Franchise, the Franchisee shall provide, upon request, the following information in such form as may be reasonably required by the City: maps of the Franchisee's Telecommunications System; the amount collected by the Franchisee from users of Telecommunications Service provided by Franchisee via its Telecommunications network; the character and extent of the Telecommunications Service rendered therefore to them; and any other related financial information required for the exercise of any other lawful right of Franchisee under this Franchise. The City agrees that such information is confidential and that the City will use such information only for the purpose of managing its Rights-of-Way, determining compliance with the terms of this Franchise, and verifying the adequacy of Franchisee's Fee payments. The City further agrees to protect such information from disclosure to third parties to the maximum extent allowed by Oregon law.

Section 14: Right to Perform Franchise Fee Audit or Review; Default. In addition to all rights granted under Section 13, the City shall have the right to have performed, a formal audit or a professional review of the Franchisee's books and records by an independent private auditor, for the sole purpose of determining the Gross Receipts of the Franchisee generated through the provision of Telecommunications Services under this Franchise and the accuracy of amounts paid as Franchise Fees to the City by the Franchisee; provided, however, that any audit or review must be commenced not later than 3 years after the date on which Franchise Fees for any period being audited or reviewed were due. The cost of any such audit or review shall be borne by the City. The City agrees to protect from disclosure to third parties, to the maximum extent allowed by State law, any information obtained as a result of its rights pursuant to this Section, or any compilation or other derivative works created using information obtained pursuant to the exercise of its rights hereunder.

Section 15: Right to Inspect Construction. The City or its representatives shall have the right to inspect all construction or installation work performed pursuant to this Franchise and to make

such tests as it shall find necessary to ensure compliance with the terms of this Franchise and other pertinent provisions of law relating to management of the City's Rights-of-Way.

Section 16: Venue.

(b) Venue for any proceeding brought to enforce any term or condition of this Franchise shall be the local Circuit Court for the City; provided, however, that should any proceeding be brought in a federal forum, such proceeding shall be brought in the U.S. District Court of Oregon in Portland, Oregon, with the parties stipulating to trial in Portland, Oregon.

Section 17: Limitation of Liability. The City and the Franchisee agree that neither shall be liable to the other for any indirect, special, or consequential damages, or any lost profits, arising out of any provision or requirement contained herein, or, in the event this Franchise, or any part hereof, is determined or declared to be invalid.

Section 18: Compliance with Applicable Laws. Franchisee shall comply with all applicable federal, state, and local laws, ordinances, and regulations, whether now in existence or hereinafter enacted. Nothing contained in this Franchise shall be construed as authorizing the Franchisee, its officers, employees or agents, to violate any federal, state or local law, whether now in existence or hereinafter enacted, including, by way of illustration but not of limitation, any provision of Oregon anti-trust law, ORS 646.750-646.836, or the Oregon Unlawful Trade Practices Act, ORS 646.650-646.652. Nothing contained in this section shall be construed as requiring Franchisee to comply with any federal, state or local law that is repealed or otherwise rendered unenforceable subsequent to the adoption of this Franchise.

Section 19: Notice. Any notice provided for under this Franchise shall be sufficient if in writing and (1) delivered personally to the other party or deposited in the U.S. Mail, postage prepaid, certified mail, return receipt requested; (2) sent overnight by commercial air courier; or (3) sent by facsimile transmission, provided receipt of such facsimile is confirmed, in writing, on the first business day following the date of transmission. Notice shall be sent to the following address, or such other address as each party may specify in writing:

Rick Robinson
City Administrator
PO Box 930
Canby, OR 97013
Phone: 503-266-0745
Facsimile: 503-266-7961

Verizon Access Transmission Services
600 Hidden Ridge
Irving, TX 75038
Attn: Franchise Manager

with a copy (except for invoices) to:

Verizon Business Network Services
1320 N. Courthouse Road, Suite 900
Arlington, VA 22201
Attn: General Counsel, Network &
Technology

Notice shall be deemed effective upon the earliest date of actual delivery; three business days after deposit in the U.S. mail as provided herein; one business day after shipment by commercial air courier; or the same day as transmitted by facsimile, provided transmission of such facsimile is confirmed in writing as provided herein.

Section 20: Captions. The captions to sections of this Franchise are intended solely to facilitate reading and reference of the sections and provisions contained herein, and shall not affect the meaning or interpretation of any section or provision of this Franchise.

Section 21: Severability. If any part of this Franchise becomes or is held to be invalid for any reason, the determination will affect only the invalid portion of this Franchise. In all other respects this Franchise will stand and remain in full force and effect as if the invalid provision had not been part of this Franchise.

Section 22: Waiver.

(a) The City is vested with the power and authority to reasonably regulate, and manage, its Rights-of-Way in a competitively neutral and non-discriminatory manner, and in the public interest. Franchisee shall not be relieved of its obligations to comply with any provision of this Franchise by reason of the failure of the City to enforce prompt compliance, nor does the City waive or limit any of its rights under this Franchise by reason of such failure or neglect.

(b) No provision of this Franchise will be deemed waived unless such waiver is in writing and signed by the party waiving its rights. However, if Franchisee gives written notice of a failure or inability to cure or comply with a provision of this Franchise, and the City fails to object within a reasonable time after receipt of such notice, such provision shall be deemed waived.

SUBMITTED to the Canby City Council and read the first time at a regular meeting therefore on Wednesday, July 18, 2018, and ordered posted in three (3) public and conspicuous places in the City of Canby as specified in the Canby City Charter and scheduled for second reading before the City Council for final reading and action at a regular meeting thereof on Wednesday, August 1, 2018 commencing at the hour of 7:00 p.m. at the Council Meeting Chambers located at 222 NE 2nd Avenue, 1st Floor, Canby, Oregon.

Kimberly Scheafer, MMC
City Recorder

PASSED on the second and final reading by the Canby City Council at a regular meeting thereof on August 1, 2018 by the following vote:

YEAS_____ NAYS_____

Brian Hodson
Mayor

ATTEST:

Kimberly Scheafer, MMC
City Recorder

Approved as to Form:

Joseph Lindsay
City Attorney

Accepted _____(date)

Franchisee President and CEO Signature

Printed Name



City of Canby Bi-Monthly Report
Department: Administration
For Months of: May & June 2018

To: The Honorable Mayor Hodson & City Council
From: Kim Scheafer, MMC, City Recorder
Prepared by: Erin Burckhard, Office Specialist II
Through: Rick Robinson, City Administrator
Date: July 9, 2018

1. Business Licenses:

Fifty-one new business licenses were issued during the months of May and June 2018. This compares to 47 new licenses issued during May and June 2017. Fifty business licenses were inactivated during the months of May and June 2018. This compares to 52 inactivated during the same period in 2017. Three hundred twenty-four business license renewals were sent out, compared to 312 in 2017. The total number businesses licensed with the City of Canby is 1,476 (1,440 this time in 2017) of which 662 have Canby addresses (676 this time last year).

2. Cemetery:

- Total property purchases recorded: May - 2, June - 8
- Total interments recorded: May – 6, June – 5

3. Public Records Requests:

- Four Public Records Requests were processed during May and June.

4. Training/Meetings:

- Kim Scheafer & Erin Burckhard attended advanced Notary training.
- Kim Scheafer met with four candidates who filed their initial paperwork to run for office.
- Erin Burckhard attended Harassment Training.
- State of Oregon ORMS staff conducted training with key users in Administration.

5. Special Animal Permits:

- One special animal permit was issued in May and June.

6. Sidewalk/Park Vending Permit:

- No Sidewalk/Park Vending Permits were issued in May and June.

7. Liquor Licenses Processed:

- No new liquor licenses were issued in May and June.



City of Canby Bi-Monthly Report
Department: Court
May/June 2018

To: The Honorable Mayor Hodson and City Council
From: Jessica Roberts, Municipal Court Supervisor
Through: Rick Robinson, City Administrator
Date: July 3, 2018

Canby Municipal Court has jurisdiction over all city and state law offenses committed within city limits other than felonies. These include: violations, traffic crimes, misdemeanors and City code violations. *Note: Statistic category terms outlined on page 2*

Monthly Statistics	May	June
Misdemeanors		
Offenses Filed	31	34
Cases Filed	16	21
Warrants Issued	7	9
Misdemeanor Case Detail		
Diversion	7	2
Offenses Dismissed	7	5
Offenses Sentenced	12	11
Traffic & Other Violations		
Offenses Filed	316	309
Cases/Citations Filed	259	244
Parking Citations Filed	15	10
Traffic Case Detail		
Diversion	19	30
Dismissal (Fix It Tickets)	51	75
Sentenced	194	270
Traffic and Criminal Trials		
Court Trial (Misdemeanor)	0	1
Jury	0	0
Traffic Trial	7	10
Citations Handled by Violations Bureau	101	60
Defendant Accounts referred to Collections	47	24
Fines & Surcharges Collected	\$54,073.94	\$68,562.41

Explanation of terms:

1. Difference between Offenses Filed vs. Cases Filed
 - Multiple offenses (charges) can be filed on any one defendant from a single traffic stop or arrest.
 - Offenses filed reflects this number. Cases filed (also called docket numbers) refers to a single defendant's matter before the court.

2. The Violations Bureau applies to traffic violations only.

Under the Judge's authority, court clerks can accept pleas, offer a deferred sentence program (if qualified) and set a payment plan. Where a crime is charged, a court appearance before the judge is mandatory.

If a defendant qualifies, the clerks can offer an option to participate in an informative driving education course for a fee to the court. If there are no convictions during the following two months, the case will be dismissed.

Current programs and to qualify:

- Good Drivers Program (no prior traffic convictions in the last five years and no further convictions for 60 days)
- 1st Offender – Traffic violation (if under the age of 18)
- 1st Offender - Minor in Possession of Alcohol/Marijuana citation

3. Fix It Citations

The court offers a Fix It program, which allows the defendant to have a citation dismissed if an issue with their vehicle, registration or license is fixed. There is a \$50 dismissal fee owed for each fixed violation. This is reflected in the traffic violations dismissed statistic.



MEMORANDUM

TO: *Honorable Mayor Hodson and City Council*
FROM: *Renate Mengelberg, Economic Development Director*
THROUGH: *Rick Robinson, City Administrator*

RE: *CITY COUNCIL BI-MONTHLY REPORT for May and June 2018*

Economic Development Updates:

The following projects are funded through Urban Renewal.

Business Recruitment:

- Alpha Scents is in the due diligence phase on a 1 acre property on Sequoia Parkway. They plan to build a 10,000 SF building to house their office, R & D and manufacturing operations to produce pheromone lures, traps and pest management products. The pre-application conference was held in Mid-May. See more at: <http://www.alphascents.com/>
- Clark Products plans to build a new 10,005 SF distribution location for their meat processing spices, cutlery, casings, and smoked wood chips on a 2 acre site at Hazel Dell Way. See more at <https://www.clarkmeatproducts.com/>. They completed their preconstruction meeting in June and will move forward in the approval process this summer.
- Project Shakespeare continues to investigate two 40+ acre sites in Canby to construct a beverage distribution facility. The company is developing details of their future build to suit and with a developer.

Under Construction:



RL Reimers: Their 20,000 SF building on Hazel Dell Way is nearing completion this summer. Interior build out is underway and exterior paint and landscaping are coming soon. This Albany based commercial and industrial construction company focuses on projects in the west coast. See: <http://rlreimers.com/>

BE Group: Site preparation is underway for a new 73,215 SF warehouse and distribution building for agricultural and industrial parts and equipment on 4th Avenue. They plan to occupy ½ of the building and lease the rest. See: <https://www.bepowerequipment.com/>

Under Construction – continued...



Canby Utility: Construction is nearing completion at their new 15,998 administration building on S. Pine Street. The grand opening is now scheduled for August.

Dead recruitment projects:

- Myers Containers had wanted to build a 90,000 SF building on a 10 acre site for their metal container manufacturing plant. A pre-application conference was held in mid-May. After staff learned about several environmental concerns at their current locations in Portland and California, they advised the company that the city could not support a conditional use application. The company is looking now looking elsewhere.
- Staff presented 3 sites and a building to Aviatrix, a well-established regional airplane part distributor on May 7th. They were looking for 2 acres or a 20,000 SF site. They have eliminated Canby from consideration. They wanted to be closer to their current Sherwood location because they did not want to lose valued employees.

Otto Road Alternative:

Given the strong interest in the Canby Pioneer Industrial Area, staff has begun planning for a second access road to accommodate future truck and employee traffic. A concept design has been developed that is estimated to cost about \$5.9 million.

This new industrial arterial road that will have 3 lanes, utilities, bike lanes, lighting and a traffic signal at Highway 99E. An engineering firm will be selected soon to begin design work.

Staff will meet with project partners in July to coordinate land use, right of way, access and other details. A combination of funding sources have been identified for the project. If all goes well the project could be completed in 2020 or 2021.

Canby Hotel Recruitment:

Johnson Economics has completed marketing materials to promote Canby as a great location for a new hotel. Staff and the consultant have met with several hotel developers to share the strong demand and potential in Canby. There is serious interest and early discussions continue. Hotel development projects can take years to pull together and a new hotel is not likely to be available until 2020 or beyond.



Transient Lodging Tax:

The Canby City Council approved a 6% Transient Lodging Tax over the course of two meetings in May. Tax revenues will fund expanded tourism promotion and development efforts and fund event support services and related initiatives. An Economic Development and Tourism Coordinator position will be added this summer to focus on tourism. Staff has developed a website with details about the program (see: http://www.canbyoregon.gov/transient_tax.htm), has met with major lodging providers, developed forms and processes, and informed County and State partners about our new program.

The Dahlia Mixed Use Development:

The new 58,000 square foot, four story mixed use development will feature 69 apartments and 6 retail spaces. The building construction is progressing well. Windows, are installed, exterior painting is complete and interior tenant improvements are well underway.

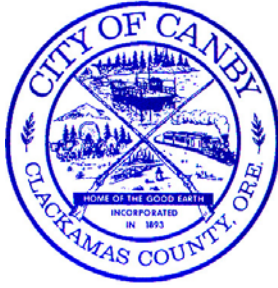


An open house for the community is scheduled for **August 9th at 10 AM**. All are welcome.

