

ORDINANCE NO. 58

AN ORDINANCE DEFINING AND PROHIBITING OFFENSES AGAINST THE PURITY OF THE CITY WATER SUPPLY, PROVIDING PENALTIES, DESIGNATING THE MARSHALL AS SPECIAL POLICEMAN AND DEFINING HIS DUTIES AND POWERS, AND DECLARING AN EMERGENCY.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE TOWN OF TROUTDALE:

SECTION 1. As used in this Ordinance, the term "water supply property" shall mean all land, water, springs, area, structures, pipes, tanks, reservoirs, pumps and other facilities owned by the City and used or held for use by it in connection with supplying water to the city water system, and specifically includes but is not limited to the following described real property:

Commencing at the corner of Sections 23, 24, 25 and 26, Township 1, North of Range 3, East of W.M.; thence North 89 degrees 57 minutes East along the North line of the D. F. Buxton D.L.C. in said Township and Range, 748 feet to the Northeast corner of the property shown on Multnomah County Assessor's 1945 Tax Roll as Tax Lot No. 7 of said Section 25; thence following the boundary line of said Tax Lot No. 7 South 0 degrees 23 minutes West 2690.23 feet to the South line of Sandy Road; thence South 89 degrees, 37 minutes, 50 seconds East along the South line of said Sandy Road, 100 feet to an 1½ inch iron pipe; thence South 0 degrees 23 minutes West 750.64 feet to an 1½ inch iron pipe; thence leaving the boundary line of said Tax Lot No. 7, and running South 0 degrees 23 minutes West 100 feet to the point of beginning of the land to be described. From said beginning point thence North 89 degrees 37 minutes West 100 feet; thence North 0 degrees 23 minutes East 40 feet; thence North 89 degrees 37 minutes West 190 feet; South 0 degrees 23 minutes West 745.6 feet, more or less, to the South line of said Tax Lot No. 7; thence South 89 degrees, 19 minutes East, along the South line of said Tax Lot No. 7 680 feet to the West line of Willamette Street, a street on the West boundary of the Town of Troutdale, Oregon; thence North along the West line of said Willamette Street 30 feet; thence North 89 degrees 19 minutes West parallel with the South line of said Tax Lot No. 7, 390 feet, more or less, to a point which is South 0 degrees, 23 minutes West from the point of beginning; thence North 0 degrees, 23 minutes East 677 feet, more or less, to the point of beginning. Containing 5.28 acres, more or less.

Also commencing at the corner of Sections 23, 24, 25 and 26 Township 1 North of Range 3, East of W.M.; thence North 89 degrees, 57 minutes East along the North line of the D. F. Buxton D.L.C. in said Township and Range, 228 feet to the Northwest corner of property shown on Multnomah County Assessor's Tax Roll as Tax Lot No. 7 of said Section 25; thence South 0 degrees, 23 minutes West 2688.33 feet to a point 30 feet South of the center line of Sandy Road; thence South 89 degrees, 37 minutes, 50 seconds East parallel with the center line of said Sandy Road, 400 feet to the Northeast corner of property shown on Multnomah County Assessor's Tax Roll as Tax Lot No. 47 of said Section 25; thence South 0 degrees, 23 minutes West 440 feet to the point of beginning of land to be described. From said beginning point thence South 0 degrees, 23 minutes West 16 feet; thence North 89 degrees, 37 minutes West, 40 feet; thence North 0 degrees, 23 minutes East, 16 feet; thence South 89 degrees, 37 minutes East, 40 feet, to the point of beginning. Containing 640 square feet.

All that part of the tract of land in Section 25, Township 1 North, Range 3 East of W.M. conveyed to James R. Spence and Mary Spence, Husband and wife, by Deed dated April 1, 1950, as recorded in Book 1402 page 24, Deed Records of Multnomah County, Oregon on May 5th 1950, which lies South of the North line of Everett Street extended to the West line of said tract, more particularly described as follows: Beginning at a shot-gun barrel monument in the West line of Willamette Street, westerly from the Southwest corner of Block 24, Town of Troutdale, and running thence North 89° 37' West 230 feet to a point marked by an iron pipe 1½ inches in diameter;



