



ORDINANCE 2008-005

AN ORDINANCE AMENDING TITLE 3 OF THE SHERWOOD MUNICIPAL CODE CREATING A NEW CHAPTER 3.12, MONIES OWED CITY

WHEREAS, there are instances where a person or entity owes monies to the City by failing to pay a bill, a traffic ticket and thereafter seeks a license, permit or other form of approval from the City for the conduct of an enterprise or other activity; and

WHEREAS, the City believes it fiscally prudent and in the City's best interest to condition issuance of all permits or other approvals required either by the City or others to persons or entities requesting same on payment in full of any and all monies owed the City and allow the City to deny, suspend or revoke a permit issued by it in the event the person or entity owes the City money.

WHEREAS, the City council also believes it appropriate and necessary to provide a forum for any person or entity whose permit has been denied, suspended or revoked as a result of a City determination such that they can challenge the city's determination to the City Manager.

NOW, BASED ON THE FOREGOING, the City of Sherwood ordains as follows:

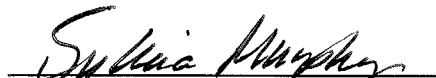
Section 1. Title 3 of the Sherwood Municipal Code (SMC) is hereby amended by adding a new chapter (3.12) which Chapter is to read as set out in Exhibit "A" attached hereto.

Section 2. This ordinance shall be effective 30 days after its adoption.

Duly passed by the City Council this 6th day of May, 2008.


Keith S. Mays, Mayor

ATTEST:


Sylvia Murphy, City Recorder

	Aye	Nay
Weislogel	<u>✓</u>	_____
Luman	<u>✓</u>	_____
King	<u>✓</u>	_____
Henderson	<u>✓</u>	_____
Heironimus	<u>✓</u>	_____
Grant	<u>absent</u>	_____
Mays	<u>✓</u>	_____

CHAPTER 3.12 Monies Owed City.

3.12.010 Definitions.

As used in this Chapter the following terms shall mean as set out below unless the context requires otherwise:

- A. "Applicant" includes any natural person or any entity (including corporation, unincorporated association, partnership, etc.) lawfully capable of engaging in or conducting activity in the City which activity requires a permit from the City.
- B. "Activity or enterprise" includes all conduct or activity for gain or otherwise conducted by an Applicant or any enterprise or undertaking for gain or otherwise.
- C. "City" means the City of Sherwood.
- D. "City Manager" includes the City Manager or the City manager's designate.
- E. "City Finance Director" includes the Director and any designate other than the City Manager.
- F. "Permit" includes any and all permit(s), approval(s) or other form(s) of City authorization of whatever nature required by federal, state or local law as a condition for the lawful pursuit of an activity or enterprise in the City, including business licenses issued under the authority of Sherwood Municipal Code (SMC) Chapter 5.04, alarm system registrations done pursuant to SMC Chapter 8.08 and building permits issued pursuant to SMC Chapter 15.04, excepting land use permit(s) required or authorized under SMC Title 16.

3.12.015 Authority to withhold or deny issuance.

- A. If an applicant for a City issued permit owes money to the City, the City may (through the offices of the City Finance Director) revoke, suspend or deny issuance of said permit until the monies owed are either paid in full or arrangements, satisfactory to the City Finance Director, are entered into for payment.
- B. Any revocation, suspension or denial made by the City based on the terms of this Chapter shall be set out in writing, describing the basis for the City's action and setting out the amount deemed by the City to be owed it.

3.12.020 Appeal of Denial; hearing before City Manager; Appeal of City Manager's decision

- A. In the event an applicant wishes to challenge a decision by the City pursuant to 3.12.015, the applicant may, at their option, file an appeal thereof with the office of the City Manager within fifteen (15) days of the City's action.
- B. The appeal shall be in writing and include, at a minimum, the following:
 - i. information identifying the applicant (i.e., name and address);
 - ii. telephone number;
 - iii. the type of permit at issue and the action (revocation – suspension – denial) taken by the City;

- iv. a copy of the written determination described in 3.12.015; and
 - v. reason(s) why the City's action is unlawful or otherwise inappropriate.
- C. Within ten (10) business days of the date the completed appeal is filed with the City Manager's office, the City Manager shall hold a hearing on the matter, unless the applicant agrees to an extension. At the hearing, the City Manager will take testimonial and other evidence, if any, offered by applicant as well as include in the record any material offered by the City supporting the City's position that monies are owed and the amount thereof.
- D. After reviewing the material and evidence offered and received, the City Manager shall make a written decision and either uphold, modify or reverse the City's action. The decision of the City Manager shall be final.
- E. An appeal of the City Manager's decision may be taken by way of writ of review (ORS 34.010 to ORS 34.100) and not otherwise.