A model apartment unit was created to showcase the space. A number of apartments have already been preleased. The building features studio and one bedroom units ranging from 434 SF to 705 SF with lease rates beginning at \$1,150. See apartment highlights at <https://www.liveatthedahlia.com/>.

The ground floor has four retail spaces ranging from 1,200 SF – 3,000 SF for lease for commercial and office use. For more information, see: <https://canbycivicblock.com/the-dahlia/>

Staff continues to support Hanlon Development's efforts to attract retailers and restaurants to the Dahlia and Former Police Building. Presentations have been made to a casual dining business, an Italian restaurant, a bakery and a brewpub. These business owners remain interested and are in various stages of working through space, business plan and leasing details.



Bi-Monthly Finance Department Report

To: Mayor Brian Hodson & City Council Members
From: Julie Blums, Finance Director
Through: Rick Robinson, City Administrator
Covering: May & June 2018
Compiled by: Suzan Duffy

In addition to providing services and responding to inquiries from both internal and external customers, and performing the tasks listed statistically on the last page, the Finance Department reports the following items of interest this period.

- Budgets for both the City of Canby and Canby Urban Renewal Agency were approved by the respective Budget Committees in May, and adopted by the City Council and Urban Renewal Board in June. The **adopted 2018-2019 Budget** is available on the City's web page.

- An updated **Master Fee Schedule** was adopted in May and will become effective July 1st.

- Staff provided documents for review during the **annual preliminary audit** by our contracted auditing firm. The Auditors were on site for a week in June primarily reviewing internal controls. They are scheduled to return in October for final audit of the annual financial statements.

- **Online timekeeping** has been phased in during this period. Each department was provided training by Finance staff. All city staff successfully completed the last payroll in June in the new online timekeeping system.

- The City Council **adopted updated Public Procurement and Purchasing Rules** as well as **Rules for Administration of Federal Awards**, to ensure compliance with state and federal law and to adopt best practices. These changes require transitioning some work flows and approval levels. Our new Purchasing & Accounting Specialist Brenda Graves is on board to help implement the changes.

- Timelines for completing current fiscal year activity were provided to key staff as **we are preparing to close one fiscal year and begin a new one**. Care is required in ensuring revenues and expenses are recorded in the appropriate fiscal year.

- Finance staff assisted in the implementation of the new **Transient Room Tax** that is effective July 1st. Meetings were held with the Clackamas County Fair Board and the owner of Motel 6 to roll out the new program. Finance staff created the necessary forms for the new tax program. Information on the Transient Room Tax can be found at www.canbyoregon.gov/transient_tax.htm

- Notifications regarding significantly **delinquent sewer charges** were sent out in May, requesting payment or entry into a payment agreement. Those who do not respond will have the sewer balances certified to the County Tax Assessor for collection with property taxes.

- Pre-collections notices for non-filed **Transit Tax** accounts for 2017 self-employment and 1st quarter payroll were sent out in June.

- The Finance Director participated in the interview process to create a list of **On-call Transportation Engineers**. Having a list of Engineers available will allow the City to contract directly with any of the four firms selected to work on Transportation projects without having to go through the full RFP process for each project individually.

- Staff received training on the new **ORMS** system for records management. Financial Statement and Budget reports have started to be moved into the new system as they have a permanent retention.

- The Finance Analyst and Finance Director met with the Police Administrative Supervisor to discuss **grant record requirements** and how to streamline the process to make tracking grant expenses easier.

Finance staff participated in the following meetings, trainings and events this period:

- Caselle webinar
- Canby Oregon Records Management System (ORMS) training
- Harassment training
- Incident Command Systems training
- Interviews (Finance, Budget Committee, Engineering)
- Capital project team meeting

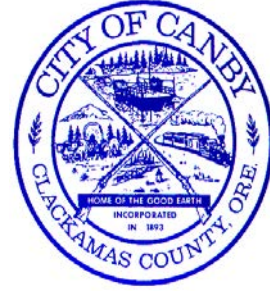
Statistics for FY 2017-2018:

	<u>July- Aug</u>	<u>Sept - Oct</u>	<u>Nov - Dec</u>	<u>Jan - Feb</u>	<u>Mar - Apr</u>	<u>May - June</u>
Accounts Payable						
Invoices:	597	563	484	698	593	649
Invoice entries:	842	881	815	1,132	1013	1025
Encumbrances:	51	14	9	20	16	18
Manual checks:	14	8	10	8	9	5
Total checks:	397	345	369	373	452	407
Payroll						
Timesheets processed:	461	546	437	437	571	392
Total checks and vouchers:	535	631	511	506	650	560
New hires/separations:	3/7	1/ 4	5/1	5/1	3/5	11/4
Transit Tax Collection						
Forms sent:	40	710	976	483	712	737
Penalty & Int. notices sent:	18	1	3	6	11	24
Pre-collection notices sent:	0	122	109	156	156	286
Accounts sent to collections:	145	57	1	43	69	0
Accounts opened/closed:	29/31	22/52	32/29	42/39	40/37	37/50
Returns posted:	774	637	398	1,018	924	572
Utility Billing						
Bills sent:	9,581	9,599	9,575	9,607	9,625	9,641
Counter payments:	225	238	231	223	231	219
Accounts opened and closed:	168	164	134	106	152	174
Lien payoffs:	1	5	4	4	8	5
Lien payoff inquiries:	55	61	34	33	62	54
Collection notices sent:	19	5	50	16	2	25
Accounts sent to collections	1	0	6	19	27	0
General Ledger						
Total Journal entries:	428	169	258	303	305	253
Cash Receipts Processed						
Finance:	1,215	977	817	1,384	1,327	1,103
Utility:	393	492	423	396	537	460

CANBY PUBLIC LIBRARY

BI-MONTHLY STAFF REPORT

May – June 2018



TO: Honorable Mayor Hodson and City Council

FROM: Irene Green, Library Director

THROUGH: Rick Robinson, City Administrator

DATE: 7-12-18

Information Statistics	July	Aug	Sept	Oct	Nov.	Dec.	Jan.	Feb.	Mar.	Apr.	May	June	Total
Reference	695	653	553	516	598	566	718	652	639	603	647	n/a	6,840
Operational	406	604	345	331	437	404	469	418	444	450	415	n/a	4,723
Computer Help	176	221	158	178	160	160	204	142	216	217	199	n/a	2,031
Reader's Advisory	27	26	23	8	18	15	28	18	6	16	11	n/a	196
Computer Passes	78	86	68	93	69	82	63	77	74	105	61	n/a	856
Job/resume Help	5	14	1	4	2	3	8	2	0	2	1	n/a	42
E-Book Help	15	16	15	18	10	12	14	11	8	20	8	n/a	147
Help In Spanish	39	43	36	54	48	45	35	34	45	31	27	n/a	437
Email Questions	9	15	12	15	15	9	12	10	18	21	16	n/a	152
People Counter	11,703	11,703	10,366	11,707	10,625	10,073	11,645	10,840	12,297	11,229	107,88	n/a	112,188

Reference: Informational questions, placing holds

Operational: Addressing directional/operational questions (what time do you close, where's the...)

E-Book Help: Instruction on downloading E-books

Computer: Instruction/assistance

Readers Advisory: Recommending books, movies, music

Circulation Statistics

(Canby Service Population = 23,984)

*LINCC deleted expired library accounts in September 2017

	July	Aug	Sept	Oct*	Nov.	Dec.	Jan.	Feb.	Mar.	Apr.	May	June	Total/Avg
Total Registered Borrowers*	12,047	12,190	12,314	10,572	10,682	10,762	10,901	11,015	11,149	11,266	11,350	n/a	11,350
New Library Cards	120	146	127	123	111	82	136	110	135	117	80	n/a	1,287
Number of Materials Owned	62,581	60,791	59,687	59,691	59,169	57,097	56,835	57,091	57,262	57,786	58,062	n/a	58062
Circulation	25,134	24,575	22,687	23,937	23,339	22,458	25,440	23,280	26,054	23,767	23,091	n/a	263,762
Materials Added	284	739	964	858	732	744	984	766	844	910	657	n/a	8,482
Holds Placed	5,720	5,676	5,681	5,905	5,669	5,260	6,938	5,997	6,074	5,690	5,293	n/a	63,903
Self-Check	40.8%	64.8%	63.4%	65.2%	64%	65.7%	67.1%	65.8%	66%	65.5%	64.9%	n/a	63.02%

Public Internet Sessions	1,595	1,717	1,305	1,493	1,584	1,520	1,615	1,482	1,703	1,488	1,394	n/a	15,181
Facebook Likes	764	777	782	787	793	804	812	822	830	837	842	n/a	847
Volunteer Hours	250.75	238.75	209.25	227.25	204.25	204.25	244.25	186.5	205.75	239.5	247	n/a	2,458
Lilac, Iris & Magnolia Room Use	74	71	57	51	76	79	95	81	139	128	116	n/a	967

Programming

	ATTENDANCE			NUMBER OF PROGRAMS			
	Adults	Teen	Children	Adult	Teen	Children's	Family
July	384	85	487	14	4	13	12
August	495	55	512	17	2	11	30
September	365	15	238	22	1	15	12
October	1052	34	903	24	1	18	11
November	336	28	241	16	3	17	8
December	511	16	287	24	2	21	10
January	952	26	396	47	6	21	30
February	441	52	261	21	3	17	11
March	485	35	231	23	2	23	15
April	465	26	266	33	2	19	10
May	340	36	548	28	3	21	8
June	n/a	n/a	n/a	n/a	n/a	n/a	n/a

Library Operations:

- The Canby Public Library Board welcomes Carol Palmer to the board. Carol will be replacing John Smith whose term has expired. The library thanks John for his many years of service to the board.
- The Canby Public Library Foundation is sponsoring our new makerspace. The first event in the space will be an avionics camp during the week of July 9th through the 13th. The Foundation received a very generous donation from Corey Lohman from Emerick Construction to fund S.T.E.A.M. events in the makerspace.
- The library board has raised concerns that the Donor Recognition Board has not been completed yet and will be following up on the matter with a letter.
- We now have earbuds for sale at the Account Services Desk. Cost of the ear buds is \$2.00.
- We have one staff member out due to an injury she received at work. It's been difficult getting on-calls to fill her public floor desk hours. Regular staff has been filling in. We are hoping to post for at least two additional on-calls next fiscal year.
- There have been quite a lot of people recently asking to hang their event posters on the library bulletin boards and being disgruntled when we tell them we don't have one. At this time, there is no wall space in the common area of the library that could be designated for one.
- The library would like to congratulate Marisa Soltz who has been accepted into the PhD Program at Portland State University. Marisa will be focusing on curriculum studies and

will continue to work part-time at the library. Marisa also received a grant to attend the American Library Association annual conference from June 21 – 26th in New Orleans.

Facilities/IT:

- Library staff whose workstations are near the window have noticed black dust on their desks. It seems to be coming from the ventilation system and believed to be dust from the fan belt. This issue is being brought up with the safety committee.
- Lisa Nead, the library's representative with the Safety Committee, has been working on a fire drill for when the library is open. She has been in contact with the community outreach person at Canby Fire, who is very appreciative of the library taking preventive measures for an emergency event. We will be scheduling the drill for some time in August to train staff.
- We now have a data plan for our iPad. This will allow us to issue library cards and check out materials at outreach events.
- The library is still working on plans for the teen room. Irene met with a few members from the Rotary's Foundation and reviewed the costs related to their previous donations and possible ideas to make the room more "teen friendly".

Library District Advisory Committee (LDAC):

- The library district advisory board will not meet as a whole over the summer.
- Roger Reif is in the process of being approved by the Board of County Commissioners as Kathleen Myron's alternate representing Canby at the LDAC meetings.

Partnerships:

- The library was closed to the public from 10:00 – 3:00 on May 3rd for *Canby Reads*. This is a partnership the library has been doing with the Canby School District and the Canby Center. All the 2nd graders from the Canby School District visited the library as a reward for reading 10 books. Trip Goodall gave a short speech to each class. The students then moved on to various fun stations, participated in a scavenger hunt, and then picked out a free book to take home, courtesy of the Canby Rotary.

Programming/Outreach:

- Summer Reading has begun. The theme this year is "Libraries Rock". So far 454 children in grades 5 and under have signed up, and 168 teens.
- On Saturday, June 23, the library held a bilingual magic show at Waite Park. We also used our new mobile circ for new library cards and to renew materials.
- The library also participated at the Latino Festival at Clackamas Community College on the 23rd.
- Cloud Library is now displaying on our self-check machines. This was a joint decision amongst the LINCC libraries to promote e-books.
- The library will be putting out a patron survey from August 15th thru September 15th. The purpose of the survey is to align library services with the community needs.
- The library's strategic plan (2018 – 2021) is now posted on the library's website.

Friends of the Library:

- The Friends of the Library will hold their first annual Garden Patio Tour of Homes on Saturday, August 4th. Tickets will be \$15.00.
- The Book Garden made \$1,037.26 in May.

Volunteers:

- Volunteer for the month of May was Linda Kristensen. Linda shelves and has helped out with special events such as the school tour day.
- On June 9th we held our annual volunteer recognition celebration. The theme was “A Peck of Perfect People”. Music in the stacks was held after the celebration with the bluegrass band The Pickled Peppers Kitchen Band.
- Anne McKinney is the library volunteer of the year for 2018. Anne helps out with the citizenship classes.

Library Artwork:

- The mixed media acrylic paintings currently displayed in the library are by Shellie Garber.