thence North 0° 23' East 740 feet, more or less, to a point in the South line of Everett Street; thence West along said South line of Everett Street 160 feet to an iron pipe; thence North 0° 23' East to a point in the North line of Everett Street; thence West along the said North line of Everett Street extended to the West line of the hereinbefore mentioned Spence Tract; thence South 0° 23' West along the West line of said Spence Tract to the Southwest corner thereof; thence South 89° 19' East along the South line of said Spence Tract which is also the South line of the Tract conveyed to D. F. Buxton by John Herlow by Deed dated April 30, 1880, and recorded in Book 41, page 212, Deed Records of Multnomah County, to a point in the West line of Willamette Street; thence North 0° 21' East 59.16 feet to the place of beginning, EXCEPTING therefrom the following described Tract: Beginning at a point in the West line of Willamette Street 29.16 feet South of a shot-gun barrel in the said West line of Willamette Street West of the Southwest corner of Block 24, Town of Troutdale, and running thence North 89° 19' West 390 feet; thence North 0° 23' East 677 feet to a point; thence North 89° 37' West 100 feet; thence North 0° 23' East 40 feet; thence North 89° 37' West 190 feet; thence South 0° 23' West 745.6 feet; more or less, to the South line of the Spence Tract hereinbefore described; thence South 89° 19' East along said South line 680 feet to a point in the West line of Willamette Street; thence North along the West line of Willamette Street 30 feet to the place of beginning, containing 5.28 acres, more or less, and FURTHER EXCEPTING therefrom that portion of a 12 foot right of way that runs over the North portion of said property, the West line of said driveway being described as follows: Beginning at a point on the South line of Sandy Road, which is South 0° 23' West 25 feet from the center line of said Sandy Road, and North 0° 23' East 5 feet from the Northeast corner of Tax Lot No. 47; thence South 0° 23' West 462 feet to the Southeast corner of the herein above described 640 square foot Tract; thence Southerly 100 feet to a point on the top of the slope of creek bank; thence southerly to a point on the North line of the above described 5.28 acre Tract, which is North 89° 37' West 96 feet from the most northerly Northeast corner of said 5.28 acre Tract, the South line of said 12 foot strip is described as following the North line of the above described 5.28 acre Tract for a distance of 12 feet, the East line of said 12 foot strip is described as being a line parallel with and 12 feet East of the above described West line. The North line of said 12 foot strip is described as following a line 25 feet South of and 25 feet from the center line of said Sandy Road; ALSO EXCEPTING the following described Tract: Beginning at a shot-gun barrel monument in the West line of Willamette Street, westerly from the Southwest corner of Block 24, Town of Troutdale, and running thence North 89° 37' West 230 feet to a point marked by an iron pipe 1½ inches in diameter; thence North 0° 23' East 740 feet, more or less, to a point in the South line of Everett Street and the point of beginning of the Tract to be described; thence West along the South line of said Everett Street and the extension thereof 260 feet to an iron pipe; thence South 0° 23' West 92.16 feet to an iron pipe at the re-entrant corner at the West end of the first East and West line of the first parcel described in the Deed from W. C. Spence to the Town of Troutdale, recorded in Deed Book 982 at page 517 in the Records of Multnomah County on October 31, 1945; thence East along the said East West line and the extension thereof, 260 feet, more or less, to an iron pipe which is South 0° 23' West 92.16 feet from the place of beginning; thence North 0° 23' East 92.16 feet to the point of beginning.

SECTION 2. No person shall trespass upon, loiter around, place or propel debris or material upon, suffer animals to run upon or occupy, or tamper with any water supply property of the City.

SECTION 3. No person shall do any act or allow any condition to exist on any water supply property of the City or so close thereto as to affect the same, which act or condition reasonably endangers the purity of the water supply of the City.

SECTION 4. The offenses described in Sections 2 and 3 hereof are hereby



declared to constitute offenses against the purity of the water supply of the City.

SECTION 5. Violation of any provision of this Ordinance shall be punishable upon conviction by a fine not to exceed \$100 or imprisonment for not to exceed 30 days, or both such fine and imprisonment.

SECTION 6. The City Marshall is hereby designated and appointed a special policeman for the purpose of enforcing this Ordinance. This duty shall be in addition to his other duties but with no additional compensation in addition to his regular compensation. His oath as Marshall shall be a sufficient oath for the assumption of said duty. As such special policeman he shall be empowered with the powers of a constable, and may arrest with or without warrant any person committing, within the real property described in Section 1 hereof, any offense against the purity of the water supply under state law or this Ordinance, or any violation of any rule or regulation of the State Board of Health made for the protection of the purity of the water supply. Upon any such arrest, he shall forthwith take the person so arrested before the tribunal or court having jurisdiction of the offense. While on duty as such special policeman, he shall wear in plain view a badge or shield bearing the words "Special Police, Troutdale".

SECTION 7. If any part of this Ordinance is declared invalid, such judgment shall not affect any of the other provisions hereof.

SECTION 8. It is hereby adjudged and declared that existing conditions are such that this Ordinance is necessary for the immediate preservation of the public peace, health and safety of the City;

NOW, THEREFORE, an emergency is declared to exist and this Ordinance shall take effect and be in full force and effect when signed by the Mayor.

PASSED by the Common Council of the Town of Troutdale this 8 day of Sept/ember, 1959.

YEAS: 4

NAYS: 0

(s) Walter W. Norment  
MAYOR

ATTEST:

(s) Jessie Overstad  
RECORDER.