May-18		Friends Sponsored Yes/No	ATTENDANCE			TYPE OF PROGRAM			
	Date		Adults	Teen	Children	Adult	Teen	Children's	Family
CHILDREN									
Storytimes									
Songs and Sillies Storytime (ages 2-6)	5/7/2018	no	10	0	14	0	0	1	0
Songs and Sillies Storytime (ages 2-6)	5/14/2018	no	8	0	12	0	0	1	0
Songs and Sillies Storytime (ages 2-6)	5/21/2018	no	5	0	8	0	0	1	0
Book Babies Storytime (ages 0-2)	5/2/2018	no	4	0	7	0	0	1	0
Book Babies Storytime (ages 0-2)	5/9/2018	no	7	0	9	0	0	1	0
Book Babies Storytime (ages 0-2)	5/16/2018	no	10	0	8	0	0	1	0
Book Babies Storytime (ages 0-2)	5/23/2018	no	5	0	8	0	0	1	0
book Babies Storytime (ages 0-2)	5/30/2018	no	2	0	3	0	0	1	0
Russian Storytime	5/10/2018	no	0	0	0	0	0	1	0
Russian Storytime	5/17/2018	no	0	0	0	0	0	1	0
Russian Storytime	5/24/2018	no	2	0	3	0	0	1	0
Russian Storytime	5/31/2018	no	1	0	2	0	0	1	0
Friday Storytime	5/4/2018	no	10	0	15	0	0	1	0
Friday Storytime	5/11/2018	no	8	0	10	0	0	1	0
Friday Storytime	5/18/2018	no	5	0	7	0	0	1	0
Friday Storytime	5/25/2018	no	10	0	12	0	0	1	0
Read to the Dog	5/13/2018	no	0	0	1	0	0	1	0
Read to the Dog	5/27/2018	no	0	0	1	0	0	1	0
TOTAL			87	0	120	0	0	18	0
Hispanic Outreach									
Spanish Storytime (for the whole family)	5/5/2018	no	1	0	2	0	0	0	1
Spanish Storytime (for the whole family)	5/19/2018	no	1	0	3	0	0	0	1
Spanish Storytime (for the whole family)	5/26/2018	no	4	0	5	0	0	0	1
Nuestros Abuelos	5/8/2018	yes	3	0	0	1	0	0	0
Nuestros Abuelos	5/22/2018	yes	2	0	0	1	0	0	0
Nuestros Abuelos	5/29/2018	yes	1	0	0	1	0	0	0
Intercambio	5/5/2018	no	3	0	0	1	0	0	0
Intercambio	5/12/2018	no	3	0	0	1	0	0	0
Intercambio	5/19/2018	no	8	0	0	1	0	0	0
Intercambio	5/26/2018	no	2	0	0	1	0	0	0
Citizenship class	5/3/2018	yes	11	0	0	1	0	0	0
Citizenship class	5/10/2018	yes	8	0	0	1	0	0	0
Citizenship class	5/17/2018	yes	18	0	0	1	0	0	0
Citizenship class	5/24/2018	yes	11	0	0	1	0	0	0
Citizenship class	5/31/2018	yes	11	0	0	1	0	0	0
TOTAL			87	0	10	12	0	0	3
Teens									
Game Night Unplugged	5/2/2018	yes	0	12	0	0	1	0	0
Anime Night	5/16/2018	yes	0	15	0	0	1	0	0
Nintendo/Wii Night	5/30/2018	yes	0	9	0	0	1	0	0
TOTAL			0	36	0	0	3	0	0
FAMILY									
Legos	5/2/2018	no	11	0	21	0	0	0	1
Family Evening (Nomadic Theatre)	5/31/2018	yes	2	0	8	0	0	0	1
S.T.E.A.M. Night	5/10/2018	yes	1	0	3	0	0	0	1
Music in the Stacks - Lonely Dewey	5/12/2018	yes	38	0	0	0	0	0	1
Lonesome Dewey and the Coyotes	5/12/2018	yes	27	0	0	0	0	0	1
TOTAL			79	0	32	0	0	0	5
ADULT									
General Programs									
Master Gardener Talk	5/1/2018	no	10	0	0	1	0	0	0
Emergency Preparedness	5/8/2018	no	28	0	0	1	0	0	0
Master Gardener Talk	5/15/2018	no	8	0	0	1	0	0	0
The Granatelli Legend	5/22/2018	no	6	0	0	1	0	0	0
Chess	5/3 & 5/5	no	0	0	0	1	0	0	0
Chess	5/10 & 5/12	no	0	0	0	1	0	0	0
Chess	5/17 & 5/19	no	0	0	0	1	0	0	0
Chess	5/24 & 5/26	no	0	0	0	1	0	0	0
Book Clubs									
History Book Group	5/23/2018	no	3	0	0	1	0	0	0
Book Group -	5/17/2018	no	10	0	0	1	0	0	0
Instruction Classes									
E-Reader Help	ongoing	no	2	0	0	1	0	0	0
Knitting and Crocheting	5/4/2018	no	4	0	0	1	0	0	0
Knitting and Crocheting	5/10/2018	no	3	0	0	1	0	0	0
Knitting and Crocheting	5/17/2018	no	6	0	0	1	0	0	0
Knitting and Crocheting	5/24/2018	no	3	0	0	1	0	0	0
Knitting and Crocheting	5/31/2018	no	4	0	0	1	0	0	0
TOTAL			87	0	0	16	0	0	0
Library Tours									
Canby Reads 2nd graders	5/3/2018	no	0	0	320	0	0	1	0
Canby Reads 2nd graders	5/15/2018	no	0	0	43	0	0	1	0
Barlow Head Start	5/16/2018	no	0	0	23	0	0	1	0
TOTAL			0	0	386	0	0	3	0
TOTAL ALL PROGRAMS			340	36	548	28	3	21	8
Outreach - Not in the library									
Lee School Academic Night (Peggy and Angelica wen	5/3/2018		80	0	120	0	0	0	1
Trost School Family Night (Angelica outreach)	5/24/2018		100	0	120	0	0	0	1
TOTAL			180	0	240	0	0	0	2

Jun-18		Friends Sponsored Yes/No	ATTENDANCE			TYPE OF PROGRAM			
	Date		Adults	Teen	Children	Adult	Teen	Children's	Family
CHILDREN									
Storytimes									
Songs and Sillies Storytime (ages 2-6)	6/4/2018	no	9	0	12	0	0	1	0
Songs and Sillies Storytime (ages 2-6)	6/11/2018	no	11	0	15	0	0	1	0
Songs and Sillies Storytime (ages 2-6)	6/18/2018	no	10	0	12	0	0	1	0
Songs and Sillies Storytime (ages 2-6)	6/25/2018	no	12	0	20	0	0	1	0
Book Babies Storytime (ages 0-2)	CANCELLED	no							
Book Babies Storytime (ages 0-2)	6/13/2018	no	10	0	14	0	0	1	0
Book Babies Storytime (ages 0-2)	6/20/2018	no	4	0	8	0	0	1	0
Book Babies Storytime (ages 0-2)	6/27/2018	no	4	0	5	0	0	1	0
Russian Storytime	6/7/2018	no	2	0	4	0	0	1	0
Russian Storytime	6/14/2018	no	1	0	1	0	0	1	0
Russian Storytime	6/21/2018	no	3	0	7	0	0	1	0
Russian Storytime	6/28/2018	no	n/a	0	n/a	0	0	1	0
Friday Storytime	6/1/2018	no	3	0	6	0	0	1	0
Friday Storytime	CANCELLED	no							
Friday Storytime	6/15/2018	no	3	0	4	0	0	1	0
Read to the Dog	6/10/2018	no	1	0	2	0	0	1	0
Read to the Dog	6/24/2018	no	1	0	2	0	0	1	0
TOTAL			74	0	112	0	0	15	0
Hispanic Outreach									
Spanish Storytime (for the whole family)	6/2/2018	no	1	0	5	0	0	0	1
Spanish Storytime (for the whole family)	6/9/2018	no	1	0	3	0	0	0	1
Spanish Storytime (for the whole family)	6/16/2018	no	3	0	5	0	0	0	1
Spanish Storytime (for the whole family)	6/23/2018	no	Cancel						
Spanish Storytime (for the whole family)	6/30/2018	no	n/a	0	n/a	0	0	0	1
Nuestros Abuelos	6/5/2018	yes	2	0	0	1	0	0	0
Nuestros Abuelos	6/12/2018	yes	2	0	0	1	0	0	0
Nuestros Abuelos	6/19/2018	yes	5	0	0	1	0	0	0
Nuestros Abuelos	6/26/2018	yes	3	0	0	1	0	0	0
Intercambio	6/2/2018	no	3	0	0	1	0	0	0
Intercambio	6/9/2018	no	4	0	0	1	0	0	0
Intercambio	6/16/2018	no	5	0	0	1	0	0	0
Intercambio	6/23/2018	no	1	0	0	1	0	0	0
Intercambio	6/30/2018	no	n/a	n/a	n/a	1	0	0	0
Citizenship class	6/7/2018	yes	8	0	0	1	0	0	0
Citizenship class	6/14/2018	yes	14	0	0	1	0	0	0
Citizenship class	6/21/2018	yes	13	0	0	1	0	0	0
Citizenship class	6/29/2018	yes	n/a	0	0	1	0	0	0
TOTAL			65	0	13	13	0	0	4
Teens									
Game Night Unplugged	6/6/2018	yes	0	7	0	0	1	0	0
Nintendo Night	6/13/2018	yes	0	16	0	0	1	0	0
Anime Night	6/20/2018	yes	0	11	0	0	1	0	0
Open Mic Night	6/27/2018	yes	n/a	n/a	n/a	0	1	0	0
TOTAL			0	34	0	0	4	0	0
FAMILY									
SRP Red Yarn	6/22/2018	yes	30	0	45	0	0	0	1
SRP Ukulele	6/29/2018	yes	n/a	0	n/a	0	0	0	1
Family Evening (Oregon Rocks! MNCH)	6/28/2018	yes	n/a	0	n/a	0	0	0	1
S.T.E.A.M. Night	6/14/2018	yes	5	0	7	0	0	0	1
Music in the Stacks	6/9/2018	yes	46	0	0	0	0	0	1
Crafternoon	6/27/2018	yes	n/a	n/a	n/a	0	0	0	1
Legos at the Library	6/6/2018	no	2	0	4	0	0	0	1
TOTAL			83	0	56	0	0	0	7
ADULT									
General Programs									
Pints From the Past	6/18/2018	yes	14	0	0	1	0	0	0
Book Clubs									
History Book Group - <i>Water Is Wide</i>	6/27/2018	no	4	0	0	1	0	0	0
Book Group - <i>The Nightingale</i>	6/21/2018	no	10	0	0	1	0	0	0
Instruction Classes									
By appointment E-Reader Help	ongoing	no	2	0	0	1	0	0	0
Knitting and Crocheting	6/7/2018	no	5	0	0	1	0	0	0
Knitting and Crocheting	6/14/2018	no	4	0	0	1	0	0	0
Knitting and Crocheting	6/21/2018	no	6	0	0	1	0	0	0
Knitting and Crocheting	6/28/2018	no	n/a	0	0	1	0	0	0
TOTAL			45	0	0	8	0	0	0
Library Tours									
Eccles 3rd grade	6/12/2018	no	4	0	22	0	0	1	0
Eccles 3rd grade	6/12/2018	no	3	0	23	0	0	1	0
Eccles 3rd grade	6/12/2018	no	5	0	23	0	0	1	0
Knight School 1st grade	6/13/2018	no	2	0	22	0	0	1	0
Knight School 1st grade	6/14/2018	no	2	0	23	0	0	1	0
Baker Prairie 7th grade	6/1/2018	no	5	0	310	0	0	1	0
TOTAL			21	0	423	0	0	6	0
TOTAL ALL PROGRAMS			288	34	604	21	4	21	11
Outreach - Not in the library									
Clackamas Community College (Angelica reach out to with 10 families)									
Saturday in the Park (Angelica)			50	10	50				



MEMORANDUM

TO: *Honorable Mayor Hodson and City Council*
FROM: *Jamie Stickel, Main Street Manager*
THROUGH: *Rick Robinson, City Administrator*

RE: *CITY COUNCIL BI-MONTHLY REPORT FOR MAY AND JUNE 2018*

Main Street Updates

The following projects are funded through Urban Renewal.

Promotion

- **Canby Independence Day Celebration** – The 2018 Canby Independence Day Celebration will be held on Wednesday, July 4th in downtown Canby. Spectators can find a Street Fair featuring food, arts and crafts, and non-profits vendors, Car Show, Parade, Beer Garden, Live Music on two stages, and children's activities. The bands playing will be Return Flight in Wait Park from 12:00 – 2:00pm, 3:00 – 4:00pm; Cool Change in 2nd Avenue Beer Garden from 11:00am – 2:00pm; and Big Yellow Taxi in the 2nd Avenue Beer Garden from 2:00 – 5:00pm. Additional activities include the Canby Historical Society's Pancake Breakfast, Cub Scout's Kiddie Korner, and Fire District's obstacle course and firework show round out the day. Information can be found at www.CanbyIndependenceDay.com.
- **Big Night Out Street Dance** – The fourth annual Big Night Out Street Dance will be held on Friday, August 24th in downtown Canby on N Grant Street and NW 2nd Avenue. The planning efforts are currently underway. This event includes live music, vendors selling food, beverages, and alcohol, and free children's activities. This year, Big Yellow Taxi will play from 6:00 – 8:00pm, and the Kurt Van Meter band will return and play from 8:00 – 11:00pm.
- **First Friday** – First Friday returned to downtown Canby in May. The First Friday event is open to all businesses within the downtown commercial district and vendors in Wait Park. This year's events occur on the following dates: May 4th, June 1st, July 6th, August 3rd, September 7th, October 5th, November 2nd, and December 7th. First Friday encourages businesses to stay open late and welcomes Canby citizens and visitors downtown for specials, live music, give-aways, and more.

Organization

- **OEDA / Business Training** – The Oregon Economic Development Association Summer conference was held in Corvallis, OR on Friday, June 8th with a special Business Recruitment training held on Thursday, June 7th. The training and conference featured best practices from industry professionals, insights on upcoming trends, and group assignments.

Economic Vitality

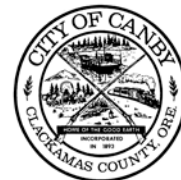
- **New Business Alert** – Sunshine Athletics opened at 249 NW 2nd Avenue in downtown Canby. Jiu Jitsu and Kickboxing classes six days a week. Classes are customizable for the participant including all ages classes, a women's only class, and discounts for active military, veterans, law enforcement, and fire department. For more information, visit www.SunCanby.com.



Design

- **Wayfinding Signage** – The City of Canby’s Main Street Manager has worked with the Chamber’s Tourism committee to identify locations for wayfinding signage. Wayfinding refers to signs, maps, and other graphic or audible methods used to convey location and directions to travelers. The signage will complement the work that has been done with the City of Canby’s tourism website – www.VisitCanby.com – as well as its visitors guide. The city received a \$2,500 grant from the Willamette Valley Visitors Association which serves as the Regional Destination Marketing Organization for the area. The signs will be created and installed with the help of the city’s Public Works Department.





PLANNING & DEVELOPMENT SERVICES

MAY - JUNE BI-MONTHLY REPORT

TO: *Honorable Mayor Hodson and City Council*

FROM: *Bryan Brown, Planning Director*

DATE: *July 6, 2018*

THROUGH: *Rick Robinson, City Administrator*

The following report provides a summary of the Planning and Development Services activities for the months of May and June, 2018. Please feel free to call departmental staff if you have questions or desire additional information about any of the listed projects or activities. This report includes planning activities, a listing of land use applications and development site plan review coordination projects for building permits.

Planning Activities

- 1. Quiet Zone.** The City met with ODOT to work out options available to the City in moving forward with the necessary design work for reconstructing the intersection of N. Elm and OR 99E in order to accommodate the turning radius required by large truck trailers in a manner that also will allow the median for implementation of the quiet zone requirements by rail officials. The City has moved forward with the first step in securing qualified engineering firms for which an RFP may be sent to negotiate a price and timeline for completing the engineering and design plans for the project and to coordinate any land acquisition necessary and relocation of a PGE main pole. Immediate Opportunity Fund grant has been approved to assist with the project funding.
- 2. Buildable Land Needs Study.** Final report preparation remains in progress.
- 3. South Ivy Street 2016-2018 STIP Enhance Project.** Final revisions have been recently made to a new IGA to reflect the County's new authority on project. A timeline for project implementation should be coming shortly.
- 4. Otto Road Alternative Alignment Project.** Please see the bi-monthly report prepared by the Economic Development Director.

LAND USE APPLICATION ACTIVITY

5. PRE-APPLICATION CONFERENCE(S) SCHEDULED/HELD MAY 1 – JUNE 30, 2018:

CITY FILE #	APPLICANT	PROJECT	ADDRESS
PRA 18-11	Stafford Development	N Holly DCP, 19-20 Acre Annex, Zone Change	1882 N Holly St

6. LAND USE APPLICATIONS SUBMITTED MAY 1 – JUNE 30, 2018:

CITY FILE #	APPLICANT	PROJECT	ADDRESS
DR 18-05	Peter Hostetler	Gustafson Ins new office	1530 SE 3rd CT
APP 18-02	Appeal of SUB/VAR 18-01 Beck Pond	Roger & Cheryl Steinke	1401 & 1500 S Fir St
APP 18-01	Appeal of SUB 17-06 Redwood Landing Subdivision	Daniel Webb, Linda Thomas & Andrew Jarmer	1440, 1548, 1612, 1650 & 1758 N Redwood St

6. LAND USE APPLICATIONS SUBMITTED MAY 1 – JUNE 30, 2018 CONTINUED

DR 18-04	Mike Patterson	Light industrial building	254 S Pine St
DR 18-03 CUP 18-03 PUD 18-01 CUP 18-02	Butch Busse	Canby Townhomes	1300 S Ivy St
FP 18-06	Tony Marnella	Final Plat (SUB 17-02)	1009 NE Territorial Rd
FP 18-05	Amber Mathieson	Final Plat (MLP 18-02)	115 & 125 SW 8th Ave
FP 18-04	Ralph Netter	Final Plat SUB 16-01 Faist 8	1900 Block of SE 13th Ave
LLA 18-02	Jason Bristol	Lot Line Adjustment	Triangle @ NE 3 rd & 4 th Ave
MLP 18-03	Lisa Weygandt	Mulino Pump Station	1295 S Mulino Rd
MOD 18-02	Cutsforth Thriftway Bottle Drop	Bottle Drop Express Container	225 NE 2nd Ave
MOD 18-01	Curt McLeod/2KRMT, Inc.	Place two-story home on single-story lot	590 NW 11th Avenue
PRC 18-05	VLMK/BE Group	73,215 sf building	1980 SE 4th Ave
PRC 18-04	Clark Warehouse	Warehouse 12,000 SF	142 S Hazel Dell Way
ROW 18-01	Victoria Heintz	Electrical Pole	141 N Grant
SUB 18-03	Pine Place - Allen Manuel	6 lot Subdivision - Townhomes	480 S. Pine Street
SUB 18-02	Canby School District Pat Sisul	23-lot Subdivision	South of Baker Prairie Middle School

7. PRE-CONSTRUCTION CONFERENCE(S) HELD MAY 1 – JUNE 30, 2018:

CITY FILE #	APPLICANT	PROJECT	ADDRESS
PRC 18-05	VLMK/BE Group	73,215 sf building	1980 SE 4th Ave
PRC 18-04	Clark Warehouse	Warehouse 12,000 SF	142 SE Hazel Dell Way

8. PC MEETING ITEMS REVIEWED MAY 1 – JUNE 30, 2018:

CITY FILE #	APPLICANT	PROJECT	ADDRESS
MOD 18-01	Curt McLeod	Modify condition of approval	590 NW 11th
DR 18-02 CUP 18-01	Clark/ Piedmont Group	Warehouse space	142 S Hazel Dell
MLP 18-02	A. Mathiesen	Minor Land Partition	SW 8 th Ave
SUB 18-01 VAR 18-01	Beck Pond Subdivision	69-lot Subdivision	SW Fir St
DR 18-04	Mike Patterson	Multi-tenant light industrial building	S Pine St & SE 3 rd Ave

9. SITE PLANS SUBMITTED FOR ZONING CONFORMANCE AND AUTHORIZATION FOR RELEASE OF COUNTY BUILDING PERMIT MAY 1 – JUNE 30, 2018:

CITY FILE #	APPLICANT	PROJECT	ADDRESS
SP 18-88	Charlie Clark	SFR	880 Caitlyn Pl, Lot 3
SP 18-87	Tim Austen	2nd story patio	1873 N Teakwood Circle
SP 18-86	BE Group/VLMK (5/9/17)	73,215 SF Building	1980 SE 4th Ave

**9. SITE PLANS SUBMITTED FOR ZONING CONFORMANCE AND AUTHORIZATION FOR
RELEASE OF COUNTY BUILDING PERMIT MAY 1 – JUNE 30, 2018 CONTINUED:**

SP 18-85	Bryant Booth	SFR	570 NW 11th Ave
SP 18-84	Josh Grgas/Frank Cutsforth	Bottle Drop Express	225 NE 2nd Ave
SP 18-83	Kurt Hansen	Concrete Parking Slab	341 N Ivy St
SP 18-82	Lisac Brothers Construction	SFR	730 NW 11th Ave, Northwood Lot 90
SP 18-81	Katrina Bundy	SFR	2139 SE 10th Pl, Timber Park Lot 70
SP 18-80	Katrina Bundy	SFR	1037 S Walnut St, Timber Park Lot 84
SP 18-79	Katrina Bundy	SFR	1059 S Walnut, Timber Park Lot 85
SP 18-78	Larry Hepler	468 SF addition	840 N Elm St
SP 18-77	Aric DeBriac	12,000 SF Clark Products Warehouse	142 S Hazel Dell Way
SP 18-76	Big Dawg, C Lancaster	Two story shop	710 N Juniper St
SP 18-75	Katrina Bundy	SFR	1015 S Walnut St, Timber Park, Lot 83
SP 18-74	Roger Toth	SFR	590 NW 11th Avenue
SP 18-73	Citi Homes	SFR	1305 N Maple St
SP 18-72	Kathi Close	Garage	547 N. Juniper St
SP 18-71	Jon Berg	Facade improvement	200 NW 1st Ave
SP 18-70	Phillip Poole	Home Addition	325 SW 7th ave
SP 18-69	Tom Kendall OR Dev West	SFR	1835 SE 10th Pl, Faist 6, Lot 71
SP 18-68	Charles Clark	SFR	800 NW Fir Street
SP 18-67a	Randy Putt	Replacement roof	995 N Knights Bridge Rd
SP 18-67	Gerald P. Dulski	Storage addition to existing building	461 SW 6th Ave
SP 18-66	Renewal by Andersen/Linn Linstrom	Window Replacement	234 SE 9th Ave
SP 18-65	Tony Marnella/Tanoak Subdivision	Demo small barn	1009 NE Territorial Rd
SP 18-64	Kevin Kincaid/Western Construction	Fred Meyer Checkstands - TI	1401 SE 1st Ave
SP 18-63	IDM VLMK	Grading	279 Sequoia Pkwy, Bldg. A
SP 18-62	Greg Sams, Hymark Custom Homes	SFR	705 NW 11th Ave, Northwood Lot 85
SP 18-61	Rick's Fencing Jackson Wynne	Replace 80 SF deck & stairs	810 NE 16th Ave
SP 18-60	Kurt Wallace	Interior remodel due to fire	580 S Douglas
SP 18-59	AJ Howard	220 SF Addition	665 N Holly St
SP 18-58	Timber Park	SFR	2173 SE 10th Pl, Timber Park Lot 73

9. SITE PLANS SUBMITTED FOR ZONING CONFORMANCE AND AUTHORIZATION FOR RELEASE OF COUNTY BUILDING PERMIT MAY 1 – JUNE 30, 2018 CONTINUED:

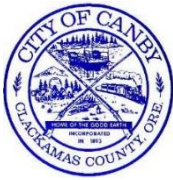
SP 18-57	Timber Park	SFR	2173 SE 10th Pl, Timber Park Lot 72
SP 18-56	Timber Park	SFR	2139 SE 10th Pl, Timber Park Lot 71

10. SIGN PERMITS SUBMITTED FOR REVIEW AND AUTHORIZATION FOR RELEASE OF COUNTY BUILDING PERMIT MAY 1 – JUNE 30, 2018:

CITY FILE #	APPLICANT	PROJECT	ADDRESS
SN 18-10	ESA Signs/Carolyn Goodman	Dutch Bros. Coffee Signs (9)	1115 SW 1st Ave
SN 18-09	Salem Sign	Boost Mobile Wall Signs	341 SE 1st Ave
SN 18-08	Meyer Sign Co of Oregon	Wall signs for Astro Gas	400 SW 1st Ave
SN 18-07	Integrity Signs Oregon	Wall sign Canby Rental	476 NW 1st Ave

11. ACTIVE PERMIT FINALS BY CLACKAMAS COUNTY MAY 1 – JUNE 30, 2018:

FINAL DATE	APPLICANT	PROJECT	ADDRESS
6/5/2018	Oregon Development West	SFR	1834 SE 11TH Ave
6/7/2018	White River Homes	SFR	1030 N Douglas St
6/22/2018	Salisbury Construction Inc	SFR	214 SW 6TH Pl
5/30/2018	Martin Clark Construction Inc	SFR	785 NW 11TH Ave
5/17/2018	Ed Netter Construction Inc	SFR	1927 SE 11TH Ave



City of Canby Bi-Monthly Report Department: Police
May / June 2018

To: The Honorable Mayor Hodson and City Council
From: Chief Bret Smith
Through: Rick Robinson, City Administrator
Date: July 3, 2018

	May	June
Calls for Service Dispatched 911 and non-emergency calls	1399	1320
Property Crimes Reported		
Burglary	4	0
Motor Use of Motor Vehicle / Unlawful entry of Motor Vehicle	0	0
Fraud	1	0
Robbery	0	0
Theft I, II, & III	16	15
Forgery	1	0
Trespass	4	3
Vandalism (Criminal Mischief)	6	5
Person Crimes Reported		
Assault I, II, IV	1	3
Carrying Concealed Weapons (knife, blade, etc.)	1	1
Disorderly Conduct (includes resisting arrest)	1	2
Endangering Welfare of a Minor/Recklessly endangering	1	2
Felon in possession of firearm	1	1
Harassment, Intimidation or Threats	2	2
Identity Theft	3	3
Interfering with Peace Officer	5	1
Menacing	1	0
Sex Offenses	1	1
Strangulation	1	0
Arrests		
Warrant Arrests (and contempt of court, restraining order, parole violations)	24	17
Adult and Juvenile Custodies (includes juvenile curfew)	35	28
Drug Crimes		
Possession Controlled Substance (Cocaine, Heroin, Marijuana, Meth.)	13	10
Delivery of a Controlled Substance (Cocaine, Heroin, Marijuana, Meth.)	1	0
Manufacture Controlled Substance (Cocaine, Heroin, Marijuana, Meth.)	0	0
Traffic Crimes, Accidents, Citations		
Attempt to Elude	4	1
Driving Under the Influence of Intoxicants	4	8
Other Traffic Crimes (hit & run, driving while suspended, etc.)	8	6
Traffic Accidents	9	13
Traffic Citations	478	536

Crimes combine misdemeanor and felony offenses,
reported to State of Oregon for inclusion in the annual national FBI crime report.



Canby Swim Center Report

From: Eric Laitinen, Aquatic Program Manager

Date: July 2, 2018

Re: Year End Report

The Canby Swim Center had a fun year. Our Revenue and Attendance numbers are very good for the year. We finished ahead of last year in both areas. On the Attendance side we finished with 77,500 swims for 2017-2018, with 2,000 more swims than last year. On the revenue side we came in ahead of last year by about \$8,500.00.

We have a lot of great things to be happy about this year. Swimming lessons are very full, public swims are busy, and have great attendance in all the programs from early morning lap swim to evening public swims. The summer lessons are twice a day during the week days providing four hours of swimming lessons a day. Summer Penguin Club has filled up with 70 swimmers. We also had 72 swimmers swim during spring Penguin Club, 36 in each of the two sessions. Summer water exercise, Lap swims and Adult Morning swims are all well attended. Nathan has continued coaching masters and teaching the Tri-it class for new Triathlon swimmers.

Highlights from this past year have been; The Gator Grinder that continues to bring 300 athletes and many friend and family members to watch. The Canby Gators and Canby High School have continued to swim well at all levels. The Canby Cougars had six state swimmers this year. The Canby Gators continue to train year round with a great group of swimmers. They

represent Canby well at State and Regional meets and continue to race at a high level. Canby second graders all had swimming lessons this year and Molalla had two of their schools come to Canby for swimming lessons too. S.R. Smith has donated much of the equipment on the pool deck such as, the pool lift, starting blocks and lifeguard stands. They often will try out upcoming products at the Canby Swim Center. They have come over several times over the past month working on some new items that are hopefully coming out soon. We continue to be thankful for our relationship with this local company.

FROM : **ERIC LAITINEN, AQUATIC PROGRAM MANAGER**
 SUBJECT: **Attendance Numbers for May 2018**
 DATE: **2017-18 Year End Report**

CANBY SWIM CENTER May	ADMIT 2017	ADMIT 2018	PASS 2017	PASS 2018	TOTAL 2017	TOTAL 2018	YTD TOTAL 16-17	YTD TOTAL 17-18
MORNING LAP	65	53	371	318	436	371	4301	4105
ADULT RECREATION SWIM	25	26	459	499	484	525	4689	5193
MORNING WATER EXERCISE	68	73	486	413	554	486	5345	5530
PARENT/ CHILD	216	206	0	0	216	206	1554	1712
MORNING PUBLIC LESSONS	173	172	0	0	173	172	4839	4760
SCHOOL LESSONS	1050	1712	0	0	1050	1712	4909	4956
NOON LAP	135	101	292	376	427	477	3633	3846
TRIATHLON CLASS	26	26	0	0	26	26	133	132
AFTERNOON PUBLIC	261	205	10	19	271	224	4625	4487
PENGUIN CLUB	0	0	324	360	324	360	2042	1983
CANBY H.S. SWIM TEAM	0	0	0	0	0	0	2416	2371
CANBY GATORS	0	0	882	917	882	917	7113	7850
MASTER SWIMMING	0	0	56	33	56	33	438	358
EVENING LESSONS	1572	1366	0	0	1572	1366	11795	11342
EVENING LAP SWIM	56	45	59	35	115	80	954	908
EVENING PUBLIC SWIM	506	380	19	49	525	429	4458	4026
EVENING WATER EXERCISE	63	57	39	38	102	95	1049	992
ADULT LESSONS	0	0	0	0	0	0	64	76
GROUPS AND RENTALS	404	388	0	0	404	388	3855	4276
OUTREACH SWIMMING	0	0	0	0	0	0	321	658
TOTAL ATTENDANCE	4,620	4,810	2,997	3,057	7,617	7,867	68533	69561

FROM : **ERIC LAITINEN, AQUATIC PROGRAM MANAGER**
 SUBJECT: **Attendance Numbers for June 2018**
 DATE: **2017-18 Year End Report**

CANBY SWIM CENTER June	ADMIT 2017	ADMIT 2018	PASS 2017	PASS 2018	TOTAL 2017	TOTAL 2018	YTD TOTAL 16-17	YTD TOTAL 17-18
MORNING LAP	51	59	326	276	377	335	4678	4440
ADULT RECREATION SWIM	31	32	479	477	510	509	5199	5702
MORNING WATER EXERCISE	33	100	419	511	452	611	5797	6141
PARENT/ CHILD	204	236	0	0	204	236	1758	1948
MORNING PUBLIC LESSONS	566	1031	0	0	566	1031	5405	5791
SCHOOL LESSONS	0	0	0	0	0	0	4909	4956
NOON LAP	67	90	227	268	294	358	3927	4204
TRIATHLON CLASS	0	0	0	0	0	0	133	132
AFTERNOON PUBLIC	466	850	73	41	539	891	5164	5378
PENGUIN CLUB	0	0	407	558	407	558	2449	2541
CANBY H.S. SWIM TEAM	0	0	0	0	0	0	2416	2371
CANBY GATORS	0	0	666	618	666	618	7779	8468
MASTER SWIMMING	0	0	34	10	34	10	472	368
EVENING LESSONS	1468	1256	0	0	1468	1256	13263	12598
EVENING LAP SWIM	43	41	41	58	84	99	1038	1007
EVENING PUBLIC SWIM	576	476	71	98	647	574	5105	4600
EVENING WATER EXERCISE	61	63	49	41	110	104	1159	1096
ADULT LESSONS	0	0	0	0	0	0	64	76
GROUPS AND RENTALS	605	620	0	0	605	620	4460	4896
OUTREACH SWIMMING	0	129	0	0	0	129	321	787
TOTAL ATTENDANCE	4,171	4,983	2,792	2,956	6,963	7,939	75496	77500



May and June, 2018
Monthly Reports

Fleet Department – Robert Stricker
Parks Department – Jeff Snyder
Public Works – Jerry Nelzen
Waste Water Treatment Plan – Dave Conner

Fleet Service BI-Monthly Report
By Robert Stricker, Lead Mechanic

May-17

Department	Work Orders	Labor Cost	Material Cost	Fuel Cost	Total Cost
Administration	0	\$0.00	\$0.00	\$0.00	\$0.00
Adult Center	0	\$0.00	\$0.00	\$241.99	\$241.99
Facilities	0	\$0.00	\$0.00	\$126.39	\$126.39
Wastewater Collections	0	\$0.00	\$0.00	\$299.62	\$299.62
Wastewater Treatment	2	\$206.25	\$423.91	\$259.30	\$889.46
Parks	7	\$656.25	\$49.08	\$1,051.71	\$1,757.04
Police	16	\$3,094.78	\$1,429.51	\$6,540.93	\$11,065.22
Streets	7	\$971.42	\$1,179.94	\$1,952.24	\$4,103.60
Fleet Services	0	\$0.00	\$0.00	\$58.95	\$58.95
Canby Area Transit (CAT)	20	\$4,706.90	\$3,479.17	\$8,662.99	\$16,849.06
CUB					
Total	52	Total			\$35,391.33

Jun-17

Department	Work Orders	Labor Cost	Material Cost	Fuel Cost	Total Cost
Administration	1	\$18.75	\$30.00	\$33.67	\$82.42
Adult Center	0	\$0.00	\$0.00	\$127.59	\$127.59
Facilities	0	\$0.00	\$0.00	\$44.66	\$44.66
Wastewater Collections	1	\$75.00	\$0.00	\$359.48	\$434.48
Wastewater Treatment	10	\$675.00	\$76.24	\$205.04	\$956.28
Parks	9	\$1,471.35	\$1,706.62	\$694.42	\$3,872.39
Police	17	\$4,323.85	\$1,225.19	\$2,690.47	\$8,239.51
Streets	8	\$1,061.53	\$1,277.29	\$798.39	\$3,137.21
Fleet Services	0	\$0.00	\$0.00	\$58.52	\$58.52
Canby Area Transit (CAT)	21	\$3,017.36	\$3,169.91	\$4,198.74	\$10,386.01
CUB					
Total	67	Total			\$27,339.07

*Fuel Cost totals are from May 1st to June 15th

Fleet Service Highlights

Parks Maintenance

By Jeff Snyder, Parks Maintenance Lead Worker
May – June 2018

Park Maintenance

The Parks Department has been busy with landscape maintenance and park cleaning over the last two months. All the irrigation systems have been turned on adjusted and repair as necessary. Building maintenance and playground repair were addressed as found.

At Wait Park, assets were pressure washed and the gazebo received a fresh coat of paint.

At Triangle Park 5 trees were removed that did not fit the vision of the garden.

After cleaning out the planters, 480 plants were planted in the 28 light pole planters on 2nd.Ave. EC electric repaired the Molalla Forest Rd. lighted crosswalk over Territorial Rd.

Valley Green Inc. sprayed weeds in 13 turf areas for the City of Canby in May.

The Parks Department spent 4 hours on graffiti and vandalism over the last two months.

Regular maintenance is starting to be performed at the 34 areas the Parks Department is responsible for, the Adult Center, Arneson Gardens Horticultural Park, Baker Prairie Cemetery, Community Park (River), CPIP sign, Disc Golf Park, Eco Park natural area, Faist V property, Holly & Territorial welcome sign property, Hulbert's welcome sign property, Klohe Fountain, Knights Bridge right of way, Legacy Park, South Locust Street Park, Logging Road Trail and Fish Eddy/Log Boom property, Maple Street Park, Nineteenth Loop Natural area, Northwood Estates Park, NW 1st Ave., NW 2nd Ave., Police Department landscaping, Simnitt Property, Skate Park, Shop Ground, Swim Center, Timber Park, Territorial Estates Future CLC Park, Transit Bus Stop, Triangle Park, Vietnam Era Veterans Memorial, Wait Park, Willow Creek Wetlands(19th Loop), WWTP property and Zion Cemetery.

Meetings attended

I attended park maintenance employee interviews.

I attended the Lead workers meetings.

We all attended harassment training.

We all attended online payroll training.

Michael Nakano attended a Certified Playground Safety Inspector Course. Michael passed with a 90%.

I attended an employee allocation meeting.

Zion Cemetery

A headstone restoration project was held on May the 12th. 19 people cleaned 80 headstones.

Spring was busy at the cemetery in preparation of Memorial Day. The white fence was cleaned, pressure washing was done on the hardscapes where needed. All the irrigation was utilized and repaired as needed. Mowing and string trimming occupied most of staffs time over the last two months. We purchased a tablet to aid in the location of irrigation systems and the plotting of grave sites. The tablet will save us time not having to dig through the paper maps.

308 hours of labor were used at the cemetery over the last two months.

For your Information

Over the last two months 5 employees have been added to the department. Rolando Ruiz (full Time) started on 5-9-18, Bryson Hellman (Seasonal) started 5-14-18, Dennis Welle (Full Time) started 6-11-18, Emily Sasse (Seasonal) started 6-25-18 and Monty Graham (Seasonal) started on 7-2-18. Welcome to all...

Canby Municipal Courts community service referrals. For May and June we received 184 hrs. of labor which is reflected on the actual hours report.

Please see attached park maintenance actual hours for the months of May and June.

Hours are based on number of employee's (each day) x 7.5hrs.

Parks Department	May 2018 Actual Hours																															Total	
	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31		
Adult Center			1.0					0.5						1.5								0.5							1.0	15.0	19.5		
Arneson Gardens		2.0	5.0	0.5			1.0	1.0	0.5		0.5							0.5			0.5			3.0	1.5				3.0			19.0	
Baker Prairie Cem.	2.0							0.5	3.0													1.5	3.0									10.0	
Community Park	10.0	6.0		2.0			2.0	6.0	1.0	4.0	2.5			4.0				1.5			1.5			7.5	5.0				5.0	24.0		82.0	
CPIP Sign Property																																0.0	
Disc Golf Course								0.5																	0.5								1.0
Eco Park			3.0	0.5				0.5		0.5				0.5				0.5			0.5				1.5				3.0			10.5	
Faist V (5)	3.0													0.5								0.5										4.0	
Holly-Territorial Sign																																0.0	
Hulberts-sign property									2.0													1.0										3.0	
Klohe Fountain		0.5		0.5																		1.0										2.0	
Knights Brdg.		1.0																				1.0										2.0	
Legacy Park	5.0			2.0			2.0	5.0	0.5		2.0			2.0	7.0	7.5		6.0			2.0	5.5			4.0				2.0	14.0		66.5	
S. Locust Park			2.0	1.0			1.0	2.0			1.5			5.0	2.5			6.0			1.5	1.0			2.0				2.0	2.0		29.5	
Logging Rd. Path			2.5	2.0					1.0								10.0				10.0				1.5				3.0		30.0	60.0	
Fish Eddy-Log Boom				0.5						0.5				0.5				0.5			0.5				0.5							3.0	
Maple St. Park		7.5		13.0			2.0	7.5	1.0		2.0			4.0		2.0		8.5			2.0			10.0	2.0				4.0		4.5	70.0	
19th Loop		1.5	2.0															0.5							1.0							5.0	
Northwood Park			3.0	1.0			1.0		3.0		1.0			3.0				0.5			1.0	2.5			1.0				2.0		3.0	22.0	
NW 1st Ave.		2.0						0.5	1.5																						3.0	7.0	
NW 2nd. Ave.		3.5					14.0	4.0	0.5	1.5	0.5			2.0	2.0	35.5		0.5			0.5				0.5						4.5	69.5	
Police Department																						1.0	3.0						1.0			5.0	
Simnitt Property																																0.0	
Skate Park				0.5			1.0		0.5	2.5	0.5			1.0				0.5			1.0	1.0			0.5				2.0			11.0	
Shop complex			1.0								4.0				4.0							1.0	5.0		1.0							16.0	
Swim Center			1.5					0.5							0.5							1.0										3.5	
Timber Park	2.5	3.0		1.0			2.0		0.5		0.5			2.0	2.0			2.0			1.0			2.0	1.5				2.0	6.0		28.0	
Territorial-CLC Prop.																																0.0	
Transit Bus stop				1.0							1.0			1.0				0.5			1.0				1.0				3.5			9.0	
Triangle Park	1.5							2.0						2.0	0.5		25.0					1.5										32.5	
Wait Park	1.5			2.0			2.0	1.0	2.5		6.0			2.0				6.0			7.0	2.5			1.0				4.0			37.5	
Veterans Memorial		1.0		1.0				0.5		0.5													6.5									9.5	
WWTP property																																0.0	
Zion Cemetery	7.5	7.5	9.0	9.0			7.5		22.5	22.0	9.0			22.5	25.5		15.0	17.0			22.5	23.5	7.5	22.5	18.0				15.0	24.0		307.0	
Administration	2.0	2.0	7.5					2.5	6.0	1.0	4.0			1.0	5.0	7.5		1.5					20.0		1.0				7.5	5.0		73.5	
																																Monthly Total	1018.0

Parks Department	June 2018 Actual Hours																														Total		
	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30			
Adult Center	16.0			2.0			3.5														1.0										22.5		
Arneson Gardens	1.0			1.0		1.0		1.0			1.0		0.5		1.5			1.0		0.5		2.0				1.5	15.0	1.0		0.5		28.5	
Baker Prairie Cem.												3.0																				3.0	
Community Park	2.5			2.0		3.0		2.0			1.5	1.0	1.0	1.5	3.0			2.0	1.0	9.0	20.5	4.5				5.0	2.0	2.0		3.0		66.5	
CPIP Sign Property																																0.0	
Disc Golf Course							5.5																									5.5	
Eco Park	1.0			1.5	1.0			1.0			1.0		2.0	7.5	1.0			0.5		0.5		1.0				0.5		1.0		0.5		20.0	
Faist V (5)																						1.0										1.0	
Holly-Territorial Sign																																0.0	
Hulberts-sign property																																0.0	
Klohe Fountain												4.0																				4.0	
Knights Brdg.																																0.0	
Legacy Park	2.5			1.0		9.0		4.0			1.5	4.0	25.0		2.0			3.0		4.5		1.0				2.0	15.0	1.0		1.0		76.5	
S. Locust Park	1.0			1.5	2.0	1.0		1.5			1.0		0.5		1.5			3.0	3.0	3.5		2.0				1.5		10.0		8.5		41.5	
Logging Rd. Path	1.0					1.0	2.0	7.5							1.5						4.5	15.0				7.5	7.5	6.0	21.0	8.5		83.0	
Fish Eddy-Log Boom	0.5			1.5		2.5		1.0			1.0		0.5		1.0			0.5		0.5		0.5				0.5		1.0		0.5		11.5	
Maple St. Park	3.0			4.0	16.0	2.0		10.0			2.0	6.0	7.0	3.5	2.0			3.0		1.0	6.5	4.5				3.0		2.0		2.5		78.0	
19th Loop													6.0																			6.0	
Northwood Park	0.5			1.5		1.0	2.0	7.0			1.0	1.0	0.5	7.5	1.5			1.0	3.0	0.5		0.5				0.5		1.0		0.5		30.5	
Street Landscaping	2.5			3.5		5.0		6.0			15.0				2.0						3.0	0.5							9.0			46.5	
Storm/Collect mow							15.0															1.5						1.0				17.5	
Police Department							2.0					7.5	7.0	16.0	12.5					6.0												51.0	
Simnitt Property																																0.0	
Skate Park	0.5			1.5		1.0		1.0			1.0		0.5		1.5					2.0	0.5		1.5					1.0		1.0		13.0	
Shop complex				1.0	3.0			2.0							4.0															1.0		11.0	
Swim Center							4.5															3.0										7.5	
Territorial-CLC Prop.																																0.0	
Timber Park	6.0			1.5		1.0		1.0			1.0	12.0	0.5		1.5			2.0	1.5	2.5		1.0						1.0		0.5		33.0	
Transit Bus stop	1.5			1.0		1.0					1.0		0.5		1.5			1.5		0.5		1.5				1.5		1.0		1.5		14.0	
Triangle Park	1.5						1.0				0.5									3.0	1.5					1.5						9.0	
Wait Park	5.0			4.0		2.0	2.0	4.0			1.5		1.0	3.0	14.5			10.0	16.0	5.0	3.0	2.5				20.0	17.0	22.0	20.0	11.0		163.5	
Veterans Memorial								0.5							12.0						3.0						1.0					16.5	
Knights Brdg.																																0.0	
WWTP property					4.0	1.0	5.0					10.0																				20.0	
Zion Cemetery				29.0	16.0	16.0	5.5	16.0			15.0	20.0		5.0	16.0			20.0	10.0	8.5	27.0	19.0				27.5	7.5	6.5	14.0	22.5		301.0	
Administration	6.5			7.5	3.0	5.0	12.0	2.0			15.0	3.5	10.0	15.0	8.0			1.5	1.5	6.5	2.5	1.5				6.5	2.5	2.5	2.5	4.5		119.5	
																																Monthly Total	1301.0

Department: PUBLIC WORKS

For Months of: May and June 2018

Prepared by: Jerry Nelzen

1. **Streets:**

The crew received and located 115 locates for May.

Streets	Total Hours
Street Sweeping	128.5
Street Sweeper Maintenance	3.5
Street Maintenance	222
Driveway Approach & Sidewalk Inspections	2
Street Sign Maintenance	24
Flower Baskets	136
Dump Truck	18
Mini Trackhoe	13

2. **Sewer and Storm System:**

Sewer	Total Hours
Sewer Cleaning	19
Sewer Main/Lateral Repairs	11.5
Sewer TV'ing	7
Lift Station Maintenance	16
Locating Utilities	62
Vactor Usage	15.5
Storm	
Catch Basin Maintenance	170
Drywell Maintenance	12
Storm Line Maintenance/Repair	110
Erosion	12
Vactor Truck	16

3. **Street Trees/Lights:**

Street Trees/Lights	Total Hours
Tree Trimming/Removal/Inspection	14
Street Light Repair	16

4. Facility Maintenance

Facilities	Total Hours
	133.5

5. Cemetery

Cemetery	Total Hours
	35

6. Miscellaneous:

Miscellaneous	Total Hours
Meetings	28
Plan Preview for Subdivisions	2
Equipment Cleaning	8
Work Orders	17
Training/Schools	32
Other	6

June

1. Streets:

The crew received and located 163 locates for June.

Streets	Total Hours
Street Sweeping	108
Street Sweeper Maintenance	18
Street Maintenance	160
Sidewalks	1
Driveway Approach Inspections	3
Street Sign Manufacturing	18
Street Sign Maintenance	14
Street Sign Installation	2
Mini Trackhoe	24
Dump Truck	45
Vactor Truck	14

2. Sewer and Storm System:

Sewer	Total Hours
Sewer Main/Lateral Repairs	24
Sewer Laterals	32
Sewer Cleaning	5
Sewer TV	17
Lift Station Maintenance	15
Locating Utilities	79
Storm	
Catch Basin Maintenance	127
Drywell Maintenance	2
Erosion	29
Storm Line Maintenance/Repair	65

3. Street Trees/Lights:

Street Trees/Lights	Total Hours
Street Light Repair	32

4. Facility Maintenance

Facilities	Total Hours
	103.5

5. Cemetery

Cemetery	Total Hours
Admin	44

6. Miscellaneous:

Miscellaneous	Total Hours
Meetings	47
Plan Preview for Subdivisions	3
Work Orders	19
Other	17
Flower Baskets	74
NE 11 th Ave Sewer Main & Lift Station	16
Tree Watering	7



City of Canby Bi-Monthly Report

Department: Wastewater Treatment Plant

For Months of: May & June 2018

To: The Honorable Mayor Hodson & City Council
From: Dave Conner, Lead Operator
Through: Rick Robinson, City Administrator
Date: June 27, 2018

Facility Operations & Maintenance

The water quality for the months of May and June remain good with no violations. Plant Operators continue daily process control and operations of the plant to maintain NPDES permit compliance.

The list below highlights a few of the tasks completed since the last bi-monthly report.

- Installed Citric acid pumps on both UV units.
- Replaced multiple butterfly valves on aeration basin.
- Replaced diffusers in the old aeration basin.
- Empty and clean multiple tanks for inspection and repair.
- Worked on adjustments for intermittent tank alarms.
- Set up new flow pattern for pressate to reduce solids loading on plant.
- Replace bulbs and wipers in both UV units.
- Working on updating Confined Space Entry program.
- Routine daily maintenance, repairs, and cleaning of plant.

Biosolids Program:

- Belt ran 19 days in **May**.
- 6 loads to Heard Farms, 5 loads to WASCO, 226 wet tons.
- Belt ran 18 days in **June**.
- 7 loads to Heard Farms, 182 wet tons.

Pretreatment Inspection/Reporting, FOG Program

May

- Pump Outs: 19
- Inspections: 2 fog, 4 pretreatment

June

- Pump Outs: 22
- Inspections: 4 fog, 3 pretreatment

Pretreatment activities also included monthly review of business license, reviewing environmental surveys, plan review, inspection reports and working with businesses on BMP agreements.

Daily Lab Activity

- Routine daily/weekly lab procedures, process control and permit testing.
- Weekly BOD's / E-coli, solids, NH3 and Alkalinity Testing.
- Completed Lab Chemical Hygiene annual review with staff.
- Monthly lab equipment maintenance.

Staff Meetings and Training Attended

- CPR/AED Training
- Harassment training.
- City Safety Committee Meeting.
- Attended ACCWA pretreatment meeting.

Tech Services Department
Bi-Monthly Report for May/June 2018

From: Amanda Zeiber
Prepared By: Bryce Frazell
Date: July 6, 2018

Google Analytics Summary Report: May and June 2018

Open Business Days	<u>May</u>	<u>June</u>
	21	21

<u>Audience Overview</u>	<u>May</u>	<u>June</u>
Page Views	19,345	20,584
Sessions (site visits)	9,134	9,886
Users	5,693	6,404
New Users	4,666	5,283
Pages per Session	2.12	2.08
Number of Sessions per User	1.6	1.54
Average Session Duration	1 min 32 secs	1 min 30 secs
Bounce Rate (% of single-page visits)	57.74%	59.18%

Site visit information about the same for May & June as compared to Mar & April 2018

<u>New Vs. Returning Visitors</u>	<u>May</u>	<u>June</u>
New	69.05%	70.24%
Returning	30.95%	29.76%

<u>Browser & Operating System</u>	<u>March - Top 5 Browsers</u>	<u>April - Top 5 Browsers</u>
	Google Chrome 46.15%	Google Chrome 43.46%
	Safari 31.87%	Safari 33.85%
	Internet Explorer 8.96%	Internet Explorer 9.07%
	Microsoft Edge 4.62%	Microsoft Edge 5.00%
	Mozilla Firefox 4.42%	Mozilla Firefox 4.98%

*Microsoft Edge has moved into 4th place, overtaking Mozilla Firefox -
1st change in rankings since February 2015!*

<u>Overview (Technology)</u>	<u>May</u>	<u>June</u>
Desktop	48.71%	47.17%
Mobile	44.83%	46.79%
Tablet	6.46%	6.04%

Desktop and mobile phone use are getting close to being equal

<u>Mobile Devices (top 3)</u>	<u>May</u>	<u>June</u>
	Apple iPhone 49.47%	Apple iPhone 51.63%
	Apple iPad 8.60%	Apple iPad 7.72%
	Samsung Galaxy S7 1.95%	Samsung Galaxy S8 2.49%

*iPhone & iPad continue to dominate as top mobile devices
Samsung Galaxy 8 took over the lead in June from the Galaxy 7 model*

<u>Landing Pages (top 5)</u>	<u>May</u>	<u>June</u>
	Home Page (Index)	Home Page (Index)
	Swim Center Home Page	Swim Center Home Page
	Transit Home Page	Job Openings
	Job Openings	Transit Home Page
	Transit Routes	Transit Routes

Top 5 visited pages stays pretty consistent with rankings changing occasionally

KEY

Sessions (total number of sessions to your site)

Users (total number of unique users to your site – unduplicated visits)

Pageviews (total number of pages viewed on your site – repeated views of a single page are counted)

Pages per Session (average number of pages viewed per session - repeated views of a single page are counted)

Average Session Duration (average session length of all users)

Bounce Rate (percent of single-page sessions – visits in which a person left your site from the entrance page)

New Sessions/Users (percent of total users who came your site for the first time)

May 2018

Audience Overview

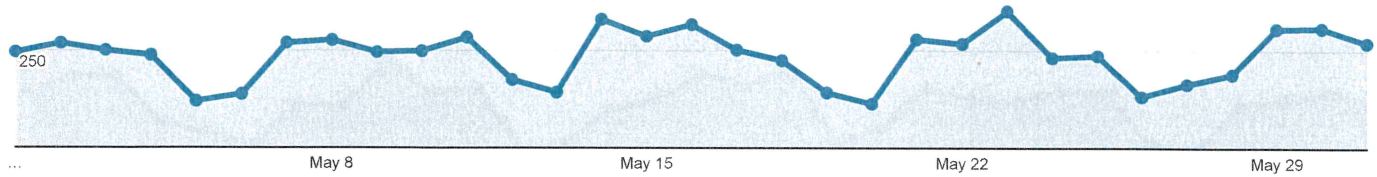
All Users
100.00% Users

May 1, 2018 - May 31, 2018

Overview

Users

500



Users

5,693

New Users

4,666

Sessions

9,134

Number of Sessions per User

1.60

Pageviews

19,345

Pages / Session

2.12

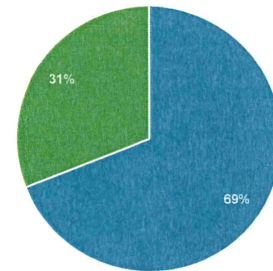
Avg. Session Duration

00:01:32

Bounce Rate

57.74%

New Visitor Returning Visitor



Language

Users % Users

1. en-us	5,516	96.89%
2. fr	40	0.70%
3. es-419	23	0.40%
4. en-gb	16	0.28%
5. es-xl	16	0.28%
6. ko	11	0.19%
7. es-es	8	0.14%
8. zh-cn	8	0.14%
9. en-ca	7	0.12%
10. de	5	0.09%

New vs Returning

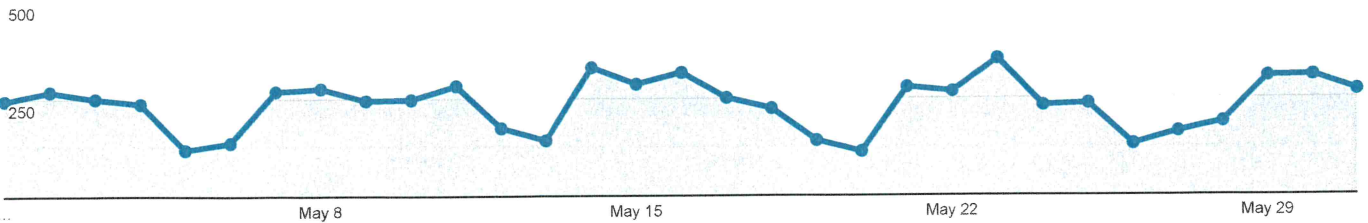
May 1, 2018 - May 31, 2018

 All Users
100.00% Users

Explorer

Summary

● Users



☐ User Type

Users ▼

Users

Contribution to total: Users ▼

5,693

% of Total: 100.00% (5,693)

5,693

% of Total: 100.00% (5,693)

1.  New Visitor

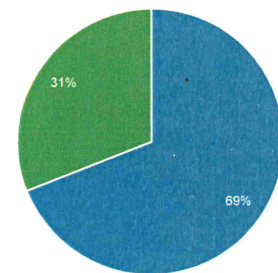
4,665

69.05%

2.  Returning Visitor

2,091

30.95%



Rows 1 - 2 of 2

Browser & OS

All Users
100.00% Users

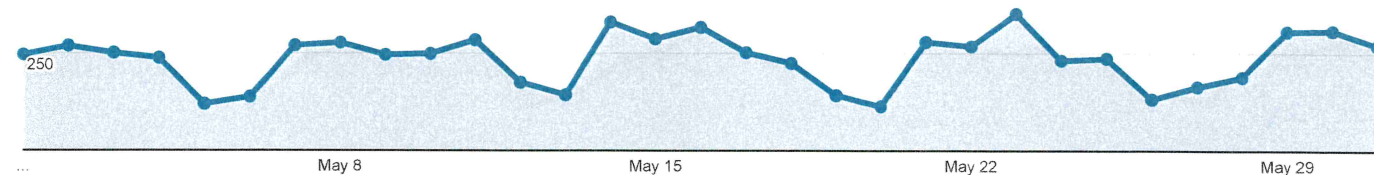
May 1, 2018 - May 31, 2018

Explorer

Summary

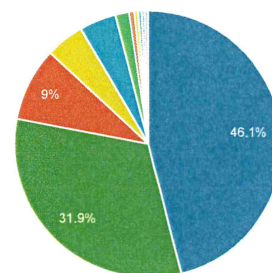
● Users

500



Browser	Users	
	5,693 % of Total: 100.00% (5,693)	5,693 % of Total: 100.00% (5,693)
1. Chrome	2,628	46.15%
2. Safari	1,815	31.87%
3. Internet Explorer	510	8.96%
4. Edge	263	4.62%
5. Firefox	252	4.42%
6. Samsung Internet	97	1.70%
7. Safari (in-app)	36	0.63%
8. Android Webview	24	0.42%
9. Mozilla Compatible Agent	24	0.42%
10. Amazon Silk	23	0.40%

Contribution to total: Users



Rows 1 - 10 of 20

Overview

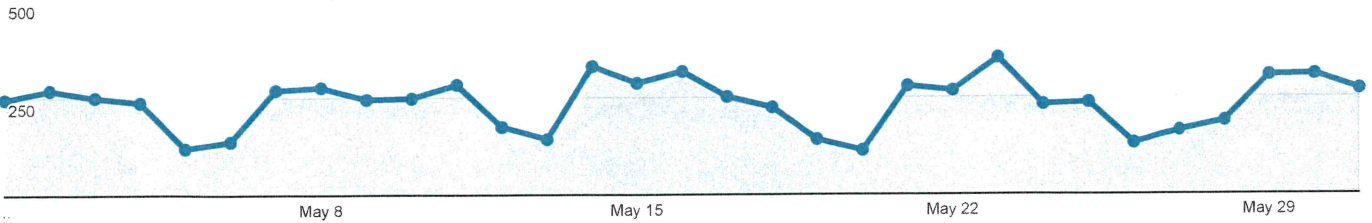
All Users
100.00% Users

May 1, 2018 - May 31, 2018

Explorer

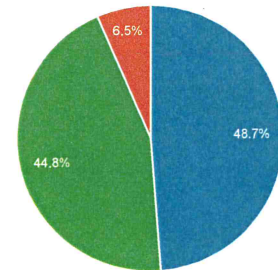
Summary

● Users



Device Category	Users	
	Users	Users
	5,693 % of Total: 100.00% (5,693)	5,693 % of Total: 100.00% (5,693)
1. desktop	2,774	48.71%
2. mobile	2,553	44.83%
3. tablet	368	6.46%

Contribution to total: Users



Rows 1 - 3 of 3

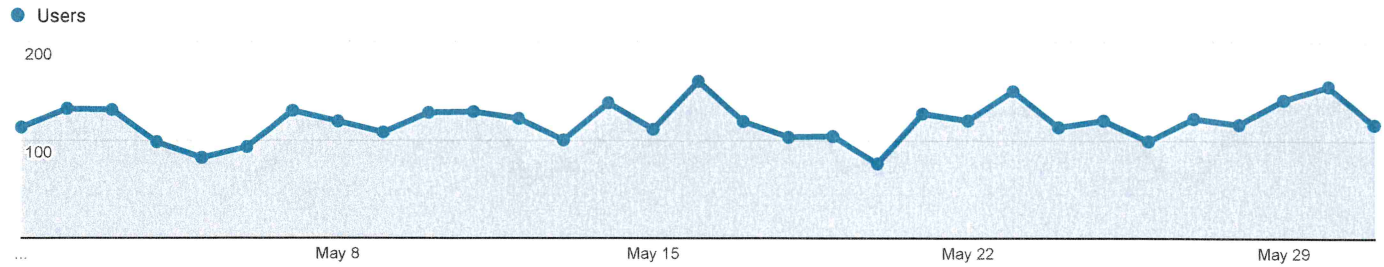
Devices

All Users
51.31% Users

May 1, 2018 - May 31, 2018

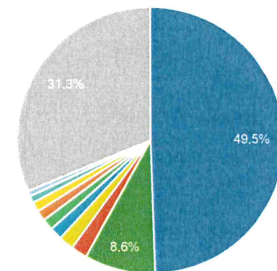
Explorer

Summary



<input type="checkbox"/> Mobile Device Info	Users	Users
	2,921 % of Total: 51.31% (5,693)	2,921 % of Total: 51.31% (5,693)
1. Apple iPhone	1,449	49.47%
2. Apple iPad	252	8.60%
3. Samsung SM-G930V Galaxy S7	57	1.95%
4. (not set)	54	1.84%
5. Samsung SM-G955U Galaxy S8+	44	1.50%
6. Samsung SM-G950U Galaxy S8	40	1.37%
7. Microsoft Windows RT Tablet	37	1.26%
8. Samsung SM-N950U Galaxy Note8	35	1.19%
9. Samsung SM-G900V Galaxy S5	25	0.85%
10. Samsung SM-G950 Galaxy S8	20	0.68%

Contribution to total: Users



Rows 1 - 10 of 324

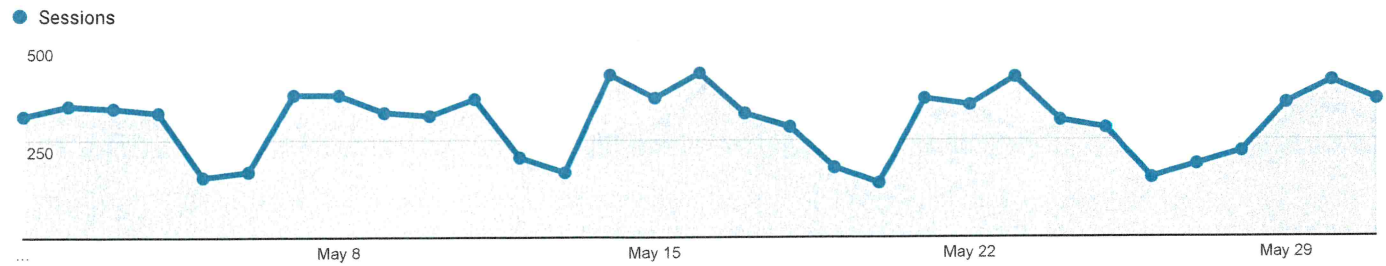
Landing Pages

May 1, 2018 - May 31, 2018

All Users
100.00% Entrances

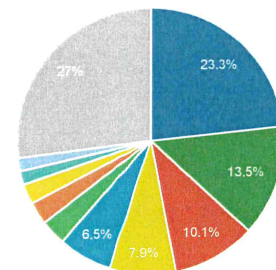
Explorer

Summary



Landing Page	Sessions	Sessions
	9,134 % of Total: 100.00% (9,134)	9,134 % of Total: 100.00% (9,134)
1. / Index.htm	2,128	23.30%
2. /Departments/swim/swim center.htm	1,236	13.53%
3. /transportation/CAThome page.htm	924	10.12%
4. /Jobs/jobopenings.htm	725	7.94%
5. /transportation/routes.htm	593	6.49%
6. /RFPs.htm	288	3.15%
7. /Departments/pw_operations/parks/park_facilities.htm	251	2.75%
8. /Departments/swim/schedule.htm	224	2.45%
9. /cityservices/utilities.htm	149	1.63%
10. /Departments/services/development_services.htm	147	1.61%

Contribution to total: Sessions



Rows 1 - 10 of 121

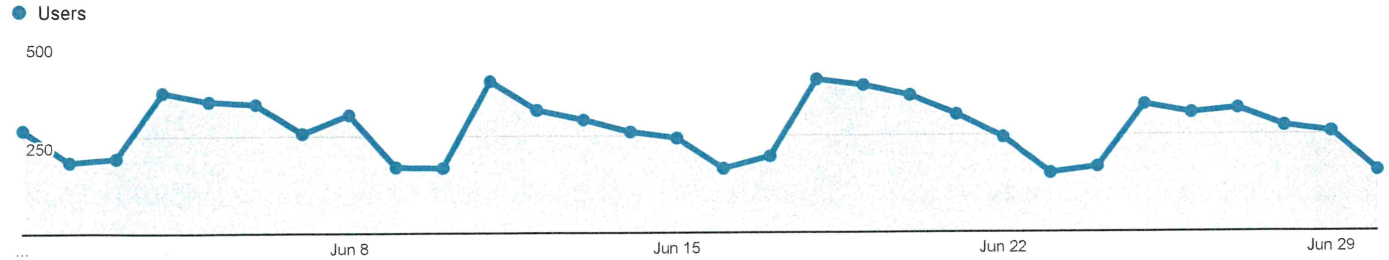
June 2018

Audience Overview

Jun 1, 2018 - Jun 30, 2018



Overview



Users
6,404

New Users
5,283

Sessions
9,886

Number of Sessions per User
1.54

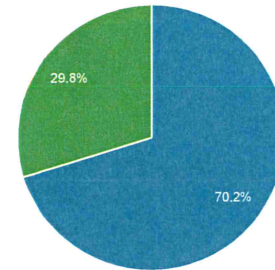
Pageviews
20,584

Pages / Session
2.08

Avg. Session Duration
00:01:30

Bounce Rate
59.18%

■ New Visitor ■ Returning Visitor



Language	Users	% Users
1. en-us	6,168	96.41%
2. fr	100	1.56%
3. en-gb	20	0.31%
4. c	17	0.27%
5. es-xl	17	0.27%
6. ko	13	0.20%
7. en	10	0.16%
8. en-au	8	0.13%
9. en-ca	7	0.11%
10. es-419	6	0.09%

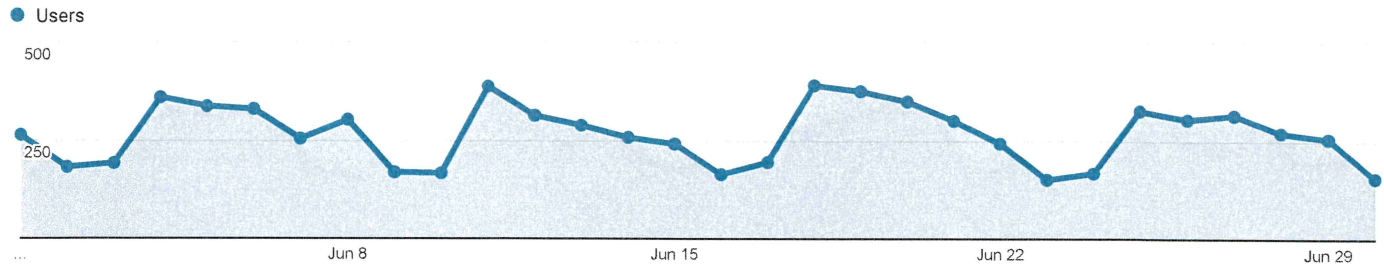
New vs Returning

All Users
100.00% Users

Jun 1, 2018 - Jun 30, 2018

Explorer

Summary



User Type		Users	Users	Contribution to total: Users
		6,404 % of Total: 100.00% (6,404)	6,404 % of Total: 100.00% (6,404)	
1.	New Visitor	5,283	70.24%	
2.	Returning Visitor	2,238	29.76%	

Rows 1 - 2 of 2

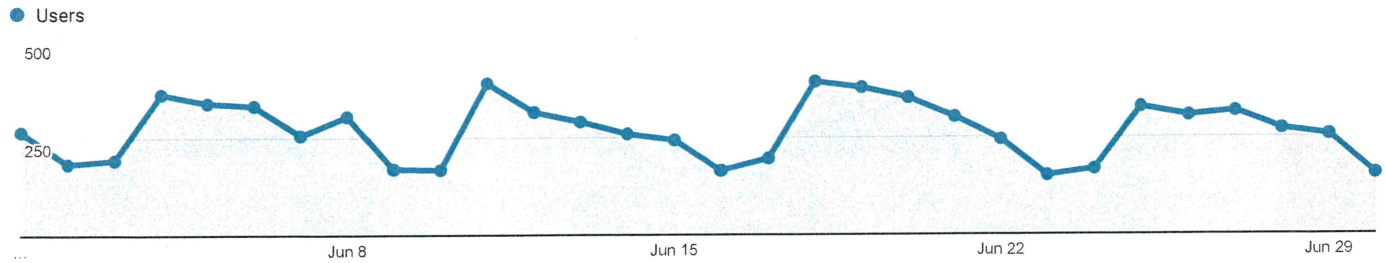
Browser & OS

Jun 1, 2018 - Jun 30, 2018

All Users
100.00% Users

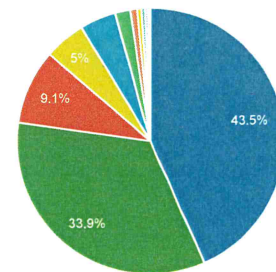
Explorer

Summary



Browser	Users	
	Users	Users
	6,404 % of Total: 100.00% (6,404)	6,404 % of Total: 100.00% (6,404)
1. Chrome	2,776	43.46%
2. Safari	2,162	33.85%
3. Internet Explorer	579	9.07%
4. Edge	318	4.98%
5. Firefox	278	4.35%
6. Samsung Internet	117	1.83%
7. Safari (in-app)	55	0.86%
8. Android Webview	35	0.55%
9. Mozilla Compatible Agent	27	0.42%
10. Amazon Silk	20	0.31%

Contribution to total: Users



Rows 1 - 10 of 16

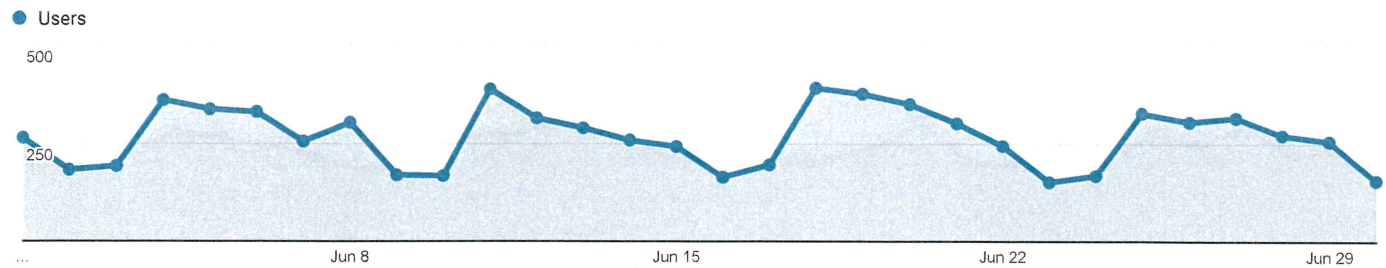
Overview

 All Users
100.00% Users

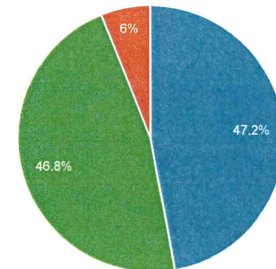
Jun 1, 2018 - Jun 30, 2018

Explorer

Summary



Device Category	Users	
	Users	Contribution to total: Users
	6,404 % of Total: 100.00% (6,404)	6,404 % of Total: 100.00% (6,404)
1. desktop	3,013	47.17%
2. mobile	2,989	46.79%
3. tablet	386	6.04%



Rows 1 - 3 of 3

Devices

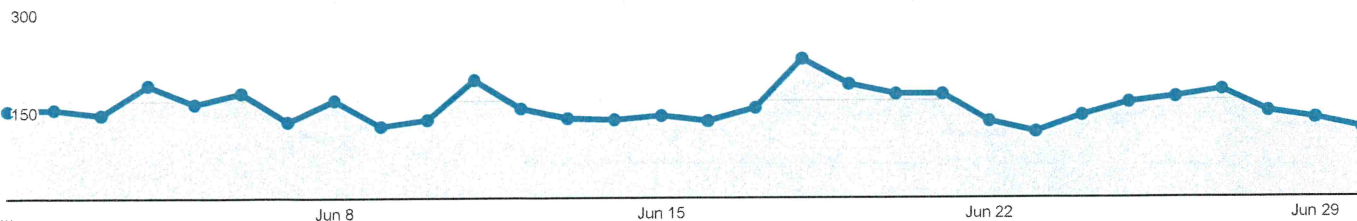
Jun 1, 2018 - Jun 30, 2018

All Users
52.70% Users

Explorer

Summary

● Users



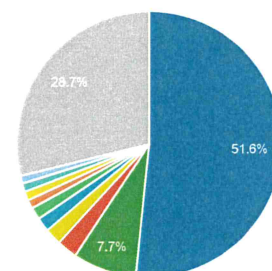
☐ Mobile Device Info

Users ▼

Users

Contribution to total: Users ▼

		3,375 % of Total: 52.70% (6,404)	3,375 % of Total: 52.70% (6,404)
1.	Apple iPhone	1,745	51.63%
2.	Apple iPad	261	7.72%
3.	Samsung SM-G950U Galaxy S8	84	2.49%
4.	Samsung SM-G930V Galaxy S7	70	2.07%
5.	Samsung SM-G955U Galaxy S8+	58	1.72%
6.	(not set)	51	1.51%
7.	Microsoft Windows RT Tablet	36	1.07%
8.	Samsung SM-G965U Galaxy S9+	36	1.07%
9.	Samsung SM-N950U Galaxy Note8	35	1.04%
10.	Samsung SM-G900V Galaxy S5	33	0.98%



Rows 1 - 10 of 324

Landing Pages

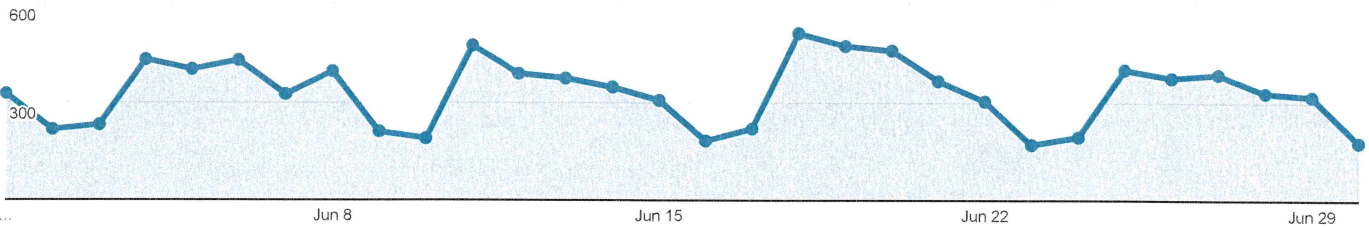
All Users
100.00% Entrances

Jun 1, 2018 - Jun 30, 2018

Explorer

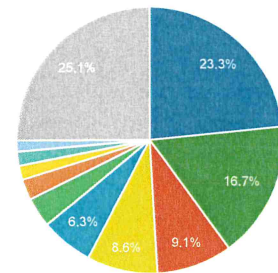
Summary

Sessions



Landing Page	Sessions	Sessions
	9,886 % of Total: 100.00% (9,886)	9,886 % of Total: 100.00% (9,886)
1. / Index.htm	2,299	23.26%
2. /Departments/swim/swim center.htm	1,652	16.71%
3. /Jobs/jobopenings.htm	904	9.14%
4. /transportation/CAThome page.htm	847	8.57%
5. /transportation/routes.htm	621	6.28%
6. /Departments/pw_operations/parks/park_facilities.htm	359	3.63%
7. /Departments/swim/schedule.htm	251	2.54%
8. /Departments/pw_operations/parks/parks.htm	168	1.70%
9. /index.html	167	1.69%
10. /Departments/swim/rates.htm	136	1.38%

Contribution to total: Sessions



Rows 1 - 10 of 118

City of Canby Bi-Monthly Report

Department: Transit



For: the months of May & June, 2018

Date: July 9, 2018

Prepared by: Julie Wehling

Through: Rick Robinson, City Administrator

1) Grant Funding and Contracts:

- a) Monthly Elderly and Disabled transportation reports were submitted to TriMet.
- b) The TriMet Quarterly Reports were submitted.
- c) ODOT Quarterly Report submitted.

2) Ridership:

Year to date for FY 2017-18 total ridership was down by 1.55 percent as compared to the previous fiscal year. During this report period CAT provided:

- a) 7,570 rides in May (12.29 % more than May of 2017).
 - 1,498 demand responsive rides (Dial-A-Ride) which is .013 % (or 2 rides) more than were provided during May of 2017.
 - 6,072 rides on the Route 99X (15.76 % more rides than May of 2017).
- b) 6,567 rides in June (1.03% more rides than June of 2017).
 - 1,347 demand responsive rides (Dial-A-Ride). This is 4.09% more rides than were provided during June of 2017.
 - 5,220 rides on the Route 99X (.26% more rides than June of 2017).

During the first three months since the new schedule started in April overall ridership has been up by 7.09%. Route 99X service is up by 6.81% and Demand Response is up by 8.14%. We expected the usual dip in ridership due to the changes; this is usually expected with any kind of change to a transit system (yes, even positive changes). So it is encouraging to see an increase in overall ridership right away.

In April, during the effort to change the fixed-route schedule we discovered data collection errors in our ridership counts. There were two types of errors. What we realized was that customers traveling from Oregon City to Woodburn on the same bus with the same driver were sometimes counted twice. In an effort to estimate this over-count we discovered another counting error. The second error was that some drivers were not counting all the riders.

The process for counting riders requires the operator to collect a fare, count the riders boarding the bus, record the number children, adults and persons with disabilities, record the type of fare or reason for no fare. And also answer questions and sell bus passes. Needless to say this requires multitasking skills and practice.

We expected to be able to estimate the over count of riders traveling from Oregon City to Woodburn on the same bus by examining farebox shortages. What we found instead was significant numbers of farebox overages that could only be explained by an operator undercounting the number of riders boarding the bus. It appears that the original reason for auditing the operator ride counts was insignificant compared to the undercounting problem we found.

To address this issue MV is closely monitoring each driver's fares and ride counts on a daily basis rather than monthly as had been the practice. Some drivers have been retrained and there is already improvement. We have eliminated the reason for double counting that drew our attending in the first place. Effective July 1st we will no longer count Woodburn and Oregon City rides separately. It was the collection of this information that caused the over-counting issue that started this investigation.

3) Updates:

- a) The Rider of the Month for May was Rudy Martin and the winner for June was Samantha Smith. Both riders received a free bus pass and other goodies.
- b) In May and June we provided 199 same day rides on a space available basis.
- c) In May the average rides per hour on Dial-A-Ride was 3.39 and in June it was 3.10 rides per hour. The goal set in the Transit Master Plan and our new contract with MV Transit is 3.10 per hour.
- d) On May 8th the Transit Advisory Committee (TAC) hosted a meeting regarding the 99E Corridor Plan. TAC members, Cherriots board members, Cherriots staff, City of Woodburn staff, Transit Department (CAT) staff and MV staff were in attendance. Michelle Poyourow from Jarrett Walker + Associates presented the options identified in the plan so far. There was a lively discussion between the attendees.
- e) At the May 24th Transit Advisory Committee meeting members discussed the service changes implemented on April 2nd. There was specific discussion on changes to the Dial-A- Ride program including:
 - i) a new General Public Rider waiting list for Dial-A-Ride customers, and
 - ii) changes to the "Call Back" Policy effective July 1, 2018Also, it was emphasized that Same-day Trips would continue to be provided on a space available basis.

4) Collisions and Incidents

- a) There were no accidents or incidents in May.
- b) Bus 29 was involved in a minor incident on June 6th at the fueling station. No passengers on the vehicle minor damage to a fuel hose no damage to the vehicle.

5) Events Attended: City staff, contractors and/or volunteers represented CAT or participated in activities and trainings in the following venues:

- On May 3rd Julie Wehling attended a meeting with SMART staff regarding outreach for SMART's new midday service between Canby and Woodburn.
- On May 7th Julie Wehling attended the Region 1 ACT meeting.
- On May 17th Julie Wehling attended a meeting of Clackamas County staff, Clackamas County Transit Providers regarding the STIF funding for rural Clackamas County (in Oregon City). The meeting was held in Sandy at the SAM offices.
- On May 17th Julie Wehling attended a 2nd meeting with SMART staff regarding outreach for SMART's new midday service between Canby and Woodburn.
- On May 23rd Julie Wehling, Nancy Muller and Kay Hemstreet attended the open house for South Clackamas Transportation District's new office building in Molalla.
- On May 24th Nancy Muller, Kay Hemstreet, MV's General Manager, and Julie Wehling met Cherriots staff, Cherriots' MV staff, and City of Woodburn staff at a potential bus stop location in Woodburn to evaluate the usability of the location for relocating the existing stop.
- On May 24th the Transit Advisory Committee held their regular meeting.
- On June 1st Julie Wehling and Scott Gustafson participated in a conference call with Cherriots and BiMart regarding the bus stop shared by CAT, Cherriots and Woodburn Transit System (WTS) near the BiMart in Woodburn.
- On June 7th Julie Wehling attended the C4 meeting and participated on the C4 Transit Subcommittee panel.
- On June 11th Julie Wehling participated in a conference call with Cherriots staff and Jarrett Walker + Associates consultants regarding the final draft of the 99E Corridor Plan.
- On June 14th Julie Wehling attended a meeting of Clackamas County Transit Providers regarding the STIF funding for rural Clackamas County.
- On June 20th Julie Wehling attended the French Prairie Forum in Aurora.
- On June 22nd Julie Wehling attended a workshop at Metro regard the development of a one-call one-click system for information regarding public transit in the Tri-County region.
- On June 23rd Julie Wehling attended the Bridging Cultures lunch at Locust Street Park. Information about CAT and the July 19th Public Hearing regarding new CAT services was distributed along with a survey regarding priorities for implementing

new CAT services. SMART staff also participated and provided information regarding the new SMART midday service between Canby and Wilsonville.

- On June 28th the Transit Advisory Committee held a public meeting to discuss the STIF projects and the public outreach effort associated with it.
- On June 29th and 30th Julie Wehling attended a C4 retreat in Welches at The Resort at the Mountain.